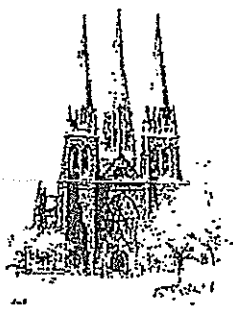


Attachment 1

Media Release dated 15 February 2011



CATHOLIC ARCHDIOCESE OF MELBOURNE

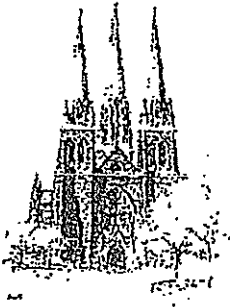
MEDIA RELEASE – 15 FEBRUARY 2011

CHANGES TO THE MELBOURNE RESPONSE PROCESS

The Catholic Archbishop of Melbourne Denis Hart has announced changes to the Melbourne Response, the Archdiocese's response to victims of sexual abuse.

THE ARCHBISHOP'S STATEMENT FOLLOWS:

1. I am pleased to announce that changes have been made to the Melbourne Response by supplementing the Terms of Appointment of the Independent Commissioner Peter O'Callaghan Q.C.
2. The original Terms of his Appointment in 1996 were formulated in consultation with Victoria Police.
3. The supplementary changes have followed lengthy discussions over many months between my representatives, the Independent Commissioner and Victoria Police. All parties support the changes made.
4. The Archdiocese continues to maintain that there can be no substitute for the Police in the investigation of sexual abuse complaints. Complainants have always been told by the Archdiocese and the Independent Commissioner of their right to report their complaint to the Police, and have always been encouraged to do so. The changes enhance the way in which the Independent Commissioner informs and encourages complainants to take their complaints to the police.
5. Over the years, the Independent Commissioner has fully co-operated with and assisted Police investigations. It has been agreed with the Police that the Independent Commissioner and my representatives will meet regularly with the Head of the Sexual Crime Squad of Victoria Police to discuss matters of mutual interest and concern.
6. It should be recognised that some complainants do not wish to go to the police. They are under no legal obligation to go to the police, and if they decide not to do so, that decision is recognised and respected by the Melbourne Response.
7. Previously, if a complainant had said they did not wish to go to the Police, but then subsequently decided to do so, the independent Commissioner would immediately inform solicitors for both the complainant and the alleged offender that because the complaint had been referred to the Police, he would be taking no further step, until the Police investigation and any resulting proceedings were completed.
8. This was because both the Independent Commissioner's current Terms of Reference and Victorian law required the Independent Commissioner to comply with the rules of natural justice, which include acting fairly, without bias, in an even handed way, towards both parties, and keeping both parties informed of what the other has told him, while respecting the presumption of innocence.



CATHOLIC ARCHDIOCESE OF MELBOURNE

MEDIA RELEASE – 15 FEBRUARY 2011

9. The supplementary changes provide that:
 - the Independent Commissioner, when informing an alleged offender of a complaint, will advise that if a complainant changes their mind and refers their complaint to the Police, the Independent Commissioner will take no further steps in his inquiry, and
 - if the Independent Commissioner becomes aware that the complaint has been referred to the Police, he will not inform the alleged offender of this for at least four weeks, or such further period as is agreed with the Police. Because the alleged offender is so advised at the outset, there is no denial of natural justice.
10. It is important to note that a complainant changing their mind has occurred on only two occasions in the 15 years that the Melbourne Response has functioned.
11. One of these cases generated front-page articles in The Age newspaper, which characterised the Independent Commissioner's actions as a "tip off"- thereby implying misconduct when there was none.
12. The Age also asserted that the actions of the Independent Commissioner resulted in the alleged offender wiping his computer.
13. This was wrong because subsequently, the Independent Commissioner was informed by the prosecuting Police officer that the last occasion on which the computer had been accessed for wiping, was 18 days before the Independent Commissioner advised the solicitors for both parties he would be taking no further steps, because the complaint had been referred to the Police.
14. In the second case, The Age characterised the Independent Commissioner's actions as a tip off, again implying misconduct on his part when there was none.
15. I have complete confidence in the workings of the Melbourne Response process and the Independent Commissioner, and believe that the Melbourne Response - through the Independent Commissioner, the Compensation Panel and the Carelink service - has treated victims in more than 300 cases of abuse fairly, compassionately and with respect.
16. I do recognise, however, that in many cases nothing can eradicate the memory of the abuse and its effects, for which I have repeatedly apologised personally, and in public, to victims of sexual abuse.
17. The full text of the changes appear on the Archdiocese's website www.cam.org.au

For further information please contact: Peter Mahon, Royce [REDACTED]

Attachment 1A

Examples of complaints to Police following encouragement by the Independent Commissioner

Attachment 1A (Examples of complainants reporting abuse to Police at the encouragement of or with the assistance of the Independent Commissioner)

Complainant ID	Comments
COM.0001.0001.0000	<p>The file reveals that at the time the complainant originally made his complaint to the Melbourne Response he was not prepared to disclose the identity of the offender but advised that he had reported the abuse to the Police. The Independent Commissioner urged the complainant and his instructing solicitor to have the investigating officer contact the Independent Commissioner who expressed concern that if the offender was a current practising priest this was a matter of grave consequence and it was important that steps be taken to ensure he was placed on administrative leave pending Police investigation. The complainant subsequently revealed the offender's name and the Independent Commissioner then liaised with the Police in relation to the complaint. In particular, reference is made to:</p> <ul style="list-style-type: none"> <li data-bbox="577 898 1960 1289"> <p>• The Independent Commissioner's notes which state:</p> <p style="margin-left: 40px;"><i>"To cut a long story short, I agreed that I would not seek to ascertain the identity of the priest, or to do anything. However, I did emphasise that I was concerned at the possibility that this man might presently be offending, and therefore, I would want to know that so as to place him on administrative leave. The police had told [complainant] not to tell me much, because they don't want the fellow to be tipped off. Again, to cut a long story short, I gave [complainant] a copy of my terms of appointment for him to read, and to tell the police that he had seen me, had told me nothing about the identity of the offender, and that if the police wanted to ring me, I would be happy to talk to them."</i></p> <li data-bbox="577 1297 1960 1329"> <p>• A letter from the Independent Commissioner to the complainant's lawyers which states:</p>

	<p><i>"In many cases, you can assure [complainant], I have met with and co-operated with police in their investigations. Could I therefore suggest that [complainant] has the investigating police contact me, not necessarily with a view to revealing the identity of the offender, unless the police consider it appropriate to do so. I would then explain to them my position and a decision could be made as to whether in the circumstances some short term action should be taken, such as a recommendation to the Archbishop that the priest be placed on administrative leave pending the resolution of the police investigation and the charges laid (if any)."</i></p> <ul style="list-style-type: none"> • A later letter from the Independent Commissioner to the complainant's lawyers: <p><i>"I reiterate my preparedness to meet with [complainant] and his wife and to further discuss the matter, and in particular the progress of the police investigation. I emphatically repeat that my concern is that if the perpetrator of sexual abuse as stated by [complainant] is currently practising as a priest, this could be a matter of grave concern, and which would require remedial steps being taken...</i></p> <p>...</p> <p><i>On 17 June 1997, [complainant] attended on me and advised inter alia that [offender] was the priest whom he complained had abused him, and that [detective] was the policeman to whom he was about to make a final statement.</i></p> <p><i>I subsequently spoke to Detective [W]...and told him of my meeting with [complainant] and indicated, as is my practice, that until the police investigations were resolved I would not any action. (sic)</i></p> <p>...</p> <p><i>I will endeavour to speak with Det. [W] and/or the Police Sexual Exploitation Branch to ascertain the present state of the investigation."</i></p>
COM.0070.0006.0000_01	<p>The file reveals that the Independent Commissioner liaised with the Police on a number of occasions in relation to the abuse suffered by [complainant]. In particular, reference is made to a letter from the Independent Commissioner to Sue Sharkey which states <i>"I have had a lot to do with [FJ] but she has now</i></p>

	<p><i>been transferred from the Sexual Crimes Squad and I am not sure who is dealing with the manifold charges against [offender]."</i></p> <p>The comments relating to the Independent Commissioner's dealings with a member of the Police force were also mentioned in another file where, in a letter, the Independent Commissioner states "<i>I should add that I have been in close contact with [FJ], who was previously attached to the Sexual Crimes Squad, and was the informant in the charges upon which [offender] has been committed for trial</i>".</p>
COM.0026.0004.0000	<p>The file reveals that the Independent Commissioner urged the complainant to report the abuse he suffered to the Child Exploitation Squad and offered to speak to the Police on his behalf. In particular, reference is made to:</p> <ul style="list-style-type: none">• The transcript of interview with the complainant which states: <i>"Well, as I say you have got the right that I would encourage you to exercise because unfortunately these things occur and the proper people to deal with them so far as punishing the person is concerned is or are the police. That's the only way that they can be brought before the properly appointed Courts of law."</i> <p>and later:</p> <p><i>"[IC]: Alright, if you go to the police where will you go. [Complainant]: Where will I go, probably to Knox Police Station, it's the closest police station to my house. [IC]: Do you want to go to the Child Exploitation Squad and see someone down there. [Complainant]: I guess if that would be the best people to see, I don't know who the best people to see or not. [IC]: Well the Child Exploitation Squad is more used to dealing with this and if that's where you want to go I could ring them up and say you're going to come down there. [Complainant]: Mmm.</i></p>

