



# **Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse: Issues Paper 2**

## **Towards Healing or Towards Harming?**

**Healing:** that heals; curing; curative; growing sound; getting well

**Heal:** to make whole or sound; restore to health; free from ailment

**Merriam-Webster Dictionary**

Care Leavers Australia Network (CLAN) is a support, advocacy, research and training organisation for people who grew up in Australia's orphanages, Children's Homes, foster care and other institutions. CLAN's objective is to raise community awareness of our issues, and to campaign for government assistance to redress them. Being raised without your family has lifelong implications that require lifelong support services. CLAN can provide information, understanding and emotional support and are campaigning for a national compensation scheme.

## **Introduction**

CLAN would like to take this opportunity to comment on the Towards Healing Issues Paper. CLAN's response has been informed by our experience with Care Leavers over the last thirteen years. CLAN has many members that were in 'care' in Catholic Orphanages and Children's Homes all over Australia who have subsequently had contact with the Towards Healing process. As a result CLAN has been privy to a multitude of feedback and numerous interactions with the Towards Healing process. It is from this experience that CLAN feels the Towards Healing process is completely inadequate and unacceptable. At this stage, it is CLAN's recommendation that the Towards Healing scheme be abolished and that funds be directed to a national reparations and compensation scheme facilitated by a body completely independent of any church, charity or government. CLAN hopes that by reading our submission you may gain a better understanding as to why we feel this recommendation is necessary.

## **What is Healing?**

As already demonstrated by definition, healing is the process of being free from anything evil or distressing, to grow sound or to get well (Healing. *Merriam-Webster's online dictionary* (11th ed.)). Retrieved from <http://www.merriam-webster.com/dictionary/healing>). The Towards Healing process is far from delivering these outcomes to the Care Leavers who suffered tremendous abuse at the hands of Catholic Institutions. In order for healing to occur, those representing Towards Healing need to act with compassion, humanity, sincerity and genuineness. Unfortunately this is not what occurs. As Father Dillon says in the Geelong Times (September/October 2013 issue) the church exacerbates the suffering of Care Leavers and other victims by not responding compassionately enough. As a result, even he feels that the Towards Healing Scheme is beyond repair as it has lost all credibility with those who have been through the process.

CLAN have felt this from the very beginning. When CLAN was first established we invited Sr. Angela Ryan CEO of Towards Healing to speak to Care Leavers at the CLAN office. This was the first and last time CLAN heard directly from Towards Healing at an organisational level. There was a general disappointment from our members who heard Angela Ryan speak, they felt she did not understand what they had been through, and that the Towards Healing process was really not aimed at them 'healing' at all. Towards Healing have made no effort to liaise with CLAN or to provide Care Leavers with much needed information. It must be said that their conduct with us as an organisation and with Care Leavers as a whole can only be described as reprehensible.

## **Comments on the Principles and procedures of Towards Healing**

From the feedback CLAN has received, the majority if not all Care Leavers who have had dealings with Towards Healing, have felt the experience to be a very unsatisfactory one to say the least. Whilst Towards Healing's principles may state that they strive for truth and healing for the victims, this is far from what is put into practice through their procedures.

Firstly, when an initial complaint or allegation is made to the Professional Standards Office, it is not always referred to the Towards Healing process. In some cases, Care Leavers have been referred straight to the religious order where nothing more than a discussion happens. In many cases these Care Leavers are unaware that there is a process such as Towards Healing that they are entitled to

access, and so their complaint never goes any further. Take for example one of our member's case where she made a complaint to the Professional Standards Office. This was referred to the Sisters of the Good Shepherd who held a meeting with her and her psychologist. In response to this meeting she was sent a letter saying "I am sorry that you *felt* alone and unsupported" (Please see Appendix A). Nothing more ever came of this. Another CLAN member who took part in Towards Healing was given an apology and told that they express their 'deep regret *for her memories* of harsh treatment' (Please see Appendix B). These are prime examples of the constant denial of liability and the disingenuous apologies the church are synonymous with.

Similarly, Valda another CLAN member tried to take her case to Towards Healing in 1996 when it was first being developed and was asked by the Archbishop Frank Little to take her case up with the nuns of the Good Shepherd. Firstly they tried to deny she had been in their care and when they finally admitted she was there they offered to pay for her counselling. She was also given excuses that her treatment was a symptom of the times and that those things were done commonly back then. In 1997, after Towards Healing had been established Valda was given \$2500 by the nuns. Please see Appendix C for a copy of a newspaper article outlining Valda's story.

