



**CRA**

Catholic Religious Australia

AUSTRALIAN CATHOLIC BISHOPS CONFERENCE  
AND CATHOLIC RELIGIOUS AUSTRALIA

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# Report on actions taken in response to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse

**AUGUST 2023**

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# Preamble

In August 2018, eight months after the Royal Commission into Institutional Responses to Child Sexual Abuse published its final report, the Australian Catholic Bishops Conference (ACBC) and Catholic Religious Australia (CRA) published their joint response to recommendations addressed by the Royal Commission directly to our organisations as well as to institutional works in which the Catholic Church serves as part of our mission. These works include schools, hospitals, universities, and social welfare and service organisations. Five years later, we wish to give an account of our progress in implementing these recommendations.

We acknowledge those who have suffered from child sexual abuse and those who have suffered with them, including the Catholic community in Australia and others in the Australian community. We also note the ACBC and CRA have submitted annual reports 2018 – 2022 inclusive, on behalf of the Catholic Church in Australia. These reports have been prepared in accordance with the directives or guidance provided by the National Office for Child Safety. Numerous Catholic institutions including dioceses, religious institutes and schools, have contributed to these annual reports. The National Office for Child Safety has published the five annual reports to date on its website [link 32](#).

During the five years since the ACBC and CRA first responded to the recommendations of the Royal Commission, we have continued to learn about the devastation caused by child sexual abuse to victims and survivors, their families, and their supporters. We have learnt more about the types of response to child sexual abuse that promote and support healing and recovery. At the same time, we have also learnt much about the impact of child sexual abuse in the parish and school communities in which abuse has occurred, and the ways it has affected relationships in these communities, especially with clergy and religious.

We understand more fully that our institutions become ‘child-serving’ when they live up to the values and beliefs that enshrine the inherent right of all children to safety, nurture and care. We know too all aspects of our Catholic organisations need to be attuned and responsive to the vulnerability of children and adults at risk.

The range of initiatives taken by the ACBC and CRA has at times gone beyond what the Royal Commission recommended so as to better implement all relevant recommendations and, at the same time, promote a culture of safeguarding in the Catholic Church in Australia.

The initiatives which have been undertaken since our initial response in August 2018, additional to the actions taken to address each of the recommendations of the Royal Commission, include:

- the creation of an Implementation Advisory Group to guide the ACBC and CRA in enacting specific recommendations, now surceased;
- the undertaking of a needs-based review of safeguarding and professional standards entities in Australia, in the interests of more effective and efficient provision of these services;

- the establishment of Australian Catholic Safeguarding Limited (ACSL), the successor company to Catholic Professional Standards Limited;
- the new commitment of the Association of Ministerial Public Juridic Persons jointly with the ACBC and CRA to ACSL;
- the preparation by ACSL of National Catholic Safeguarding Standards, developed in accordance with the 10 Child Safe Standards identified by the Royal Commission, and now in their second edition [link 30](#);
- rigorous audit and accreditation processes through the National Catholic Safeguarding Standards Audit Framework [link 31](#) to ensure compliance with the National Catholic Safeguarding Standards, and therefore the Royal Commission recommendations;
- the preparation of the new *National Response Framework* [link 33](#) and related *National Response Protocol* [link 34](#) and other protocols to replace *Towards Healing*;
- the preparation of a new national program of priestly formation (*Ratio Nationalis Institutionis Sacerdotalis*) for Australia;
- the preparation of the updated *Restoring and Nurturing Right Relationships* [link 48](#) to support religious formation;
- the establishment of a Bishops Commission for Professional Standards and Safeguarding and Safeguarding Committee for CRA; and
- the development of *Our Common Mission* [link 42](#), a national framework for all Catholic ministry and service in the Church in Australia.

The appendices to this report include a list of resources cited throughout the document and further information about initiatives of the Catholic Church in Australia and of the Holy See to respond to complaints of child sexual abuse within the Church, to improve investigation of these complaints, to enhance safeguarding of children and adults at risk, and to foster best safeguarding practices.

The report adopts a similar presentation to that of our initial joint response. In each instance, the report which follows refers:

- first, to each recommendation of the Royal Commission by its number in the final report and then to the recommendation itself;
- second, to the response of the ACBC and CRA in 2018 to the recommendation; and
- third, to the action taken following from the response made in 2018, with links to related documents incorporated wherever helpful.

With a number of the recommendations, there is some duplication or similarity in reporting on the action taken for implementation. For example, one document or a set of documents may have been developed which address a number of recommendations. In such instances, the action taken is reported in full each time so as to avoid the inconvenience of checking back to earlier recommendations for which the same action was taken.

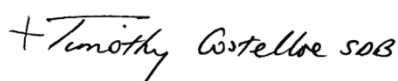
As we observed in the initial ACBC and CRA response to the Royal Commission five years ago, the Catholic Church is often thought of as monolithic, when it is actually a diverse and highly

decentralised institution, both in civil law and canon law. The response to the Royal Commission recommendations made by other Catholic institutions has been reported via the Annual ACBC and CRA Reports to the National Office for Child Safety, in report on audits undertaken in accordance with the National Catholic Safeguarding Standards, and in the reports of the institutions themselves. Dioceses, religious institutes, parishes, schools and Church authorities strive to ensure that the Church does all it can to effectively safeguard children and adults at risk. We acknowledge that trauma-informed responses to abuse in any form must be supported at all levels of our organisations and that such practice requires an ongoing process of reflection, learning and continuous improvement.

It remains our hope and prayer that all that we have done, are doing and will do, may help to bring healing to those so gravely harmed when in the Church's care. As the Holy Father Francis reminded us, when addressing the Pontifical Commission for the Protection of Minors in April 2022:

“This is the road that all of us must take: bishops, religious superiors, priests, deacons, consecrated persons, catechists and lay faithful. Each member of the Church, in accord with his or her proper state, is called to assume responsibility for preventing cases of abuse and to work for justice and for healing.”

It is to this responsibility that we commit the ACBC and CRA anew, and to which we call all Catholics in Australia, as we give this account of actions taken to implement the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.



+Timothy Costelloe SDB  
President ACBC



Fr Peter Jones OSA  
President CRA

31 August 2023

# Abbreviations

Below is a list of abbreviations that may be found in this document, or in the related documents:

<b>ACBC</b>	Australian Catholic Bishops Conference
<b>ACMR</b>	Australian Catholic Ministry Register
<b>ACSL</b>	Australian Catholic Safeguarding Limited
<b>AMPJP</b>	Association of Ministerial Public Juridic Persons
<b>AO</b>	Officer of the Order of Australia
<b>CMFR</b>	Catholic Ministry Formation Register
<b>CPSL</b>	Catholic Professional Standards Limited
<b>CRA</b>	Catholic Religious Australia
<b>IAG</b>	Implementation Advisory Group
<b>NCEC</b>	National Catholic Education Commission
<b>NCPS</b>	National Committee for Professional Standards
<b>NCSS</b>	National Catholic Safeguarding Standards
<b>OSA</b>	Order of St Augustine
<b>SDB</b>	Salesians of Don Bosco
<b>SST</b>	<i>Sacramentorum Sanctitatis Tutela</i>
<b>TJHC</b>	Truth, Justice and Healing Council



# Royal Commission into Institutional Responses to Child Sexual Abuse: Recommendations to and affecting the Catholic Church

## Recommendation 16.6

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The bishop of each Catholic Church diocese in Australia should ensure that parish priests are not the employers of principals and teachers in Catholic schools.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. This recommendation applied to the Archdiocese of Melbourne and the other Victorian Dioceses of Ballarat, Sale and Sandhurst, as well as the Diocese of Lismore in NSW. The following incorporated entities have been established and parish priests are no longer employers of Catholic school personnel: Melbourne Archdiocese Catholic Schools Limited, Diocese of Ballarat Catholic Education Limited, Diocese of Sale Catholic Education Limited, Catholic Education Sandhurst Limited, and Diocese of Lismore Catholic Schools Limited.

## Recommendation 16.7

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ACBC should conduct a national review of the governance and management structures of dioceses and parishes, including in relation to issues of transparency, accountability, consultation and the participation of lay men and women. This review should draw from the approaches to governance of Catholic health, community services and education agencies.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted in principle.

### ▪ ACTION TAKEN

- i. The ACBC commissioned the Implementation Advisory Group (IAG) to oversee the national review. In turn, the IAG established a Governance Review Project Team and appointed advisers. A report on the review, entitled *The Light from the Southern Cross: Promoting Co-Responsible Governance in the Catholic Church in Australia* [link 25](#) was provided to the ACBC on May 2020 and published in August of that year; it included 86 recommendations. In November 2020, the ACBC responded to the review [link 47](#) and referred the recommendations variously to the Holy See, the Fifth Plenary Council of Australia, the ACBC, dioceses and bishops (and their equivalents), and parishes for further consideration and implementation, at the same time confirming existing commitment and practice. Implementation of the recommendations of *The Light from the Southern Cross* which were referred to the ACBC either have been completed or are currently progressing towards completion.

## Recommendation 16.8

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In the interests of child safety and improved institutional responses to child sexual abuse, ACBC should request the Holy See to:

- a) publish criteria for the selection of bishops, including relating to the promotion of child safety and
- b) establish a transparent process for appointing bishops which includes the direct participation of lay people.

### ▪ RESPONSE TO THE RECOMMENDATION

Noted; ACBC has informed the Holy See.

### ▪ ACTION TAKEN

- i. This is one of a number of recommendations referred by the ACBC to the Holy See, which responded to the ACBC by offering its observations [link 40](#) on these recommendations in February 2020. After delays caused by the COVID-19 pandemic, the ACBC presented the Holy See's observations to the Australian Government in September 2020. The observations of the Holy See were then immediately published on the ACBC website [link 27](#).
- ii. The Holy See observed that the process for the selection and appointment of bishops is published in various places ([link 3](#), [link 12](#), [link 23](#), [link 35](#)). The procedure for nominating bishops is carried out with a certain discretion out of respect for the candidates, and to allow the persons consulted to be able to do so with the greatest possible candour and freedom.
- iii. The Holy See acknowledges that improvements can always be made and shares the concern of the Royal Commission that child safety be given due consideration in the process for identifying candidates and naming bishops.

## Recommendation 16.9

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ACBC should request the Holy See to amend the 1983 Code of Canon Law to create a new canon or series of canons specifically relating to child sexual abuse, as follows:

- a) All delicts relating to child sexual abuse should be articulated as canonical crimes against the child, not as moral failings or as breaches of the ‘special obligation’ of clerics and religious to observe celibacy.
- b) All delicts relating to child sexual abuse should apply to any person holding a ‘dignity, office or responsibility in the church’ regardless of whether they are ordained or not ordained.
- c) In relation to the acquisition, possession, or distribution of pornographic images, the delict (currently contained in article 6 §2 1° of the revised 2010 norms attached to the *motu proprio Sacramentorum sanctitatis tutela*) should be amended to refer to minors under the age of 18, not minors under the age of 14.

### ▪ RESPONSE TO THE RECOMMENDATION

Noted; ACBC has informed the Holy See.

### ▪ ACTION TAKEN

- i. This is one of a number of recommendations referred by the ACBC to the Holy See, which responded to the ACBC by offering its observations [link 40](#) on these recommendations in February 2020. After delays caused by the COVID-19 pandemic, the ACBC presented the Holy See’s observations to the Australian Government in September 2020. The observations of the Holy See were then immediately published on the ACBC website [link 27](#).
- ii. In May 2019, Pope Francis issued an Apostolic Letter *motu proprio ‘Vos Estis Lux Mundi’* [link 62](#), providing new procedures in Church law for dealing with crimes of sexual abuse by clerics and members of Institutes of Consecrated Life and Societies of Apostolic Life. These crimes include the possession, distribution and/or exhibition of child pornography, as well as addressing actions or omissions intended to interfere with or avoid civil or canonical investigations of the same. The ACBC established norms for the application of these procedures within Australia [link 64](#). Three years after *Vos Estis Lux Mundi* came into effect, the Holy See in 2022 consulted with a number of episcopal conferences about the application of the *motu proprio ‘Vos Estis Lux Mundi’*. An updated version [link 63](#) was published on 25 March 2023 and came into effect on 30 April 2023. This second version made permanent the provisions of the original, extended the definition of a victim and added to those covered by the legislation the leaders of international lay organisations.
- iii. In July 2020, the Holy See published a Vademecum (handbook) *On Certain Points of Procedure in*

*Treating Cases of Sexual Abuse of Minors Committed by Clerics* [link 61](#). The Vademecum was prepared to assist bishops and other personnel in applying the canonical norms governing cases of sexual abuse of minors by clerics. This clarifies the various stages of the procedures involved and, by providing a standardised praxis, it is intended to contribute to a better administration of justice.

- iv. In May 2021, Pope Francis promulgated the new Book VI of the Code of Canon Law [link 11](#) which reformed the original Book VI. The new Book VI entered into force in December 2021. It applies delicts relating to child sexual abuse to clerics, members of Institutes of Consecrated Life and Societies of Apostolic Life, and any one of the faithful 'who enjoys a dignity or performs an office or function in the Church'.
- v. Article 6 §2 1° of the revised norms of 2010 [link 37](#) attached to the *motu proprio* 'Sacramentorum sanctitatis tutela' (2001) [link 49](#) were effectively amended in the *motu proprio* 'Vos estis lux mundi' (2019) to refer to minors as being under the age of 18 and by a Rescript [link 45](#) to introduce a replacement of Article 6 §2 1° in its entirety which defines minors as being under the age of 18.

## Recommendation 16.10

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ACBC should request the Holy See to amend canon law so that the pontifical secret does not apply to any aspect of allegations or canonical disciplinary processes relating to child sexual abuse.

### ▪ RESPONSE TO THE RECOMMENDATION

Noted; ACBC has informed the Holy See.

### ▪ ACTION TAKEN

- i. This is one of a number of recommendations referred by the ACBC to the Holy See, which responded to the ACBC by offering its observations [link 40](#) on these recommendations in February 2020. After delays caused by the COVID-19 pandemic, the ACBC presented the Holy See's observations to the Australian Government in September 2020. The observations of the Holy See were then immediately published on the ACBC website [link 27](#).
- ii. In fact, the recommendation reflected the praxis of the Catholic Church in Australia with the pontifical secret not inhibiting a bishop or a leader of an Institute of Consecrated Life and Society of Apostolic Life from reporting allegations of child sexual abuse to civil authorities.
- iii. In December 2019, Pope Francis had already issued a Rescript promulgating the Instruction 'On the Confidentiality of Legal Proceedings' [link 45](#) with regard to abuse offences referred to in Article 1 of '*Vos estis lux mundi*'. This made it clear that the pontifical secret does not apply to accusations, canonical processes and decisions which relate to abuse of children and adults at risk, and acts/omissions to interfere with or avoid civil or canonical investigations.

## Recommendation 16.11

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ACBC should request the Holy See to amend canon law to ensure that the ‘pastoral approach’ is not an essential precondition to the commencement of canonical action relating to child sexual abuse.

### ▪ RESPONSE TO THE RECOMMENDATION

Noted; ACBC has informed the Holy See.

### ▪ ACTION TAKEN

- i. This is one of a number of recommendations referred by the ACBC to the Holy See, which responded to the ACBC by offering its observations [link 40](#) on these recommendations in February 2020. After delays caused by the COVID-19 pandemic, the ACBC presented the Holy See’s observations to the Australian Government in September 2020. The observations of the Holy See were then immediately published on the ACBC website [link 27](#).
- ii. There is no obligation in canon law to attempt a ‘pastoral approach’ before commencing a canonical action relating to child sexual abuse. New penal law promulgated in 2021 [link 2](#) by Pope Francis for the whole Church requires the penalisation of those clerics or religious who sexually abuse children not excluding dismissal from priesthood or religious life. This requires a penal trial to be held. Pastoral efforts prior to such a trial are not required.
- iii. Since the recommendation was made, and the Holy See’s observations received, ‘*Vos estis lux mundi*’ (2023) [link 63](#) has strengthened obligations concerning canonical action to a complaint of child sexual abuse. This is in addition to undertaking complaint handling procedures, including civil mandatory reporting requirements, as set out in Standard 6 of the National Catholic Safeguarding Standards, Edition 2, [link 30](#). The Implementation Guide for Standard 6 [link 56](#) provides further detail to assist organisations to implement these criteria.

## Recommendation 16.12

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ACBC should request the Holy See to amend canon law to remove the time limit (prescription) for commencement of canonical actions relating to child sexual abuse. This amendment should apply retrospectively.

### ▪ RESPONSE TO THE RECOMMENDATION

Noted; ACBC has informed the Holy See.

### ▪ ACTION TAKEN

- i. This is one of a number of recommendations referred by the ACBC to the Holy See, which responded to the ACBC by offering its observations [link 40](#) on these recommendations in February 2020. After delays caused by the COVID-19 pandemic, the ACBC presented the Holy See's observations to the Australian Government in September 2020. The observations of the Holy See were then immediately published on the ACBC website [link 27](#).
- ii. The Holy See observed that this question has been the subject of considerable review in recent years. It notes that in the 2010 revision of *Sacramentorum sanctitatis tutela* [link 37](#) that the period of prescription for such crimes was increased to 20 years, which runs from the victim's 18th birthday. Further, the Congregation for the Doctrine of the Faith was granted the faculty to derogate from prescription on a case-by-case basis, when deemed appropriate.



## Recommendation 16.13

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ACBC should request the Holy See to amend the 'imputability' test in canon law so that a diagnosis of paedophilia is not relevant to the prosecution of or penalty for a canonical offence relating to child sexual abuse.