	<p><i>[IC]: You want to do that.</i></p> <p><i>[Complainant]: Yeah that might be, if that's the best thing to do.</i></p> <p><i>[IC]: Well it's a matter for you, I'm not,</i></p> <p><i>[Complainant]: See I don't know.</i></p> <p><i>[IC]: Yeah I know, but what you do, you want to report it.</i></p> <p><i>[Complainant]: Yeah I want to report it and I want an end put to it.</i></p> <p><i>[IC]: Alright, O.K. Just hang on." [end of transcript]</i></p>
<p>COM.0060.0001.0000</p>	<p>The file indicates that the Independent Commissioner urged the complainant to report the abuse he suffered to the Police and thereafter liaised with a member of the Sexual Abuse Squad in relation to the complaint. In particular, reference is made to:</p> <ul style="list-style-type: none"> • A letter from the Independent Commissioner to the complainant in which he explained that he had an unfettered right to report to Police and state: <p style="margin-left: 40px;"><i>"If you do the police will take a detailed statement from you, and in that context the transcript of the interview you had with me would obviously be relevant... The point I perhaps somewhat labouredly am endeavouring to make is that if you are going to report the matter to the police, then the sooner you do so the better. I appreciate very much the stress that you are under, and it may be for your own purposes that you do not want to report the matter. If so I reiterate my undertakings of confidentiality."</i></p> • The Independent Commissioner's notes which state that he advised the complainant that he had spoken to the Police and advised the member of the Sexual Abuse Squad that: <p style="margin-left: 40px;"><i>"... this man is stress A and that he needs to be handled carefully. I also pointed out that I was aware of the tremendous load that the Sexual Squad have... ... I then spoke to [CC] at the Sexual Abuse Squad and he said that [complainant] should ring</i></p>

	<p style="text-align: center;"><i>him at 4pm tomorrow."</i></p> <ul style="list-style-type: none"> • The Independent Commissioner's letter to Elizabeth Harding of Carelink which states: <p style="text-align: center;"><i>"The police have contacted me and I have provided them with a statement in the light of the fact that I was the first person to whom [complainant] had complained."</i></p>
COM.0030.0007.0000	<p>The file indicates that the Independent Commissioner referred the complainant to Jeff Gleeson who was to obtain a statement from the complainant in relation to the abuse he suffered in part for the purpose of assisting Police with their prosecution of the offender. In particular, reference is made to:</p> <ul style="list-style-type: none"> ○ The Independent Commissioner's memo to Jeff Gleeson which states: <p style="text-align: center;"><i>"With respect to [complainant], if he is desirous of having the matter reported to the police then it is appropriate for the statement that you take to be provided to the police and for [complainant] to adopt it and perhaps amplify it for the purposes of a police prosecution.";</i></p> ○ The transcript of the Independent Commissioner's meeting with the complainant which indicates that the statement was sent to the Police and the offender was subsequently charged; and ○ The Independent Commissioner's letter to the complainant which states <i>"You have told me that you have spoken to Detective [L], to whom I have also spoken, and he is aware of your making this complaint to me."</i>

Attachment 1B

Melbourne Response statistics

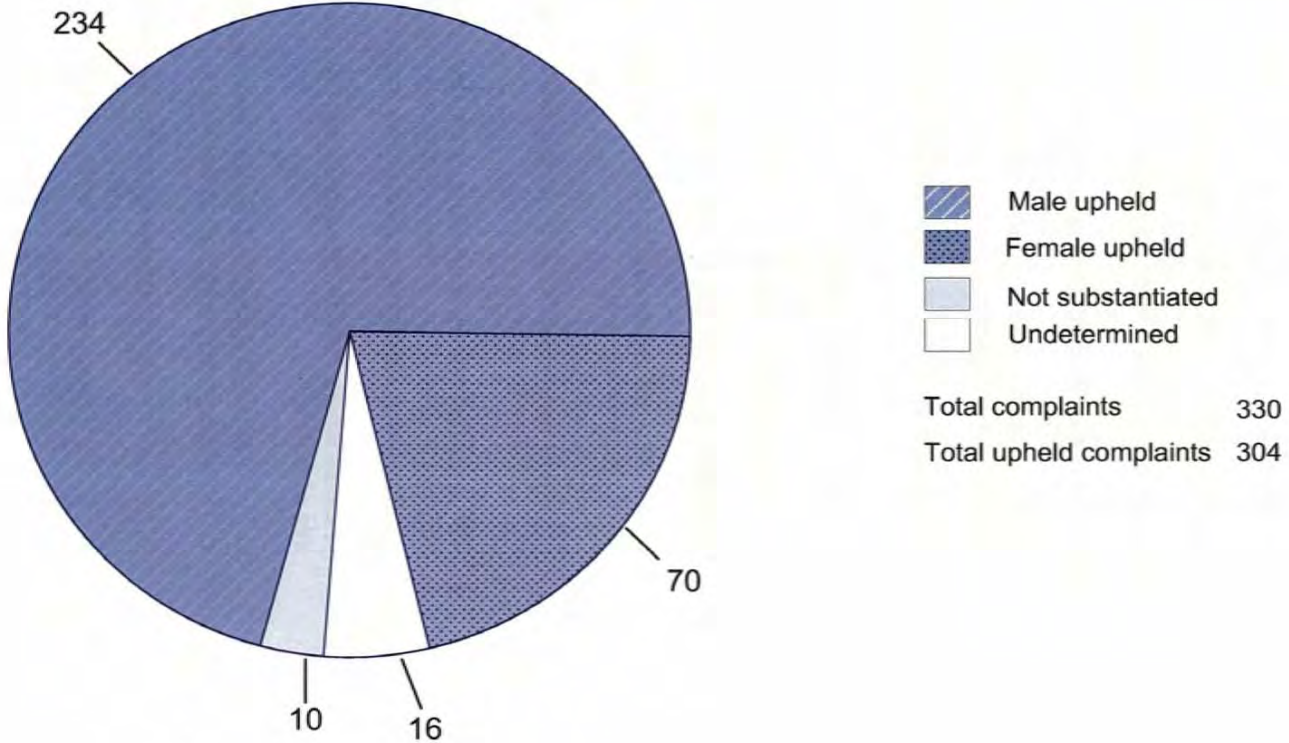
Attachment 1B (*Melbourne Response* statistics)

- Since the commencement of the *Melbourne Response* to 30 June 2012, 330 relevant complaints have been made that fall within the Terms of Reference of this Inquiry (254 complaints by males and 76 complaints by females).¹ Of these:
 - 304 complaints were upheld (234 complaints by males and 70 complaints by females);
 - 10 complaints were not substantiated; and
 - 16 complaints were undetermined as at 30 June 2012.²
- Of the 330 complaints, 3 were children at the time of the complaint.
- Of the 304 relevant complaints upheld through the *Melbourne Response* there were:
 - 115 cases where the offender was already dead or believed to be dead at the time of the complaint;
 - 9 cases where the offender had left the country at the time of the complaint; and
 - 4 cases where the offender could not be identified by the complainant.
- Of the remaining 176 cases:
 - 97 cases were reported to the Police, of which:
 - 87 were reported prior to a complaint being made to the *Melbourne Response*; and
 - 10 were reported after a complaint was made to the *Melbourne Response*;
 - 76 complainants were encouraged by the *Melbourne Response* to go to the Police (in at least 25 of these cases the complainant expressed some reluctance to report the matter to the Police);
 - 3 cases where no express encouragement to go to the Police is located on the file of which:
 - 1 of these complainants was sent the brochure which contained an encouragement to go to the Police;
 - 1 of these complaints was accepted without the need for a hearing; and
 - 1 of these complaints was unlikely to constitute criminal assault.

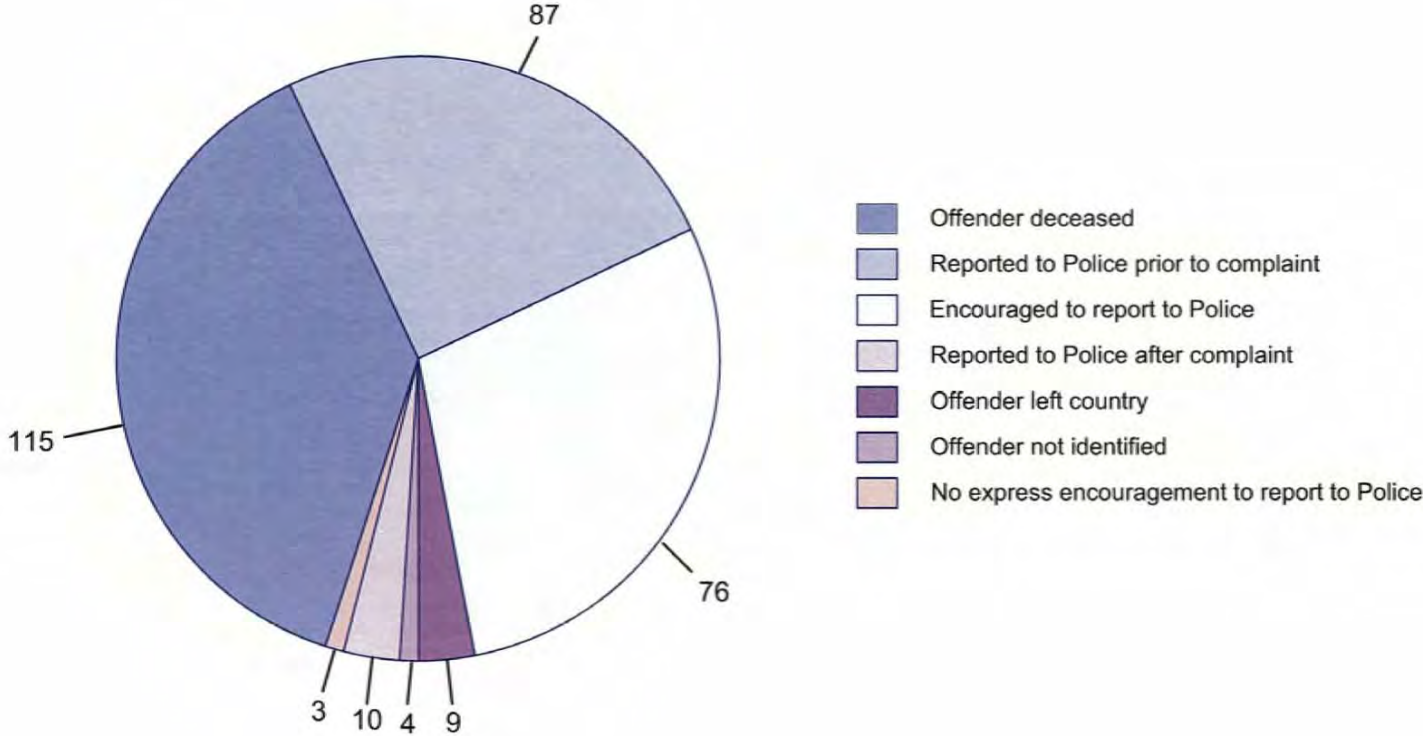
¹ Since the letter from the Catholic Archdiocese of Melbourne to the Inquiry dated 27 November 2012, on further review of the detailed cases, the number of upheld complaints has been revised down by four.

