



CATHOLIC ARCHDIOCESE
OF MELBOURNE

Submission
to Protecting Victoria's Vulnerable Children Inquiry

23 August 2011

1. INTRODUCTION

This submission is made by the Vicar General on behalf of the Catholic Archdiocese of Melbourne.

The Catholic Archdiocese of Melbourne comprises in excess of 1 million Catholics in 219 parishes. The Archdiocese provides services to the Catholic and wider community in these areas: religious worship and pastoral care (parishes, churches, shrines, chapels and chaplaincy services); health (public and private hospitals); aged care (residential and non-residential services); social welfare and community services and education (primary, secondary and tertiary in 256 primary, 67 secondary and 7 special schools, 1 seminary for diocesan clergy, Australian Catholic University and the JPPII Institute for Marriage and Family).

The role of the Church and its agencies in the Archdiocese of Melbourne is well known and it contributes in a wide variety of ways across the Victorian community.

This submission is intended to stand alongside the submission of Mr Peter O’Callaghan QC, the Independent Commissioner appointed by the Archbishop to investigate allegations of abuse within the Archdiocese (“**Independent Commissioner**”).

I have read the Independent Commissioner’s submission and endorse its contents.

For the reasons set out below, this submission is confined to matters relating to clergy sexual abuse, and does not address other issues of concern to the Inquiry.

2. TERMS OF REFERENCE

It is noted that the Inquiry’s Terms of Reference are focussed particularly on the factors that increase risk; on family services, statutory child protection services and out of home care; on the interaction of departments, agencies, courts and service providers, on the roles and responsibilities of government and non government agencies and so on.

In this context, it was considered that the Inquiry’s ambit did not extend to issues concerning clergy sexual abuse and accordingly, no submission has been made by the Archdiocese on these issues to date.

It remains the view of the Archdiocese that the Inquiry’s Terms of Reference do not extend, in particular, to the manner in which the Archdiocese responds to allegations of clergy sexual abuse of children.

However it is noted that a group styled “The Melbourne Victims’ Collective” (**Collective**) has made a written and verbal submission to the Inquiry. This submission, together with that of the Independent Commissioner, responds to the submissions made by the Collective.

3. BACKGROUND

Sexual abuse by Catholic priests, particularly of children, is deplorable. Many children and their families have been damaged. It is a matter of public record that a number of priests and religious have been convicted of abominable crimes. In more recent years, and particularly over the last two decades, there has been an increasing understanding within the Church and within the general community of the full extent of the problems.

The Church acknowledges that the criminal offences and breaches of vows committed by priests and others bring great shame upon the Church and cause untold damage to the community including to some of its most vulnerable.

None of these matters can be disputed.

In 1996, the Melbourne Archdiocese implemented a series of initiatives to respond to abuse allegations. These have become known as the *Melbourne Response*. A brochure describing the response is **attached**.

The four components of the *Melbourne Response* are:

- the Independent Commissioner – who investigates allegations of abuse;
- Carelink – which co-ordinates the referral of victims to psychiatrists, psychologists and other specialists who have the expertise required to address the individual needs of victims arising from their abuse and related issues;
- the Compensation Panel – which recommends the payment of ex gratia compensation up to a limit of \$75,000 after payment of which, victims continue to be entitled to support through Carelink; and
- the Parish Pastoral Response – which offers spiritual support and pastoral counselling and provides a forum for pastoral healing.

Information about the operation of the *Melbourne Response* is contained on the website of the Archdiocese at www.cam.org.au and includes a Pastoral Letter issued by Archbishop Hart in July 2010.

The submissions made to the Inquiry by the Collective are premised on the basis of various factual matters. As set out in the Independent Commissioner's submission and in this submission, a number of the assertions made by the Collective are inaccurate, misconceived and wrong.

The Independent Commissioner has responded to a number of these issues in his submission to the Inquiry. The Archdiocese does not repeat those matters here but wishes to respond to additional matters put by the Collective.

4. SUMMARY OF THE CHILD PROTECTION MEASURES IN PLACE IN THE ARCHDIOCESE

As already noted, the *Melbourne Response* was implemented in 1996.

The Archdiocese requires all active diocesan Catholic priests in the Archdiocese and religious order priests on appointment to parishes to undergo a Working With Children check unless they hold VIT registration whether they have a legal obligation to do so or not.

