

*"Achieving justice is more important than protecting reputations..."*



# Holding churches to account

By Brian Hilliard

**I**n his valuable contributions to this edition, Andrew Morris SC makes an impassioned plea for the Catholic Church to be treated equally before the law. Although I am not a Catholic, I did attend a Catholic boarding school during the 1970s. Apart from the fact that, in my opinion, the priests had an overly liberal policy when it came to the use of the cane for petty offences, I had no cause to complain about the behaviour of the priests with whom I came into contact.

I was completely taken by surprise, then, when a few years ago priests who had taught at my school when I was there were charged with serious sexual offences against some of the other boarders. But child sex abuse by priests is not an exclusively Catholic issue, however.

Some years ago I acted for a young man who was serially offended against from the age of about 11 until about 17, primarily by a priest at the Anglican Church in Tasmania. I therefore had access first-hand to how the Anglican Church dealt with such allegations, and I must say that my standing as a born-again atheist was deeply entrenched by the experience.

As in the well-known John Ellis case, the defences utilised by the church were to argue, firstly, that the priest was not employed by them but rather by God, and that any entity we attempted to sue would have no liability for the actions of the priest,

notwithstanding the significant evidence that many members of the church (including the Archbishop at the time) were well aware of his activities. They had deployed the tried and tested stratagem of churches in these circumstances over the years of simply moving the offender on and warning him to be more careful.

Most outrageously, however, at an informal conciliation conference in relation to the claim, the church brought up an allegation made by another member of the congregation against my client when he was around 17 or 18. At the time, he was living in the rectory with the offender in a town remote from his mother (his father having committed suicide when my client was 11). Making it clear that if the matter were pursued, these allegations would be brought out in the open, the church then made a low offer. Given the circumstances, I considered the church's strategy to be totally reprehensible – and I still do.

At the time of these alleged offences, my client had been under the influence of a charismatic, older man for something like seven or eight years, and had been indoctrinated by him through propaganda and exposure to other men in a circle of pederasts to accept this sort of behaviour as normal. His realisation of this in his mid-20s led to his breakdown which, in turn, led him to seek legal advice. It was entirely likely that any aberrant behaviour on behalf of my client in his

late teens was largely a manifestation of the damage caused by the priest's activities, rather than a demonstration of any culpability on my client's part.

My client accepted the offer, but before the damages were paid he was found dead in a car due to carbon monoxide poisoning. There was more than a lingering doubt in my mind that my client considered himself to have been the victim of blackmail by the church.

The actions of predatory priests can properly be described as evil; but the damage they wreak is multiplied dramatically when the very institutions that are supposed to have a caring role in society act in such a flagrantly irresponsible and unaccountable manner. I heartily support the call for legislation to ensure that these organisations be held accountable for their actions. The victims of pederast priests should be treated with dignity and respect, and this means putting their rights to justice above the protection of the churches' reputations. ■

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