² Of the 16 complaints that were undetermined as at 30 June 2012: 2 have been upheld, 3 remain undetermined, 5 have been withdrawn / not pursued by the complainant, and 6 were matters in which the Independent Commissioner found that he had no jurisdiction.

Complaints made under the *Melbourne Response* as at 30/6/12



Police reporting of the 304 upheld complaints as at 30/6/12



Attachment 2

Letter dated 15 October 1996 from Monsignor
Denis J Hart, Vicar General (as he then was), to
Assistant Commissioner Gavin Brown

15th October, 1996.

Assistant Commissioner Gavin Brown,
Victoria Police Centre,
637 Flinders Street,
MELBOURNE, 3005.

Dear Mr. Brown,

I refer to our meeting to be held at 1.00 p.m. tomorrow and write to inform you in advance of the matters upon which your advice and assistance is sought.

The Archbishop is most concerned to identify all those in the Church who engage in sexual abuse and for them to be appropriately dealt with. Further, that those who have suffered will be supported and where appropriate compensated.

The Archbishop considers it important that the Church itself is and is seen to be involved in a positive way in identifying and hopefully eradicating these deplorable instances of sexual abuse. It is also hoped that the steps proposed by the Archbishop will result in complainants coming forward, who might otherwise have remained silent.

To that end the Archbishop has instructed his solicitors to retain Mr. Peter O'Callaghan, Q.C., to act as an independent Commissioner. A draft of Mr. O'Callaghan's appointment and Terms of Reference are enclosed herewith. In particular, I refer you to clauses 1(iii), (iv), (v) and (xi). These sub-clauses seek to make clear that nothing is to interfere with any action to be taken by the police. In that context I note your letter to Monsignor Cudmore of 21st May, 1996.

Please note that this document is in draft form and as such is strictly confidential. I am sure that I can rely on your discretion in this regard.

Assistant Commissioner Gavin Brown.

15th October, 1996.

The Archbishop would appreciate your comments upon the draft document and upon any other matters which you consider relevant. Subject to that and to your having no objection the Archbishop would then proceed to implement the appointment and also to introduce complementary procedures, relating to counselling, pastoral support and compensation.

With me at tomorrow's meeting will be Mr. Peter O'Callaghan, Q.C., together with Mr. A. Darvall, (managing partner of Corrs Chambers Westgarth), and Mr. Richard Leder of that firm.

I am grateful for your assistance in this matter.

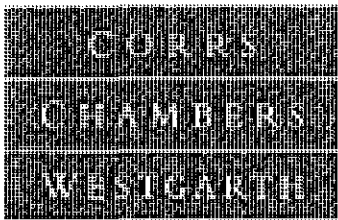
Yours sincerely,

Rev. Monsignor Denis J. Hart,
VICAR GENERAL.

Enc.

Attachment 3

Letter from Corrs Chambers Westgarth to Assistant
Commissioner Brown dated 18 October 1996



S O L I C I T O R S

18 October 1996

Melbourne Office
Writer: Richard Leder

Our Ref: ROMA5455-001

Mr Gavin Brown, APM
Assistant Commissioner
Corporate Policy Planning and
Review Department
Victoria Police
637 Flinders Street
MELBOURNE VIC 3000

COPY

Dear Assistant Commissioner

We refer to your meeting on 16 October 1996 with Monsignor Hart, Mr Peter O'Callaghan QC, our Mr Darvall and Mr Leder. We considered it a most helpful and constructive meeting and we thank you for your co-operation and assistance.

With respect to the discussion as to the desirability of the document of appointment containing specific reference to encouraging complainants to report to the police, it has been agreed that it is desirable for this to be included and accordingly clause 1(iii) will now read:

"The Commissioner immediately upon there being made or referred to him a complaint of sexual abuse (which may constitute criminal conduct), shall inform the complainant that he or she has an unfettered and continuing right to make that complaint to the police, and the Commissioner shall appropriately encourage the exercise of that right."

We reiterate that the view of the Archbishop and his advisers is that if there are allegations of criminal conduct, then obviously the same are best referred to the police, first because of the investigative expertise and resources of the police, and secondly if there is criminal conduct, the same should be dealt with by the courts and it is only through the police that this can be done.

However there may be instances such as those contemplated in clause 1(xi) of the document of appointment when for various reasons the complainant would have made it clear at the outset that he or she does not wish to report the matter to the police. It is in order to allow for that situation that the word "appropriately" has been included.

With respect to the discussion as to the Commissioner conducting an interview with a priest or religious, following the matter being referred to the police, we make the following comments.

SYDNEY
Governor Philip Tower
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Sydney NSW 2000
GPO Box 9925 NSW 2001
Tel (02) 210 6500
Int +612 210 6500
Fax (02) 210 6611
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BRISBANE
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Fax (07) 3228 2844
DX 135 Brisbane

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Fax (09) 322 6953
DX 126 Perth

CANBERRA
Advanta Bank Centre
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103 Cannon Street
London EC4N 5AD
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Fax (0171) 929 4164

18 October 1996
Mr Gavin Brown, APM

Naturally, the Commissioner will be astute not to interfere in any way with the progress of a police investigation and action. Unnecessary as it is so to state, it is specifically provided in the document that "The Commissioner will not act so as to prevent any police action in respect of allegations of sexual abuse by church personnel".

However it may be necessary for the Commissioner concurrently with a police investigation to interview a priest and recommend some action by the Archbishop. For instance, if there are allegations of sexual abuse it may become incumbent upon the Archbishop or his delegate to immediately take appropriate action to protect vulnerable persons, and to prevent disquiet and concern amongst members of a congregation of a church. Typically this could be done by suspending or transferring the alleged offender, though emphasising this did not indicate any finding of guilt. As was discussed at our meeting analogous situations arise in other organisations including the police.

However, on behalf of the Commissioner we confirm that the procedures will continue to be the subject of close consideration and monitoring. No doubt as time goes by it will be necessary to amend or add to them. In this context, you can be assured the Commissioner will communicate in an appropriate way with you and with other appropriate police personnel. In that context, we would be happy to receive such comments from time to time as you see fit to make.

We also confirm that the Commissioner proposes to inform the Solicitor General, Mr Douglas Graham QC of the proposed appointment, and the terms thereof, so that the Solicitor General can appropriately inform the Attorney General and such other Government persons as is considered desirable.

Once again thanking you for your assistance.

Yours faithfully
CORRS CHAMBERS WESTGARTH

A W LeP Darvall
Managing Partner

Attachment 4

Letter from Assistant Commissioner Brown to Corrs
Chambers Westgarth dated 21 October 1996



VICTORIA POLICE

COPY

Corporate Policy, Planning
and Review Department

Victoria Police Centre
637 Flinders Street
Melbourne 3005
Victoria Australia
Telephone (61 3) 9247 6733
Facsimile (61 3) 9247 6748

PO Box 415
Melbourne 3005
Victoria Australia

Your Ref: ROMA5455-001

21/10/96

3963/96

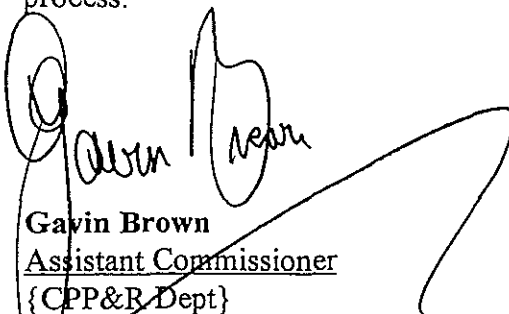
Mr. R. Leder
Corrs Chambers Westgarth
Bourke Place
600 Bourke Street
MELBOURNE VIC 3000

Dear Richard,

Thank you for your letter of 18 October regarding the new procedures to be adopted by the Catholic Church in dealing with clergy from the Archdiocese of Melbourne against whom there has been an allegation of criminal conduct.

The proposed amendment seems eminently helpful for the reasons we discussed at the meeting of 16 October.

I have taken the opportunity of discussing the draft of the new procedures with Detective Senior Sergeant Chris O'Connor of our Child Exploitation Unit. The Senior Sergeant, as I do, believes the new procedures should be a considerable improvement on the previous guidelines. Needless to say, the Force is concerned to see the practical application of the process.



Gavin Brown
Assistant Commissioner
{CPP&R Dept}

Attachment 5

Six transcripts of victim interviews

Mail	Reply Reply to All Forward Move Delete Junk Close
Calendar	Email to Glenn Davies
Contacts	Marilyn Stefanile
Deleted Items (15)	Sent: Friday, 11 December 2009 11:15 AM
Drafts [11]	To: Peter O'Callaghan
Inbox (52)	Peter
Junk E-Mail	It took 6 emails to send all the documentation which was attached to this email. 127 pages in all.
Sent Items	Marilyn Stefanile Personal Assistant to P.J. O'Callaghan Q.C.
Click to view all folders	Telephone: [REDACTED]
Manage Folders...	IMPORTANT: <i>This transmission is intended only for the use of the addressee and may contain confidential or legally privileged information. If you are not the intended recipient, you are notified that any use or dissemination of this communication is strictly prohibited. If you have received this transmission in error, please notify us immediately by telephoning on [REDACTED] and delete all copies of this transmission together with any attachments.</i>
<hr/> From: Marilyn Stefanile Sent: Friday, 11 December 2009 10:04 AM To: 'Davies, Glenn' Subject: Email from Peter O'Callaghan	
Dear Glenn	
Re: Transcripts	
I provide herewith as agreed, in strict confidence, a number of Transcripts of my interviews with complainants and relevant letters (with appropriate blank outs). The transcripts are marked numerically in ink and comment on them as follows:	
<ol style="list-style-type: none"> 1. Transcript 1—This matter went to hearing, and leaving aside preliminary applications, it took a number of days. Counsel Assisting was Jeff Gleeson SC, and Counsel for the priest was a renowned QC in Criminal Law. I attach herewith an extract from my Reasons for Decision in that matter which describes my process. I have also enclosed a statement (1A) of a witness taken by Jeff Gleeson SC as a sample of how Counsel Assisting the Commission collects evidence. The Offender had been previously acquitted in County Court Trials for very similar charges of sexual abuse. 2. Transcripts 2—This was a case where I initially took no action because of police investigation and potential Court proceedings involving the complainant (T2). I confirmed this in a letter (2A). When the police decided not to prosecute the priest in respect of the complainant I found the complaint established then referred him to the Compensation Panel and Carelink (T2B). 3. Letter 3—This was a letter which I had written to a complainant recommending that the complaint be reported to the police. The complainant did this and the priest stood trial inter alia in respect of charges laid in respect of the complainant. Subsequently the complainant applied for and was awarded compensation. 4. Letter 4—This was a case in which I raised with the complainant his right to report his complaint to the police. In the result he did not do so because the offender was already serving a substantial sentence in respect of other counts of sexual abuse. I must add that I have no doubt that the complainant was influenced in not reporting the matter to the police because had he done so I 	

would have taken no further steps in the matter and the issue of whether or not he would receive compensation would be delayed for a lengthy period.