The Archdiocese of Melbourne supports *Integrity in Ministry*, a document of principles and standards for Catholic clergy and religious in Australia published in June 2004. The document is a Code of Conduct for clergy and religious engaged in ministry on behalf of the Catholic Church in Australia. Its goal is to provide positive guidelines both for healthy lives among clergy and religious and for higher standards of pastoral practice. Objectives of the document include:

- to support clergy and religious in their concern to protect children and adults from all abuses of power, including sexual abuse and harassment; and
- to support the Church in responding to instances of sexual abuse and professional misconduct, in the best interests of those who have been harmed; the wider community, and the offender.

It is also important to note that an extensive range of procedures are in place at Corpus Christi College, the regional seminary for Victoria and Tasmania, for assessing candidates for the priesthood:

- An extensive psychological assessment is conducted before a candidate is accepted into the College;
- Detailed training is conducted in relation to celibacy;
- A rigorous evaluation process is undertaken of all sixth and seventh year students on a range of issues including sexual matters;
- Staff and others who have interacted with seminarians during their training are consulted;
- As would be expected at a seminary, there is a great deal of training on moral theology and ethics;
- Students are familiarised with the *Integrity in Ministry* document;
- Students receive detailed training on boundaries;
- All seminarians undergo police checks and Working with Children checks;
- Students receive education in relation to addiction including specifically in relation to pornography;
- Students meet regularly with a Spiritual Director and a Formation Advisor;
- Students receive “on the job” training and assessment by being observed while on placement in a range of challenging scenarios in a pastoral context.

While some of these measures have been in place for some time, the majority have been introduced in more recent times, and reflect a clear recognition that in times past, there have been failings within the Church.

In addition to the measures in place in that are directed specifically at clergy, there are also a range of child protection measures that apply specifically in the schools context.

Since 2003 the *National Safe Schools Framework* has been in place, being a program developed by the Ministerial Council on Education, Employment, Training and Youth Affairs. Until just recently, with the production of a new *Framework*, all schools in Australia were obliged to report annually on strategies being implemented to address *bullying, harassment, violence and child abuse and neglect*. The Catholic sector in Victoria complied with this requirement on an annual basis. These matters are still addressed on a regular basis and training in the use of the new *Framework* has just been completed.

In addition, to this, the Catholic Education Commission of Victoria is a signatory to and collaborative partner with the Department of Human Services, Department of Education and Early Childhood Development and Independent Schools Victoria, in a joint protocol *Protecting the safety and wellbeing of children and young people*. As part of the compliance arrangements under this protocol, CECV conducts, through the Diocesan Catholic Education Offices, two regionally based Professional Development sessions each year on child protection issues.

Regular national criminal history record checks are conducted for all teachers in Victoria, including all those working within Catholic education, as a requirement for registration.

All non teaching staff and volunteers working in Catholic schools are required to undergo a Working With Children check. As noted above, all active diocesan Catholic priests and religious order priests on appointment to parishes in the Archdiocese also undergo a Working With Children check unless they hold VIT registration.

The education sector is subject to the mandatory reporting regime.¹ The issue in Catholic schools is supported by a document *Mandatory Reporting of Child Physical and Sexual Abuse* as well as regular professional development programs and support for staff.

A range of compliance checks exist in order for Catholic schools to retain their registration – such compliance checking is undertaken by the Victorian Registration and Qualifications Authority. The compliance checks are the same as for government schools.² These minimum standards include standards relating to

- student welfare (the care safety and welfare of students, student discipline policies and procedures, monitoring of attendance and the attendance register); and
- employment of staff (teachers' requirements and compliance with the *Children, Youth and Families Act 2005*)

Compliance with these above stated minimum standards are supported by a monitoring and reporting mechanism whereby schools are obliged to report showing evidence that the school is compliant. The evidence guide includes the requirement to produce evidence of student welfare policies and procedures with respect to student welfare, bullying and harassment and managing complaints and grievances along with additional evidence of the school's mandatory reporting procedures. Other evidence required is an outline of how the school ensures that staff are made aware of their legal responsibilities for the care, safety and welfare of students.