### ▪ RESPONSE TO THE RECOMMENDATION

Noted; ACBC has informed the Holy See.

### ▪ ACTION TAKEN

- i. This is one of a number of recommendations referred by the ACBC to the Holy See, which responded to the ACBC by offering its observations [link 40](#) on these recommendations in February 2020. After delays caused by the COVID-19 pandemic, the ACBC presented the Holy See's observations to the Australian Government in September 2020. The observations of the Holy See were then immediately published on the ACBC website [link 27](#).
- ii. The Holy See observed that both the Code of Canon Law (canon 1321) [link 20](#) and the Code of Canons of the Eastern Churches (canon 1414) [link 21](#) set forth the fundamental principle that imputability is presumed in any external infraction of the law. The canonical prosecution of an offense is not precluded by a medical or psychological diagnosis. As in many criminal law systems, however, Canon Law permits claims regarding diminished imputability to be properly examined in the course of the proceedings.

## Recommendation 16.14

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ACBC should request the Holy See to amend canon law to give effect to Recommendations 16.55 and 16.56.

### ▪ RESPONSE TO THE RECOMMENDATION

Noted; ACBC has informed the Holy See.

### ▪ ACTION TAKEN

- i. This is one of a number of recommendations referred by the ACBC to the Holy See, which responded to the ACBC by offering its observations [link 40](#) on these recommendations in February 2020. After delays caused by the COVID-19 pandemic, the ACBC presented the Holy See's observations to the Australian Government in September 2020. The observations of the Holy See were then immediately published on the ACBC website [link 27](#).
- ii. The Holy See observed that the Church has long insisted that "there is no place in the priesthood and religious life for those who would harm the young" [link 59](#). It reiterates that the sexual abuse of minors is a crime in both civil and canon law. The civil and criminal responsibility of individuals who perpetrate that crime is a matter for the laws of the State where such a crime is committed. Canon Law seeks to punish the wrongdoer for the grievous harm caused and to protect the faithful from further damage. At the same time, it is not indifferent to a sinner's conversion, since the salvation of souls is its fundamental goal.
- iii. The standard for conviction in a canonical process requires of the judge "moral certainty" in coming to a decision. Such moral certainty is derived from the acts and proofs of the case (Code of Canon Law canon 1608 [link 20](#); Code of Canons of the Eastern Churches canon 1291 [link 21](#)).
- iv. Those who are dismissed from the clerical state, and/or those members of religious institutes dispensed from their vows, are explicitly prohibited from presenting themselves as clerics or religious, or exercising a ministerial function.

## Recommendation 16.15

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ACBC and CRA, in consultation with the Holy See, should consider establishing an Australian tribunal for trying canonical disciplinary cases against clergy, whose decisions could be appealed to the Apostolic Signatura in the usual way.

### ▪ RESPONSE TO THE RECOMMENDATION

Noted; ACBC has informed the Holy See.

### ▪ ACTION TAKEN

- i. This is one of a number of recommendations referred by the ACBC to the Holy See, which responded to the ACBC by offering its observations [link 40](#) on these recommendations in February 2020. After delays caused by the COVID-19 pandemic, the ACBC presented the Holy See's observations to the Australian Government in September 2020. The observations of the Holy See were then immediately published on the ACBC website [link 27](#).
- ii. The ACBC has reviewed the capacity of the Catholic Church in Australia to staff an Australian tribunal, were the Holy See to approve the establishment of one. The ACBC has observed the establishment of the 20-member National Canonical Penal Court in France, approved by the Holy See in September 2022 and inaugurated in December 2022, noting that it can try cases against clergy, religious and laity. The ACBC will continue to consider the need for and requirements of an Australian tribunal.

## Recommendation 16.16

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ACBC should request the Holy See to introduce measures to ensure that Vatican Congregations and canonical appeal courts always publish decisions in disciplinary matters relating to child sexual abuse, and provide written reasons for their decisions.

Publication should occur in a timely manner. In some cases it may be appropriate to suppress information that might lead to the identification of a victim.

### ▪ RESPONSE TO THE RECOMMENDATION

Noted; ACBC has informed the Holy See.

### ▪ ACTION TAKEN

- i. This is one of a number of recommendations referred by the ACBC to the Holy See, which responded to the ACBC by offering its observations [link 40](#) on these recommendations in February 2020. After delays caused by the COVID-19 pandemic, the ACBC presented the Holy See's observations to the Australian Government in September 2020. The observations of the Holy See were then immediately published on the ACBC website [link 27](#).
- ii. The Holy See observed the Rescript [link 45](#) already mentioned in Recommendation 16.10 has amended the dispositions concerning the Pontifical Secret which now does not apply to accusations, processes and decisions involving cases related to child sexual abuse. The publication of decisions in particular cases needs to be considered in light of the duty to protect all persons involved in proceedings, and, in particular, the victims.

## Recommendation 16.17

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ACBC should request the Holy See to amend canon law to remove the requirement to destroy documents relating to canonical criminal cases in matters of morals, where the accused cleric has died or ten years have elapsed from the condemnatory sentence.

In order to allow for delayed disclosure of abuse by victims and to take account of the limitation periods for civil actions for child sexual abuse, the minimum requirement for retention of records in the secret archives should be at least 45 years.

### ▪ RESPONSE TO THE RECOMMENDATION

Noted; ACBC has informed the Holy See.

### ▪ ACTION TAKEN

- i. This is one of a number of recommendations referred by the ACBC to the Holy See, which responded to the ACBC by offering its observations [link 40](#) on these recommendations in February 2020. After delays caused by the COVID-19 pandemic, the ACBC presented the Holy See's observations to the Australian Government in September 2020. The observations of the Holy See were then immediately published on the ACBC website [link 27](#).
- ii. The National Catholic Safeguarding Standards (Ed. 2), Indicator 6.1.6 [link 30](#) approved by the ACBC and CRA, requires that all records are securely stored, protected and retained in accordance with legal requirements, and for a period of 50 years.
- iii. The ACBC approved the *National Response Protocol* in November 2020, with a commencement date of 1 February 2021. In May 2022, the ACBC approved version 2 of the *National Response Protocol* [link 34](#). At the same time, it approved the *National Response Framework* [link 33](#), which was also endorsed by CRA and the Association for Ministerial Public Juridic Persons. The *National Response Framework* and the related *National Response Protocol* set out the approach Church authorities will take to ensure a consistent and appropriate response to allegations or concerns about children or adults who have or may have been abused by a person working for or engaged by a Church entity.
- iv. The *National Response Framework* informs the establishment of protocols, strategies, policies and/or procedures by Church authorities and other Catholic entities, such as the ACBC's *National Response Protocol* and CRA's *Risk Management Strategy* [link 16](#). Both require the retention of records for a minimum of 50 years.

## Recommendation 16.18

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ACBC should request the Holy See to consider introducing voluntary celibacy for diocesan clergy.

### ▪ RESPONSE TO THE RECOMMENDATION

Noted; ACBC has informed the Holy See.

### ▪ ACTION TAKEN

- i. This is one of a number of recommendations referred by the ACBC to the Holy See, which responded to the ACBC by offering its observations [link 40](#) on these recommendations in February 2020. After delays caused by the COVID-19 pandemic, the ACBC presented the Holy See's observations to the Australian Government in September 2020. The observations of the Holy See were then immediately published on the ACBC website [link 27](#).
- ii. It is noted that freely chosen celibacy is a long-established and positive practice of the Church in both East and West, and that the Royal Commission made no finding of a causal connection between celibacy as a state of life and child sexual abuse. Throughout the Church, there has been a renewed focus on initial and ongoing formation to support healthy celibacy. The ACBC and CRA have endorsed *Consecrated Chaste Celibacy: Ongoing Formation* [link 22](#), to inform and guide diocesan and religious institute policies and programs for lifelong ongoing formation for celibacy.

## Recommendation 16.19

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All Catholic religious institutes in Australia, in consultation with their international leadership and the Holy See as required, should implement measures to address the risks of harm to children and the potential psychological and sexual dysfunction associated with a celibate rule of religious life.

This should include consideration of whether and how existing models of religious life could be modified to facilitate alternative forms of association, shorter terms of celibate commitment, and/or voluntary celibacy (where that is consistent with the form of association that has been chosen).

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. In 2016, CRA created *Nurturing Right Relationships: A Resource to Guide the Formation of Religious for Ministry* [link 39](#) to inform the development, evaluation and improvement of programmes and processes for selecting, screening, training and forming candidates for religious life. In 2023, this document was updated to become *Restoring and Nurturing Right Relationships: A Resource to Guide the Formation of Religious for Ministry* [link 48](#). This edition explicitly incorporates learnings from the Royal Commission, and time spent listening to those who have been abused to better support holistic health in religious life, including celibacy, and particularly addressing the safeguarding of children.
- ii. Religious institutes have long facilitated participation within the institutes of people who, without taking a vow of celibacy, commit to the charism, spirituality, mission and life of an institute through alternative forms of memberships such as Third Orders, oblates, and lay associations. These forms of participation may be chosen by people who are single or married.
- iii. Of its very nature, consecrated religious life in its many and diverse expressions is built upon a lifelong commitment to evangelical poverty, consecrated chastity (celibacy) and obedience. For most religious institutes, initial vowed commitment to poverty, chastity and obedience is temporary. After a number of years in initial formation, through its various stages, suitable candidates can seek to make a lifelong commitment to these vows.
- iv. A person may also make a free commitment to celibacy for a certain period of time for the sake of community or mission.

## Recommendation 16.20

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In order to promote healthy lives for those who choose to be celibate, ACBC and all Catholic religious institutes in Australia should further develop, regularly evaluate and continually improve, their processes for selecting, screening and training of candidates for the clergy and religious life, and their processes of ongoing formation, support and supervision of clergy and religious.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. The most recent development, evaluation and improvement of processes for selecting, screening and training of candidates for priesthood has been undertaken with the preparation of a new *Ratio Nationalis Institutionis Sacerdotalis*, the 'Program of Priestly Formation for Australia'. The ACBC first approved this new *Ratio Nationalis* in 2020; it was revised in accordance with advice received from the then Congregation for the Clergy in 2021; the revised version received ACBC approval in 2022; and it was submitted to the Dicastery for the Clergy for its approval in 2022. Once this approval is received, diocesan seminaries will each develop their own programs in accordance with the new *Ratio Nationalis*.
- ii. CRA updated a 2016 resource document to create *Restoring and Nurturing Right Relationships: A Resource to Guide the Formation of Religious for Ministry* [link 48](#) for religious institutes to inform the development, evaluation and improvement of their programmes and processes for selecting, screening, training and forming candidates for religious life. These requirements are also contained in CRA's *Safeguarding Policy* [link 17](#), which is available for all religious institutes.
- iii. The ACBC and CRA have endorsed *Consecrated Chaste Celibacy: Ongoing Formation* [link 22](#), to inform and guide diocesan and religious institute policies and programs for lifelong ongoing formation for celibacy.
- iv. The ACBC and CRA have approved the National Catholic Safeguarding Standards, Edition 2, which require all clergy and religious in full-time ministry to participate in professional/pastoral supervision (Criteria 5.4, 5.5 and 5.8) [link 30](#). Dioceses and religious institutes have instituted processes to ensure that clergy and religious who were not already receiving professional/pastoral supervision do so. Existing programs to train professional/pastoral supervisors have been extended and new programs initiated. ACSL provides training on the National Catholic Safeguarding Standards [link 9](#) as well as advice regarding courses and other training on best practices for supervision and reflective practice [link 7](#).
- v. ACSL publishes the safeguarding audit reports [link 10](#) of dioceses, religious institutes and



other Catholic organisations which contain examples relating to safeguarding training undertaken by the relevant organisations.

## Recommendation 16.21

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The ACBC and CRA should establish a national protocol for screening candidates before and during seminary or religious formation, as well as before ordination or the profession of religious vows.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. A review of the seminary formation provided for candidates for the diocesan priesthood and the religious formation provided for candidates for religious institutes reveals common essential dimensions of initial formation yet significant differences between formation for priesthood and formation for religious life. These differences are significant enough to warrant distinct national protocols for screening candidates for admission to seminary formation and to religious formation. It is also evident that, even with national programs or guides for seminary and religious formation, the processes of initial formation differs between seminaries and between religious institutes.
- ii. The ACBC has established a national protocol for screening candidates for diocesan priesthood, and CRA has established a national protocol for screening candidates for religious life. These programs provide for screening candidates prior to admission to seminary or religious formation, and for the use of psychological and behavioural assessments in the course of the formation process, which may lead to admission to candidacy for ordination or to perpetual profession of vows.
- iii. The protocol for screening and assessment for diocesan priesthood is set forth in Chapter Six of the *Ratio Nationalis*, the 'Program of Priestly Formation' in Australia, the current iteration of which was approved by the ACBC in May 2022 and subsequently submitted to the then Congregation, now Dicastery for the Clergy for its '*confirmatio*'. The ACBC is still awaiting a response from the Dicastery.
- iv. The protocol for screening and assessment for religious life is set forth in *Restoring and Nurturing Relationships: A Resource to Guide the Formation of Religious for Ministry* [link 48](#). For both seminary and religious formation, what is set forth in these primary formation documents is further elaborated in the particular program of formation for each seminary or religious institute.
- v. The National Catholic Safeguarding Standards, Edition 2, Criterion 5.5 [link 30](#) approved by the ACBC and CRA requires that "[before] and during seminary and religious formation, candidates are appropriately screened and supported, including processes for ongoing formation, support and supervision of clergy and religious". Catholic authorities are responsible for implementing these standards. The Implementation Guide for Standard 5 [link 55](#) provides further detail to

assist organisations to implement these criteria.

- vi. ACSL has developed a Catholic Ministry Formation Register [link 13](#) to assist Church entities to identify whether a candidate for admission to seminary or religious formation has previously applied for or undertaken initial formation elsewhere.

## Recommendation 16.22

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The ACBC and CRA should establish a mechanism to ensure that diocesan bishops and religious superiors draw upon broad-ranging professional advice in their decision-making, including from staff from seminaries or houses of formation, psychologists, senior clergy and religious, and lay people, in relation to the admission of individuals to:

- a) Seminaries and houses of religious formation; and
- b) Ordination and/or profession of vows.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. The ACBC's new *Ratio Nationalis Institutionis Sacerdotalis*, the 'Program of Priestly Formation for Australia', once implemented through seminary policies and programs, will foster drawing upon the broad-ranging professional advice as has been recommended. CRA's *Restoring and Nurturing Right Relationships: A Resource to Guide the Formation of Religious for Ministry* [link 48](#) makes clear the requirements outlined in this recommendation requiring professional expertise in decision-making in relation to candidates for religious life. CRA's *Risk Management Strategy* [link 16](#) requires the use of professional advice in decision-making in relation to the admission of individuals into religious institutes.
- ii. The Permanent Committee of the ACBC and the Council of CRA have together considered what might constitute a 'mechanism' insofar as the accountability of bishops and religious superiors does not reside with the ACBC or CRA.
- iii. A mechanism to ensure diocesan bishops and religious superiors draw upon broad-ranging professional advice in their decision making in relation to the admission of individuals to seminary or religious formation prior to ordination and/or profession of vows is informed by the National Catholic Safeguarding Standards Edition 2, 2022, Standard 5.5 and the Indicators [link 30](#). It relates with the National Protocols for screening set out in Recommendation 16.21.

## Recommendation 16.23

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In relation to guideline documents for the formation of priests and religious:

- a) ACBC should review and revise the *Ratio nationalis institutionis sacerdotalis*: Programme for priestly formation (current version December 2015), and all other guideline documents relating to the formation of priests, permanent deacons, and those in pastoral ministry, to explicitly address the issue of child sexual abuse by clergy and best practice in relation to its prevention.
- b) All Catholic religious institutes in Australia should review and revise their particular norms and guideline documents relating to the formation of priests, religious brothers, and religious sisters, to explicitly address the issue of child sexual abuse and best practice in relation to its prevention.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. A new *Ratio Nationalis Institutionis Sacerdotalis*, the ‘Program of Priestly Formation for Australia’ has been prepared for Australia. Based on the *Ratio Fundamentalis Institutionis Sacerdotalis*, ‘The Gift of the Priestly Vocation’, [link 44](#) issued by the then Congregation for the Clergy in 2016, and taking into account the present-day Australian context, the new *Ratio Nationalis* was first approved by the ACBC in 2020; revised in accordance with advice received from the then Congregation for the Clergy in 2021; the revised version received ACBC approval in 2022; and it was submitted to the Dicastery for the Clergy for its approval in 2022. Once this approval has been received, the new *Ratio Nationalis* will be used to review and revise the formation programs currently in use in diocesan seminaries throughout Australia.
- ii. The *Norms for the Formation of Permanent Deacons and Guidelines for the Ministry and Life of Permanent Deacons* (2016) [link 36](#) had been approved by the then Congregation for the Clergy for a period of six years. It is therefore currently under review, with a view to updating before approval is requested of the Dicastery for the Clergy for the next period.
- iii. The National Catholic Safeguarding Standards, Edition 2, Criterion 5.6 [link 30](#) requires that “[the] curriculum for seminary and formation programs for clergy and religious includes safeguarding knowledge and skills development of candidates to understand and lead initiatives for safeguarding children and adults”. Catholic authorities are responsible for implementing these standards.
- iv. The protocol for screening and assessment for religious life is set out in CRA’s *Restoring and Nurturing Right Relationships: A Resource to Guide the Formation of Religious for Ministry* [link](#)

[48](#), which assists religious institutes in the review and revision of the particular norms and guidelines for each religious institute. This document arises from the learnings of the Royal Commission amongst other documents and areas of best practice.