5. Transcript 5 – This was a case where the complainant did not know the offending priest had died.
6. Transcript 6 – This was an interview of the complainant in the presence of her husband. The complainant made it clear that she understood her rights to report to the police but did not intend to do so. (See p. 21-22)
7. Transcript 7 – These were complaints by two sisters in respect of an offending priest, who was a friend of their uncle. They did not want to report the matter to the police, albeit they had suffered serious abuse. I might add that the older sister applied for and obtained compensation and was given considerable assistance by way of psychological and counseling support from Carelink and other practitioners. Unfortunately despite my entreaties the other sister has not sought compensation and declined treatment albeit the need for it is palpable.
8. Transcript 3 – This was reflected in the letter attached which I wrote to that sister (7A).

I believe the above is typical of my procedures, though no two cases are precisely alike. I confirm that the great majority of complaints are in respect of priests who have been convicted, for the subject complaint, or the priest has died. Thus there is no point in referring to the police.

If you have any queries, do not hesitate to contact me. Due to the size of the attachments I have sent them in three separate emails.

Kind regards

P.J. O'Callaghan
Independent Commissioner

Telephone: [REDACTED]

IMPORTANT:

This transmission is intended only for the use of the addressee and may contain confidential or legally privileged information. If you are not the intended recipient, you are notified that any use or dissemination of this communication is strictly prohibited. If you have received this transmission in error, please notify us immediately by telephoning on [REDACTED] and delete all copies of this transmission together with any attachments.



TAPE RECORDING OF AN INTERVIEW BETWEEN
AND,

JA

JG I have explained to . . . the general nature of the Commission's functions and explained that a complaint has been made in relation to . . .

JG . . . can I ask you this? How old are you at the moment?

AC I'm 29.

JG Your 29. And, where does that place you in relation to . . . your brother? Older or younger?

AC Older brother.

JG Do you know . . . s age at the moment?

AC 27.

JG Where did you go to primary school?

AC . . . and then to . . . and then to . . .

JG And where did you first meet . . .

AC At . . .

JG What grade did you commence your schooling at . . .

AC Grade 6.

JG Can you remember what year that was?

AC Um . . . 1980.

JG Can you recall how many years ahead of you were at school?

AC 2 years ahead of

JG At all times?

AC At all times.

JG Right. And do you know what year commenced school at . . . ?

AC The same year.

JG So, he commenced in Grade 4 . . .

AC Grade 4.

JG and you commenced in Grade 6 . . .

AC Yeah.

JG in the same year.

AC Exactly,

JG And you say that that's where you first met .

AC Say a year before commencing at . . . would have been '79.

JG And how did you come to meet him that year before?

AC Church.

JG What church was that?

AC

JG What sort of involvement did you have you have with _____ when you commenced at _____ in Grade 6?

AC As an altar boy.

JG And did you start as an altar boy in Grade 6?

AC The year before, I was in Grade 6.

JG So before you started at _____ school you started as an altar boy?

AC Yeah.

JG And was _____ an alter boy at that time when you started?

AC Yep, yeah same time.

JG You both started together?

AC Yep.

JG And did you continue your schooling beyond Grade 6?

- AC Yes, I went to [redacted] s in [redacted]
- JG And what about [redacted] ? When you left to commence Year 7, was he still at [redacted] :
- AC He was still . . . had to finish off another 2 years.
- JG And how frequently did you have contact with [redacted] through Grade 6 when you were at school?
- AC Not much during school hours, more on the weekends. Saturdays and Sundays.
- JG How frequently did you serve as an altar boy?
- AC Twice a week for about a period of 3 years.
- JG Apart from your involvement with [redacted] when you were serving as an altar boy, did you have any other contact with him either socially or through the church?
- AC Yeah, he used to come past my parents place and pick myself and my brother up and go past . . .
- JG That's [redacted] , your brother?
- AC Yeah, [redacted] He used to go pick up [redacted]
- JG Which [redacted]
- AC [redacted]
- JG There's another [redacted] isn't there?
- AC Yeah, his younger brother [redacted]

JG And when you said he'd call past to pick you up, where would you go to then?

AC Um, well we used to do a lot of visits, like stop over at elderly homes and stop over there and bring us to his parish, Yeah and take us out for drives on the weekends.

JG And this was during Grade 6?

AC Yeah, Grade 6.

JG And beyond Grade 6?

AC For me probably about another year after that. That's probably about it, but my brother, my brother and I had a lot more to do with him. Um, there was other blokes involved too, but I really can't remember their names. That right, it was . . . I don't know his surname, and I suppose. He went past their place as well. There just be like a little group usually, actually there was probably another couple of blokes though but I've forgotten their names.

JG And apart from these visits that you went on with , did you have any other involvement with him outside of school time?

AC Yeah. Like I said, he used to come past a lot quite often, say like if we don't serve at church masses we used to see him outside certain masses um he used come past and we used to go to his parish, pick us up and we would go back to his parish, we used to go and sleep over his brother's place in

JG Can you remember his brother's name?

AC

JG And you say you used to go and sleep over his brother's house?

AC Yeah, I probably did that twice.

JG For what length of time did you sleep over there? Where they extended stays or single nights?

AC Just the weekends.

JG Weekend

AC Saturday and Sunday night.

JG When you stayed at _____ place can you recall the sleeping arrangements?

AC Um, yeah I don't know how everyone was sleeping. Well, there was like four bedrooms and I'd say he had about probably 7 kids at that time. Um, I was sleeping with a couple of kids and I assumed that everyone was.

JG Was _____ with you on those occasions?

AC I can't really recall.

JG Can you recall whether anyone else was with you? You mentioned the other names of _____ friend

AC Yeah, more _____ and _____ would come with us a lot more than others.

JG And can you recall where _____ slept when you stayed at _____ house? Did he stay over, can you recall?

AC Yeah he stayed over, but I can't recall where he was sleeping. He did stay over, yes.

JG And do you recall whether there was any incident involving _____ house?

AC I knew that it burnt down.

JG You knew it burnt down?

AC Yeah.

JG Can you recall when that happened?

AC It would have been way after we slept over there. It was probably about two years after we slept over.

JG When you say "we", who's the "we"?

AC My brother and myself.

JG So, do you say that you can recall sleeping over at ... place.

AC Yeah.

JG ~~I know you say that you can recall yourself doing it, but was~~ with you?

AC At the house? Yes.

JG And can you recall where I slept when he stayed at ... place?

AC No I can't.

JG And can you recall what, if anything, happened to ... house after the fire? Was it demolished, was it rebuilt?

AC It was rebuilt as far as I'm know. It was rebuilt. It wasn't fully burnt to the ground, just certain rooms and then they extended it so it became a double-storey house.

JG And did you stay there at any time after it had been renovated or rebuilt?

AC Ah, my brother did, my brother did.

JG Did you stay there after it had been rebuilt?

AC No.

JG How do you know that I stayed there after that?

AC I remember that. He told me that they'd fixed it up to a double-storey house, so I don't know whether they shifted or that was the house that they built. I can only remember that. I've actually seen it.

JG Are you able to say what year it was that you stayed there at place?

AC The year I think was 81, 80.

JG So when you were approximately in Grade 6.

AC Grade 6, yeah. Yeah, Grade 6, Form 1 it would have been, yeah.

JG O.K. Apart from the house visits we have spoken about and the occasions that you stayed at place, can you recall going on any picnics or walks with .

AC Yeah, I recall those, picnics. He used to do like functions, picnics, Puffing Billy I can remember on a few occasions there.

JG And was present at the picnics and . . .

AC Yes, all the times that I was there, yeh, he was there.

JG Now, you're aware of course that your brother had a quite a bad accident when he was young?

AC That's right.

JG About the age of 3.

AC That's right.

JG And he had some medical complications as a result of the accident.

AC That's right.

JG And one of the problems was related to his bladder and bowel.

AC Yeah, they were crushed, yeah.

JG Can you recall what . . . used to do in terms of looking after himself as a result of the accident, attending to his toilet.

AC He used to go to the toilet quite often. So, if he had to go he had to go at that minute. He really couldn't hold.

JG And were there any occasions that he wasn't able to actually able to make it to the toilet?

AC Yeah, there was a few occasions where he wasn't able to make it.

JG And about this time, we are talking when you were about in Grade 6 or Form 1, what would happen on those occasions if . . . wasn't able to make it to the toilet in terms of cleaning himself up. Do you remember what happened?

AC Yeah, we used to stay in his wet pants.

JG Did he?

AC Yeah.

JG Can you remember anyone giving him assistance to clean himself up?

AC Sure, it probably would have been _____ at that time . . . I mean I would have been only 12 years old, my brother would have been 10, so I wasn't really responsible at 12 years old so _____ would have been the most responsible at that time, so _____ would have changed him.

JG And on the occasions you are thinking about, were there any other adults present?

AC No, not really. It was always basically

JG And are you talking about the occasions such as the picnics you had mentioned? The occasions at the park and Puffing Billy for example. Are those the occasions you are talking about now?

AC Those were the group functions that he used to organise twice a year with a big group.

JG And did your parents used to attend those functions?