The Catholic Education Offices of Melbourne, Ballarat and Sale have jointly set up an Office for Professional Conduct, Ethics and Investigations with links to the Victorian Institute of Teaching for investigation of complaints against teachers in Catholic schools. The Catholic Education Commission of Victoria has developed a strategic working relationship with the Victorian Institute of Teaching. Quarterly meetings are held between senior VIT personnel and senior CECV representatives on a range of significant issues including, but not exclusively related to professional conduct issues in Catholic schools, registration of teachers, and disciplinary matters. The establishment of a Memorandum of Understanding between VIT and the Catholic Education Offices of Melbourne, Ballarat and Sale grew out of these regular meetings and is an indicator of the confidence in the protocols and policies already in place within the Catholic system.

Finally, each Diocesan Catholic Education Office has developed a set of protocols for the management of allegations of misconduct against employees of Catholic schools and Catholic Education Offices.

1 See the *Children, Youth and Families Act 2005* (Vic)

2 VRQA – Guide for Registered Schools – Minimum Standards and Other Requirements for School Registration

5. RESPONSE TO THE SUBMISSIONS BY THE COLLECTIVE

In the context of the information provided in **Parts 3** and **4**, which demonstrates the deep and rich range of policies, procedures and preventative strategies in place within the Archdiocese to prevent, detect and respond to abuse and the risk of abuse of children, this submission now responds to some specific assertions made and propositions put by the Collective.

In so doing, this submission adopts and endorses the points made by the Independent Commissioner in his submission to the Inquiry.

The Archdiocese and the Independent Commissioner have focussed their attention on the more significant matters raised by the Collective that call for a response and this does not indicate that the balance of the matters put by the Collective.

- 5.1 *As a result of her experiences, Pam has spent a lot of time researching programs for the safeguarding of children from child sexual abuse ... Unfortunately, efforts to engage from [sic] others from the parish and school in order to look at these issues have so far been in vain. (T 96/43 – 97/60)*³

The suggestion that the parish and the school have failed to address child safety issues is incorrect. Details of the measures in place are set out in **Part 4** of this submission.

Members of the Collective including those who made submissions to the Inquiry may be unaware of these measures as they have had no involvement in the Catholic education system in recent times.

- 5.2 *Macroenvironmental factors include a lack of comprehensive national legislation providing requirement for all organisations involving contact with children, including churches and Catholic schools to have safeguarding procedures and practices with a compulsory risk assessment framework audited for compliance by an Ombudsman with the power to investigate complaints about breaches from all stakeholders. (T 97/19)*

As noted in **Part 4** of this submission, there are a series of requirements in place that implement such safeguards. It is also noted that there is significant consistency and uniformity in relevant legislation across the States in relation to working with children and mandatory reporting.

As noted in the Independent Commissioner's submission to the Inquiry, the great majority of clergy sexual abuse within the Melbourne Archdiocese relate to abuse committed decades ago. Most complainants come forward as adults.

Accordingly, it can be seen that the events that are the subject of nearly all complaints took place before the measures referred to in **Part 4** were implemented.

There is no evidence that the safeguards now in place are deficient.

There is no evidence of a lack of compliance with the safeguards. This is particularly so having regard to the increased awareness within the community of child abuse issues.⁴

- 5.3 *Many churches have managed to avoid liability by organising their affairs in such a way that they are legally incorporated for the sole purpose of owning and disposing of property, but otherwise argue that there is no legal entity that can be sued. (T97/24)*

The proposition that appears to be put by the Collective is that because the Church has no liability to pay civil damages, it has no interest or motivation to prevent the sexual abuse of children. That is an untenable and ridiculous suggestion.

Further, questions relating to the civil liability of the Church are a matter for the Courts and, it is respectfully submitted, not for this Inquiry.

3 Transcript of submission made to the Inquiry by the Collective, page 96/commencing at line 43

4 See also 5.6 of this submission

5.4 *There is no standardisation of procedure with regard to the priest's role in schools. (T98/8)*

This is not correct. Within the Catholic education structure, the Catholic Education Offices have a range of compliance and complaints procedures, a number of which are set out in Part 4 of this submission. These procedures support, intervene, advise and make recommendations on a range of issues including but not limited to matters of harassment, bullying, child protection, mandatory reporting and industrial relations.