- v. It is further noted that many seminarians, candidates for the permanent diaconate and for religious life not only participate in initial formation but also in programs established for the ongoing formation and training required of all ordained and lay ministers which explicitly address the issue of child sexual abuse and best practice in relation to its prevention.

## Recommendation 16.24

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ACBC and CRA should conduct a national review of current models of initial formation to ensure that they promote pastoral effectiveness, (including in relation to child safety and pastoral responses to victims and survivors) and protect against the development of clericalist attitudes.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. The ACBC's new *Ratio Nationalis Institutionis Sacerdotalis*, the 'Program of Priestly Formation for Australia', when approved, will become the point of reference for all diocesan seminaries. Once it has been received, seminary programs will be reviewed, including for pastoral effectiveness and protection against the development of clericalist attitudes.
- ii. Similarly, the *Norms for the Formation of Permanent Deacons and Guidelines for the Ministry and Life of Permanent Deacons* (2016) [link 36](#) is currently under review.
- iii. CRA's *Restoring and Nurturing Right Relationships: A Resource to Guide the Formation of Religious for Ministry* [link 48](#) for religious institutes, informs the development, evaluation and improvement of their programmes and processes of initial formation. It focuses on and has a specific section to counter entitlement and clericalism in religious life. *Restoring and Nurturing Right Relationships* will undergo regular review to ensure ongoing improvement.

## Recommendation 16.25

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ACBC and CRA should develop and each diocese and religious institute should implement mandatory national standards to ensure that all people in religious or pastoral ministry (bishops, provincials, clergy, religious, and lay personnel):

- a) Undertake mandatory, regular professional development, compulsory components being professional responsibility and boundaries, ethics in ministry, and child safety.
- b) Undertake mandatory professional/pastoral supervision.
- c) Undergo regular performance appraisals.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. Dioceses, Directors of Clergy, Life & Ministry, religious institutes, and offices of safeguarding and professional standards have all instituted standards, such as that in *Our Common Mission* [link 42](#), to ensure all people in ministry undertake ongoing professional development, supervision and performance appraisals. While many of these have undertaken such practices for some time, the last decade has sharpened the focus on their importance.
- ii. The National Catholic Safeguarding Standards, Edition 2, Indicator 5.5.5 [link 30](#) developed by CPSL/ ACSL and approved by the ACBC and CRA, requires that all clergy and religious in ministry undertake ongoing professional development and regular appraisals.
- iii. CRA's *Risk Management Strategy* [link 16](#) has also been updated in line with Edition 2 of the National Catholic Safeguarding Standards. Religious institutes have created protocols to identify the roles of each religious in their Institute to ensure that members undertake appropriate supervision, appraisals and professional development.
- iv. The ACSL website [link 10](#) includes the safeguarding audit reports of dioceses, religious congregations and other Catholic organisations which outline examples of safeguarding training undertaken. Training is provided by Church providers and other regulatory, statutory and professional organisations.



## Recommendation 16.26

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ACBC should consult with the Holy See, and make public any advice received, in order to clarify whether:

- a) Information received from a child during the sacrament of reconciliation that they have been sexually abused is covered by the seal of confession; and
- b) If a person confesses during the sacrament of reconciliation to perpetrating child sexual abuse, absolution can and should be withheld until they report themselves to civil authorities.

### ▪ RESPONSE TO THE RECOMMENDATION

Noted; ACBC has informed the Holy See.

### ▪ ACTION TAKEN

- i. This is one of a number of recommendations referred by the ACBC to the Holy See, which responded to the ACBC by offering its observations [link 40](#) on these recommendations in February 2020. After delays caused by the COVID-19 pandemic, the ACBC presented the Holy See's observations to the Australian Government in September 2020. The observations of the Holy See were then immediately published on the ACBC website [link 27](#).
- ii. The response from the Holy See states: "With its Note on the importance of the internal forum and the inviolability of the sacramental seal [link 38](#), published on 29 June 2019, the Apostolic Penitentiary has furnished useful indications for arriving at a considered response to the questions raised in the present recommendation. It will be recognised at once that the question of the confessional seal is one of great delicacy and that it is related intimately with a most sacred treasure of the Church's life, that is to say, with the sacraments.
- iii. The aforementioned Note repeats the constant tradition of the Church with regard to the seal of confession, recalling that: "The confessor is never allowed, for any reason whatsoever, 'to betray in any way a penitent in words or in any manner' (can. 983, §1), just as 'a confessor is prohibited completely from using knowledge acquired from confession to the detriment of the penitent even when any danger of revelation is excluded' (can. 984, §1)." The Note helpfully clarifies the extent of the seal, which includes: "all the sins of both the penitent and others known from the penitent's confession, both mortal and venial, both occult and public, as manifested with regard to absolution and therefore known to the confessor by virtue of sacramental knowledge." The Note gives expression to the long-standing and constant teaching of the Church on the inviolability of the sacramental seal, as something demanded by the nature of the sacrament itself and thus as deriving from Divine Law. See for example: Fourth Lateran Ecumenical Council (1215), Cost. 21; Pope Clement VIII, Decr. Ad omnes superiores regulares (1593); Decr. S. Officii (1682); Pope Benedict XIV, Breve Suprema omnium ecclesiarum (1745).

- iv. However, even if the priest is bound to scrupulously uphold the seal of the confessional, he certainly may, and indeed in certain cases should, encourage a victim to seek help outside the confessional or, when appropriate, to report an instance of abuse to the authorities.
- v. Concerning absolution, the confessor must determine that the faithful who confess their sins are truly sorry for them and that they have a purpose of amendment (cfr. CIC, can. 959). Since repentance is, in fact, at the heart of this sacrament, absolution can be withheld only if the confessor concludes that the penitent lacks the necessary contrition (cfr. CIC, can. 980). Absolution then, cannot be made conditional on future actions in the external forum.
- vi. It should be recalled also that the confessional provides an opportunity – perhaps the only one – for those who have committed sexual abuse to admit to the fact. In that moment the possibility is created for the confessor to counsel and indeed to admonish the penitent, urging him to contrition, amendment of life and the restoration of justice. Were it to become the practice, however, for confessors to denounce those who confessed to child sexual abuse, no such penitent would ever approach the sacrament and a precious opportunity for repentance and reform would be lost.
- vii. Finally, it is of paramount importance that formation programmes for confessors include a detailed analysis of Church law, including the "Note" of the Apostolic Penitentiary, together with practical examples to instruct priests concerning difficult questions and situations that may arise. These may include, for example, principles for the kind of dialogue a confessor should have with a young person who has been abused or appears vulnerable to abuse, as well as with anyone who confesses to having abused a minor."

## Recommendation 16.31

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All institutions that provide activities or services of any kind, under the auspices of a particular religious denomination or faith, through which adults have contact with children, should implement the 10 Child Safe Standards identified by the Royal Commission.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. Catholic Professional Standards Ltd developed the National Catholic Safeguarding Standards which were approved by the ACBC in May 2018 and were released in 2018. Based on the learnings of the next three years, a second edition [link 30](#) was developed by ACSL and approved by the ACBC in November 2022 which also included the concept of safeguarding adults at risk. ACSL adopted these standards to apply across Church entities. These standards provide guidance to all Catholic Church entities in Australia to implement the 10 Child Safe Standards identified by the Royal Commission, and to further provide best safeguarding practice in all activities in which the Church is involved.
- ii. Catholic schools and systems, healthcare and social services organisations, and other Church entities have implemented the ten national standards. Dioceses, religious institutes and other Church organisation are assessed for audit and accreditation and ACSL reports this. These safeguarding audit reports [link 10](#) can be found on the ACSL website. Education, social services, and healthcare institutions also meet various legal obligations/requirements of the states and territories, usually through the procedures of statutory and regulatory authorities, and are required to demonstrate their compliance. Recommendations are made and implemented following assessment for audit and accreditation. All report regularly on their safeguarding activities.

## Recommendation 16.32

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Religious organisations should adopt the Royal Commission’s 10 Child Safe Standards as nationally mandated standards for each of their affiliated institutions.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. Through the acceptance of this recommendation, both the ACBC and CRA have adopted the Royal Commission’s 10 Child Safe Standards as standards for their respective institutions. These standards also form the basis for the National Catholic Safeguarding Standards, Edition 2, [link 30](#) approved by the ACBC in November 2022, and also by CRA, which holds the Catholic Church to a high degree of accountability, transparency, integrity and professionalism. Dioceses and religious institutes have embraced the Standards and are enacting them within their own organisations.
- ii. Catholic schools and systems, healthcare and social services organisations, and other Church entities have implemented the ten national standards. Dioceses, religious institutes and other Church organisation are assessed for audit and accreditation and ACSL reports this. These safeguarding audit reports [link 10](#) can be found on the ACSL website. Education, social services, and healthcare institutions also meet various legal obligations/requirements of the states and territories, usually through the procedures of statutory and regulatory authorities, and are required to demonstrate their compliance. Recommendations are made and implemented following assessment for audit and accreditation. All report regularly on their safeguarding activities.

## Recommendation 16.33

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Religious organisations should drive a consistent approach to the implementation of the Royal Commission’s 10 Child Safe Standards in each of their affiliated institutions.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. The adoption of the National Catholic Safeguarding Standards, Edition 2, [link 30](#) approved by the ACBC and CRA, has provided a consistent approach for all Catholic Church entities. ACSL has developed the National Catholic Safeguarding Standards Audit Framework [link 31](#) which offers certification to Catholic organisations to demonstrate that their policies, processes and culture are consistently safe. ACSL has refined the audit and review framework to acknowledge the differences in size, composition and complexity of Church entities and to include safeguarding risks.

## Recommendation 16.34

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Religious organisations should work closely with relevant state and territory oversight bodies to support the implementation of and compliance with the Royal Commission’s 10 Child Safe Standards in each of their affiliated institutions.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. The National Catholic Safeguarding Standards, Edition 2 [link 30](#) has been carefully checked against state legislations, the recommendations of the Royal Commission, the National Principles adopted by the federal and state governments, as well as overseas experience to ensure that the Standards represent best safeguarding practice. ACSL works with registered auditors to assess compliance by Church authorities with the National Catholic Safeguarding Standards.
- ii. Catholic schools and systems, healthcare and social service organisations, and other Church entities have worked closely with relevant state and territory oversight bodies to support the implementation of and compliance with state and territory regulations and standards for many years prior to the Royal Commission.

## Recommendation 16.35

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Religious institutions in highly regulated sectors, such as schools and out-of-home care service providers, should report their compliance with the Royal Commission's 10 Child Safe Standards, as monitored by the relevant sector regulator, to the religious organisation to which they are affiliated.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. ACSL has developed audit instruments for regulated entities—such as schools, social service organisations, providers of out-of-home care services—to provide evidence of compliance. Organisations in the Church are required to demonstrate their compliance through an annual statement.
- ii. Catholic schools provide safeguarding training for school leaders. Compliance with relevant jurisdictions' child safety checks have also been implemented to ensure compliance with child safe standards prior to the employment of staff at all levels.

## Recommendation 16.36

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Consistent with Child Safe Standard 1, each religious institution in Australia should ensure that its religious leaders are provided with leadership training both pre- and post- appointment, including in relation to the promotion of child safety.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. The National Catholic Safeguarding Standards, Edition 2, Criterion 5.3 [link 30](#) approved by the ACBC and CRA requires that “[personnel] complete appropriate induction and are aware of their safeguarding responsibilities, including reporting obligations”. Also, Criterion 7.1 requires that “[personnel] are trained and supported to implement the safeguarding policies and procedures”. Catholic entities are responsible for implementing these standards. The Implementation Guides for Standard 5 [link 55](#) and Standard 7 [link 57](#) provide further detail to assist organisations to implement these criteria.
- ii. ACSL also provides information about sector-wide training in child safety provided by other education and training providers [link 46](#).
- iii. Catholic school leaders have participated in ACSL Leaders’ training for system leaders and the Catholic Schools systems provide training for school principals. Compliance with relevant jurisdictions’ child safety checks have also been implemented to ensure compliance with child safe standards prior to the employment of staff at all levels.
- iv. Religious institutes and dioceses undertake both internal and external training for religious leaders, both before and after their appointment, in which the culture of child safety is promoted.



## Recommendation 16.37

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Consistent with Child Safe Standard 1, leaders of religious institutions should ensure that there are mechanisms through which they receive advice from individuals with relevant professional expertise on all matters relating to child sexual abuse and child safety.

This should include in relation to prevention, policies and procedures and complaint handling. These mechanisms should facilitate advice from people with a variety of professional backgrounds and include lay men and women.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. The National Catholic Safeguarding Standards, Edition 2, Indicator 1.2 [link 30](#) approved by the ACBC and CRA requires that “[a] culture of safeguarding children and adults is championed and modelled at all levels of the entity from the top down and bottom up”. Catholic entities are responsible for implementing these standards. The Implementation Guide for Standard 1 [link 51](#) provides further detail to assist organisations to implement this indicator.
- ii. The Bishops Commission for Professional Standards and Safeguarding is assisted by a reference group, the members of which have, in addition to other knowledge and experience, high level expertise in: professional standards, safeguarding, redress/complaints handling, government investigations, criminology, victimology, family law, canon law, theology, education, dispute resolution, and ministry.
- iii. The Church provinces of Brisbane (Queensland), Adelaide (Northern Territory and South Australia), Perth (Western Australia) and Melbourne (Victoria) each have an independently functioning professional standards and safeguarding office. Other jurisdictions have their own safeguarding, ministerial integrity and professional standards offices who collaborate through ‘communities of practice’, such as the NSW Safeguarding Community of Practice. Catholic School system leaders or the child safety staff are engaged on committees to assist in the formation of Diocesan wide policies. The National Catholic Education Commission is exploring ways to work with ACSL to develop mechanisms for receiving advice which are informed by international best practice models.
- iv. Many religious institutes have their own safeguarding offices, staffed mostly by professional lay experts to support a culture of safety which includes reporting and action. Many also have a safeguarding Committee which provides independent advice and comprises experts with varied skills as listed above. CRA has a safeguarding committee but has also established a Community of Practice whereby best practice can be shared amongst safeguarding practitioners and leadership.

- v. ACSL provides training drawing on professional and sector experts in child safety, such as training on the National Catholic Safeguarding Standards [link 9](#) as well as advice regarding courses and other training on best practices for supervision and reflective practice [link 7](#).
- vi. ACSL publishes the safeguarding audit reports [link 10](#) of dioceses, religious institutes and other Catholic organisations which include examples relating to safeguarding training undertaken by the relevant organisations.
- vii. CRA's *Restoring and Nurturing Right Relationships: A Resource to Guide the Formation of Religious for Ministry* [link 48](#) requires relevant professional expertise to be sought including from lay people. As does CRA's *Safeguarding Policy* [link 17](#) which is available for all religious institutes.

## Recommendation 16.38

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Consistent with Child Safe Standard 1, each religious institution should ensure that religious leaders are accountable to an appropriate authority or body, such as a board of management or council, for the decisions they make with respect to child safety.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted in principle.

### ▪ ACTION TAKEN

- i. The National Catholic Safeguarding Standards, Edition 2, Criterion 1 [link 30](#) approved by the ACBC and CRA requires that “[the] safeguarding of children and adults is embedded in the entity’s leadership, governance and culture”. Each Catholic entity is responsible for implementing the standards. Further information to assist organisations to implement this criterion is provided in the Implementation Guide for Standard 1 [link 51](#).
- ii. All Bishops and Religious leaders are subject to the requirements of the civil law. Further, they are subject to Church law in their decision making that requires consultation with and reporting to numerous Dicasteries in Rome.
- iii. The accountability of diocesan Bishops has recently been strengthened [link 60](#) especially through a mandatory reporting protocol to the Holy See [link 63](#).
- iv. The Dicastery of Culture and Education has required that all dioceses submit documentation pertaining to safeguarding standards, policies, protocols and procedures for educational institutions under their authority that are educating minors.
- v. ACSL has also developed the National Catholic Safeguarding Standards Audit Framework [link 31](#) which offers certification to Catholic organisations to demonstrate that their policies, processes and culture are consistently safe. The audit and review framework are evolving based on the experience of Church entities.

## Recommendation 16.39

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Consistent with Child Safe Standard 1, each religious institution should have a policy relating to the management of actual or perceived conflicts of interest that may arise in relation to allegations of child sexual abuse. The policy should cover all individuals who have a role in responding to complaints of child sexual abuse.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. The National Catholic Safeguarding Standards, Edition 2, Criterion 6.1 [link 30](#) approved by the ACBC and CRA requires that “[the] entity’s Complaints Handling Policy outlines the roles and responsibilities, approaches to dealing with different types of complaints, reporting obligations and record keeping requirements”. Catholic entities—such as dioceses, schools, social service organisations, and religious institutes—are responsible for implementing these standards. The Implementation Guide for Standard 6 [link 56](#) provides further detail to assist organisations to implement these criteria.
- ii. The ACSL resource hub [link 8](#) includes resources to help entities implement the National Catholic Safeguarding Standards. These include tools, templates, guides, good practice examples and other resources.
- iii. Many dioceses and Catholic organisations have developed safeguarding policies which explicitly address the management of conflicts of interest in relation to allegations of child sexual abuse.
- iv. For religious institutions, CRA developed a complaint handling policy and procedure [link 15](#) in 2021, which explicitly references conflict of interest. CRA provided training for the use and implementation of this policy.