Secondly, those Care Leavers who are referred to the Towards Healing process have commented that they find the whole thing confusing, overwhelming, and that the initial stages are rushed. This can be seen in Connie's case whereby after she contacted Towards Healing they called her often and assured her they were looking after her best interests. Connie did make assertions that she would prefer CLAN to be involved, but once again was assured that she had nothing to worry about. Connie then received a letter stating a contact person would be in touch with her shortly and this person would take her statement. The very next day someone called her and organised to go to her house the day after that. Connie felt rushed, pressured and felt as if she had no choice but to go along with this. Connie was never encouraged to have a support person with her. The contact person did indeed see Connie the next day and spent four hours taking her statement. Connie was told at the start that she would not have to sign anything. Connie also disclosed that she had some difficulty reading. This interview and the process of doing Connie's statement left Connie highly emotional and very distressed. Connie told us that the interviewer/contact person did not offer any comfort or sympathetic words to help calm Connie down. As soon as the statement was finished the contact person got up to leave, but not before asking Connie to sign a piece of paper. Connie was too distressed to do otherwise and signed the paper without reading it. This contact person made no offer to read the paper to Connie, knowing that Connie did have some difficulties reading. Whilst things were rushed up to this point Connie has barely heard from Towards Healing since. There have been no follow up calls to check on her or to update her on what's happening, she was just told she would hear from them before Christmas, and has since heard no more.

Similarly, another CLAN member Michael Little has experienced the harshness of the Towards Healing scheme. Michael also suffers from literacy difficulties and the process was never explained to him properly, so much so that he was unaware it was even a compensation process. Michael made a complaint which was taken up and mediated and he was asked if he would like a computer or a little holiday, which he replied yes to, and so he was given \$3000 compensation and asked to sign an agreement. Michael was never given an explanation of the agreement, never given a proper explanation of the process, and as such basically signed away his right to claim any more compensation from the Catholic Church and to relieve them of liability. Please find attached the

agreement that Michael signed in Appendix D. It must also be noted that the witness/support person Michael took with him also has difficulty reading. Michael informed the mediator Shane Wall and the nuns of their difficulties but still nothing was done in this regard. Furthermore, Michael only ever spoke with representatives of St Aidan's Bendigo where he spent his younger years, but he was never given the chance to speak with or have the abuse he endured at St Vincent De Paul Orphanage South Melbourne addressed by the Christian Brothers. When Towards Healing closed his case, they stated that he was dealt with by both religious orders but this was not the case (please see Appendix E).

Additionally, CLAN member Jan also had a negative experience with Towards Healing. Like many other CLAN members, Jan received a disingenuous apology and \$5000 compensation. Jan had exactly one month to sign off on the acceptance of this money, and was also offered \$1000 to obtain legal advice before accepting the offer. It must be noted though that Towards Healing does not refer to the payments as compensation, instead calling it "a sum of money as a gesture of pastoral concern" Please see Appendix F. This frustrates CLAN but is typical of their response that they cannot say something for what it is. This is done continuously throughout this process, ensuring that their wording removes them from liability and responsibility. Another aspect of Jan's experience which was particularly traumatic for her, was the fact that when she spoke about the labour she was forced to carry out in the Good Shepherd Convent Oakleigh laundry, instead of receiving an education, the nuns who spoke with her commented that they were giving her training. This ignorance and point of view is despicable but has come to be expected of the Towards Healing scheme and its reprehensible actions.

Moreover, CLAN member Cherie has had a terrible time with the Towards Healing process. As Cherie was in two Catholic Orphanages in NSW she was asked to attend two meetings one after the other with different nuns. The first meeting she had was with a Sr Monica who represented the Good Shepherd sisters. A mediator, Ms Solman was present, and it was during this time that Cherie was told by the nuns that this was her best option, and she could take them to court but she wouldn't win. They offered to pay her \$5000 for the medical neglect she suffered. The second meeting was with Sr Helen Baguley who Cherie described as lovely and not arrogant like Sr Monica. She told Sr Helen about the sexual abuse but she said unfortunately there are no surviving nuns so there is nothing they could do. Cherie who was sexually abused by a gardener at the Orphanage was told by the nuns that there was nothing they could because there were no employees records to be able to identify the gardeners name. Cherie said to the nun that she thought the abuse should be reported, but was told it is too long afterward. Cherie recalls this whole experience with trauma, saying after being made to relive everything, they end up treating you like a nothing and make you out to be a liar. She felt their mentality was that she should just get over it and get on with things, and what can they do about it. CLAN feels that this is reflected in the letter they sent to Cherie in which at one point they get her name wrong and call her Angela. Please see Appendix G.