5.5 *Market forces, meaning social pressure, include the difficult dynamics of whistleblowing concerns about one's employer; secrecy within staff and the Catholic school community not discussing allegations of abuse; school staff and the community not being consulted or included in decision-making; no adequately trained crisis management personnel available for staff who raise concerns or know about the abuse; and an attitude of, "Don't alarm the school or parish, don't talk about it". (T 98/13)*

This information is not accurate. At all times of crisis in schools, principals and school communities are supported by trained and qualified educators along with support personnel from other disciplines as required. Counselling is offered and supported. Staff are provided with information about issues and the management of them, as are parents. This information sharing is conducted having regard to the requirements of natural justice to both alleged perpetrators and complainants. Confidentiality as a principle is also given due consideration. The timing of information sharing is in keeping with these principles. It is naïve to suggest that all information about every instance of complaint or allegation should become public knowledge. Catholic schools work in conjunction with Victoria Police and the Department of Human Services as required.

At the parish level, when issues relating specifically to priests are under investigation, parishioners are provided with timely and appropriate advice and follow up at the parish level is made available. Not all parishioners wish to avail themselves of this service and it is therefore not imposed on those who choose not to be involved in parish meetings or group discussions.

5.6 *There is a huge lack of knowledge about the covert nature of child sexual abuse; the vulnerability of victims and their families; the importance of believing victims who disclose; the dynamics of abuse; dynamics of abusers ... (T99/1)*

A number of these statements were true once. But since the 1980's society in general and the Church in particular has become far better informed.

No evidence other than bald assertion is provided by the Collective to support what they say.

As this Inquiry would clearly be aware, the facts are to the contrary.

Increased knowledge of the issues associated with child sexual abuse has led to a dramatic increase in the reporting of sexual assaults of children⁵ and demonstrates a cognizance that the Australian community has a moral obligation to protect its most valuable citizens.

According to the Australian Institute of Criminology, the large increase in recorded sexual assaults of children may be 'correlated with better public understanding of child protection issues' and may be 'attributed in part to increased public awareness and hence reporting of child abuse cases'.

By way of example of the rich resources available and detailed work being performed, the Inquiry is referred to the work of Professor Chris Goddard, a leading commentator on child abuse and child protection. Professor Goddard has published books including "The Truth is Longer than a Lie" which is the first book in the world to give children's views on child abuse which, together with his extensive research and commentary, has served to increase community understanding and contributed to policy and legislative changes.

5

Department of Human Services, available at: http://www.dhs.vic.gov.au/__data/assets/pdf_file/0019/574210/child-sexual-abuse-understanding.pdf

The extensive research and important programs run by the Delphi Centre, the Australian Childhood Foundation, Centre Against Sexual Assault (CASA) and the National Research Centre for the Prevention of Child Abuse, amongst others, undoubtedly play a prominent role in influencing and reflecting societal values in responding to the sexual abuse of children.⁶

- 5.7 *The New South Wales Interagency Guidelines for child protection intervention designate all Catholic and non-government schools, as required, to notify the commission of any allegations against personnel and they are bound by the guidelines for child protection in the workplace to respond to allegations against employees. (T99/19)*

Teachers are teachers, not welfare or child protection workers. That being said, they are provided, in the Catholic sector, with appropriate and regular information sessions, based on DHS programs and protocols relating to child abuse and recognition of indicators. As teachers are mandated to report, they have access to personnel from Catholic Education Offices for advice and support when working through these issues. School principals and teachers are very well aware of their legislative obligations.

The Collective would have this Inquiry believe that Victoria is doing nothing in relation to child protection and that the Catholic sector is a law unto itself. This is patently incorrect and reference is made once again to **Part 4** of this submission.

- 5.8 *The interpretation of what constitutes a need for mandatory reporting depends very much on the awareness of the teacher. (T100/20)*

This comment assumes that teachers work in vacuums. The issue in Catholic schools is supported by a document *Mandatory Reporting of Child Physical and Sexual Abuse* as well as regular professional development programs and support.

- 5.9 *We also believe that clergy need to be legislated as mandatory reporters of child abuse. (T100/32)*

It is implicit in this request that it be an obligation for priests to violate the “sacramental seal” of the confession. The suggestion is that requiring priests to report any admissions of child abuse made in the confessional to the police will protect children from further abuse. The desire to do everything possible to protect children from abuse is compelling. Mandatory reporting of child abuse is an important part of this vital task. However if the anonymity of the encounter in the confessional could not be assured, it is unlikely that anyone would confess to the terrible sin and crime of the sexual abuse of children.