## Recommendation 16.40

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Consistent with Child Safe Standard 2, wherever a religious institution has children in its care, those children should be provided with age-appropriate prevention education that aims to increase their knowledge of child sexual abuse and build practical skills to assist in strengthening self-protective skills and strategies.

Prevention education in religious institutions should specifically address the power and status of people in religious ministry and educate children that no one has a right to invade their privacy and make them feel unsafe.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. The National Catholic Safeguarding Standards, Edition 2, Criteria 2.2 and 2.3 [link 30](#) approved by the ACBC and CRA requires that the role of friendships, peer support and other social connections are recognised and encouraged for both children and adults at risk to help them feel safe and less isolated. Also, Criterion 2.4 requires that “...children and families are offered access to abuse prevention programs and related information that is age appropriate”. The Implementation Guide for Standard 2 [link 52](#) provides further detail to assist organisations to implement these criteria. Catholic entities are responsible for implementing these standards.
- ii. ACSL makes available educational resources on its website and also shares relevant resources developed by other organisations. In particular, parishes are able to access the Parish Safeguarding Checklist [link 43](#) that assists the parish to assess whether they are meeting the indicators in the National Catholic Safeguarding Standards.
- iii. Across the Catholic education sector there are programs within the personal development areas of the curriculum directed at protective behaviours that assist children to be aware of their own safety and build self-protective skills and strategies.

## Recommendation 16.41

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Consistent with Child Safe Standard 3, each religious institution should make provision for family and community involvement by

- a) publishing all policies relevant to child safety on its website
- b) providing opportunities for comment on its approach to child safety, and
- c) seeking periodic feedback about the effectiveness of its approach to child safety.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. The National Catholic Safeguarding Standards, Edition 2, Criteria 3.2 and 3.3 [link 30](#) approved by the ACBC and CRA requires that families, carers and communities are “engaged with and are provided information about the entity’s approach to safeguarding” and “are informed about the entity’s operations and governance; and have an opportunity to have a say in the safeguarding policies and practices”. Catholic entities are responsible for implementing these standards. The Implementation Guide for Standard 3 [link 53](#) provides further detail to assist organisations to implement these criteria.
- ii. ACSL also disseminates resources [link 8](#) on its website and shares those developed by other organisations.

## Recommendation 16.42

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Consistent with Child Safe Standard 5, each religious institution should require that candidates for religious ministry undergo external psychological testing, including psychosexual assessment, for the purposes of determining their suitability to be a person in religious ministry and to undertake work involving children.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. The National Catholic Safeguarding Standards, Edition 2, Criterion 5.5 [link 30](#) approved by the ACBC and CRA requires that “[before] and during seminary and religious formation, candidates are appropriately screened and supported, including processes for ongoing formation, support and supervision of clergy and religious”. The Implementation Guide for Standard 5 [link 55](#) provides further detail to assist organisations to implement these criteria. Catholic entities are responsible for implementing these standards.
- ii. See also the responses to recommendations 16.20, 16.21 and 16.22 that deal with selecting, screening and training candidates for the Catholic clergy and religious life.

## Recommendation 16.43

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Each religious institution should ensure that candidates for religious ministry undertake minimum training on child safety and related matters, including training that:

- a) Equips candidates with an understanding of the Royal Commission’s 10 Child Safe Standards.
- b) Educates candidates on:
  - i) professional responsibility and boundaries, ethics in ministry and child safety
  - ii) policies regarding appropriate responses to allegations or complaints of child sexual abuse, and how to implement these policies
  - iii) how to work with children, including childhood development; and
  - iv) identifying and understanding the nature, indicators and impacts of child sexual abuse.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. The National Catholic Safeguarding Standards, Edition 2, Criterion 5.6 [link 30](#) approved by the ACBC and CRA requires that “[the] curriculum for seminary and formation programs for clergy and religious includes safeguarding knowledge and skills development of candidates to understand and lead initiatives for safeguarding children and adults”. The Implementation Guide for Standard 5 [link 55](#) provides further detail to assist organisations to implement these criteria. Catholic entities are responsible for implementing these standards.
- ii. The most recent development, evaluation and improvement of processes for selecting, screening and training of candidates for priesthood has been undertaken with the preparation of a new *Ratio Nationalis Institutionis Sacerdotalis*, the ‘Program of Priestly Formation for Australia’. The ACBC first approved this new *Ratio Nationalis* in 2020; it was revised in accordance with advice received from the then Congregation for the Clergy in 2021; the revised version received ACBC approval in 2022; and it was submitted to the Dicastery for the Clergy for its approval in 2022. Once this approval is received, diocesan seminaries will each develop their own programs in accordance with the new *Ratio Nationalis*.
- iii. The *Norms for the Formation of Permanent Deacons and Guidelines for the Ministry and Life of Permanent Deacons* (2016) [link 36](#) had been approved by the then Congregation for the Clergy for a period of six years. It is therefore currently under review, with a view to updating before



approval is requested of the Dicastery for the Clergy for the next period.

- iv. CRA updated a 2016 resource to create *Restoring and Nurturing Right Relationships: A Resource to Guide the Formation of Religious for Ministry* [link 48](#) for religious institutes informs the development, evaluation and improvement of their programmes and processes for selecting, screening, training and forming candidates for religious life.
- v. It is further noted that seminarians and candidates for the permanent diaconate normally participate in programs established for both their initial formation as well as the ongoing formation and training required of all ordained and lay ministers which explicitly address the issue of child sexual abuse and best practice in relation to its prevention.
- vi. ACSL also provides information about sector-wide training in child safety provided by other education and training providers [link 46](#).

## Recommendation 16.44

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Consistent with Child Safe Standard 5, each religious institution should ensure that all people in religious or pastoral ministry, including religious leaders, are subject to effective management and oversight and undertake annual performance appraisals.

### ▪ RESPONSE TO THE RECOMMENDATION

This recommendation is accepted in principle.

### ▪ ACTION TAKEN

- i. Ministry appraisals have been undertaken progressively since the 1980s. Various instruments and processes for appraisals have been developed by dioceses and institutions. The ACBC first developed appraisal processes for use by Australian Catholic clergy in 1995. This process was last updated in 2015 and the process set out on the Appraisal of Ministry page on the ACBC website [link 4](#). Currently the national network of Clergy Life and Ministry have undertaken to review and update these processes.
- ii. The National Catholic Safeguarding Standards, Edition 2, Indicator 5.5.5 [link 30](#) developed by CPSL/ ACSL and approved by the ACBC and CRA, requires that all clergy and religious in ministry undertake ongoing professional development and regular appraisals.
- iii. CRA's *Risk Management Strategy* [link 16](#) has also been updated in line with Edition 2 of the National Catholic Safeguarding Standards. Religious institutes have created protocols to identify the roles of each religious in their Institute to ensure that members undertake appropriate supervision, appraisals and professional development.

## Recommendation 16.45

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Consistent with Child Safe Standard 5, each religious institution should ensure that all people in religious or pastoral ministry, including religious leaders, have professional supervision with a trained professional or pastoral supervisor who has a degree of independence from the institution within which the person is in ministry.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted in principle.

### ▪ ACTION TAKEN

- i. The National Catholic Safeguarding Standards, Edition 2, Indicator 5.5.4 [link 30](#) approved by the ACBC and CRA, requires that all clergy and religious in ministry undertake professional / pastoral supervision and/or reflective practice activities.
- ii. Dioceses Directors of Clergy, Life & Ministry, religious institutes, and offices of safeguarding and professional standards have instituted processes to ensure that clergy and religious who were not already receiving professional/pastoral supervision do so. Existing programs to train professional/pastoral supervisors have been extended and new programs initiated. ACSL provides training on the National Catholic Safeguarding Standards [link 9](#) as well as advice regarding courses and other training on best practices for supervision and reflective practice [link 7](#). CRA has also held webinars to support effective supervision.
- iii. CRA's *Restoring and Nurturing Right Relationships: A Resource to Guide the Formation of Religious for Ministry* [link 48](#) for religious institutes emphasises throughout the document the ongoing need for professional/pastoral supervision with a trained supervisor.

## Recommendation 16.46

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Religious institutions which receive people from overseas to work in religious or pastoral ministry, or otherwise within their institution, should have targeted programs for the screening, initial training and professional supervision and development of those people. These programs should include material covering professional responsibility and boundaries, ethics in ministry and child safety.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. The National Catholic Safeguarding Standards, Edition 2, Criterion 5.8 [link 30](#) approved by the ACBC and CRA requires that “[where] clergy and religious from countries other than Australia are recruited to ministry, programs are in place to support their cultural awareness, screening, induction, professional supervision, and development”. The Implementation Guide for Standard 5 [link 55](#) provides further detail to assist organisations to implement these criteria. Catholic entities are responsible for implementing these standards.
- ii. The Australian Catholic Migrant and Refugee Office oversees the process for dioceses and other Catholic organisations and assists with activities, such as visa applications. Dioceses and religious institutes are responsible for ensuring suitable screening, induction, training and ongoing professional development and supervision are undertaken and are responsive to the needs of people who come from overseas.
- iii. These formal processes are complemented by programs of acculturation conducted for religious men and women and diocesan clergy coming from overseas and those with whom they live and minister.

## Recommendation 16.47

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Consistent with Child Safe Standard 7, each religious institution should require that all people in religious or pastoral ministry, including religious leaders, undertake regular training on the institution's child safe policies and procedures.

They should also be provided with opportunities for external training on best practice approaches to child safety.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. ACSL provides training drawing on professionals and sector experts in child safety. The National Catholic Safeguarding Standards, Edition 2, Criterion 7.1 [link 30](#) approved by the ACBC and CRA requires that “[personnel] are trained and supported to implement the safeguarding policies and procedures”. Catholic entities are responsible for implementing these standards. The Implementation Guide for Standard 7 [link 57](#) provides further detail to assist organisations to implement these criteria.
- ii. Many Catholic entities run their own training utilising experts; others use training provided by regulators in the safeguarding arena to supplement their own training. ACSL also provides information about sector-wide training in child safety provided by other education and training providers [link 46](#).

## Recommendation 16.48

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Religious institutions which have a rite of religious confession for children should implement a policy that requires the rite only be conducted in an open space within the clear line of sight of another adult. The policy should specify that, if another adult is not available, the rite of religious confession for the child should not be performed.

### ▪ RESPONSE TO THE RECOMMENDATION

The Recommendation will require further consideration.

### ▪ ACTION TAKEN

- i. The National Catholic Safeguarding Standards, Edition 2, Indicator 8.1.1 [link 30](#) approved by the ACBC and CRA requires that where possible “interactions are to be conducted in an open or visible space, or within clear line of sight of another adult”. Catholic entities are responsible for implementing these standards.
- ii. In Catholic parish and school settings where a rite of religious confession is celebrated with a group of children, this occurs in an open setting that is within line of sight of another adult. In many places, this has long been the normal practice and is now widely accepted and enshrined in policy. Enclosed rooms, such as a traditional confessional, are not used when a rite of religious confession is celebrated with a group of children.

## Recommendation 16.49

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Codes of conduct in religious institutions should explicitly and equally apply to people in religious ministry and to lay people.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. In 2022, ACSL published *Our Common Mission* [link 42](#), a national framework for all Catholic ministry and service in the Church in Australia. To provide a national Code of Conduct which will equally apply to clergy, religious and lay ministers who are ministering in dioceses, the ACBC has developed *Integrity in Our Common Mission*, which draws together the two earlier Codes of Conduct *Integrity in Ministry* for ordained and religious ministers, and *Integrity in the Service of the Church* for lay ministers. *Integrity in Our Common Mission* builds upon the framework of *Our Common Mission* and will serve as an authoritative reference for local Codes of Conduct. The consultation phase for this new Code of Conduct is nearing completion, following which it will be presented for approval via the ACBC. Once approved it will be offered to other Catholic organisations for their adoption.
- ii. The National Catholic Safeguarding Standards, Edition 2, Criterion 1.4 [link 30](#) approved by the ACBC and CRA requires that “[the] entity’s Code of Conduct sets clear behavioural standards towards children and adults”. The Implementation Guide for Standard 1 [link 51](#) provides further detail to assist organisations to implement these criteria. Catholic entities are responsible for implementing these standards.
- iii. In 2021, CRA developed a *Code of Conduct* [link 14](#) which is available for all religious institutes, and which applies equally to people in religious ministry and to lay people. This was updated in 2023 in line with changes to the National Catholic Safeguarding Standards, Edition 2.

## Recommendation 16.50

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Consistent with Child Safe Standard 7, each religious institution should require all people in religious ministry, leaders, members of boards, councils and other governing bodies, employees, relevant contractors and volunteers to undergo initial and periodic training on its code of conduct.

This training should include:

- a) What kinds of allegations or complaints relating to child sexual abuse should be reported and to whom.
- b) Identifying inappropriate behaviour which may be a precursor to abuse, including grooming.
- c) Recognising physical and behavioural indicators of child sexual abuse; and
- d) That all complaints relating to child sexual abuse must be taken seriously, regardless of the perceived severity of the behaviour.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. The National Catholic Safeguarding Standards, Edition 2, Indicators 7.1.1, 7.1.2 and 7.13 [link 30](#) state that all personnel are provided with regular education and training, and that both the induction and refresher training should include Code of Conduct, Safeguarding risk management, Safeguarding Policy and procedures, complaints handling policy and procedures, reporting obligations, and e-safety training. Indicator 7.2.1 describes the factors included in the training to support personnel to recognise the nature and indicators of child abuse. Catholic entities are responsible for implementing these standards. The Implementation Guide for Standard 7 [link 57](#) provides further detail to assist organisations to implement these criteria.
- ii. Catholic schools and systems, healthcare and social services organisations, and other Church entities have implemented the ten national standards. This includes ensuring that staff at all levels undergo initial and periodic training on complaint handling and identification of child sexual abuse as appropriate to their position. ACSL also disseminates relevant education and training resources [link 8](#) on its website and shares those developed by other organisations.



## Recommendation 16.51

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All religious institutions' complaint handling policies should require that, upon receiving a complaint of child sexual abuse, an initial risk assessment is conducted to identify and minimise any risks to children.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. The National Catholic Safeguarding Standards, Edition 2, Indicator 6.3.2 [link 30](#) commits to an initial risk assessment if a complaint of abuse is received to identify and minimise any risk to children and adults. The Implementation Guide for Standard 6 [link 56](#) provides further detail to assist organisations to implement these criteria. Catholic entities are responsible for implementing these standards.
- ii. Catholic schools and systems, dioceses, healthcare and social services organisations, and other Church entities have implemented the ten national standards. ACSL has an audit function which audits organisations against safeguarding standards. Organisations in the Church are required to demonstrate their compliance and these safeguarding audit reports [link 10](#) can be found on the ACSL website. Recommendations are made following the audit. Catholic entities are involved in audits undertaken by ACSL usually by attesting to ACSL about the safeguarding requirements.
- iii. The *National Response Framework* [link 33](#) and the *National Response Protocol* [link 34](#) set out the approach that Church entities will take to ensure a consistent and appropriate response to allegations or concerns about children or adults who have or may have been abused by a person working for or engaged by a Church entity.
- iv. Church entities are to establish policies and/or procedures consistent with the *National Response Framework* and/or the *National Response Protocol*. Article 2.1.5b of the *National Response Protocol* specifically relates to undertaking initial risk assessments.
- v. CRA's *Complaint Handling Policy* [link 15](#), which is available to all religious institutions, explicitly requires an initial risk assessment is conducted on receiving a complaint of child sexual abuse to identify and minimise any risks to children. The ACBC's *Safeguarding Commitment* [link 5](#) also requires an initial risk assessment is undertaken.

## Recommendation 16.52

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All religious institutions' complaint handling policies should require that, if a complaint of child sexual abuse against a person in religious ministry is plausible, and there is a risk that person may come into contact with children in the course of their ministry, the person be stood down from ministry while the complaint is investigated.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. The National Catholic Safeguarding Standards, Edition 2, Standard 6 [link 30](#) addresses the Complaints Handling Policy which is to be implemented by all Catholic Church entities. Indicator 6.3.2 indicates that an initial risk assessment will be undertaken to identify and minimise any risk to children and adults. Ongoing risk assessments are conducted throughout investigation processes. Indicator 6.3.7 states that where a complaint is substantiated under a civil standard, the Church Authority undertakes a risk management process to determine the appropriate action, in keeping with Church protocols. Indicator 6.3.8 states that where a cleric or religious is convicted of a canonical offence relating to sexual abuse, the respondent is to be prohibited from the exercise of ministry until such time as the process for imposing a penalty is completed by the relevant dicastery. Catholic entities are responsible for implementing these standards.
- ii. In May 2022, the ACBC approved version 2 of the *National Response Protocol* [link 34](#), and the *National Response Framework* (also endorsed by CRA and the Association for Ministerial Public Juridic Persons) [link 33](#).
- iii. The *National Response Framework* and the *National Response Protocol* set out the approach that Church entities will take to ensure a consistent and appropriate response to allegations or concerns about children or adults who have or may have been abused by a person working for or engaged by a Church entity.
- iv. Church entities are to establish policies and/or procedures consistent with the *National Response Framework* and/or the *National Response Protocol*. Article 2.5.1.k of the *National Response Protocol* specifically states that "if a complaint of abuse against a person in ministry is plausible, and if there is a risk that person may come into contact with children in the course of their ministry, the person should be stood aside from their ministry while the complaint is investigated".
- v. CRA's *Code of Conduct* [link 14](#), which is available for all religious institutes, clearly states that breaching the Code may constitute misconduct and result in disciplinary proceedings, criminal proceedings and/or other outcomes which may include removal from ministry or dismissal from the religious state.