Unfortunately more recently CLAN have also been privy to a letter describing further underhanded tactics of the Towards Healing process. We received a letter from a prisoner in Victoria who spent his childhood in 'care' in a Western Australian Catholic Children's Home. This man was put in contact with Towards Healing through Broken Rights whilst in prison. Coincidentally at the same time the WA Redress scheme was also open. Towards Healing informed this man that they would help him with compensation, counselling and housing, therefore he would not need to go through WA

Redress. Towards Healing met this man in prison, sat with him for six hours and took a statement. At the end of this he was required to sign a contract (most likely a non-disclosure agreement) which he said was an agreement not to speak about his abuse to anyone in the future. The representative from Towards Healing also apologised to this man at the time. After this, he never heard from Towards Healing again, and of course the WA Redress scheme closed. As a result of Towards Healing's advice he received no compensation from any source. Please see Appendix H.

Similarly, elderly CLAN member Ron disclosed his severe physical abuse to Towards Healing when he met with two Christian Brothers and a mediator. Ron was in Western Australian Catholic Orphanages in the 1930's and 40's, Clontarf, Tardun and Bindoon. Ron was strapped almost 100 times in the one sitting by a Christian Brother, and had a chair broken across his head to name but a few incidents. Moreover Ron was one of the boys responsible for actually building Bindoon Orphanage. They were deprived of schooling and forced to live in tents while this orphanage was being built. Ron was used as slave labour whilst in the 'care' of the Catholic Church, and he received nothing but a verbal apology. Ron was told that they couldn't do anything about his case because it would set a precedent and then they would have to face many more claims similar to his. He was told that they would get back to him in a couple of months to see if there was anything more they could do for him, but Ron never heard back. This was two years ago.

In regards to the processes involving the accused, CLAN are unaware of any outcomes with perpetrators as a result of Towards Healing. As previously mentioned there is always a denial of liability and a refusal to accept responsibility. If anything is followed up with the accused it must be an internal process that no one else is privy to as none of our members have ever heard anything about their abusers from Towards Healing. The closest any of our members has come to this, was to be told by Towards Healing that there are no records left from their time in the Children's Home and as such their abuser cannot be identified. In light of all this it seems very unlikely that any action is taken against the accused and that the matter is pursued further. Once again their nicely worded policy statement about responding effectively to the accused and those guilty of abuse, is just that, words that are never put into practice.

Another issue CLAN take with Towards Healing and every other compensation scheme that operates is their interaction with Medicare under the Health and Other Services Act 1996 (HOSC Act). This Act enables Medicare to 'recover' medical expenses they have subsidised from any compensation payments over \$5000. This is a ridiculous requirement and an underhanded process only aimed at raising revenue. The idea that Care Leavers go through the horrific process of reliving their trauma to be left with an even smaller amount than they were initially compensated is preposterous. The inequity of Care Leavers having to repay the system that failed them in the first place and left them in the disadvantaged position they currently find themselves in is beyond contempt. Either this Act needs to be abolished or Medicare should seek to recover expenses from the organisation paying the compensation, in addition to what they have already paid the Care Leaver.

Similarly, CLAN member Cherie, received a combined \$12000 from Towards Healing, but when she applied for Victims of Crime Compensation in NSW, her compensation payment of \$50000 which was awarded to her deducted the \$12000 from Towards Healing so she only received \$38000. The practice of doing this is appalling. Care Leavers receive such miniscule amounts of compensation compared to many others who can pursue a case civilly. It is disgusting that the Government would

then deprive them of the total amount of compensation which has been awarded to them. It must be remembered that even though Cherie was in Catholic Homes, the negligence of the Government played a role in her, and other Care Leavers abuse, as she was a state ward and the State Government had a duty of care to her and others.

As you can see from our experience with Towards Healing, the policy may state one thing but the procedures are very different. Either individuals never get to the Towards Healing scheme because they aren't referred to it by Professional Standards, or Towards Healing steps in and effectively deprives Care Leavers of all other opportunities to seek redress and compensation. Their procedures leave Care Leavers feeling distressed, confused, and cheated. Is it not enough that they won't compensate Care Leavers properly? How ethical and moral is it to deny Care Leavers access to other sources of compensation.