An important dimension of confession is that it gives the confessor a chance, perhaps the only chance they are open to, to confront the terrible nature of their behaviour. The imposition of mandatory reporting, and the subsequent destruction of the confidentiality of the confessional, would remove any hope that this outcome might eventuate. The abuser will not take the risk of revealing his or her crimes to another.

6 For example:

- The Delphi Centre runs continuous personal development programs focusing on trauma and sexual abuse issues, including the 2011 conferences on ‘Techniques of Trauma Model Therapy’ and ‘New Directions in Trauma Mindfulness’ and has released discussion papers by experts in the field including:
 - Suzanne Jenkins, BA Honours Psychology, ‘What Have We Learned From Working with Sexual Abusers About the Dynamics of Child Sexual Abuse and Our Ability to Work Effectively with Victims and Perpetrators?’;
 - Susan Henry, B.App Sc (Sp Path), Dip. CH, ‘Inside Pandora’s Box: Healing the Connection between Victimisation and Perpetration’; and
 - Dr Lindsey Fairfield, ‘Tools for Treating Survivors’;
- The Australian Childhood Foundation trains health, legal, welfare and education professionals in the areas of child sexual abuse and trauma and runs community education programs that seek to raise awareness about the causes and consequences of child sexual abuse including the upcoming 2011 seminars:
 - ‘Unspeakable Trauma’;
 - ‘Framing Trauma Assessments’; and
 - ‘Practical Therapeutic Applications of the Neurobiology of Trauma’;
- CASA is committed to engaging in collaborative research projects, resource development and community education and training and has released numerous publications including:
 - ‘Bouncing Back’ for children and parents who have experienced sexual assault;
 - ‘Taking Steps to Prevent Child Sexual Assault’; and
 - ‘Young People and Sexual Assault – Common Myths’.

As such, the opportunity for the offender to be encouraged to cease offending, to go to the police or to take other appropriate action, would be lost.

5.10 *[T]he issue is also that those who are accused in these processes of disclosure to these institutions, they are allowed to remain as part of the institution, so the clergy are allowed to remain clergy and probably about 1 per cent are reduced to the lay state.*

It must be understood that while laicisation, or “defrocking”, is a significant step for clergy under Canon Law and may be important for victims as indicating closure of the formal involvement of the perpetrator in the Church, it is largely symbolic in a broader context.

The essential question is whether priests of the Melbourne Archdiocese who are convicted of sexual offences against children, or found by the Independent Commissioner to have offended against children, have been allowed to continue in Ministry. The answer to that is no.

It has been the invariable practice of the Independent Commissioner to recommend that a priest’s faculties to act as a priest be withdrawn when allegations are made. Archbishop Hart, and Archbishop Pell before him, have accepted the Commissioner’s recommendation on every occasion. No priests of the Melbourne Archdiocese who have been found to have offended against children will be allowed to continue practicing as a priest.

All priests convicted of sexual offences against children and who are still alive have been laicised or will be the subject of an application to Rome by the Archbishop for laicisation.

6. CONCLUSION

The Archdiocese of Melbourne firmly believes that all that can be done to prevent, detect and respond to clergy sexual abuse of children is being done. Contrary to what the Collective would have this Inquiry believe, there is a resolute “zero tolerance” attitude to the abuse of children.

It is certainly acknowledged that there were failings in the past.

But just as society’s understanding of the pernicious nature of paedophilia has increased, so too has the Church’s.

The Archdiocese respectfully encourages this Inquiry to strip away the rhetoric and to examine the facts.

7. CONTACT

For further information regarding this submission, please contact:

Mr F Moore

Business Manager, Catholic Archdiocese of Melbourne

PO Box 146, East Melbourne VIC 8002

Telephone: (03) 9926 5677 Facsimile: (03) 9639 2860

Email: francis.moore@cam.org.au

This is a terrible time of suffering and self-examination as the full extent of sexual abuse by Catholic priests, religious and lay workers continues to emerge, not only here in Australia, but throughout the world.

I again, therefore, express my deep sorrow and offer a sincere and unreserved apology to all those who have suffered the pain and humiliation of sexual abuse and to their families.

The scourge of sexual abuse continues to cause great damage and in many cases a crisis of faith amongst Catholics. As Catholic Archbishop of Melbourne, I share this desolation and sense of betrayal. The criminal offences and breaches of vows committed by some priests, religious and lay workers bring shame upon the entire Church.