## Recommendation 16.53

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The standard of proof that a religious institution should apply when deciding whether a complaint of child sexual abuse has been substantiated is the balance of probabilities, having regard to the principles in *Briginshaw v Briginshaw*.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. The Catholic Church recognises that in civil law the principles established by *Briginshaw v Briginshaw* (1938) sets out that the standard of proof in a civil matter “was not that of proof beyond reasonable doubt which obtains in respect of issues to be proved in criminal proceedings”, but rather “balance of probabilities”. In contrast, the standard of proof required in canon law is of a higher standard, namely “moral certainty”.
- ii. In considering all complaints of sexual abuse the Church authority first complies with the requirements of civil law and applies the civil standard when determining if abuse has taken place, as referenced at Article 2.6.4 in version 2 of the *National Response Protocol* [link 34](#). It is also explicitly included in CRA’s *Complaint Handling Policy* [link 15](#).
- iii. If a complaint is substantiated using the civil standard the matter is referred to the Church Authority to determine the appropriate canonical action in accord with Church law, as described in the *National Catholic Safeguarding Standards*, Edition 2, Indicator 6.3.7 [link 30](#). A cleric or religious convicted of sexual abuse is removed from public ministry until the process for imposing a penalty is completed by the relevant Dicastery in Rome.

## Recommendation 16.54

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Religious institutions should apply the same standards for investigating complaints of child sexual abuse whether or not the subject of the complaint is a person in religious ministry.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. The National Catholic Safeguarding Standards, Edition 2, Standard 6 [link 30](#) approved by the ACBC and CRA sets out the standards for complaints management processes in Church entities. Specifically, Indicator 6.1.3 states that the Complaints Handling Policy should outline how perceived or actual conflicts of interest are managed.
- ii. Indicator 6.1.4 states that the Complaints Handling Policy should acknowledge that power imbalances may exist between the complainant and respondent and has strategies in place to address this. Catholic entities are responsible for implementing these standards through their policies, procedures and training. They are then audited against these requirements by ACSL.

## Recommendation 16.55

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Any person in religious ministry who is the subject of a complaint of child sexual abuse which is substantiated on the balance of probabilities, having regard to the principles in *Briginshaw v Briginshaw*, or who is convicted of an offence relating to child sexual abuse, should be permanently removed from ministry. Religious institutions should also take all necessary steps to effectively prohibit the person from in any way holding himself or herself out as being a person with religious authority.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted in principle.

### ▪ ACTION TAKEN

- i. This is one of a number of recommendations referred by the ACBC to the Holy See, which responded to the ACBC by offering its observations [link 40](#) on these recommendations in February 2020. After delays caused by the COVID-19 pandemic, the ACBC presented the Holy See's observations to the Australian Government in September 2020. The observations of the Holy See were then immediately published on the ACBC website [link 27](#). See the response from the Holy See to recommendation 16.14.
- ii. The National Catholic Safeguarding Standards, Edition 2, Indicator 6.3.7 [link 30](#) approved by the ACBC and CRA states that where "a complaint is substantiated under a civil standard, the Church Authority undertakes a risk management process to determine the appropriate action, in keeping with Church protocols". Further, Indicator 6.3.8 states that where "a cleric or religious is convicted of a canonical offence relating to sexual abuse, they are to be prohibited from the exercise of ministry until such time as the process for imposing a penalty is completed by the relevant dicastery". Catholic entities are responsible for implementing these standards.
- iii. The *National Response Framework* [link 33](#) and the *National Response Protocol* [link 34](#) set out the approach that Church entities will take to ensure a consistent and appropriate response to allegations or concerns about children or adults who have or may have been abused by a person working for or engaged by a Church entity.
- iv. Church entities are to establish policies and/or procedures consistent with the *National Response Framework* and/or the *National Response Protocol*. Article 2.12 of the *National Response Protocol* specifically relates to the action taken when a complaint is substantiated.

## Recommendation 16.56

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Any person in religious ministry who is convicted of an offence relating to child sexual abuse should:

- a) In the case of Catholic priests and religious, be dismissed from the priesthood and/or dispensed from his or her vows as a religious.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted in principle; ACBC has informed the Holy See.

### ▪ ACTION TAKEN

- i. This is one of a number of recommendations referred by the ACBC to the Holy See, which responded to the ACBC by offering its observations [link 40](#) on these recommendations in February 2020. After delays caused by the COVID-19 pandemic, the ACBC presented the Holy See's observations to the Australian Government in September 2020. The observations of the Holy See were then immediately published on the ACBC website [link 27](#). See response from the Holy See to recommendation 16.14.
- ii. The National Catholic Safeguarding Standards, Edition 2, Indicator 6.3.7 [link 30](#) approved by the ACBC and CRA states that where "a complaint is substantiated under a civil standard, the Church Authority undertakes a risk management process to determine the appropriate action, in keeping with Church protocols". Further, Indicator 6.3.8 states that where "a cleric or religious is convicted of a canonical offence relating to sexual abuse, they are to be prohibited from the exercise of ministry until such time as the process for imposing a penalty is completed by the relevant dicastery". Each Catholic entity is responsible for implementing these standards.
- iii. It needs to be noted that only the competent Dicastery of the Roman Curia can dismiss a person from the clerical state and/or dismiss a religious from his or her vows. Bishops and leaders of religious institutes can apply to the Dicastery and support this outcome.
- iv. The *National Response Framework* [link 33](#) and the *National Response Protocol* [link 34](#) set out the approach that Church entities will take to ensure a consistent and appropriate response to allegations or concerns about children or adults who have or may have been abused by a person working for or engaged by a Church entity.
- v. Church entities are to establish policies and/or procedures consistent with the *National Response Framework* and/or the *National Response Protocol*. Article 2.12 of the *National Response Protocol* [link 34](#) specifically relates to the action taken when a complaint is substantiated. CRA's *Code of Conduct* [link 14](#) addresses this issue.

## Recommendation 16.57

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Where a religious institution becomes aware that any person attending any of its religious services or activities is the subject of a substantiated complaint of child sexual abuse, or has been convicted of an offence relating to child sexual abuse, the religious institution should:

- a) Assess the level of risk posed to children by that perpetrator's ongoing involvement in the religious community; and
- b) Take appropriate steps to manage that risk.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. The National Catholic Safeguarding Standards, Edition 2, Indicator 8.3.1 [link 30](#) approved by the ACBC and CRA states that the risk management plans of Church entities include a process to assess and manage risk if the organisation becomes aware of the presence of someone who poses an unacceptable risk to others within their ministry and/or service. The Implementation Guide for Standard 8 [link 58](#) provides further detail to assist organisations to implement these criteria. Catholic entities are responsible for implementing these standards.
- ii. The *National Response Framework* [link 33](#) and the *National Response Protocol* [link 34](#) set out the approach that Church entities will take to ensure a consistent and appropriate response to allegations or concerns about children or adults who have or may have been abused by a person working for or engaged by a Church entity.
- iii. Church entities are to establish policies and/or procedures consistent with the *National Response Framework* and/or the *National Response Protocol*. Article 2.12 of the *National Response Protocol* specifically relates to the action taken when a complaint is substantiated.

## Recommendation 16.58

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Each religious organisation should consider establishing a national register which records limited but sufficient information to assist affiliated institutions identify and respond to any risks to children that may be posed by people in religious or pastoral ministry.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. The Australian Catholic Ministry Register (ACMR) [link 6](#) was established by the ACBC in 2016 and is now managed by ACSL. The ACMR provides a system to assist clergy, religious and Church Authorities to meet the requirements of National Catholic Safeguarding Standards Indicator 5.7.1 regarding the movement and transfers of religious and clergy. It allows such authorities to provide and seek safeguarding statements to determine a person's good standing before a cleric or religious is allowed to exercise ministry in another Church jurisdiction. It includes over 3,000 entries and has been extended to include women religious. Registration on the ACMR is voluntary although Church Authorities may adopt ACMR registration as a matter of policy.
- ii. The Bishops Commission for Professional Standards and Safeguarding has given support to the trial of a secure online portal which will enable the granting of authorisation and/or faculties for clergy to minister temporarily in a diocese other than that for which they have faculties for their normal ministry.



# Other Relevant Recommendations of the Royal Commission

## Recommendations 6.4 & 6.5

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All institutions should uphold the rights of the child. Consistent with Article 3 of the United Nations Convention on the Rights of the Child, all institutions should act with the best interests of the child as a primary consideration. In order to achieve this, institutions should implement the Child Safe Standards identified by the Royal Commission. Note Recommendation 6.5 sets out the Child Safe Standards.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. This is addressed in the National Catholic Safeguarding Standards 1-10, Edition 2 [link 30](#) approved by the ACBC and CRA. ACSL's nationally consistent approach and the status of the National Catholic Safeguarding Standards requires this. Catholic entities are responsible for implementing these standards.

## Recommendation 6.6

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Institutions should be guided by the following core components when implementing the Child Safe Standards:

- **STANDARD 1: CHILD SAFETY IS EMBEDDED IN INSTITUTIONAL LEADERSHIP, GOVERNANCE AND CULTURE**
  - a) The institution publicly commits to child safety and leaders champion a child safe culture.
  - b) Child safety is a shared responsibility at all levels of the institution.
  - c) Risk management strategies focus on preventing, identifying and mitigating risks to children.
  - d) Staff and volunteers comply with a code of conduct that sets clear behavioural standards towards children.
  - e) Staff and volunteers understand their obligations on information sharing and recordkeeping.
  
- **STANDARD 2: CHILDREN PARTICIPATE IN DECISIONS AFFECTING THEM AND ARE TAKEN SERIOUSLY**
  - a) Children are able to express their views and are provided opportunities to participate in decisions that affect their lives.
  - b) The importance of friendships is recognised and support from peers is encouraged, helping children feel safe and be less isolated.
  - c) Children can access sexual abuse prevention programs and information.
  - d) Staff and volunteers are attuned to signs of harm and facilitate child-friendly ways for children to communicate and raise their concerns.
  
- **STANDARD 3: FAMILIES AND COMMUNITIES ARE INFORMED AND INVOLVED**
  - a) Families have the primary responsibility for the upbringing and development of their child and participate in decisions affecting their child.
  - b) The institution engages in open, two-way communication with families and communities about its child safety approach and relevant information is accessible.
  - c) Families and communities have a say in the institution's policies and practices.
  - d) Families and communities are informed about the institution's operations and governance.
  
- **STANDARD 4: EQUITY IS UPHeld AND DIVERSE NEEDS ARE TAKEN INTO ACCOUNT**
  - a) The institution actively anticipates children's diverse circumstances and responds

effectively to those with additional vulnerabilities.

- b) All children have access to information, support and complaints processes.
- c) The institution pays particular attention to the needs of Aboriginal and Torres Strait Islander children, children with disability, and children from culturally and linguistically diverse backgrounds.

▪ **STANDARD 5: PEOPLE WORKING WITH CHILDREN ARE SUITABLE AND SUPPORTED**

- a) Recruitment, including advertising and screening, emphasises child safety.
- b) Relevant staff and volunteers have Working With Children Checks.
- c) All staff and volunteers receive an appropriate induction and are aware of their child safety responsibilities, including reporting obligations.
- d) Supervision and people management have a child safety focus.

▪ **STANDARD 6: PROCESSES TO RESPOND TO COMPLAINTS OF CHILD SEXUAL ABUSE ARE CHILD FOCUSED**

- a) The institution has a child-focused complaint handling system that is understood by children, staff, volunteers and families.
- b) The institution has an effective complaint handling policy and procedure which clearly outline roles and responsibilities, approaches to dealing with different types of complaints and obligations to act and report.
- c) Complaints are taken seriously, responded to promptly and thoroughly, and reporting, privacy and employment law obligations are met.

▪ **STANDARD 7: STAFF ARE EQUIPPED WITH THE KNOWLEDGE, SKILLS AND AWARENESS TO KEEP CHILDREN SAFE THROUGH CONTINUAL EDUCATION AND TRAINING**

- a) Relevant staff and volunteers receive training on the nature and indicators of child maltreatment, particularly institutional child sexual abuse.
- b) Staff and volunteers receive training on the institution's child safe practices and child protection.
- c) Relevant staff and volunteers are supported to develop practical skills in protecting children and responding to disclosures.

▪ **STANDARD 8: PHYSICAL AND ONLINE ENVIRONMENTS MINIMISE THE OPPORTUNITY FOR ABUSE TO OCCUR**

- a) Risks in the online and physical environments are identified and mitigated without compromising a child's right to privacy and healthy development.
- b) The online environment is used in accordance with the institution's code of conduct and relevant policies.

- **STANDARD 9: IMPLEMENTATION OF THE CHILD SAFE STANDARDS IS CONTINUOUSLY REVIEWED AND IMPROVED**

- a) The institution regularly reviews and improves child safe practices.
- b) The institution analyses complaints to identify causes and systemic failures to inform continuous improvement.

- **STANDARD 10: POLICIES AND PROCEDURES DOCUMENT HOW THE INSTITUTION IS CHILD SAFE**

- a) Policies and procedures address all Child Safe Standards.
- b) Policies and procedures are accessible and easy to understand.
- c) Best practice models and stakeholder consultation inform the development of policies and procedures.
- d) Leaders champion and model compliance with policies and procedures.
- e) Staff understand and implement the policies and procedures.

- **RESPONSE TO THE RECOMMENDATION**

Accepted.

- **ACTION TAKEN**

- i. This is addressed in the National Catholic Safeguarding Standards 1-10, Edition 2 [link 30](#) approved by the ACBC and CRA. ACSL's nationally consistent approach and the status of the National Catholic Safeguarding Standards requires this. Catholic entities are responsible for implementing these standards.

## Recommendation 6.21

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Pre-service education and in-service training should be provided to support child-related institutions in creating safe online environments. The Office of the eSafety Commissioner should advise on and contribute to program design and content.

These programs should be aimed at:

- a) Tertiary students studying university, technical and further education, vocational education and training courses, before entering child-related occupations; and could be provided as a component of a broader program of child sexual abuse prevention education;
- b) Staff and volunteers in schools and other child-related organisations, and could build on the existing web-based learning programs of the Office of the eSafety Commissioner.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. The National Catholic Safeguarding Standards, Edition 2, Criteria 8.1 and 8.2 [link 30](#) approved by the ACBC and CRA address the creation of safe physical and online environments. Indicators 7.1.2 and 7.1.3 address the Safeguarding of Children and Adults training during induction and refresher courses at least every three years. Catholic entities are responsible for implementing these standards.
- ii. ACSL provides implementation guides for Standard 7 [link 57](#) and Standard 8 [link 58](#), together with a 'Guide for Developing Safeguarding Training' [link 24](#) and a 'Safeguarding Training Plan Example' [link 50](#) to assist organisations with this task. There are also links on the ACSL website to advice from the Office of the eSafety Commissioner, including 'Navigating the 'new normal' – advice for young people to stay safe online' [link 41](#).

## Recommendation 7.2

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Institutions and state and territory governments should provide mandatory reporters with access to experts who can provide timely advice on child sexual abuse reporting obligations.

### ▪ RESPONSE TO THE RECOMMENDATION

Supported.

### ▪ ACTION TAKEN

- i. The National Catholic Safeguarding Standards, Edition 2, Criterion 6.1 [link 30](#) approved by the ACBC and CRA requires that the entity's Complaints Handling Policy and Procedures address mandatory reporting obligations. Catholic entities are responsible for implementing these standards.
- ii. ACSL provides a repository of resources provided by government and other sources who can provide advice and training on child sexual abuse reporting obligations [link 46](#).

## Recommendation 7.3

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State and territory governments should amend laws concerning mandatory reporting to child protection authorities to achieve national consistency in reporter groups. At a minimum, state and territory governments should also include the following groups of individuals as mandatory reporters in every jurisdiction:

- a) out-of-home-care workers (excluding foster and kinship/relative carers)
- b) youth justice workers
- c) early childhood workers
- d) registered psychologists and school counsellors
- e) people in religious ministry.

### ▪ RESPONSE TO THE RECOMMENDATION

Supported in principle.

### ▪ ACTION TAKEN

- i. This is one of a number of recommendations referred by the ACBC to the Holy See, which responded to the ACBC by offering its observations [link 40](#) on these recommendations in February 2020. After delays caused by the COVID-19 pandemic, the ACBC presented the Holy See's observations to the Australian Government in September 2020. The observations of the Holy See were then immediately published on the ACBC website [link 27](#). This relates to its response to Recommendation 16.26.

## Recommendation 7.4

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Laws concerning mandatory reporting to child protection authorities should not exempt persons in religious ministry from being required to report knowledge of suspicions formed, in whole or in part, on the basis of information disclosed in or in connection with a religious confession.

### ▪ RESPONSE TO THE RECOMMENDATION

Not accepted.

### ▪ ACTION TAKEN

- i. This is one of a number of recommendations referred by the ACBC to the Holy See, which responded to the ACBC by offering its observations [link 40](#) on these recommendations in February 2020. After delays caused by the COVID-19 pandemic, the ACBC presented the Holy See's observations to the Australian Government in September 2020. The observations of the Holy See were then immediately published on the ACBC website [link 27](#). This relates to their response to Recommendation 16.26.
- ii. The Holy See's observations affirmed the longstanding belief of the Church that the "seal of confession" is inviolable and that a confessor may not disclose anything from a confession.
- iii. The Catholic Church is committed that, in all its work with children and people who are vulnerable, all occasions and places of worship and sacramental life will reflect the principles of safeguarding identified by the Royal Commission and developed through the National Catholic Safeguarding Standards, Edition 2, approved by the ACBC and CRA.