### **CLAN's recommendation:**

It is for this reason that CLAN believe Towards Healing should not be responsible for doling out the minimal amounts of compensation that they do. They do not treat Care Leavers and other victims of theirs with respect or humility as they may suggest. This whole process leaves Care Leavers feeling stressed, upset, and at times suicidal. They go through all of this only to get nothing in return or such poultry amounts that to them it was just not worth going through. The financial settlements that Care Leavers are given do not reflect the level of abuse they endured. This is why it needs to be taken out of the church's hands. This is why there needs to be a National Reparations Fund contributed to by all churches, charities and state governments. Towards Healing, as well as every other compensation process run by various churches and the state, are inadequate and only serves to re-traumatise Care Leavers.

### **Comments regarding assessors, facilitators, and other third parties**

As it was mentioned above, the mediators and facilitators play a vital role in this process. However, their performances with our members have been less than adequate. In Michael's case his mediator, [REDACTED] works for and is paid by the Catholic Church. It is very obvious that in Michael's case, [REDACTED] overlooked his responsibility to mediate and to ensure that Michael obtained a desirable outcome. [REDACTED] knew of Michael's literacy difficulties, yet he did not make any effort to further explain the process, to decipher what was going on for Michael or to ensure that Michael understood the document he was signing. [REDACTED] was not an objective, independent or impartial mediator, he simply worked to obtain the desired outcome for his employer, the Catholic Church. Had [REDACTED] actually fulfilled the mediator role, perhaps Michael would not have been cheated in the Towards Healing process.

Similarly, the facilitator/contact person that visited Connie had no regard for the emotional and psychological distress she was putting Connie through. She even made her sign an important document whilst in her most vulnerable state. If this person was truly looking out for Connie's interests, or at least ensuring the ethics of the Towards Healing process, she would not have done this.

In another case, a CLAN member who has since died, had a legal case against the Christian Brothers. As part of this case, the Christian Brothers required Mr Sheedy to see their psychiatrist, [REDACTED] undoubtedly, someone who they use in many cases against them. Mr Sheedy had an intellectual disability and the psychiatrist would not allow his sister to stay with him during the interview. When his sister insisted she be there with him she was allowed into the room but not permitted to speak at all. This psychiatrist then had the hide to say Mr Sheedy's psychological state was mostly due to family issues prior to him being in care and not the repeated rapes and other sexual abuse and use that the Christian Brothers inflicted on him. He did this by attributing an arbitrary percentage, 55% of Mr Sheedy's psychiatric issues to 'family matters'. By the way, Mr Sheedy was placed in 'care' when he was 2 years old and did not live with his parents after that. It is very clear that those hired and paid by the church, have a very hard time remaining impartial. Please see Appendix I for attached documentation.

What makes these situations harder is that Towards Healing makes it very difficult for Care Leavers to have a support person, or solicitor with them through the whole process. As mentioned before the initial stages are sometimes rushed which makes it hard for this vulnerable population to access the support it needs in time. At times, those involved with Towards Healing also discourage or guilt Care Leavers into feeling that they shouldn't need a support person because their interests are being looked out for with Towards Healing. Perhaps if every person that went through the Towards Healing process had an informed support person with them they wouldn't be taken advantage of as they currently are.

The concept of Care Leavers going back to their abusers for compensation is an archaic one. This is an extremely distressing process as they not only have to go back and face those who may well have abused them, but they have to tell their whole story to people who are unsympathetic and who are doing nothing more than trying to protect their own interests. Care Leavers are forced to relive every detail of their abuse, with nobody supportive at their side. Would we ask a rape victim to go back to their rapist? Of course not, but when it comes to institutional abuse, we seem to think it is okay for the abusers to be the ones doling out the compensation. This needs to change.

#### **CLAN's recommendations:**

- It should be taken out of their hands and instead an independent national reparations scheme be established. CLAN have made other recommendations for the scheme as it is but ultimately, CLAN feels that even if these changes were implemented we are still in the predicament whereby the victim has to turn to the abuser.
- Every mediator, facilitator and assessor be independent from the Catholic Church and the individual religious orders.
- All mediators, facilitators and assessors need to be appropriately qualified and ideally possess counselling skills as their line of questioning can leave Care Leavers feeling highly distressed.
- All Care Leavers, and any other victim participating in Towards Healing be able to name a support person at the beginning of the process. From this point on all conversations and correspondence be directed to both of them. The support person should be liaised with and involved in every step of the process, so as to support the participant through the process. This not only provides support, but ensures their rights are not taken advantage of.
- No interview or assessment is to take place unless a support person is there.