With great humility, I acknowledge that the crimes of the perpetrators have done great harm. For me, personally, this is one of my saddest times as a Catholic priest.

Sexual abuse in any form, and any attempt to conceal it, is a grave evil and is totally unacceptable. We must face up to the truth and not attempt to disguise, diminish or avoid in any way, the actions of those who have betrayed their sacred trust.

The process for dealing with sexual and other abuse by priests, religious and lay people, who are, or were, under the control of the Archbishop of Melbourne within the Melbourne Archdiocese, was introduced in 1996 and is known as the **Melbourne Response**.

A short time later the national *Towards Healing* protocol, which is a separate process for dealing with complaints, was also established. The **Melbourne Response** reflects the principles that are set out in the *Towards Healing* and *Integrity in Ministry* documents which all of the Bishops and leaders of Religious Institutes of the Catholic Church in Australia have adopted.

The **Melbourne Response**, with the help of those who have courageously brought their complaints forward, has led to compensation and support being provided to approximately 300 victims of abuse. I acknowledge that not all who have been affected have yet come forward, and I encourage them to do so.

We must continue to work to ensure that we have appropriate procedures in place aimed at preventing any recurrence of abuse and to deal with offending clergy. Since 1996, we have introduced procedures to protect parishioners and children against sexual abuse, and processes have been developed and applied to deal with offending clergy.

In addition, there is rigorous screening of all people who aspire to the priesthood and seminarians are required to undertake study of the *Church's Code of Conduct for Priests and Religious on Integrity in Ministry*.

I again encourage anyone, who has been abused by a person under my control in the Archdiocese of Melbourne, to come forward so we are made aware of it and can respond as quickly as possible.

+ Denis J. Hart

Denis Hart, Archbishop of Melbourne



The Help Available

The **Melbourne Response** assists people who have been abused sexually, physically or emotionally by priests and others under the control of the Catholic Archbishop of Melbourne.

Complaints

Complaints of sexual and other abuse by priests, religious and lay persons under the control of the Archbishop of Melbourne are made to, and investigated by, the Independent Commissioner. Mr Peter O'Callaghan QC is the Independent Commissioner.

Counselling and Support

Free counselling and professional support for those who have been abused is available through **Carelink** led by the Carelink Coordinator, Ms Susan Sharkey.

Compensation

Ex gratia compensation of up to \$75,000 is currently available through the Compensation Panel chaired by Mr David Curtain QC.

Pastoral Support

Spiritual support and guidance is available to individuals and at a parish level by contacting Ms Maria Kirkwood at the Archdiocese.

Anyone with complaints relating to other parts of the Church should contact *Towards Healing* on 1800 816 030.

Accessing The Melbourne Response

Independent Commissioner

The Office of the Independent Commissioner is the first point of contact for people wishing to make allegations or complaints, or to seek counselling services, or to obtain information about compensation.

The Independent Commissioner receives complaints and enquires into allegations of sexual abuse by priests, lay people and religious who are, or were, under the auspices of the Catholic Archbishop of Melbourne. The Independent Commissioner then makes a determination on the basis of the evidence. When the Commissioner is satisfied that the abuse occurred, the Commissioner notifies the Archbishop about the offender and refers the victim to Carelink.

The Independent Commissioner is there to make an appraisal of all of the circumstances of the situation and help complainants deal with their very personal issues in a compassionate and understanding way.

The Independent Commissioner can refer the complainant to Carelink at any time for the provision of free counselling and psychological support. If the Independent Commissioner finds that a complaint has been established, the Independent Commissioner will refer the complainant to the Compensation Panel.

The Commissioner is funded by but acts independently of the Archdiocese, in accordance with Terms and Conditions of Appointment formulated in consultation with Victoria Police, the principles of natural justice and relevant provisions of Canon Law.

The Independent Commissioner meets with complainants to hear their personal recollections of abuse and to conduct an investigation. The Independent Commissioner recognizes how difficult it might be for them to talk about their own situation but experience has shown that going through this process has brought a sense of closure and relief to many. From the initial contact with the Independent Commissioner, the **Melbourne Response** respects the individual's privacy.

All complainants have a continuing and unfettered right to go to the police and the Independent Commissioner encourages them to do so if the conduct complained of may constitute criminal conduct. The Independent Commissioner also explains that the police have greater powers of investigation than the Independent Commissioner.