## Recommendation 7.7

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Consistent with Child Safe Standard 6: Processes to respond to complaints of child sexual abuse are child focused, institutions should have a clear, accessible and child- focused complaint handling policy and procedure that sets out how the institution should respond to complaints of child sexual abuse.

The complaint handling policy and procedure should cover:

- a) making a complaint
- b) responding to a complaint
- c) investigating a complaint
- d) providing support and assistance; and
- e) achieving systemic improvements following a complaint.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. The National Catholic Safeguarding Standards, Edition 2, Criteria 6.1 to 6.6 [link 30](#) approved by the ACBC and CRA address the complaint handling policy and procedure that all Catholic entities should follow. Catholic entities are responsible for implementing these standards. The Implementation Guide for Standard 6 [link 56](#) provides further detail to assist organisations to implement these criteria.
- ii. The *National Response Framework* [link 33](#) and the *National Response Protocol* [link 34](#) set out the approach that Church entities will take to ensure a consistent and appropriate response to allegations or concerns about children or adults who have or may have been abused by a person working for or engaged by a Church entity.
- iii. Church entities are to establish policies and/or procedures consistent with the *National Response Framework* and/or the *National Response Protocol*.
- iv. The ACSL resource hub [link 8](#) includes resources to help entities implement the National Catholic Safeguarding Standards. These include tools, templates, guides, good practice examples and other resources.
- v. In 2021, CRA developed a suite of safeguarding documents [link 18](#) which included a complaint handling policy and procedure [link 15](#) which has subsequently been updated in 2023 in line with Edition 2 of the National Catholic Safeguarding Standards. CRA also provided training for the adoption and implementation of this policy and the other documents in the suite.

## Recommendation 7.8

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Consistent with Child Safe Standard 1: Child safety is embedded in institutional leadership, governance and culture, institutions should have a clear code of conduct that:

- a) Outlines behaviours towards children that the institution considers unacceptable, including concerning conduct, misconduct or criminal conduct.
- b) Includes a specific requirement to report any concerns, breaches or suspected breaches of the code to a person responsible for handling complaints in the institution or to an external authority when required by law and/or the institution's complaint handling policy; and
- c) Outlines the protections available to individuals who make complaints or reports in good faith to any institution engaging in child-related work (see Recommendation 7.6 on reporter protections).

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. The National Catholic Safeguarding Standards, Edition 2, Criterion 1.4 [link 30](#) approved by the ACBC and CRA requires that “[the] entity’s Code of Conduct sets clear behavioural standards towards children and adults”. Catholic entities are responsible for implementing these standards. The Implementation Guide for Standard 1 [link 51](#) provides further detail to assist organisations to implement these criteria.
- ii. In 2021, CRA developed a *Code of Conduct* which is available to all religious institutions [link 14](#). It has been updated in accordance with Edition 2 of the National Catholic Safeguarding Standards. CRA also developed and provided training for the adoption and implementation of the *Code of Conduct*.
- iii. *Integrity in our Common Mission*, the new National Code of Conduct for Dioceses of the Catholic Church in Australia, includes all these elements. The consultation phase for this new Code of Conduct is nearing completion, following which it will be presented for approval via the ACBC. Once approved it will be offered to other Catholic organisations for their adoption.

## Recommendation 8.1

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To allow for delayed disclosure of abuse by victims and take account of limitation periods for civil actions for child sexual abuse, institutions that engage in child-related work should retain, for at least 45 years, records relating to child sexual abuse that has occurred or is alleged to have occurred.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. In August 2018, the ACBC resolved to prepare guidelines for ordering and maintaining documents, in accordance with canon law, for a minimum period of 50 years.
- ii. The National Catholic Safeguarding Standards, Edition 2, Criteria 1.6 and 6.1 [link 30](#) approved by the ACBC and CRA, requires that all records are securely stored, protected and retained in accordance with legal requirements, and for a period of 50 years and that all personnel understand their obligations on information sharing and record keeping for safeguarding and professional standards.
- iii. The *National Response Framework* [link 33](#) and the *National Response Protocol* [link 34](#) set out the approach that Church entities will take to ensure a consistent and appropriate response to allegations or concerns about children or adults who have or may have been abused by a person working for or engaged by a Church entity.
- iv. Church entities are to establish policies and/or procedures consistent with the *National Response Framework* and/or the *National Response Protocol*. Articles 2.1.4 and 2.13.11 of the National Response Protocol specifically set out provisions for documents to be retained for a minimum of 50 years. Clause 8.3 of CRA's *Complaint Handling Policy* [link 15](#) explicitly states that documents are to be retained for a minimum of 50 years.

## Recommendation 8.4

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All institutions that engage in child-related work should implement the following principles for records and recordkeeping, to a level that responds to the risk of child sexual abuse occurring within the institution.

- **PRINCIPLE 1: CREATING AND KEEPING FULL AND ACCURATE RECORDS RELEVANT TO CHILD SAFETY AND WELLBEING, INCLUDING CHILD SEXUAL ABUSE, IS IN THE BEST INTERESTS OF CHILDREN AND SHOULD BE AN INTEGRAL PART OF INSTITUTIONAL LEADERSHIP, GOVERNANCE AND CULTURE.**

Institutions that care for or provide services to children must keep the best interests of the child uppermost in all aspects of their conduct, including recordkeeping. It is in the best interest of children that institutions foster a culture in which the creation and management of accurate records are integral parts of the institution's operations and governance.

- **PRINCIPLE 2: FULL AND ACCURATE RECORDS SHOULD BE CREATED ABOUT ALL INCIDENTS, RESPONSES AND DECISIONS AFFECTING CHILD SAFETY AND WELLBEING, INCLUDING CHILD SEXUAL ABUSE.**

Institutions should ensure that records are created to document any identified incidents of grooming, inappropriate behaviour (including breaches of institutional codes of conduct) or child sexual abuse and all responses to such incidents. Records created by institutions should be clear, objective and thorough. They should be created at, or as close as possible to, the time the incidents occurred, and clearly show the author (whether individual or institutional) and the date created.

- **PRINCIPLE 3: RECORDS RELEVANT TO CHILD SAFETY AND WELLBEING, INCLUDING CHILD SEXUAL ABUSE, SHOULD BE MAINTAINED APPROPRIATELY.**

Records relevant to child safety and wellbeing, including child sexual abuse should be maintained in an indexed, logical and secure manner. Associated records should be collocated or cross-referenced to ensure that people using those records are aware of all relevant information.

- **PRINCIPLE 4: RECORDS RELEVANT TO CHILD SAFETY AND WELLBEING, INCLUDING CHILD SEXUAL ABUSE, SHOULD ONLY BE DISPOSED OF IN ACCORDANCE WITH LAW OR POLICY.**

Records relevant to child safety and wellbeing, including child sexual abuse, must only be destroyed in accordance with records disposal schedules or published institutional policies.

Records relevant to child sexual abuse should be subject to minimum retention periods that allow for delayed disclosure of abuse by victims, and take account of limitation periods for civil actions for child sexual abuse.

▪ **PRINCIPLE 5: INDIVIDUALS' EXISTING RIGHTS TO ACCESS, AMEND OR ANNOTATE RECORDS ABOUT THEMSELVES SHOULD BE RECOGNISED TO THE FULLEST EXTENT.**

Individuals whose childhoods are documented in institutional records should have a right to access records made about them. Full access should be given unless contrary to law. Specific, not generic, explanations should be provided in any case where a record, or part of a record, is withheld or redacted.

Individuals should be made aware of, and assisted to assert, their existing rights to request that records containing their personal information be amended or annotated, and to seek review or appeal of decisions refusing access, amendment or annotation.

▪ **RESPONSE TO THE RECOMMENDATION**

Accepted.

▪ **ACTION TAKEN**

- i. The National Catholic Safeguarding Standards, Edition 2, Criterion 1.6 [link 30](#) approved by the ACBC and CRA addresses information sharing and record keeping for safeguarding and professional standards.
- ii. Criterion 6.1 addresses entities' Complaints Handling Policy including reporting obligations and record keeping requirements. Indicator 6.1.6 requires that all records are securely stored, protected and retained in accordance with legal requirements, and for a period of 50 years.
- iii. Criterion 7.4 addresses that personnel have the information and skills to respond effectively to safeguarding risks, concerns, disclosures, and allegations of abuse including in relation to information sharing, record keeping and reporting obligations under Commonwealth, State/Territory legislative and canon law.
- iv. ACSL publishes the safeguarding audit reports [link 10](#) of dioceses, religious congregations and other relevant Catholic organisations which contain examples relating to records and record keeping undertaken by the relevant organisations. Further, the ACSL resource hub [link 8](#) includes resources to help entities implement the National Catholic Safeguarding Standards. These include tools, templates, guides, good practice examples and other resources.

## Recommendation 8.5

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State and territory governments should ensure that non-government schools operating in the state or territory are required to comply, at a minimum, with standards applicable to government schools in relation to the creation, maintenance and disposal of records relevant to child safety and wellbeing, including child sexual abuse.

### ▪ RESPONSE TO THE RECOMMENDATION

Supported.

### ▪ ACTION TAKEN

- i. Catholic schools and systems have undertaken work in each jurisdiction to update and enhance their compliance with child safety standards. This work is demonstrated through the substantial body of guidance material [link 28](#) developed to assist schools and systems to comply with local child protection laws and standards, and to ensure that child protection policies are up to date and correct practices and processes are in place.

## Recommendation 8.18

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Carers registers should be maintained by state and territory child protection agencies or bodies with regulatory or oversight responsibility for out-of-home-care in that jurisdiction.

### ▪ RESPONSE TO THE RECOMMENDATION

Supported.

### ▪ ACTION TAKEN

- i. In many jurisdictions, carers registers are maintained by state and territory government organisations. In some jurisdictions, Catholic social services maintain carers registers for out-of-home care. Where this occurs, these organisations are compliant with state and territory child protection regulations.

## Recommendation 8.19

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State and territory governments should consider the need for carers registers to include, at a minimum, the following information (register information) about, or related to, applicant or authorised carers, and persons residing on the same property as applicant/authorised home-based carers (household members):

- a) Lodgement or grant of applications for authorisation.
- b) Status of the minimum checks set out in Recommendation 12.6 as requirements for authorisation, indicating their outcomes as either satisfactory or unsatisfactory.
- c) Withdrawal or refusal of applications for authorisation in circumstances of concern (including in relation to child sexual abuse).
- d) Cancellation or surrender of authorisation in circumstances of concern (including in relation to child sexual abuse).
- e) Previous or current association with an out-of-home care agency, whether by application for authorisation, assessment, grant of authorisation, or supervision.
- f) The date of reportable conduct allegations, and their status as either current, finalised with ongoing risk-related concerns, and/or requiring contact with the reportable conduct oversight body.

### ▪ RESPONSE TO THE RECOMMENDATION

Supported.

### ▪ ACTION TAKEN

- i. Catholic entities support state and territory governments in their considerations of the needs for carers registers to include the information set out in recommendation 8.19.



## Recommendation 8.21

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State and territory governments should consider the need for legislative and administrative arrangements to require responsible agencies:

- a) Before they authorise or recommend authorisation of carers, to:
  - i) undertake a check for relevant register information, and
  - ii) seek further relevant information from another out-of-home care agency where register information indicates applicant carers, or their household members (in the case of prospective home-based carers) have a prior or current association with that other agency.
- b) in the course of their assessment, authorisation, or supervision of carers, to:
  - i) seek further relevant information from other agencies or bodies, where register information indicates they hold, or may hold, additional information relevant to carer suitability, including reportable conduct information.

State and territory governments should give consideration to enabling agencies to seek further information for these purposes under our recommended information exchange scheme (Recommendations 8.6 to 8.8).

### ▪ RESPONSE TO THE RECOMMENDATION

Supported.

### ▪ ACTION TAKEN

- i. Catholic entities support state and territory governments in their considerations of the issues in recommendation 8.21. In some jurisdictions, Catholic social services provide out-of-home care. Where this occurs, these organisations are compliant with state and territory child protection regulations, including undertaking appropriate checks prior to the authorisation or recommendation of carers, and to providing appropriate information to the relevant carers' registers. Social service organisations further reported that documented processes and policies are in place to ensure that such assessments are undertaken.

## Recommendation 8.22

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State and territory governments should consider the need for effective mechanisms to enable agencies and bodies to obtain relevant information from registers in any state or territory holding such information. Consideration should be given to legislative and administrative arrangements, and digital platforms, which will enable:

- a) Agencies responsible for assessing, authorising or supervising carers.
- b) Other agencies, including jurisdictional child protection agencies and regulatory oversight bodies, with responsibilities related to the suitability of persons to be carers and the safety of children in out-of-home care.

To obtain relevant information from their own and other jurisdictions' registers for the purpose of exercising their responsibilities and functions.

### ▪ **RESPONSE TO THE RECOMMENDATION**

Supported.

### ▪ **ACTION TAKEN**

- i. Catholic entities support State and territory governments in their considerations of the issues in recommendation 8.22. In some jurisdictions, Catholic social services provide out-of-home care. Where this occurs, these organisations are compliant with state and territory child protection regulations, including in maintaining relevant registers and sharing that information with the appropriate bodies.

## Recommendation 12.6

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In addition to a National Police Check, Working With Children Check and referee checks, authorisation of all foster and kinship/relative carers and all residential care staff should include:

- a) Community services checks of the prospective carer and any adult household members of home-based carers.
- b) Documented risk management plans to address any risks identified through community services checks.
- c) At least annual review of risk management plans as part of carer reviews and more frequently as required.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. In some jurisdictions, Catholic social services work with foster, kinship/relative carers or residential care staff. Where this occurs, these organisations are compliant with state and territory child protection regulations, including in ensuring appropriate policies and procedures were in place to undertake community services checks, risk management plans and reviews at least annually.

## Recommendation 12.7

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All out-of-home care service providers should conduct annual reviews of authorised carers that include interviews with all children in the placement with the carer under review, in the absence of the carer.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. In some jurisdictions, Catholic social services provide out-of-home care. Where this occurs, these organisations are compliant with state and territory child protection regulations, including in ensuring that appropriate policies and procedures were in place to conduct interviews with children in the absence of the carer as part of the review process.

## Recommendation 12.10

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State and territory governments, in collaboration with out-of-home care service providers and peak bodies, should develop resources to assist service providers to:

- a) Provide appropriate support and mechanisms for children in out-of-home care to communicate, either verbally or through behaviour, their views, concerns and complaints.
- b) Provide appropriate training and support to carers and caseworkers to ensure they hear and respond to children in out-of-home care, including ensuring children are involved in decisions about their lives.
- c) Regularly consult with the children in their care as part of continuous improvement processes.

### ▪ RESPONSE TO THE RECOMMENDATION

Supported.

### ▪ ACTION TAKEN

- i. In some jurisdictions, Catholic social services provide out-of-home care. Where this occurs, these organisations have reported that they were collaborating with the relevant state and territory governments to ensure appropriate resources were available.
- ii. The National Catholic Safeguarding Standards, Edition 2, Criteria 2.1, 2.2, 2.4, and 7.5 [link 30](#) approved by the ACBC and CRA addresses the requirements for out-of-home service providers to provide appropriate support, training and regularly consult with the children in their care. The Implementation Guides for Standard 2 [link 52](#) and Standard 7 [link 57](#) provide further detail to assist organisations to implement these criteria.

## Recommendation 12.11

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State and territory governments and out-of-home care service providers should ensure that training for foster and relative/kinship carers, residential care staff and child protection workers includes an understanding of trauma and abuse, the impact on children and the principles of trauma-informed care to assist them to meet the needs of children in out-of-home care, including children with harmful sexual behaviours.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. The National Catholic Safeguarding Standards, Edition 2, Standard 7 [link 30](#) approved by the ACBC and CRA requires that “[personnel] are equipped with knowledge, skills and awareness to keep children and adults safe through information, ongoing education and training”. Catholic social service agencies conducting out-of-home care programs are responsible for implementing these standards. The Implementation Guide for Standard 7 [link 57](#) provides further detail to assist organisations to implement these criteria.

## Recommendation 12.12

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When placing a child in out-of-home care, state and territory governments and out-of-home care service providers should take the following measures to support children with harmful sexual behaviours:

- a) Undertake professional assessments of the child with harmful sexual behaviours, including identifying their needs and appropriate supports and interventions to ensure their safety.
- b) Establish case management and a package of support services.
- c) Undertake careful placement matching that includes:
  - i) Providing sufficient relevant information to the potential carer/s and residential care staff to ensure they are equipped to support the child, and additional training as necessary.
  - ii) Rigorously assessing potential threats to the safety of other children, including the child's siblings, in the placement.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. In some jurisdictions, Catholic social services provide out-of-home care. Where this occurs, these organisations have reported that they had policies and procedures in place to ensure that the appropriate measures were taken to support children with harmful sexual behaviours.
- ii. The National Catholic Safeguarding Standards, Edition 2, Criterion 7.2 [link 30](#) approved by the ACBC and CRA that says “[personnel] are supported to recognise the nature indicators of child abuse, including harmful behaviours by a child towards another child”. The Implementation Guide for Standard 7 [link 57](#) provides further detail to assist organisations to implement this criterion.