### **Comments on the impact of Towards Healing on the criminal and civil justice system**

As of late, Towards Healing are asking claimants to sign a statement saying that they were encouraged to go to the police and that the claimant has chosen not to. It also states that if they decide to go to the police in the future, they must inform Towards Healing in writing before they can do so. Please see Appendix J. This is used as an intimidation tactic by the church so that Care Leavers and others who were abused will not report the abuse to the police. This also makes the church look as if they were encouraging Care Leavers to access the criminal justice system, which in our experience they are not. Furthermore, and perhaps the most important reason for this statement is that it will give the church warning that a current or former employee may soon be the subject of an investigation and perhaps litigation. Knowing this information puts them at a distinct advantage. In this way, once again they are protecting the abusers and perpetrators, and are trying to bypass and circumvent the criminal justice system. In doing this they are also putting other children and vulnerable people at risk by knowingly, leaving and protecting a perpetrator who is out there.

We have also been made aware that when individuals are offered minute and poultry amounts of compensation at the end of the Towards Healing process, it is done so on the condition they sign a non-disclosure agreement. This non-disclosure agreement may prevent or intimidate Care Leavers and other victims into not reporting their abuse to the police for fear they will be sued by the church for contravening their agreement. This causes a great deal of distress to Care Leavers as they feel they are no longer allowed to talk about their abuse or about the terms of their settlement with the religious organisation or church. Once again nothing is done throughout the process of Towards Healing to prevent it from getting to this stage, they are never encouraged to have a support person let alone a legal representative. It must also be remembered that when dealing with Care Leavers, many as a result of their childhood experience have limited education and literacy levels, this makes them extremely vulnerable and a prime target to be taken advantage of.

Similarly, these agreements also release the church of liability and any future civil action. Considering the difficulty with taking civil litigation against the church and their religious orders (due to the way their assets are set up within property trusts), if the Towards Healing scheme worked well it could provide Care Leavers with appropriate compensation and a good alternative to the civil system which can also be long and costly. Nevertheless, the church uses the Towards Healing process to put Care Leavers in a double bind and in a position of deep disadvantage.

On the whole, the Towards Healing process is set up and conducts itself in a manner that prevents fair and adequate access to both the criminal and civil legal systems to those most vulnerable in our society. In some ways, it seems like this is the true purpose of Towards Healing.

#### **CLAN's recommendations:**

- Once again, CLAN believe the only way Care Leavers will be compensated properly and treated with dignity is if this is taken out of the Catholic Church's hands and is conducted independently through a national compensation scheme.
- There should be no types of contracts and statements involving any obligation to inform Towards Healing before going to the police.



- Compensation should not be conditional on non-disclosure
- Care Leavers should not sign anything unless in the presence of a legal representative who has explained and made sure they understand the implications of signing the document.

### **Options for Compensation and redress**

Currently, there is no clear criterion or guidelines which outline how claims are determined and what payment levels are. Care Leavers do not know who determines their claim or how the compensation amount has been come up with. This needs to be transparent and Care Leavers should have access to material explaining how this works.

At present there also is no form of appeal through Towards Healing. There needs to be an independent and impartial review process with clearly set out guidelines for Care Leavers and their support persons to access. In this way Care Leavers are free to pursue an appeal if they feel their claim has not been dealt with fairly.

As discussed prior, there are a number of difficulties with Care Leavers accessing the civil legal system to obtain compensation for abuse suffered at the hands of the Catholic church. Considering this, the main objective of Towards Healing needs to be in giving financial compensation. Other forms of redress may be explored but the first priority needs to be monetary assistance. Options such as counselling and case work are things that can be accessed through a variety of other sources. The thing that most of these support agencies can't do is to give Care Leavers the compensation they deserve. Furthermore, as previously mentioned, there is an inherent immorality in asking Care Leavers to go back to the institution and the individuals which abused and took advantage of them, for redress and assistance. This should not be the case, and therefore offering other forms of redress like counselling and support from the institutions presents an ethical dilemma.