AC Ah, no. I probably remember probably one or two out of all of the functions that they did. But most of the time, no.

JG Now, there's been allegations in relation to _____ that the Commission is investigating. Has any person informed you of any inappropriate conduct of a sexual nature by _____

AC I used to hear a lot like that he likes to touch and that, but not really hear that he touched, you know, the private parts. I know that he was always on the touch and always trying to get people to sit on his lap and grabbing them, always asking for a kiss.

JG Was that something that you heard about or something that you witnessed?

AC Oh, witnessed, yeah. I seen that, yeah.

JG And you say that he asked people for a kiss?

AC Yeah.

JG What type of people did he ask. Can you recall any specifics?

AC I suppose he would have gone to the more younger kids at that time so, I mean um I recall on a few times that he tried to, but . . .

JG He tried what?

AC He'd say give me a kiss and that, but I'd still, you know, walk away all the time I suppose. I suppose the one's that were more gullible would have.

JG Has your brother ! ever spoken to you about any inappropriate conduct by

AC I recall that there were certain things, yeah and saying um he would always ask for a kiss and was always touching him.

JG Would he go into any detail?

AC In details, no.

JG And can you recall when made that comment to you?

AC No, I really couldn't recall.

JG Are you able to estimate whether it was at the time when you were children?

AC It would have been when we were young, yes. Say . . . roughly the same age about 12, 13, 14.

JG And can you recall any more recent comment by ' ?

AC Ah, he was happy to tell you the truth about a year ago when the incident did happen with that was on the news and that, but I've noticed that he was relieved, but I didn't take much from it. I mean just . . .

JG You say that . . . was on the news, what do you mean by that?

AC He was on the news for child abuse.

JG And did you observe some reaction by at that time?

AC Um, I was quite shocked but I was too scared to ask my brother about it. Like . . . I mean I wanted him to come up to me because like nothing really happened to me and I thought did it happen to him or not, you know what I mean, I was iffy about it but was too scared to ask him so if he had anything bottled up I wouldn't know.

JG You say that that he seemed I think it was "happy"?

AC Happy, yeah.

JG Happy? How was it that you formed that opinion, that he was happy?

AC Because I was quite shocked when I heard and um I just wanted to see his reaction.

JG Can you remember anything in particular that he said?

AC Um, I think he said "yeah, he deserves it".

JG Can you remember anything else that he said?

AC That's about it. . . .Come to think of that, I think he is capable of . . . to be child molester.

JG And why do you say that?

AC It's just his, you know he used to touch, touched too many people all the time. Like grabbing too many kids, always grabbing them, touching them, asking them to sit on his lap all the time, always asking them for a kiss. That I remember clearly. At all times that I was always present.

JG Did you ever see him touch anyone around their genital area?

AC No, that I really can't recall.

JG Are you aware of ever having made an allegation about inappropriate sexual conduct by anyone else apart from

AC Not that I can recall.

JG And how would you describe your present relationship with your brother?

AC I try to be there, he's just too personal, he just bottles up, doesn't say much, he doesn't really open up, he's pretty set in his own ways.

JG How frequently do you speak to him?

AC Um, I did have contact like with him for a period of the last five years not much, probably um once a fortnight, if you had to average out, but there was a period where I didn't speak to him for two and a half years.

JG When was that?

AC Um, when he got married, when he left home.

JG Can you recall going on an overseas trip?

AC Yes, I can recall that. That was in '85.

JG And did you go on that trip?

AC No I didn't.

JG Who went on the trip?

AC Just Mum and

JG How is it that you recall that it was in 1985?

AC Oh, that's when I stayed at home for about 3 months at school because I used to always sleep in. I missed a lot of school actually.

JG And what year were you in at that stage?

AC I was in Year 11.

JG And is there anything else that you can recall about

AC Just that he was always touching and asking the kids, always asking for hugs and kisses. That's all I recall at this stage um. It's a bit of a surprise to me because today was the first time that I heard that my brother was a victim. I really don't know much about it. Um . . . I mean I do want to speak to my brother to actually talk to him about it, I mean, I remember some incidents that could have happened or did happen over the years I really can't recall that's fresh to me. Its the first that I have heard of it and that's all I can say.

JG Alright then, we'll turn the tape off now.

[TAPE ENDS]

NAME:

6

ADDRESS:

TELE NO:

DATE:

POC: I'm having a conference with, what's your name,

IH:

POC:

IH:

POC: . And where do you live.

IH:

POC: And you're here with your husband who is.

IH:

POC: Speak up because it's easier to put it on the record now. You've given me this before, but your phone number.

IH:

POC: O.K. Fine. Alright now you spoke to me on the phone yesterday, sorry Monday. Tell me, you've got a complaint to make.

IH: Yes. I was at (?) in the 70's and committed sexual abuse against me.

POC: And Father Peter as a, I think he was a (instructor).

IH: Yes. He,

POC: Now tell me about ... was a school.

IH: Yes it was the ... was next door and ... was the ... and it was run by the ... and ... was the ... in charge at the time.

POC: Just let me tell you, I was educated by the _____ until I left
 school at 14 in _____. My old school was the _____ at
 _____ Now as far as the school was
 concerned there was a parish there as well.

IH: Yes.

POC: Yes and what did you believe _____ was.

IH: He was a _____ attached to the _____ he was our _____ he
 was introduced as our _____

POC: Right.

IH: That's what our class was told.

POC: And what did he do. Say Mass in the church or in the school, or
 come across to the school.

IH: He came across to the school and we had a religious class with him.

POC: Can I ask you, it's a bold question to ask, but how old are you.

IH: I'm 38.

POC: Yes.

IH: And I was 11 and a half, until 13 at the time of the, when he started
to,

POC: Right and where did you live in those days.

IH: I lived in Not sorry

POC: Yes and you travelled by tram or whatever to get to school.

IH: Yes, yes.

POC: Which,

IH: Tram, yes.

POC: And you were living with your parents.

IH: Yes.

POC: And was that your church as well.

IH: Yes it was.

POC: You and your family went to church there.

IH: Yes.

POC: Right now tell me, what happened.

IH: What happened was he actually befriended myself and some other girls at the school and he used to put his hands up our dresses and things like that, that's when it first started and who was in charge of the school, she called me into the office and she asked me what he did and I just lifted up my dress and showed her and she got angry at me and told me I was making it up, however from that point onwards he was no longer giving religious instruction at the school. I don't know whether it's got any relevance as to what I said or to what others had said but he became friends of my family, he became embroiled in the family.

POC: Before or after.

IH: Just after that, just after that. He became a friend of the family and he, I was only 11 and a half when it first started happening and he told me all of these like fantasy stories that kept the abuse going and he used to like lie on top of me and kiss me like put his tongue in my mouth and do oral sex on me and things like that and,

POC: He did oral sex on you.

IH: Yes.

POC: And where did this happen.

IH: At home because he used to actually stay,

POC: This was after,

IH: After, after, after.

POC: O.K. I know this is not terribly pleasant but go back to, I know it's a time ago. When he first started to do something what did he do.

IH: He used to lie on me and kiss me and touch me all over.

POC: Speaking about the occasions that you described to

IH: Yes.

POC: You lifted your skirt up.

IH: And I showed her, I said this is what he does, he puts his hands up my pants and she got angry.

POC: When he did that where were you and where was he.

IH: He had an office at the back, there was an office at the back of the school, there were offices and that was his office, and he wasn't moved from there when he was (inaudible).

POC: But when he lifted your skirt up, I appreciate the difficulty, but what part of your body did he touch.

IH: He touched all of my anatomy, yes, just that's just what he did.

POC: Did he penetrate you.

IH: Not with his penis.

POC: No, with his finger.

IH: Yes.

POC: Yes.

IH: And his tongue.

POC: Did he do that in the office before,

IH: It's,

POC: Don't worry, if you can't,

IH: I know it happened for two and a half years, you have to understand, like I spent a long time trying to block it out, but,

POC: Was what he did though, and you're telling me is, he fingered you and he then engaged in oral sex with you in the sense of kissing you on the vagina.

IH: Yes, yes. Oh yes. That happened a lot.

POC: But that happened at home did it.

IH: It happened at home and in the back room as well.

POC: And did you tell anyone about it.

IH: Only

POC: And when you told _____, you were not greeted with,

IH: No she wasn't happy. But my parents knew because they used to, I know it sounds incredulous but they actually used to see it and they let it all happen. I know it sounds not true but it is, well, it's true.

POC: When you say your parents saw it happen.

IH: Yes. Kissing and things like that and the touching and that and when I confronted my mother about it probably about ten years ago she said well, I was sexually abused the same thing happened to me, so, you know what are you worried about.

POC: Are your parents still alive.

IH: My mother died last year, my father's still alive.

POC: And the, so they knew about it obviously.

IH: Yes.

POC: Did you tell anyone else about it, we'll come back to in a minute, did you tell anyone else about it.

IH: At the actual time, no, no, because well my parents knew about it, and yea, no I didn't tell anyone else about it.

POC: O.K. Well now as far as, when you had this, we're just skipping things over things a bit which isn't the way to do it, as far as was concerned, when you told her what had been done, what did she say.

IH: I remember she got angry with me and I was upset because she was angry and she didn't believe me. But, you know, he was actually moved, so I don't know,

POC: So it was after you told that he stopped coming to the school.

IH: He stopped giving classes at the school but he was still attached to the church and he was imbedded in my family by that so,

POC: And did he say Mass at the church.

IH: Yes he did.

POC: And then he became, you were telling me he became friendly with your family.

IH: Yes.

POC: After that.

IH: Yea.

POC: In what way did he become friendly.

IH: Well my, it's all really sort of complex, but my father he had, at the time, he's fine now, but at the time he actually had a mental illness, my Mum had six children, I was the second eldest of six children, she was by herself and she basically was alone with these kids and my Dad was like a seventh child because he was drinking and he was psychiatrically unwell at the actual time.

POC: Was he living at home.

IH: Yes he was. And he, like we used to have to call him . . . and all this stuff and Mum was, I know you probably won't believe this, Mum was actually having a relationship with him, he was praying on her because she,

POC: With the priest.