The Independent Commissioner will assist any complainant wishing to go to the police and will take no further steps until

the police investigation and any resulting proceedings are completed. Support from Carelink and the Pastoral Support Office will be available.

The **Melbourne Response** also recognizes, however, that some complaints will not be dealt with by the police, based on the wishes of the complainant, or because the alleged offender is deceased or the complaint has been previously reported to the police and police action has been finalized.

The Archbishop has given the Independent Commissioner the power to bring priests before him so that he can properly investigate claims. When necessary, the Independent Commissioner conducts confidential hearings at which the relevant parties and their legal representatives can be present.

The Independent Commissioner also makes recommendations to the Archbishop on how to deal with the offender.

The Independent Commissioner's office is located at Owen Dixon Chambers West, Room Level 18, Room 15, 205 William Street, Melbourne.

Telephone: (03) 9225 7979

Carelink

Carelink is a key element of the **Melbourne Response** and co-ordinates the provision of counselling and other professional support to clients.

Carelink refers clients to psychiatrists, psychologists and other health care providers who have the appropriate background and expertise to address sexual and other abuse and related problems.

Treatment and counselling through **Carelink** is provided at no cost to **Carelink's** clients.

Initially, each client is interviewed and assessed by **Carelink** so that their needs can be identified. The detailed history that **Carelink** takes from each client helps **Carelink** understand how the abuse has impacted on various aspects of the client's life.

Carelink asks treating therapists to provide regular progress reports so that a client's treatment can be monitored.

The **Carelink** Coordinator is a consulting psychologist, Ms Susan Sharkey.

Carelink is located at 25 Lansdowne Street, East Melbourne, Vic 3002

Telephone: (03) 9663 5744

Compensation Panel

The Compensation Panel arranges for the provision of ex gratia compensation for people who have been found to have been abused by priests, religious and lay people who are, or were, under the control of the Archbishop of Melbourne.

The Panel, like the Independent Commissioner, operates independently from the Archbishop and the Archdiocese.

The Panel provides an alternative to civil legal proceedings. It operates in an informal way and, by design, is not legalistic but provides a forum for the settlement of claims.

In order to apply to the Panel for compensation, an applicant's claim must first be investigated and upheld by the Independent Commissioner who reports his findings to the Panel.

Applicants are also encouraged to provide the Panel with a report from **Carelink** or from other treatment providers.

Compensation payments, binding on the Archbishop, are recommended at the discretion of the Panel, currently up to a maximum of \$75,000 per person. This maximum is capped at an amount that exceeds the Victorian Government's victims of crimes compensation system. If the person making a complaint accepts the recommended payment, the amount will be paid in full settlement of all legal claims against the Archbishop and the Archdiocese in relation to the Independent Commissioner's findings. **Carelink** services will, however, remain available. Whilst the Panel keeps strict confidentiality in relation to the hearings, a claimant is at liberty to disclose to anyone what has transpired at the hearing.

If the recommended payment is not accepted, a person making a complaint is free to use the normal court processes.

The Compensation Panel has four members comprising a psychiatrist, a solicitor and a community representative. The Panel is chaired by Mr David Curtain QC.

Applications for compensation forms are available from the Independent Commissioner.

Parish Pastoral Response

The Archdiocese offers spiritual support and pastoral counselling and provides a forum for pastoral healing.

The parish pastoral response is an essential part of the healing process for the wider Church community.

The contact person for the Parish Pastoral Response is Ms Maria Kirkwood who can be contacted through the offices of the Archdiocese on (03) 9926 5677.

Victoria Police

The **Melbourne Response** does not restrict the role of the police to investigate and prosecute allegations of criminal conduct. All victims of abuse remain free to, and are encouraged to, report allegations of criminal conduct to Victoria Police.

The police have powers which the Independent Commissioner does not have, including the power to issue search warrants and to make arrests, and it is only through the police that a person can be brought before a court to answer allegations of criminal conduct.

Contact Telephone Numbers

- **Independent Commissioner**
(03) 9225 7979
- **Carelink**
(03) 9663 5744
- **Archdiocese of Melbourne**
(03) 9926 5677
- **Towards Healing**
1800 816 030



Sexual and
Other Abuse
The Melbourne
Response

CATHOLIC ARCHDIOCESE OF MELBOURNE

Sexual and
Other Abuse

The Melbourne
Response

CATHOLIC ARCHDIOCESE OF MELBOURNE