



INSTITUTE OF  
**SISTERS of MERCY**  
OF AUSTRALIA & PAPUA NEW GUINEA

ABN 42 931 784 103

2 August 2023

Dr D J Honey, MLA  
Chair  
Community Development and Justice Standing Committee  
Parliament House  
4 Harvest Terrace  
WEST PERTH WA 6005

Dear Dr Honey,

**Inquiry into options available to survivors of institutional child sexual abuse in Western Australia who are seeking justice**

I refer to your letter dated 28 June 2023. The Institute of Sisters of Mercy of Australia and Papua New Guinea (Institute) welcomes the opportunity to make a submission to the Community Development and Justice Standing Committee Inquiry.

This is the second Inquiry arising in Western Australia within a short period of time, the Institute has been invited to engage with. The first being the Inquiry into forced adoption practices in Western Australia.

In respect of the general questions asked, the Institute has been involved with several Redress Schemes, National and State, that have been or are being created throughout Australia. The Institute has also been involved in civil litigation throughout Australia.

It is important to note that four separate groups are engaged in the ongoing work of Mercy in Australia and Papua New Guinea, they being ISMAPNG (Institute), Sisters of Mercy Brisbane, Sisters of Mercy North Sydney and Sisters of Mercy Parramatta.

This submission addresses matters only concerning ISMAPNG (Institute) and its predecessor institutions in Western Australia.

**HISTORY OF THE SISTERS GENERALLY**

The Institute of Sisters of Mercy of Australia and Papua New Guinea (ISMAPNG) came into being on December 12, 2011. Along with other autonomous Mercy congregations throughout the world, ISMAPNG derives ultimately from the Order of Mercy founded in 1831 by the Venerable Catherine McAuley in Dublin, Ireland. It was the intention of the founder that to enable a response to local needs there would be no central governance. This has remained the arrangement to date although some amalgamations have taken place such as the formation of ISMAPNG.

Inspired by Catherine's steadfast commitment to the God of Mercy and her lifetime work of uplifting people through the Works of Mercy, ISMAPNG continues to enliven the tradition of Gospel service and ministerial religious life which she began.

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### ***Beginnings in Australia – 1846-1907 – From one to fifty-two Congregations***

Mercy religious life began in Australia when Sister Ursula Frayne and six companions from Dublin made a foundation in Perth, Western Australia.

Over the next fifty years, seventeen more foundations were made in Australia. Of these, fourteen were from Ireland, two from England and one from Argentina. The sisters came at the invitation of Australian Bishops concerned to provide education, health care and pastoral services for the growing Australian Church. By the beginning of the twentieth century there were 52 autonomous Mercy congregations throughout Australia. Although independent of each other, the Australian congregations shared their love for the memory of Catherine McAuley and their dedication to the tradition of apostolic religious life.

Over the years congregations of the Sisters of Mercy were encouraged to come together with such amalgamations ensuring the ongoing viability of the Orders.

In 1981 seventeen small independent congregations came together to form the Institute of the Sisters of Mercy of Australia. The Institute's membership increased to 18 when the Holy See gave canonical status to the autonomous region of Papua New Guinea in 2006.

The independent congregations indicated a desire to become one congregation and on 12 December 2011 ISMAPNG was created with fourteen congregations electing to join ISMAPNG. Throughout Australia and Papua New Guinea the Sisters' ministries were concerned with health, aged care, education and community service.

The diminishing capacity of the Institute to continue to provide effective governance for its ministries because of factors such as its ageing membership, decreasing ability to meet ongoing demands for professional excellence in its ministries as well as frequent and pressing requirements for compliance with complex government and industrial regulation led in February 2020 to ISMAPNG deciding to proceed towards the formation of a Public Juridic Person of Pontifical Right to take over leadership of its health, education and community services ministries to ensure that the ministries would continue to flourish in the future.

The Public Juridic Person is an innovative model of lay leadership in the Catholic Church, instigated by religious institutes to enable their ministries to continue as works of the Church. With the establishment of the new Church authority Mercy Ministry Companions, ISMAPNG transferred stewardship of incorporated ministries from the Institution to MMC Trustee Directors who are lay people.

In 2021 ISMAPNG petitioned the Holy See to create the new public juridic person named Mercy Ministry Companions. On 3 December 2021 the governance of the institutional ministries of ISMAPNG (schools, hospitals, aged care facilities and community service agencies) were then transferred to the ongoing care of Mercy Ministry Companions.

ISMAPNG continues to have ongoing responsibility for its small ministries and for the care of its ageing sisters. ISMAPNG is now a small congregation comprising just under six hundred sisters throughout Australia and Papua New Guinea and whose average age is 80.81 years.

### **Terms of Reference**

The Institute has not experienced any particular difficulty in its engagement with the Courts in Western Australia when involved in civil litigation.

The Institute is regularly challenged by decisions made under the National Redress Scheme. Some of the areas of difficulty; living on; the burden of proof being unclear and set very low; little weight being given to the Institute's submissions; claimants engaging in both civil claims and the Redress Scheme concurrently, causing Institutions

to expend considerable sums on legal costs; deeds of release; alleged offenders being often incapable of being identified; living persons being named as alleged offenders in circumstances where it is not possible for the alleged offender to respond in an appropriate manner - several awards have been made against alleged offenders who have not opportunity to respond or do not know; Institutions not having a right to request a review of a decision.

In addition to Civil claims and the National Redress Scheme, the Institute provides a direct claim process where a person can ask the Institute to provide compensation. Any claim made directly to the Institute is assessed by an external panel of highly experienced legal and safeguarding practitioners.

### **Request for Specific Information**

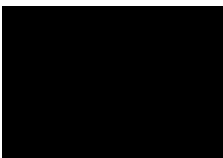
Please refer to the table attached in response to your specific questions. Question five is quite complex. Very few Sisters of Mercy have been named as being perpetrators of sexual abuse. The Institute has been brought into most claims because they ran or managed orphanages and or schools at which children were sexually abused. Under the National Redress Scheme offenders are often described as “a nun” “sisters” “priests” “other child residents/students” with no further identifying information being provided.

### **Conclusion**

The Institute is committed to engaging with survivors of childhood sexual abuse in a compassionate and survivor focused manner. Pastoral support is offered to all claimants to assist in relationship restoration and to assist a claimant’s journey towards personal healing.

It is hoped that this submission and the attached summary of the Institute’s data involving historical sexual abuse claims in Western Australia is of some assistance to the Inquiry.

Yours sincerely,



Eveline Crotty RSM  
**Institute Leader**

**Inquiry into the options available to survivors of  
institutional child sexual abuse in Western Australia  
who are seeking justice**

1	How many claims have been made through:	
	a) NRS	92
	b) Civil litigation both, before and after the introduction of the 2018 Act	14
	c) any other allegations dealt with outside a) and b)	0
2	Of those claims or allegations, how many (for each category) have resulted in financial payments to the claimants	
	a) NRS	46
	b) Civil litigation both, before and after the introduction of the 2018 Act	11
3	What was the average payment for each category	
	a) NRS	\$60,759.45
	b) Civil litigation both, before and after the introduction of the 2018 Act	\$52,821.31
4	How many claims are still to be finalised in each category	
	a) NRS	21
	b) Civil litigation both, before and after the introduction of the 2018 Act	3
5	How many individuals in your organisation have had allegations of child sexual abuse made against them	
6	How long did it take on average to finalise the claims in each category	
	a) NRS	47 weeks
	b) Civil litigation both, before and after the introduction of the 2018 Act	1 year 2 months