IH: Yea. Because she was highly vulnerable and everything else. So, yea, so that's just how it is. And the only actual evidence I have, because I know that this really just boils down to what evidence, my memories aren't evidence, but at, in 1975 my parents actually divorced and as part of that my father actually got an intervention order out against the priest and they went to the Family Court and it was all brought up in the Family Court about what the priest did. So I don't know if that would still be on record or not it was a long time ago.

(K) I don't know at this particular moment in time whether you actually sort of how the priest actually prolonged the thing happening and what he actually said to you with regard to,

IH: Well I can't prove that so,

POC: Hang on,

K: But it's all relevant.

IH: I'm just saying what I,

POC: Let me tell you, the best evidence is direct evidence, what you're telling me what happened. The other evidence, which is not unimportant because I have to make a judgment about these things,

IH: Mmm.

POC: The primary evidence you're telling me is what you say happened, O.K.

IH: Mmm.

POC: Now, the other evidence, that is what happened in the Family Court or anywhere else might or might not be confirmatory of your evidence so the first thing to do,

IH: Just thought it was something that was,

POC: I understand what you're saying but '75 in the Family Court.

IH: I know.

POC: It's a long time ago it happened. Now tell me this when did you get married.

IH: I got married in 95.

POC: 1995.

IH: With

POC: Did you tell him about it.

IH: > Yes, yes.

POC: No it's alright. So you told your husband now, before you got married or at the time you got married of what had happened.

K: Actually it was before, it was before we got married because was actually always very nervous, very nervous, very unsure of herself, she's, and you had to reason why, why that was actually sort of happening and I basically sort of said, what happened, her family is very dysfunctional, they are very dysfunctional, but she is such a

lovely person that she still speaks to her father, I couldn't cope with it, I'd (inaudible) to be honest but she's not like that, she's not like that, she's very forgiving but she actually went through quite a lot of hell, and when you listen to what, she believes herself to a certain extent, she because of the way the priest actually swung it along it was sex education and everything else like that,

IH: Yes.

K: You're missing all these bits, this is, and of course because she was devoid of a loving environment in the family that she was in, it was a good, you know she got this love from the priest so she actually feels a bit guilty that she sort of let it happen to a certain extent and she feels she feels at fault, or she did then, and later on, but then of course when she stopped it and she stopped it herself, and got into trouble from her mother when she stopped it, why are you not being nice to the priest anymore.

IH: Yes.

POC: How old were you then.

IH: When I was 13.

K: Just coming 13.

IH: I was 13, because I realised it just wasn't right and I stopped it myself, yes.

POC: And when was the last time that you saw the

IH: Um, I actually, when I was about 18 or something I was walking down that path, like , like opposite the , and I saw him and he just ignored me, so.

POC: How old do you think he was.

IH: He was 64 at the time, yes.

POC: So we're not going back, you're,

IH: I'm 38 now.

K: But you don't actually know that he was 64 at the time, we actually thought he was about 40.

IH: Yea I do, I know a lot, well I knew a lot about him and things like that, so,

POC: But, when, why do you believe he was 64.

IH: Actually he told me he was 40 at the time,

POC: I see.

IH: But someone told me, someone actually told me.

POC: Looking back though, did he, I mean just, what I've set in train after you spoke to me is to try and get a line on where he is and I think, did I tell you yesterday he's retired, but, you're judgment of his age was just your impression or what he told you.

IH: Um, for some reason I think someone told me, is he still alive.

POC: Well that's what, hang on a sec, I'm terribly sorry about this but I've had a few phone calls in recent days,

K: I bet you have.

IH: I'm surprised I could get through.

POC: Some get through and some don't, which is understandable.

IH: It's not your fault.

POC: Indeed it isn't, but the problem though is the fact that what's occurred that is the problem, that's why so much of this, that's the one thing you can't get rid of what's occurred. But, now let's have a look.

IH: Yea, yea.

POC: . I think on reflection I did do this yesterday when we were speaking on the phone.

K: Tell him about (inaudible),

IH: Alright.

POC: I think, if it's

IH:

POC: Well he's in ... : In retirement. Anyway that's,

K: I bet you that guy is just sitting on the edge of his seat especially with all that's happening at the present moment, going I wonder when the knock on the door is going to happen. I bet he is.

POC: Well I, because I naturally keep an open mind but, you may be right. But tell me why did you, was it the recent publicity that, well tell me why you rang me up.

IH: Well I rang you up the other day because I really feel that I didn't ask to have what happened to me, I didn't ask for that to happen and I,

POC: Perhaps I should reframe my question. I can understand why you've come in, why did you not do it before.

IH: O.K. Well I didn't do it before because I never wanted to go to the police about it because I find it hard enough to talk about it let alone all this dissection and I've always felt that it's not their fault but they do make you out like the perpetrator and you have to go into things in such detail and I don't have evidence, like pictures, I don't know, like, tangible,

POC: I think I told you that yesterday, you have a right to go to the police.

IH: I understand that but I don't want to go.

POC: Let me make it very clear, if I want to discharge my duty as I told you on Monday that I invariably tell people that they have a right to go to the police and I encourage them to exercise that right. If and I gather you don't want to, then I'm happy to hear what you say and I'm listening to what you say and I will treat it as completely confidential everything you say unless you tell me otherwise.

IH: Mmm.

POC: I understand completely that people want to avoid the trauma of a police investigation and all that flows from it, so,

IH: Mmm.

POC: But you know that I've told you that.

IH: Oh no I totally understand my rights and my right to actually see the police if I wish.

POC: O.K. Alright well now have you had any counselling about this, have you gone to anyone to talk about this.

IH: About 12 years ago I went to see a psychiatrist and dad wasn't very happy, but anyway it doesn't matter, but I haven't really had any counselling about it. Yea.

POC: Alright well now look what I will do is to write to you formally and give you a copy of what's been presently recorded. I must propose a statement to say to the ^{land} ~~police~~, well this is what's been said, what do you say about it.

IH: Mmm.

POC: That is I've got to give the accused the opportunity of answering it,

IH: Mmm.

POC: And I'll do that but and I'll set out everything else in the,

IH: I don't want to be in the same room as him. I do want to know that he's not doing it now to girls. That's what I want to know, I know it's a long time ago, I probably should have said something sooner but even if he's retired,

POC: (Inaudible)

IH: Yes.


POC: And as far as, when you speak of your father, have you discussed this with you father in recent times.

IH: No. Oh, he has mentioned it to me but nothing to do with oh my god that priest, I just mentioned it in terms of,

POC: That bloody priest.

IH: Yes, yes, but I don't want to tell Dad because Mum only died nearly a year ago and I don't want to tell Dad at all about this, he's been through enough so, yea.

K: The thing about it is that you do have other siblings that this particular priest has actually sort of interfered with too.

IH: One, , not to, any,

K: Not to the same extent.

IH: Any at all is too much, but not to, like two and a half years, I can't speak on her behalf.

POC: How many siblings have you.

IH: I've got five. An older sister and she's, but not to the extent,

K: Well you actually, (inaudible), you had more than five siblings, you've actually just become aware of another sibling,

IH: Another two.

K: Another two siblings.

IH: But that's, but that's, I was brought up with another five. I was brought up with another five but Mum adopted two out,

POC: But the relevance of what you're just saying though that one of your sisters was interfered with to some extent,

IH: Well I saw it, like she saw what happened to me, yea. Yea.

POC: Alright.

K: How silly, this happens, I mean your Mum was on with the priest too, he used to come over and baby-sit.

IH: Oh yea.

K: You can't believe, just to abuse their position and trust, sort of come in that way, typical pedophilia type way to, befriend the family and move in that way.

POC: That is very typical.

IH: Well that's what happened.

POC: Typical I might say, (inaudible) in the immediate situation, but typically the priest or the pedophilia in that situation and I must say that what you've told me has surprised me to the extent that the awareness of your parents.

IH: Mmm.

POC: Usually, usually it was having afternoon tea with the parents and disclosing nothing.

K: Yes.

POC: They were aware of it.

K: Well I mean the thing that it is that your Mum's words to you were, you no, came back to me was, well it happened to me and I survived.

IH: Yea.

K: That was how it was you know sort of,

POC: O.K. now have you children yourself.

K: - doesn't want children.

IH: Because of this.

K: She's never actually sort of wanted children and the reason she didn't want anything like this to happen.

POC: And what is your occupation.

K: I work for a labour hire firm.

POC: And do you work,

IH: Yes, I'm a drug and alcohol counsellor, I've got a degree, yea, I work full time.

POC: Alright well look, you confirm that you don't want to report this to the police.

IH: No, I couldn't go through that.

POC: Well what I'll do is this, I'll send you out a copy of the transcript, I'll send you out a formal letter describing my position and so on and we'll take it from there.

IH: But he won't be able to contact me.

POC: No, no.

IH: I know he's got all of his brothers and sisters are priests and nuns and that and this is _____ and he's got a father in _____ but he, I've met the father like when I was 12, but he never interfered with us or anything, but I just,

POC: A priest.

K: Well you said he was actually nice didn't you.

IH: Yea, well, he didn't, he was nice.

K: I mean there's a lot you've been missing out, but you know what you've told me.

POC: Well let me say this that I have not the detail of what you would want to go, with the priest or whatever, but you've described it, as you want to describe it because it's very important that I don't suggest, you describe and tell me, and,

IH: There's a lot more that I could say.

POC: O.K. And, that leads me to the next step is one of the things that I can do is to refer you to Care Link if you want to go. Care Link provides free counselling and psychological support and undoubtedly if you went there they'd discuss it in more detail, but what do you feel about that.

IH: I feel that it's effecting me in the fact that I'll never have children and it that really upsets me when I see people my age I get very upset but I don't want to have counselling.

POC: But,

IH: But thank you for that option.

POC: I understand that decision.

IH: Thanks for that choice.

POC: As a matter of interest, when were you born.

IH: I was born on the --

POC: Alright well look, I'll, have you got any questions that you want to ask at this stage.

IH: I just basically want to know that he's not doing it to anyone else.

POC: I can't tell you that at the moment.

IH: No, no, no. That's what I want to know,

K: I mean we've, it's not, sorry hon, because it's not sort of like the major topic every week that we have obviously, I mean the question has cropped up on many occasions and we've basically spoken about it quite often with regard to reporting it and going to the police just in case it is happening to somebody else and I mean that's,

IH: I couldn't.