Another aspect of this process which is imperative and needs to change are the apologies which are given to Care Leavers. Any apology which is given as a result of the Towards healing process needs to be given respectfully and needs to show an acceptance of responsibility. Apologising, but denying liability at the same time is NOT a proper apology. Any apology needs to be genuine and it needs to be personal. It should have the Care Leavers name on it, and it should state exactly what they are sorry for. This is a very important outcome for Care Leavers and their families, and is an essential part of a desired outcome from Towards Healing.

Lastly, Towards Healing needs to understand that Care Leavers need their experiences dealt with holistically. This means that they must be free to access all options available to them, whether it be reporting to the police, taking up civil litigation, speaking about their abuse in the media or even participating in this Royal Commission and similar Inquiries. Therefore, Care Leavers should not be expected to sign the non-disclosure agreements so they are free to deal with their abuse in any way they see fit. If the church was genuinely concerned about Care Leavers and their other victims rather than with their reputation, they would not focus so much effort on attempting to gag them.

### **CLAN's recommendations:**

- Clear and easily understandable criteria and guidelines which all claimants are given telling them how their compensation payment will be determined.

- The opportunity to appeal the decision, run by an independent and impartial panel.
- Access to all available records, documentation, photographs, annual reports etc from a Care Leavers time in the Orphanage/Children's Homes.
- Personally written apologies
- A public apology by all Past Providers to be held in Parliament House. This needs to be advertised at CLAN and other groups, as well as in newspapers nationwide. Apologising on a website or in front of a small group of people is not sufficient and is not public enough. This needs to be accessible to all Care Leavers, and website apologies are not as many older Care Leavers are not computer savvy.
- Financial compensation needs to be the first priority and Care Leavers should be given top up amounts when they have been give poultry amounts to begin with.
- For the Catholic Church to contribute to a National Reparations Fund with other churches, charities and governments. CLAN firmly believe that compensation needs to be taken out of the Catholic Church's hands. While it is there Care Leavers will never receive an adequate amount, they will be re-traumatised and they will not achieve any sense of justice or fairness.

### **Concluding thoughts**

CLAN would like to thank you for the opportunity to express our concerns about Towards Healing. It is clear that there are many issues with the Towards healing process, and as we have said on numerous occasions we feel nothing with change as long as the Catholic Church have the control to determine how Care Leavers and others are treated, how much compensation they are given, and how the perpetrators are dealt with. It needs to be taken out of their hands so as not to do more damage to some of our most vulnerable members of society. The time is long overdue for an independent compensation scheme to be established.

We would also like to take this chance to draw your attention to other churches and charities whose professional standards units, and internal compensation schemes are very much the same as Towards Healing, and fall quite short of the mark. This again reaffirms our belief that it needs to be taken out of their hands.

- The Salvation Army's Professional Standards Unit: They take people's stories, make them offers and sometimes never get back to them with how to claim it.
- Anglican professional standards unit: Does not have jurisdiction over all Anglican Orphanages and Children's Homes. For example in Tasmania, Clarendon Children's Home is now run by a board and have their own very complicated and unjust Pastoral Assistance Scheme. CLAN are currently trying to navigate through this for a member. The Anglicans have also tried to deny their association with some of their Homes over the years and there have been battles to locate records of those who were in the Church Of England Children's Homes Burwood which are held at the Weldon Centre.
- CLAN have also been trying to contact the NSW Masonic Centre to find out about their processes for dealing with complaints of abuse and if they have an internal compensation

scheme. They have never gotten back to us with an answer despite many attempts on our behalf.

It is clear that most if not ALL past providers of Orphanages, Children's Homes and foster care, methods of dealing with complaints of abuse is inadequate. Care Leavers deserve the treatment they endured as children to be validated and addressed and not just the sexual abuse either. Towards Healing actually told one CLAN member that they would not compensate her for the back breaking child labour she did in their laundries, as they provided her with an occupation. How will Care Leavers ever get justice when organisations like the Catholic church (and many others we have mentioned) run schemes such as these the way they do.

Any improvements need to focus on the scheme being transparent, independent, having checks and balances, involving support persons and constant liaising. This will never happen when these are run internally by past providers, there is too much of a conflict of interest, and there is too much at stake for them not to protect their own interests and assets. CLAN implores you to see this, and to make recommendations that an independent national panel be established without delay. This panel should be responsible for compensating Care Leavers who were abused in all ways, not just sexually. Presently those who were physically abused, neglected, psychologically and emotionally abused, or who were forced to carry about child labour at laundries and for example building Bindoon Orphanage at the expense of an education, are not entitled under Towards Healing. This needs to change.