## Recommendation 12.13

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State and territory governments and out-of-home care service providers should provide advice, guidelines and ongoing professional development for all foster and kinship/relative carers and residential care staff about preventing and responding to the harmful sexual behaviours of some children in out-of-home care.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. In some jurisdictions, Catholic social services provide out-of-home care. Where this occurs, these organisations have reported that they had policies and procedures in place to ensure that the appropriate advice, guidelines and ongoing professional development was available to carers and staff to assist with responding to children with harmful sexual behaviours.
- ii. The National Catholic Safeguarding Standards, Edition 2, Standard 7 [link 30](#) approved by the ACBC and CRA requires that “[personnel] are equipped with knowledge, skills and awareness to keep children and adults safe through information, ongoing education and training”. Catholic social service agencies conducting out-of-home care programs are responsible for implementing these standards. The Implementation Guide for Standard 7 [link 57](#) provides further detail to assist organisations to implement these criteria.



## Recommendation 12.16

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All institutions that provide out-of-home care should develop strategies that increase the likelihood of safe and stable placements for children in care. Such strategies should include:

- a) Improved processes for 'matching' children with carers and other children in a placement, including in residential care.
- b) The provision of necessary information to carers about a child, prior to and during their placement, to enable carers to properly support the child.
- c) Support and training for carers to deal with the different developmental needs of children as well as managing difficult situations and challenging behaviour.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. In some jurisdictions, Catholic social services provide out-of-home care. Where this occurs, these organisations have reported that they had policies and procedures in place to ensure that there were appropriate strategies to increase the likelihood of safe and stable placements for children in care. Strategies reported included ensuring pre-placement meetings occur, placing children two years younger than the youngest biological child within the household, undertaking regular in-home consultations, and providing specialist training and after-hours support.
- ii. Ongoing professional development as required by Standard 7 of the National Catholic Safeguarding Standards, Edition 2 [link 30](#) approved by the ACBC and CRA also assists with ensuring that carers have the appropriate training to deal with the different developmental needs of children as well as managing challenging situations.

## Recommendation 12.18

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The key focus of residential care for children should be based on an intensive therapeutic model of care framework designed to meet the complex needs of children with histories of abuse and trauma.

### ▪ RESPONSE TO THE RECOMMENDATION

Supported.

### ▪ ACTION TAKEN

- i. The National Catholic Safeguarding Standards, Edition 2, Indicator 6.3.4 [link 30](#) approved by the ACBC and CRA requires that “trauma-informed and victim-centred support and care is offered to any child or adult who has experienced or is alleging abuse”. Catholic social service agencies conducting out-of-home care programs are responsible for implementing these standards.

## Recommendation 12.19

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All residential care staff should be provided with regular training and professional supervision by appropriately qualified clinicians.

### ▪ RESPONSE TO THE RECOMMENDATION

Supported.

### ▪ ACTION TAKEN

- i. In some jurisdictions, Catholic social services provide out-of-home care. Where this occurs, these organisations have reported that they were compliant with state and territory child protection agencies or bodies, including ensuring appropriate policies and procedures were in place to provide residential care staff with regular training and professional supervision, and to ensure safe quality care is provided to children and young people.
- ii. Further, the National Catholic Safeguarding Standards, Edition 2, Standard 7 [link 30](#) approved by the ACBC and CRA requires ongoing training and education for all personnel of Catholic entities. The Implementation Guide for Standard 7 [link 57](#) provides further detail to assist organisations to implement these criteria.

## Recommendation 12.20

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Each state and territory government, in consultation with appropriate Aboriginal and Torres Strait Islander organisations and community representatives, should develop and implement plans to:

- a) Fully implement the Aboriginal and Torres Strait Islander Child Placement Principle.
- b) Improve community and child protection sector understanding of the intent and scope of the principle.
- c) Develop outcome measures that allow quantification and reporting on the extent of the full application of the principle, and evaluation of its impact on child safety and the reunification of Aboriginal and Torres Strait Islander children with their families.
- d) Invest in community capacity building as a recognised part of kinship care, in addition to supporting individual carers, in recognition of the role of Aboriginal and Torres Strait Islander communities in bringing up children.

### ▪ RESPONSE TO THE RECOMMENDATION

Supported.

### ▪ ACTION TAKEN

- i. The National Catholic Safeguarding Standards, Edition 2, Standard 4 [link 30](#) approved by the ACBC and CRA addresses the promotion of equity and respect of diversity. In particular Criterion 4.3 addresses the diverse needs of Aboriginal and Torres Strait Islander people. The Implementation Guide for Standard 4 [link 54](#) provides further detail to assist organisations to implement these criteria.
- ii. Further, Catholic social service agencies follow government advice and seek to apply best practice in this field, including by implementing the Aboriginal and Torres Strait Islander Child Placement Principle [link 1](#), and in implementing other strategies such as the Centacare Unify Family Reunification Services [link 19](#) in South Australia.

## Recommendation 13.1

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All schools should implement the Child Safe Standards identified by the Royal Commission.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. Catholic schools, including boarding schools, and systems are responsible for monitoring and enforcing Child Safe Standards. The role of the National Catholic Education Commission is to support state and territory Catholic Education Commissions to address compliance, encourage national collaboration and promote best practice in the implementation of these standards. All Catholic schools and systems have implemented the National Catholic Safeguarding Standards, Edition 2 [link 30](#) approved by the ACBC and CRA. Alignment with the Child Safe Standards is shown in the National Catholic Safeguarding Standards mapping guide [link 26](#).

## Recommendation 13.2

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State and territory independent oversight authorities responsible for implementing the Child Safe Standards should delegate to school registration authorities the responsibility for monitoring and enforcing the Child Safe Standards.

### ▪ RESPONSE TO THE RECOMMENDATION

Supported.

### ▪ ACTION TAKEN

- i. Catholic schools, including boarding schools, and systems are responsible for monitoring and enforcing Child Safe Standards. The role of the National Catholic Education Commission is to support state and territory Catholic Education Commissions to address compliance, encourage national collaboration and promote best practice in the implementation of these standards. The National Catholic Education Commission website states “Catholic education is committed to keeping children safe in our schools across Australia and upholds the National Principles for Child Safe Organisations” [link 29](#).

## Recommendation 13.3

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School registration authorities should place particular emphasis on monitoring government and non-government boarding schools to ensure they meet the Child Safe Standards. Policy guidance and practical support should be provided to all boarding schools to meet these standards, including advice on complaint handling.

### ▪ RESPONSE TO THE RECOMMENDATION

Supported.

### ▪ ACTION TAKEN

- i. Catholic schools, including boarding schools, and systems are responsible for monitoring and enforcing Child Safe Standards. The role of the National Catholic Education Commission is to support state and territory Catholic Education Commissions to address compliance, encourage national collaboration and promote best practice in the implementation of these standards. The National Catholic Education Commission website states “Catholic education is committed to keeping children safe in our schools across Australia and upholds the National Principles for Child Safe Organisations” [link 29](#).
- ii. Further, the ACSL’s Audit and Review Program [link 31](#) offers assessment and certification across all the National Catholic Safeguarding Standards and publishes audit reports of all Church entities on its website [link 10](#).

## Recommendation 13.6

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Consistent with the Child Safe Standards, complaint handling policies for schools (see Recommendation 7.7) should include effective policies and procedures for managing complaints about children with harmful sexual behaviours.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. As well as abiding by the requirements of the state and territory education commissions, schools are required to have complaints handling procedures consistent with the laws of the state and territories with particular measures for harmful sexual behaviour in children.
- ii. The National Catholic Safeguarding Standards, Edition 2, Standard 6 [link 30](#) approved by the ACBC and CRA addresses complaints handling procedures. Further, the Implementation Guide for Standard 6 [link 56](#) provides further detail to assist organisations to implement this standard.



## Recommendation 17.3

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Major institutions and peak bodies of institutions that engage in child-related work should, beginning 12 months after this Final Report is tabled, report on their implementation of the Royal Commission's recommendations to the National Office for Child Safety through five consecutive annual reports.

The National Office for Child Safety should make these reports publicly available. At a minimum, the institutions reporting should include those that were the subject of the Royal Commission's institutional review hearings held from 5 December 2016 to 10 March 2017.

### ▪ RESPONSE TO THE RECOMMENDATION

Accepted.

### ▪ ACTION TAKEN

- i. The ACBC and CRA have submitted annual reports 2018 – 2022 inclusive, on behalf of the Catholic Church in Australia. These reports have been prepared in accordance with the directives or guidance provided by the National Office for Child Safety. Numerous Catholic institutions including dioceses, religious institutes and schools, have contributed to these annual reports. The National Office for Child Safety has published the five annual reports to date on its website [link 32](#).

# Appendix 1 – List of Resources

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## Appendix 2 – Australian Responses to Child Sexual Abuse

This appendix outlines the major initiatives by Catholic leaders in Australia to respond to the issue of child sexual abuse in Church settings since the 1980s. More detailed information is provided for more recent initiatives.

### 1987

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#### *Special Issues Committee*

The Australian Catholic Bishops Conference (Conference) dedicated part of its biannual meeting in late 1987 to the topic of child sexual abuse. The Conference the next year established the Special Issues Committee, whose role included developing protocols if an allegation of criminal behaviour was made against a priest or religious.

### 1989

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#### *The Initial Protocol*

In 1989, the Special Issues Committee drafted the *Protocol for Dealing with Allegations of Criminal Behaviour (The Initial Protocol)*. It was the first official document to provide guidance for dealing with allegations of sexual abuse. It was mainly directed at disciplining priests and religious. It stressed any Church process must not interfere with any criminal justice process. It envisaged canonical consequences for the accused, including possible dismissal from the priesthood or religious institute.

### 1992

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#### *The 1992 Protocol*

The Special Issues Committee proposed amendments to *The Initial Protocol* to make it more victim-focused and less concerned with the reputation of the Church. *The 1992 Protocol* applied to all dioceses and religious congregations.



## 1992-93

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### *A Pastoral Statement on Child Protection and Child Sexual Abuse*

The Conference and Catholic Religious Australia (CRA) issued *A Pastoral Statement on Child Protection and Child Sexual Abuse*, which acknowledged Church failures in responding to sexual abuse, including too readily accepting offenders' promises that such behaviour would not be repeated.

### *Sexual Offences and the Church*

The Conference and CRA also issued *Sexual Offences and the Church*, acknowledging the serious and long-lasting harm caused by abuse and betrayal of trust. It pledged to give first consideration to victims and survivors and their families. Bishops and congregational leaders again promised to work with others "to bring healing to those who have been hurt".<sup>1</sup>

## 1993

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### *The Catholic Church's Principles in Relation to Sexual Abuse and Professional Misconduct*

In November 1993, the Special Issues Committee drafted *The Catholic Church's Principles in Relation to Sexual Abuse and Professional Misconduct*. A precursor to *Towards Healing*, it was intended to be a victim-centred response.

## 1996-97

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### *Towards Healing*

The Bishops Committee for Professional Standards presented a draft of *Towards Healing* to the Conference meeting in April 1996. *Towards Healing* departed from *The 1992 Protocol* in several significant ways, including: opening with an apology; being victim-orientated; simplifying the document's language; simplifying the process of receiving and responding to complaints; encouraging victims to go to the police; and providing for a facilitated meeting between a victim and the Church authority. The Conference approved *Towards Healing* in November 1996, to come into operation on March 31, 1997. Catholic Religious Australia had also approved the document in principle. The first review of *Towards Healing* took place in 1999 and, by 2001, a revised version of *Towards Healing* was in operation. A second revision of *Towards Healing* was published in 2010.

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<sup>1</sup> Australian Catholic Bishops Conference. "Sexual Offences and the Church." Australian Catholic Bishops Conference press release, 22 July 1993.

### *Melbourne Response*

In October 1996, the Archdiocese of Melbourne announced the establishment of a new initiative, which became known as *The Melbourne Response*, to respond to complaints of abuse committed by a priest of the Archdiocese or by any religious or lay person working within the Archdiocese. The Response had three separate components: independent commissioners; a compensation panel; and Carelink, which provides uncapped, ongoing professional support for needs arising in relation to the abuse. As part of *The Melbourne Response*, spiritual support and guidance is also available at parish level.

### *National Committee for Professional Standards*

The Conference replaced the Bishops Committee with the National Committee for Professional Standards (NCPS). The NCPS was set up as a joint committee of the Conference and CRA, equally responsible to both, charged with general oversight and policy development of professional standards in the Church.

## **1997**

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### *Establishment of Professional Standards Offices*

State-based professional standards offices began to emerge from 1997. After *Towards Healing*, a national network of contact persons, assessors, facilitators and reviewers was developed. Local professional standards reference groups advised Church leaders on changes to complaints handling procedures and pastoral responses to victims and survivors. Over the ensuing years, dioceses and religious institutes established their own safeguarding offices to provide a more immediate response to abuse allegations.

## **1999**

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### *Integrity in Ministry*

The Church released the document *Integrity in Ministry*, which outlined expectations of appropriate behaviour for priests and religious. It was reviewed in 2004. *Integrity in Ministry* was compiled “as a resource for those preparing for ministry in the Catholic Church and as a code of conduct and guide for reflection for those already involved in ministry. It sets out behaviour for clergy and religious to

integrate into their day-to-day ministry and serves as a checklist against which they can review the quality of the ministerial activities in which they engage.”<sup>2</sup>

## 2011

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### *Integrity in the Service of the Church*

*Integrity in the Service of the Church*, for lay employees and volunteers within the Church, was developed by the NCPS. The document was created as the parallel to *Integrity in Ministry*, and “outlines principles of conduct for any lay person who performs paid or unpaid work in the service of the Church”.<sup>3</sup> The document is a resource for reviewing organisations’ guidelines and processes.

## 2013

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### *Truth, Justice and Healing Council*

The Conference and CRA jointly established the Truth, Justice and Healing Council (TJHC) to coordinate the Church’s response to the Royal Commission into Institutional Responses to Child Sexual Abuse. The Council was comprised almost entirely of lay people, with expertise across specialised fields of child sexual abuse, trauma, mental illness, psycho-sexual disorders, education, public administration, law and governance. Among its members were survivors of abuse or people whose immediate family members had been abused. Thirty-one dioceses and 97 religious institutes had the Council represent them during the Royal Commission. The TJHC published a four-volume report following the conclusion of the Royal Commission.

## 2016

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### *Australian Catholic Ministry Register*

The Australian Catholic Ministry Register was established to assist Church Authorities to determine if clergy and religious members of their organisation have met safeguarding requirements. The electronic register allows applicants to receive a unique ACMR identification number which demonstrates their good standing. Priests must also have a Working with Children Check (or equivalent) to be allowed to work or minister anywhere, including parishes and schools.

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<sup>2</sup> *Integrity in Ministry: A Document of Principles and Standards for Catholic Clergy & Religious in Australia* (Alexandria, NSW: National Committee of Professional Standards, June 2004), iv.

<sup>3</sup> *Integrity in the Service of the Church: A Resource Document of Principles and Standards for Lay Workers in the Catholic Church in Australia* (Alexandria, NSW: National Committee of Professional Standards, September 2011), 4.

### *Catholic Professional Standards Ltd*

The Conference and CRA established Catholic Professional Standards Ltd (CPSL) as an independent company limited by guarantee to develop, audit and report on compliance with professional standards to protect children and vulnerable people. CPSL had five main functions: Develop and publish the National Catholic Safeguarding Standards; Audit compliance of Church entities against the Standards; Publicly report audit findings; Provide training, support, tools and resources to assist with implementation of the Standards; Provide advice on policy and other matters to Church Authorities. CPSL directors were lay people with professional expertise in the fields of law, education, human services, safeguarding and regulation.

## **2018**

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### *Implementation Advisory Group*

Following the completion of the Royal Commission and the Truth, Justice and Healing Council's closure, a new group emerged to advise on and monitor the Church's response to the Royal Commission and its recommendations. The Implementation Advisory Group (IAG) retained many of the guiding principles of the TJHC. It was made up mostly of lay people, with one bishop and one religious sister on the IAG. Its work included: Relationships with and spiritual support of survivors; Governance and Church culture; National Redress Scheme; Handling of abuse complaints.

### *Formal Response to the Royal Commission*

On August 31, the Conference and CRA released their response to the Final Report of the Royal Commission. The joint response outlined the Church's commitment to reforms that would help make children and vulnerable people safer in all Catholic settings. The Church accepted 98 per cent of the recommendations that related to the Catholic Church, with some already in place and work already undertaken to implement others. The Holy See was advised of recommendations related to the universal law and practice of the Catholic Church.

## **2019**

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### *National Redress Scheme*

Church representatives had backed a national, independent redress scheme to support survivors of child sexual abuse – seen as a way for survivors to seek redress that limited future trauma. By March 1, 34 of 35 archdioceses, dioceses and eparchies, and religious institutes required to join the Scheme were participating in it.

### *Gathering of Presidents of Episcopal Conferences*

Archbishop Mark Coleridge attended a gathering of presidents of episcopal conferences from around the world on the issue of child sexual abuse. A number of recommendations emerged, some of which were quickly enacted, including the publication of *Vos Estis Lux Mundi*, a motu proprio from Pope Francis on the investigation and reporting of abuse within Church settings.

### *National Catholic Safeguarding Standards*

The Conference and CRA adopted the National Catholic Safeguarding Standards, which were developed by Catholic Professional Standards Limited. The Standards built off existing local and national guidelines and protocols, creating extra measures with particular relevance for Church settings. CPSL conducted and published audits of dioceses, religious institutes and other Catholic organisations.