K: But it's, it's choice because it's her that has to stand in some dock and say,

POC: I'm not, I, provided I've given you my advice about the choices,

IH: Yes, that's fair, understood.

POC: I encourage you but I can easily understand your not doing it,

K: I've tried to talk her into going.

IH: No, because I've spent my whole life trying to do well and put it behind me and it's been a real battle but, so,

K: I mean you're not so bad now but when I first met you you were so insecure absolutely insecure, nowadays, certainly comes from your own self, you've got more confidence,

IH: I've got more confidence.

K: We actually joined Toast Masters and things like that and it took three months for [redacted] to actually sort of stand up and say her name. But at least in the end she was saying about four speeches weren't you and it was actually,

IH: I've always had to battle with my self esteem.

POC: Well I'll switch off O.K.

IH: O.K. Thank you.

NAME:

ADDRESS:

TELE NO:

AND:

NAME:

ADDRESS:

TELE NO:

DATE:

POC: Peter O'Callaghan QC

G:

M:

POC: Well I'm starting a conference and we're not going to sing for the minute
but we might later on.

G: OK.

POC: I'm starting a conference with that's-
correct.

G: No, no 'e'.

POC:right. And what is your address.

G: .

POC: Yes. And telephone number, this is just so I can,

G:

POC: And you've spoken to me on the telephone a week or so ago and I'd first been spoken to by a in who, and you've got a complaint in respect of, is that correct.

G: That's correct yes.

POC: Now you're also accompanied by, what is your position Have you got a complaint.

M: Yes.

POC: And are you related.

M: Sisters. Aren't we beautiful.

POC: I've got to put that on the tape. OK, so what's your address.....

M: and my phone number is

POC: Could you say that again.

M:

POC: Yes. I'll just put this, I've got to be heard too you see, I'll keep my voice up. Well which of you are the older, we start with you first.

G: You should have known that Peter. By looking. He's not game.

POC: It's only because of the tape. If we were doing this on video I wouldn't have asked.

M: Oh good on you.

POC: Now,

G: Can I ask what your position is.

POC: Let me explain. I am, and I'll put all this out in a letter to you as well, but I am an Independent Commissioner appointed by originally by Archbishop Pell, now Cardinal Pell, and the appointment was renewed by Archbishop Hart to enquire into and report upon allegations of sexual abuse by

priests, religious and lay persons within the Archdiocese of Melbourne. I am and was at the time I was appointed in 1996 an ordinary practising QC with a wide general practise and my position would be most likened to that of a Royal Commissioner. That is if a government wants to enquire into and get a report they typically appoint a Royal Commissioner and whilst the government pays for the Royal Commissioner the Royal Commissioner is quite independent of the appointor, and similarly in this case the government if you like is the Archdiocese of Melbourne and through their Solicitors they have retained me but I am quite independent of, I make my own decisions as to what takes place, so what has happened and it was originally thought that this would not be such a long term appointment but because of the continuing complaints such as an example of both of you here today, it's continued, so what I do is if I am satisfied that a person has been the victim of sexual abuse I can refer that person to Carelink which is an agency set up to provide free counselling and psychological report to people who have been the victims of sexual abuse, that's under the Chairmanship of a and what Carelink does is to if the person wishes to do it, interview the person, discuss with them whether they need counselling or whatever and would refer them to an appropriate counsellor or if they have a counsellor of their own would meet the fees of that counsellor. That's the counselling aspect of it. So far as, if I'm satisfied that there has been, a person is a victim of sexual abuse I can also refer that person to a Compensation Panel which has jurisdiction to award compensation up to a limit of \$55,000.00, now you're nodding you head,

G: Shaking our heads.

M: Shaking.

POC: Now but let's let me explain though what the Compensation Panel and what it was set up for, because people had great difficulty in establishing any claim at law essentially because the church authorities did not know of the propensity of a particular priest to engage in sexual abuse it was almost impossible to successfully run a common law action except in very specific circumstances so consequently it was decided by Archbishop Pell that there should be a scheme of what's called ex gratia compensation, that is all you have to establish in order to be entitled to be compensated is that you were abused by a priest and the Compensation Panel is under the chairmanship of who is a very prominent barrister and it's got a solicitor, a psychiatrist and a social worker and they are very informal and they meet with the person, but I'll set all that out in a letter, now, any queries arising out of that.

G: No.

POC: Alright well whereabouts can you tell me what happened.

M: Um, I was, it was the Summer when I was 14, I would have turned 15 in the April, andwas a good friend of my uncle,

POC: Keep going.

M: OK, and used to bring him home to mum and dad's house quite a lot and we had a built in swimming pool and I didn't know how to dive and a few of my cousins and that didn't know how to dive in either so was teaching us how to dive and at first it was just, he'd put his hand,

POC: is

M: Yes. He'd put like his hand on the top of your head and his hand on your bottom and he'd dip you in like that you see, and then it got to the point that he'd still put his hand on your head but his fingers would slip in between your legs and he'd tell you separate your legs so you did what he said because he was a priest you know,

POC: Mmm.

M: And so then he'd do that and then he'd make you stand there until you were dead steady but while you were standing there he'd have a bit of a wriggle but never inside your bathers, pants or anything and then over the summer it got to the point that he would put his fingers inside your pants or bathers and,

POC: This is all in the swimming pool.

M: Yes and,

POC: Yep.

M: Mine was all to do with the swimming pool and then it got to the point when it went further than that he used to get you in the pool and get you doing all these exercises and stuff and he'd hold you and bounce you up and down and that and then he'd put you in the like not put you, but you know you'd wriggle your way into the corner or something, and he would actually put his hand inside your bathers and play and insert his finger and whatever, he did that over a summer period and there was a little girl staying at our house that was his housekeeper's daughter, and she was a lot younger than me and he used to take her, you know during the week, and take her for drives and she used to be so scared and cry, and my oldest sister and I used to tell her to pretend she's sick, you know, don't go, so by the end of the holiday that's what she was doing but like every night she'd kiss you goodnight she would have to open, mouth kiss you, and put her tongue in your mouth and all that and you know we used to say that's just not what you do and she said, yea, that's what they say you have to do and like she was only 7 or 8 or something like that. I don't remember her name, I think it was but I don't,

POC: And she was staying with you, with your family.

M: Yes.

POC: Because she was the daughter of..... housekeeper.

M: Yes. Yes.

POC: And, but you don't remember her name.

M: No.

POC: And well, and over what period, you said over the period of the summer,
would that be,

M: School holidays.

POC: School holidays, yes, yes, but the Christmas school holidays type of thing.

M: Yes.

POC: And about how many times would you say what you described happened
to you.

M: Well the diving was every day.

POC: Yes.

M: In the swimming pool itself, no more than three times.

POC: Yes. But the, and then it did progress to where he was actually penetrating you,

M: Only with his fingers.

POC: Yes I understand that, yes.

M: Yes.

POC: Now you were just a girl then of what turning 15.

M: Yes.

POC: And was that, was there ever any repeat of that performance.

M: No, no.

POC: And what year was that.

M: 76.

POC: 76 and you had an older sister.

M: Yes.

POC: And what about, you had a younger sister, was she around then.

M: She was there somewhere, probably in the road.

POC: But,

M: I've spoken to my older sister and she said she knew there was something but nothing happened to her.

POC: Right and did you complain to anyone about it.

M: Did go to mum, and said I don't like learning to dive with, I don't like where he puts his hands, and mum was under a lot of stress then, we had our grandmother living with us who had dementia, there was all of us kids our cousins were there.

POC: How many kids, how many kids in the family.

M: Well there was four of us, there were 7 of....., then there was the other girl, and then you've got everybody else who used to come, so mum had her hands full and mum just said oh for goodness sake he's trying to

teach you how to dive, you know, and that was, I can understand that, as a mother you do you know,

POC: Certainly it was certainly common enough that that was the reaction, but I think,

M: Yes.

POC: But all the publicity these days people would probably do it differently.

M: Yes.

POC: But however that's who you complained to and,

M: But I didn't go into detail with her.

POC: I understand, I understand. And have you told anyone else.

M: Um, I've been under psychiatric care for a long time over it plus a couple of other things but I told, you told mum didn't you, did you tell mum, I told dad.

G: I told mum.

POC: Are your parents still alive.

M: Yes. Yes.

POC: They both know about it now.

M: Yes.

POC: And when you say you were under psychiatric care, who was the psychiatrist.

M: Was at the

POC: Yes.

M: But now I see a psychologist called in

POC: I see. And you've discussed this with them.

M: I've discussed it with yes.

POC: With, that's, that's

M: No

POC: And what's his address.

M: Her address.

POC: Not going well am I.

G: You're doing real well, first, now,

M: She's just at the Hospital.

POC: Right but what I will do in due course is particularly if you've discussed it with her is to get a report from her and but and when did you first seek assistance in respect of actions.

M: Um, oh it would have been probably late November last year.

POC: I see.

M: But I'd been under for a lot longer than that.

POC: Yes but that's when you first told her about OK. Alright well, and when did it, when did you feel it was affecting you, as in affecting your enjoyment of life, did you get over it, or did you forget about it or was it always with you.

M: His yellow and white bathers were always with me, they were revolting, well like they were mini shorts one side was yellow and one side was white and they were see through and he was a very hairy black man and he was just revolting and we've always had a family joke about shorts you know, but you just didn't say anything further than that and how we didn't like him teaching us to dive but you never went any further than that and then I've had a lot of mental illness with post natal depression and post partam psychosis and at the end of that this all came up as well.

POC: Yes, how many children do you have.

M: Three.

POC: Are you married.

M: Um, divorced actually last week.

POC: I see.

M: Only got the papers Friday.

POC: Just say that again. You were divorced last week.

M: 21st of

POC: And your children how old are your children.

M: 11, 7 and soon to be 6.

POC: I see and they live with you.

M: Yes. And you live in

POC: OK well, and when did this is back in 76, did you continue to see, or did he continue to come to the house. He did.

M: I would imagine he would have, yes he called in for a lot of years, yes, but I won't go in the swimming pool.

G: Still.

M: Still yea because everyone's, I only confessed this last week to you didn't I, everyone just thought it was because of my size, but that doesn't bother me it was just, the pool, as soon as I hit the water it all comes back, so I just keep away.