In order for Care Leavers to have a sense of justice, we need to establish an independent national compensation fund, free of any involvement from any churches, charity and state government officials. Their only involvement should be to make financial contributions. Past Providers are where the crimes were committed, they need to be part of the solution.

## APPENDIX C:

### It's never too late to say sorry

By Murray Mottram  
June 7 2002

The story of Valda Hogan and her brothers reads like something out of Charles Dickens. Their father was an alcoholic and their mother was ruled unfit to care for her seven children. The children were then made wards of the state and farmed out to various Catholic Church institutions in Melbourne.

For at least three of them, the "parental" care of the church in the 1950s and 1960s resulted in physical and sexual abuse as children, the legacy of which was adult lives wrecked by emotional trauma.

One brother, who was mentally disabled from childhood, is under state guardianship. Valda has had a nervous breakdown and spells in psychiatric hospitals. Another brother describes himself as "a nervous wreck" and blames his inability to form relationships with women on eight years of sexual abuse by a brother from the St John of God religious order.

Valda and her brothers have been through the church's system for dealing with its victims, only to emerge with more pain and bitterness.

The payments they received from the Catholic Church for the way they were treated vary from \$2500 to more than \$50,000.

They were concerned about the consistency of the process, and none of them has received what they wanted most - a personal admission of guilt and an apology. "I would rather have them standing in court than have the money," says Valda.

Valda joined her elder sister at the Sisters of the Good Shepherd Convent, in Abbotsford, in 1950 when she was two years old. Three brothers went to the St John of God Brothers hostel, in Cheltenham, and two to St Vincent's, in South Melbourne.

At Abbotsford, the nuns effectively became Valda's parents. But it was not a loving environment and Valda describes her upbringing as brutal. Now 55, she recalls being punished for bed-wetting by having her soiled sheets draped over her head in front of the rest of the girls in her dormitory. She was then sent about her duties without being allowed to wash. The other children called her "pissy".

She says that most of her days at the convent were spent peeling potatoes, scrubbing floors and working in the laundry, which took in commercial contract work.

"Most of the others went out on play days but I had nothing like that," says Valda. "I had no chance to have proper schooling."

If she giggled too much or was cheeky, nuns would punch her hard enough to blacken her eye. On one occasion a nun struck her so hard with a musical instrument she needed to have her head stitched. She saw other girls being assaulted.

At the age of 12, she was sent to another institution, Marillac House, in Brighton. There, she says, she would be punished with long spells in a dim, mice-infested cellar. She ran away once and was briefly placed in the Winlaton girls' detention centre before being returned to Marillac House.

A government welfare worker's report in 1962, when she was 15, said she had the mental age of 10 or 11 but was well behaved. Her education was so poor that when she left the care of the Good Shepherd system at 18

she could neither read, write nor tell the time. "My sister took me in after I turned 18 and left the nuns and she's the one who taught me to read the clock," says Valda.

Fortunately, Valda was not sexually assaulted, unlike two of her brothers who were at the St John of God hostel, in Cheltenham.

Valda's case was dealt with as the Catholic Church was developing its national Towards Healing policy, introduced in December, 1996. The current document, updated in December, 2000, says: "Where a priest, religious or other person appointed to a position of pastoral care . . . has acted towards a child or young person in a way that causes serious physical pain or mental anguish without any legitimate disciplinary purpose as judged by the standards of the time, this constitutes abuse."

At the urging of Mary Wiegerink, an Open Family social worker, Valda wrote to the then archbishop of Melbourne, Frank Little, in 1995. She received a two-paragraph reply telling her to take up her case with the Sisters of the Good Shepherd.

Wiegerink says she was appalled by the nuns' response. "It was humiliating. They refused to acknowledge her at all. They said she had never been in their care. Then they said they had lost all the records in a fire. Finally they did admit she had been there and agreed to pay for some counselling."

A meeting was arranged between Valda and senior nuns, but there was no admission of overly harsh treatment or an apology. "They said, 'Well, they were the times'," Wiegerink says. "Society was still smacking children then but locking small children in a basement - that's cruelty." By this stage, George Pell had replaced Little as Archbishop of Melbourne and had introduced his own abuse compensation scheme. But it was limited to the archdiocese of Melbourne, which does not have responsibility for the Sisters of the Good Shepherd.