### *Diocesan and Parish Governance*

The IAG initiated a national review of diocesan and parish governance, fulfilling one of the recommendations of the Royal Commission. The Governance Review Project Team was established to lead the review. It also commenced work on the development of national policy guidelines to strengthen and standardise Church authorities' responses to historical and contemporary concerns and allegations of abuse of children and adults at risk.

## **2020**

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### *Light from the Southern Cross*

The Governance Review Project Team presented a version of the governance review report to the Bishops Conference and Catholic Religious Australia in May 2020. That draft version was leaked and published, before a number of corrections and clarifications were made. The final version of the report, entitled *The Light from the Southern Cross: Promoting Co-Responsible Governance in the Catholic Church in Australia*, was presented to the Bishops Conference and Catholic Religious Australia in mid-August 2020. The report was published online on August 21, 2020, along with an accompanying Reading Guide. The Australian Catholic Bishops Conference published its initial response to *The Light from the Southern Cross* on December 17, 2020. CRA indicated its support of *The Light from the Southern Cross*.

### *Holy See Response to Royal Commission*

Of the 49 recommendations of the Royal Commission's final report that were addressed to the Catholic Church, 12 necessitated referral to, or consultation with, the Holy See. In early 2020, the Holy See provided its observations regarding these recommendations to the Australian Catholic

Bishops Conference. The observations were discussed by the bishops at their plenary meeting in May. They were subsequently provided to the Attorney-General of Australia and published on the Conference's website.

### *National Response Protocol*

In 2020, the Bishops Conference adopted the *National Response Protocol*, outlining principles and procedures to offer a consistent response to children and adults who have been subjected to abuse by Church personnel. It came into effect for all dioceses and Bishops Conference member entities from February 2021. In May 2022, the Bishops Conference adopted a second version of the *National Response Protocol* to include abuse against adults at risk. This was underscored by the *National Response Framework* developed by the Bishops Conference, CRA and Association of Ministerial Public Juridic Persons, which details those principles Church entities are to assume, so as to ensure a consistent and appropriate response to allegations or concerns about children and adults who have or may have been abused by a person working for, or engaged by, a Church entity.

### *Australian Catholic Safeguarding Limited*

In December 2020, the Bishops Conference, CRA and the Association of Ministerial Public Juridic Persons set up Australian Catholic Safeguarding Limited. The new company was formed to oversee all safeguarding, child protection and professional standards matters in Australia, creating a more focused and streamlined model. It consolidates work previously undertaken by Catholic Professional Standards Limited, the Implementation Advisory Group and the Australian Catholic Centre for Professional Standards.

## **2022**

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### *Fifth Plenary Council of Australia*

The Catholic Church convoked the Fifth Plenary Council of Australia, the highest form of national gathering within the Church, with the second and final assembly held in July 2022. One of the Council eight decrees focused on issues related to child protection and safeguarding, entitled Choosing Repentance – Seeking Healing. In that decree, the members of the Council, which included bishops, priests, religious women and men, and lay people:

- Reiterated the Church's apology to the victims and survivors of abuse, their families and communities;
- Recommitted the Church to respond with justice and compassion to those who have suffered from the trauma of abuse, including where appropriate, ongoing pastoral and spiritual support and accompaniment;

- Encouraged the practice, where appropriate, of local memorials in various forms, as a tangible recognition of the harm done through abuse and the need for special care for children;
- Reaffirmed the commitment of the Church in Australia to the work of implementing and improving safeguarding standards and practices;
- Called on all Catholics to commit to ensuring that Church environments are safe and respectful; and
- Requested the Australian Catholic Bishops Conference, Catholic Religious Australia and the Association of Ministerial Public Juridic Persons, with assistance from appropriate experts, to study, acknowledge and address systemic factors which have facilitated abuse within the Church.

#### *Ratio Nationalis Institutionis Sacerdotalis*

The Bishops Conference approved a ‘Grey Book’ (draft) of the *Ratio Nationalis Institutionis Sacerdotalis*, the program for priestly formation, for Australia in November 2020. It was submitted to the Congregation for the Clergy, which sent back its observations to assist with the refinement of the new *Ratio Nationalis*.

The Conference approved the Revised Version (2022) of *the Ratio Nationalis Institutionis Sacerdotalis* for Australia, which was submitted to the Congregation for the Clergy for confirmation.

#### *Our Common Mission*

In November 2022, the ACBC, CRA and Association of Ministerial Public Juridic Persons adopted *Our Common Mission* as a national framework for ministry and service in the Church in Australia. The charter reads, in part: All our members and workers – lay, religious and ordained – are called to the highest standards of accountability, transparency, integrity and professionalism. *Our Common Mission* identifies these standards within a national framework for ministry and service. It is not a checklist. It is a living document that seeks continually to integrate faith and action in keeping everyone in our community safe.

#### *National Catholic Safeguarding Standards – Version 2*

In December 2022, ACSL published Edition 2 of the National Catholic Safeguarding Standards, which extended the earlier edition with the inclusion of adults at risk in the Standards. The Standards were developed in collaboration with the Bishops Conference, CRA and the Association of Ministerial Public Juridic Persons. ACSL board chair the Hon. Michael Lavarch AO said that the adoption of the new Standards clearly demonstrates that the Church is vigilant of emerging safeguarding risks for everyone in Catholic communities, especially children and adults at risk.

### *Report to National Office for Child Safety*

In December 2022, the Bishops Conference and CRA submitted their fifth annual report to the National Office for Child Safety in response to a recommendation from the Royal Commission's final report. The two entities worked diligently with dioceses, religious institutes, education authorities, social service organisations to provide an update on the Church's broader response to child protection.

## **2023**

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### *Integrity in Our Common Mission*

The Royal Commission recommended there be one code of conduct for all ministers, whether ordained, vowed or lay, in the Church. The Bishops Conference had already approved a national framework for all Catholic ministry and service, entitled *Our Common Mission*. In accordance with this framework, the two earlier national codes of conduct, *Integrity in Ministry* for clergy and religious, and *Integrity in Service of the Church* for lay ministers, have been combined and updated to provide a single code of conduct. This national code of conduct was presented for review at the Bishops Conference's May 2023 plenary meeting. It will then be finalised with a view to approval at the November 2023 plenary meeting.

### *Restoring and Nurturing Right Relationships*

CRA developed *Restoring and Nurturing Right Relationships (2023)*, updating the 2016 version, to incorporate learnings from the Royal Commission, listening to those who have been abused and consideration of other factors to deepen healthy initial and ongoing formation.



# Appendix 3 – Holy See’s Responses to Child Sexual Abuse<sup>4</sup>

## 1917

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### *Code of Canon Law*

Pope Benedict XV promulgated the first *Code of Canon Law* in May 1917. The Fifth Book, dedicated to delicts (canonical crimes) and penalties, established a number of canons related to the sexual abuse of minors by a lay person or by a cleric. It outlined various penalties that could be handed down, including suspension and temporary or permanent removal of offices and ministries.

## 1922

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### *Crimen Sollicitationis*

In June 1922, the Supreme and Sacred Congregation of the Holy Office, with the approval of Pope Pius XI, issued the instruction *Crimen Sollicitationis*, establishing new canonical norms and procedures for cases arising out of alleged solicitation – i.e. sexual advances – during the Sacrament of Confession. It stipulated that the same measures were to apply to cases of sexual abuse committed by clerics on prepubescent children.

The Instruction bolstered the code of absolute secrecy that had been introduced and reiterated by the same Congregation in 1866, 1890 and 1897. *Crimen Sollicitationis* was not published in *Acta Apostolicae Sedis*, the official bulletin of the Holy See, but was privately circulated among the bishops of the world. The bishops were instructed to keep the document in the Secret Archive of the Curia. This practice applied also to cases of alleged sexual abuse committed by members of the clergy on prepubescent children.

## 1961

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### *Religiosorum Institutio*

The Sacred Congregation for Religious issued the instruction *Religiosorum Institutio* on the selection and formation of candidates for consecrated life and holy orders in February 1961. The document

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<sup>4</sup> Acknowledgement: This summary draws on the article by Kevin Schembri, “The Evolution of Canonical Norms on Sexual Abuse in the Catholic Church: From 1917 to 2022”. In *Fidelis et Verax: Essays in honour of His Grace Mgr Charles J. Scicluna*, eds. Stefan M. Attard, and John A. Berry (Malta: Kite Group, 2022), 567-600.

specified that candidates with paedophilic tendencies were to be barred from advancing to religious vows and ordination. The Instruction was not made public; it was reserved to superiors and formators.

## 1962

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### *Revision of Crimen Sollicitationis*

Ahead of the Second Vatican Council (1962-1965), Pope John XXIII authorised a reprint of *Crimen Sollicitationis* with some amendments, to be distributed among the bishops attending the Council. The new version, like the original, was not published in the *Acta Apostolicae Sedis* or in any other public form. Few copies of the reprint were handed out, and most copies were never distributed.

## 1974

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### *Secreta Continere*

In February 1974, the Vatican Secretariat of State issued the instruction *Secreta Continere* on matters that necessitated a kind of secrecy that was greater than ordinary confidentiality. The instruction renamed the secret of the Holy Office to 'pontifical secret' and, in continuity with *Crimen Sollicitationis*, affirmed that an allegation or case involving the sexual abuse of a minor by a cleric was subject to this type of secret.

## 1983

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### *New Code of Canon Law*

In January 1983, Pope John Paul II promulgated the new *Code of Canon Law*. The new legislation, particularly in Book VI (On Sanctions in the Church), provided that a cleric convicted of an offence against the Sixth Commandment with a person under the age of 16 was to be punished with just penalties and, if justified, with dismissal from the clerical state – one of the most serious penalties contemplated by canon law. It also stipulated that a member of an institute of consecrated life convicted of the same offence was to be dismissed from the institute, unless the respective superior decided that the expulsion was not completely necessary and that the situation could be remedied by correction, restoration of justice and reparation of the scandal.

## 2001

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### *Sacramentorum Sanctitatis Tutela*

In April 2001, Pope John Paul II issued the motu proprio *Sacramentorum Sanctitatis Tutela* on the most serious delicts in the Church. The list of the *delicta graviora* included the sexual abuse of a minor committed by a cleric. *Sacramentorum Sanctitatis Tutela* confirmed the canonical sanction prescribed by the new *Code*, namely that the cleric be punished according to the gravity of the offence, not excluding dismissal from the clerical state.

*Sacramentorum Sanctitatis Tutela* confirmed the policy of *Crimen Sollicitationis* and *Secreta Continere* with regard to the pontifical secret. However, it reformed the canonical procedure to be followed in such cases. It reserved the delict of sexual abuse of a minor by a cleric to the Congregation for the Doctrine for the Faith, thus obliging local bishops and religious superiors to start reporting cases of such allegations to the Holy See.

Revisions to *Sacramentorum Sanctitatis Tutela* were made in 2010, 2019 and 2021.

In 2010, the category of ‘minor’ was expanded to include persons who habitually do not have the use of reason. The delict of sexual abuse was also expanded to include the acquisition, possession or distribution of pornographic images of persons under the age of 14, by any means, for the purposes of sexual gratification. The statute of limitations for cases was extended from 10 years to 20 years, notwithstanding the discretion of the Congregation for the Doctrine of the Faith to amend that on a case-by-case basis.

In 2019, Pope Francis raised the canonical age of a minor, in cases of acquisition, possession or distribution of pornographic images by a cleric, from 14 to 18 years.

In 2021, Pope Francis amended the document so it would align with the new provisions of Book VI of the Code of Canon Law. The revised norms stipulated, among other things, that a cleric who sexually abused a minor can be canonically prosecuted even when the cleric claims that he was unaware of the age of the victim. This provision is significant because the *Code of Canon Law* indicates that ignorance or error can at times impede canonical prosecution.

## 2008

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### *Papal meetings with victims and survivors*

Starting in 2008, Pope Benedict XVI began meeting regularly with victims of abuse during his apostolic journeys, including to the United States, Australia, Great Britain and Germany. This tradition has been carried on by Pope Francis.

## 2014

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### *Establishment of Pontifical Commission for the Protection of Minors*

In March 2014, Pope Francis set up the Pontifical Commission for the Protection of Minors. At first, he appointed eight members and a secretary; in December, he nominated eight additional members. The commission was tasked to promote the protection of minors and adults at risk, through methods it considered most appropriate and through cooperation with individuals and groups pursuing the same objectives. In February 2015, the statutes of the commission were published. Pope Francis wrote to the presidents of episcopal conferences and the religious major superiors, urging them to cooperate with the pontifical commission.

## 2019

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### *Meeting of Presidents of Episcopal Conferences*

In February 2019, Pope Francis summoned the presidents of episcopal conferences, the heads of the Eastern Catholic Churches, a number of major religious superiors and some members of the Roman Curia to an international meeting at the Vatican. The main goal of the encounter – often referred to as the Vatican Summit on Sexual Abuse – was to push the Catholic Church toward embracing a new “global approach” to child abuse and the protection of minors.

The summit focused on responsibility, accountability and transparency. Pope Francis highlighted aspects that the Church had to keep considering in its efforts to develop effective canonical norms on the protection of children: impeccable seriousness; genuine purification; selection and training of candidates to the priesthood; strengthening and reviewing guidelines by episcopal conferences; accompaniment of victims of abuse; the digital world; and sexual tourism.

### *Vos Estis Lux Mundi*

Pope Francis issued the apostolic letter *Vos Estis Lux Mundi* in May 2019, with the goal of translating the term “transparency”<sup>5</sup> into concrete norms, ensuring that bishops and religious superiors are held accountable for their actions. In a first for the Catholic Church, *Vos Estis Lux Mundi* distinguished between two kinds of canonical delicts regarding sexual abuse: offences against the Sixth Commandment, but also actions or omissions – committed by Church leaders – that are intended to conceal, hinder or prevent investigations of abuse. *Vos Estis Lux Mundi* also established new procedural norms on how to hold Church leaders accountable for their actions or omissions during

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<sup>5</sup> Francis, *Vos estis lux mundi*, Apostolic Letter Issued Motu Proprio, Vatican website, 7 May 2019, [https://www.vatican.va/content/francesco/en/motu\\_proprio/documents/papa-francesco-motu-proprio-20190507\\_vos-estis-lux-mundi.html](https://www.vatican.va/content/francesco/en/motu_proprio/documents/papa-francesco-motu-proprio-20190507_vos-estis-lux-mundi.html).

their term of office. Furthermore, the motu proprio ordered that by June 2020, dioceses around the world were to establish a clear, public, and accessible reporting system.

*Vos Estis Lux Mundi* encouraged everyone, and obliged members of the clergy and the consecrated life, to always and immediately report sexual abuse to Church authorities. It emphasised that everyone should abide by the civil laws of the respective country. *Vos Estis Lux Mundi* also stipulated that Church authorities must commit themselves to ensure that victims and their families are treated with respect, welcomed, listened to, and supported.

*Vos Estis Lux Mundi* was revised and updated in 2023.

## 2020

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### *Establishment of Safeguarding Task Force*

In February 2020, Pope Francis established a task force to assist episcopal conferences, as well as religious institutes and societies of apostolic life, in preparing and updating guidelines for the protection of minors, in accordance with the guidelines issued by the Congregation for the Doctrine of the Faith and current canonical legislation, especially the motu proprio *Vos Estis Lux Mundi*.

### *Vademecum on Investigation of Allegations*

In July 2020, the Congregation for the Doctrine of the Faith published a *vademecum* – a step-by-step manual containing practical and detailed instructions – to guide bishops, religious superiors and legal professionals in alleged cases of sexual abuse of minors by members of the clergy. The manual did not introduce new legislation. It came out in version 1.0, indicating that the Church was open to listen and update it where necessary. Version 2.0 was published in July 2022.

## 2021

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### *Revision of Book VI of the Code of Canon Law*

The revision of Book VI of the *Code of Canon Law* (On Sanctions in the Church) was promulgated in June 2021. About three-quarters of the book's canons were revised. The descriptions of crimes of sexual abuse, including child pornography, became more explicit, and the required actions of a bishop or superior of a religious order in handling allegations are more stringent. The revision moved the canons about the sexual abuse of children, on the part of a priest, religious or layperson working for the Church, out of the section on violations of the obligation of celibacy and into a newly titled section of *Offences Against Human Life, Dignity and Liberty*. It added to canon law the crime of 'grooming'.

## 2022

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### *Vademecum on Procedure for Handling Cases of Sexual Abuse*

In response to numerous questions about the procedures to be followed in those penal cases for which it is competent, the Dicastery for the Doctrine of the Faith prepared a vademecum, intended primarily for Ordinaries and other personnel needing to apply the canonical norms governing cases of the sexual abuse of minors by clerics.

The manual is meant to serve as a step-by-step handbook for those charged with ascertaining the truth in such criminal cases, leading them from notification to the definitive conclusion of the case. While not issuing new norms or altering current canonical legislation, this manual sought to clarify the various stages of the procedures involved. Its use was encouraged because it was determined that a standardised praxis will contribute to a better administration of justice.

## 2023

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### *Reform of the Penal Code of the Eastern Churches*

Similar to the changes made to the *Code of Canon Law* in 2021, Pope Francis announced changes to the *Code of Canons of the Eastern Churches* in March 2023. The updated Code for the Eastern Catholic Churches incorporated a series of laws and procedures promulgated over the past 15 years to protect children, promote the investigation of allegations of clerical sexual abuse and punish offenders.