Valda says she was batted between the two systems until 1997, when the nuns offered her \$2500 towards medical and education expenses. After paying her lawyer, counsellor and other debts she had enough "to do a bit of shopping".

Valda has spent her adult life on a disability pension, unable to hold down a job because of emotional problems and her lack of literacy - she only learned to read and write a few years ago.

One of her brothers settled his case with St John of God before either the Towards Healing or Pell schemes were introduced.

From the age of nine he was sexually abused at the Cheltenham home. When he moved to another hostel and worked up the courage to tell one of the brothers there, the reaction was devastating. "The brother screamed at me, 'I don't want to hear anything about it, get out of here'," he said.

Now 52, he has had no professional counselling, suffers from insomnia and has been unable to form lasting relationships with women. He cannot talk of his time with St John of God without breaking down in tears.

After seeing a television program on boys abused in a church home, he contacted a lawyer who took up his case. A meeting was organised with the St John of God lawyers, where he asked for compensation of \$60,000.

"They said there was no way I was going to get that. I was taken into an office and told to sign for \$11,500 with no apology. I was in tears but my lawyer said I would just have to accept it."

He says that knowing what he does now, and after witnessing the settlement of his brother's case last year for about the figure he asked for, he would have bargained harder.

David Forster, the lawyer who represented Valda's mentally impaired brother, said the church's response had improved through the Towards Healing and Pell processes, but it was still effectively a law unto itself.



A legal technicality dating back to the reign of King Henry VIII - involving the removal of Catholic rights to own property - meant the church had no legal entity that could be sued. The church's money is held by trustees who are legally separated from the church. This meant victims had to accept the church's compensation system or get nothing. (The Anglican Church is a legal entity that can be sued and its money is held by each archdiocese.)

Forster says the cases of Valda and her siblings highlights the need for a unified, national approach to dealing with victims' claims.

"It all depends on the individual attitudes of the particular order or leader of the different branches of the church and whether they tell their lawyers to play hardball or be generous," says Forster, who has handled about 100 church sex abuse cases.

"With all the processes they have got, if you want to settle with them you have to accept less than the claim justifies."

Forster says a better system would be to have the church fund an independent ombudsman in each state to investigate abuse claims and report to parliament.

*The Age* was unable to contact a spokesman or woman for the Sisters of the Good Shepherd yesterday.

The head of the Brothers of St John of God, Brother Peter Burke, said the order had apologised many times for the sexual abuse committed by its members. "I apologise again to him (Valda's brother who received the \$11,500 settlement) personally and on behalf of the order."

In light of the new protocols in place since the settlement, the order was happy to review his case.

Burke said the order was finalising negotiations with lawyers for 23 clients or former clients of St John of God operations in Victoria. "I know no amount of financial consideration can ever repair the harm done, but I can assure everybody that both sides in the current mediations have been working for a long time on what I feel is going to be the best possible outcome for the victims. It is the victims and their families who simply must be the one and only focus in all of this."

## APPENDIX J:

### PROFESSIONAL STANDARDS RESOURCE GROUP, VICTORIA

#### POLICE STATEMENT (As required by Towards Healing 37.2)

"The Catholic Church has strongly urged me to take my complaint to the police or other civil authority. It has been carefully explained to me that any process the Church establishes cannot compel witnesses, subpoena documents or insist on a cross examination of witnesses. It cannot impose the same penalties as a criminal court. Aware of these limitations, I still state that I do not wish to take my complaint to the police or other civil authority at this time and I ask that a church process be established" I undertake that if I change my mind and decide to have my complaint referred to the police or other civil authorities at any subsequent time, I will give written notice of that decision to the Professional Standards Office."

Complainant's name:

Complainant's signature:

Date:

#### PRIVACY STATEMENT

"I understand that information I provide to PSRG Vic. is to enable it to implement the principles and procedures of Towards Healing. This information may be disclosed to others for administrative, investigative and pastoral care purposes or if required by law. Those to whom information is disclosed include the Church Authority and its legal and financial advisors, people providing services to PSRG Vic including contact persons, support persons, assessors, counsellors, facilitators and reviewers. I understand that PSRG Vic. takes the necessary steps to protect my privacy and to maintain confidentiality."

Complainant's name:

Signature of Complainant:

Date:

TOWARDS HEALING