POC: Yes. OK. Well because I'll, have you got anything further that you want to tell me about that, you've probably told me all I need to know, but what I'll

do is I'll keep the transcript separate and I'll give you naturally, but I'll have it all typed up.

M: OK.and I didn't consult each other, we had, rang up whenever, a few months ago, and just said to me, we need to have a talk and out of the blue I just said oh about, and she said how did you know, so you know and I'd already been through it, but I'd been waiting for it to catch up.

POC: You haven't discussed it with her in recent times at all.

M: No, no. Not at all.

POC: OK well what brought you to ring her up.

G: I, I don't know what you'd call mine, suppressed memory or whatever, it just, I meditate and while I was meditating it came up,

POC:Yes, well tell me what happened, what do you remember.

G: About

POC: Yes.

G: OK, mine is a bit worse than, excuse me, he just near the pool there was this shed, and sorry,

POC: It's alright, it's alright.

G: Like it was playing this game we've got to hide from everyone and he took me into the shed, dad always had this stuff and he lay me down on it, and we were hiding under this plastic and this penis came and I know I didn't want to be there, because I never really liked him and um, he then he started kissing me, and then he took my bathers off and he (inaudible)

POC: He what.

G: Kissing me all over.

POC: Yes.

G: And then, you know, (inaudible) he made me put my hand down his pants, his bathers and then he took them off and then I had pig tails and he made me put my mouth on his penis and sort of, pulling my head up and down.

POC: And how old were you then.

G: I would have just turned 12, in the December.

POC: And what year was that.

G: 76,

POC: I see it was the same time as.....

G: Yes.

POC: And so he had this, fellatio as it's unfortunately called and he had you doing that,

G: Yes.

POC: And anything else.

G: There was no penetration no. And then, well while it was going on he had his hand he always had his hand on my throat whether he was kissing me or like I still can't wear scarves or anything, things around my throat sends this came up that is, yes, and that was about it, and then he threatened me, you're not to tell your parents you know.

POC: And that was in the summer of 76.

M: Mmmm.

POC: And that was the only occasion was it that he.

M: Yes.

POC: Well now look what I've got to tell you both too is this that, that you've got a continuing and unfettered right to report matters such as this to the police if you wish to. I'm obliged to tell you that because part of my arrangement when I was appointed was I wasn't going to be any substitute for the policeforce and I have encouraged people to report it but you've both shook your heads in the negative when I mentioned that just then.

G: I'll speak for myself. My reason for being here Peter is, is to help and make sure that he's still not doing it, just for him to seek help, because I can't imagine what it must be like to be him and so I'd like for him to seek help, we don't want, I don't want any compensation, I don't want any of it, this for me is aboutand making sure he's still not doing it.

POC: Well in the strict sense what I would normally do when a person makes a complaint you have to convey that to the priest to say this is what's been said, what do you say about that. Now, I can tell you that subject only to that, whether we'll do that or not we'll discuss in a moment, but quite frankly I find it easy to accept what you've told me and when you say that

you want to ensure that he's not doing it still, are you aware of any of his background in recent times. Do you know what he's doing now.

G: Um, he's left the priesthood hasn't he.

M: I don't know if he's left the priesthood but rumor has it that he's got a child in

POC: Well he's retired, he's retired from the priesthood, and that was because of conduct similar to what you've described and so in so far as your concerns about him continuing to do what you fear he might be doing there is no control from the point of view of him being in a parish or anything of that nature and indeed but anyway I'll come back to that in a moment, but when you say that you don't want compensation, we'll put that to one side for the moment but are you receiving any counselling or,

G: I'm more into alternative counselling.

POC: You're laughing when you say that.

M: I call it spook classes.

G: I did something called the Journey where you go back to it and then you feel the emotions you feel and then,

POC: And who's providing that therapy.

G: Just a lady at (inaudible).

POC: She's not a qualified lady.

G: She's qualified in the Journey.

POC: I see.

G: Not the standard.

POC: Well tell me some more though.

G: But I've received, because I had post natal depression as well so I received a year of therapy that way.

POC: Who was your therapist in that situation.

G: It was a lady in, I lived in at the time.

POC: I see. And you are married.

G: I am separated.

POC: Any children.

G: Two.

POC: And well do you feel that you would benefit by expert counselling if I can put it that way.

G: No.

POC: Why do you feel that.

G: I'm OK I'm good, I don't know, just talking about it,

POC: The, when did, you didn't tell anybody about it at the time obviously or did you tell your sisters or any,

G: No.

POC: And when did it come back to you.

G: When did we go to,

M: June school holidays.

G: Just prior to the June school holidays.

M: It was the Thursday.

G: Was it.

POC: It isn't so much that you just hadn't thought about it, it suddenly.

G: It just was suppressed.

POC: Yes.

G: I don't remember remembering it you know, as a child, I remember rebelling and (inaudible)

POC: What was your attitude towards

M: Well we wouldn't have been game to be rude to him we would have got hung drawn and quartered.

G: Yea you always had to be polite.

M: But I took it out on mum.

POC: Yes.

M: Poor old mum.

POC: Alright.

G: Mine was at school.

POC: Pardon.

G: I rebelled at school.

POC: Yes.

G: More so than home.

POC: And do you think that effected your schooling.

G: Oh yes.

POC: Yes. What did you do at school, what,

G: I went up to year 12 but I failed.

POC: I see. And what was your occupation.

G: Legal secretary.

POC: I see. Whereabouts.

G: I did it in and

POC: I see. And how long have you been back in

G: Beginning of this year.

POC: I see. And are you presently working.

G: No.

POC: And you're not. Fair enough.

M: That's alright.

POC: OK well the, I was going to suggest to you, and you can think about this and I'll put it in a letter to you, it may be worthwhile just having a chat to Carelink, there is is the woman up at Carelink, and she could easily advise you as to whether you might want to do something else, because when you say it doesn't worry you, it does worry you when you think about it obviously and when you talk about it.

G: It's just because I'm here with you I think.

POC: Yes. OK I don't want to talk you into doing anything you don't feel like doing.

G: Yes.

POC: But I'll set it all out in a letter to you and you can have a think about it.

G: Thank you.

POC: And similarly I will, when I've got the address etc I'll write to you, I've got the tape, and I'll send a copy to you. Have you got any other queries at the minute.

G: No, about,

TAPE ENDS

NAME:

ADDRESS:

TELE NO:

POC: I'm having a conference with, is that spelt
.....

R: It's

POC: Right, and what's your address,

R:

POC: Fine, and with you is, your wife.

R: That's right.

POC: Well now look, you know what I am, or perhaps you don't, let me explain. I am an Independent Commissioner appointed by the Archbishop to enquire into allegations of sexual abuse and my role is very much like a Royal Commissioner appointed by a government, to enquire into corruption etc. things like that, except in this case the government's the Archbishop. Now one of the things that I do and I'll

give you a copy of the, I don't suppose you've seen the terms and conditions of my appointment or anything like that.

R: No.

POC: I'll give you that before you go and also, take that brochure, that brochure there explains the set-up as it was when I was appointed.

R: O.K.

POC: But one thing that I don't do is to involve myself in any investigation whilst a police proceeding is pending, it often happens sometimes, it doesn't often happen, it sometimes happens that I have commenced a proceeding which the person then decides to go to the police. I always tell everyone who comes here if what you're complaining about may constitute criminal conduct, you have a right to report to the police and I encourage the exercise of that right.

Now that's not necessary in your case because you've already been to the police.

R: Mmm.

POC: But, and what's happened is that you've been, have you been called as a witness at all.

R: Yes I have.

POC: In the committal proceedings.

R: And also there's a one in the County Court coming up on the 7th of and I'm in that as well.

POC: Is that a trial.

R: It's a trial.

POC: I see and he was committed on your evidence I take it.

R: Yes I believe there was two of us in the court. I believe there were three people in the court who were taking him to trial and, excuse my terminology, I'm not familiar with the legality of it all but my understanding is one of them decided to drop out of it at some stage how or why I don't know and the other person stayed in with me and I was told by that there's two of us taking him to the County Court.

POC: And you no doubt made a statement to the police did you.

R: I did make a statement yes.

POC: And did you get a transcript of your evidence that you gave at the committal.

R: No I haven't. The statement that I got back from wasn't quite correct and I had the opportunity to change it in the Magistrate's Court, which I did, and I don't have a copy of that updated statement although I know what I said.

POC: Well the thing is this that let me ask you this, why did you ring up me.

R: Um,

AM: You want me to tell this bit.

R: Yes, you can tell him, that might be easier.

AM: I was at the funeral of a friend's father, and I met, whom I know quite well,

POC: Oh yes.

AM: Through this family, he's done all the weddings and baptisms and what have you and my friend had told him about although he's met over the years, just at a few functions and I just said to him that had read this little article in the paper a couple of years ago and realised that had come up in this case and had immediately rung the number that was in the newspaper,

R: No there wasn't any number there I,

AM: He'd rung the police and,

POC: That was when, the scouts, or put on administrative leave or,

R: No, no I read an article in a Sunday paper describing a priest under investigation, didn't mention his name and..... was in the backyard and I went out and said, this is that guy I've told you about all these years, because the only other person I've ever told anyone about this apart from my mother when the incident happened was when we got married and I did

that because of my concerns about working in a primary Catholic school.

R: And I started looking for when our first trial came along and I went to a family who I knew would go to sometimes on a Sunday for a roast, and I was told that forget about him because he's living in and he's dying of cancer, which I've since found out was incorrect and so I've just put it aside, thinking well at least he's out of the country and he's not getting my kids.

AM: Can I just finish my bit.

R: Yes, sure sorry.

AM: And I just told and said, give me a phone number and I'll just give you Peter's number if you would like to ring and it would be for..... if it was me I would ring him and you can deal with it, whatever you like so I came home and told and this wall just came up and said no, no, no, and I said well may be it would be good to talk about it before you go to court Monday week, say it one time, get it clear in your head, share it, meet Peter whatever, and decided that he would so..... rang through last week

with your phone number and that's how we've come to you. Sorry,

POC: Before we get onto, when did you get married.

R: 1983 wasn't it.

AM: Mmm.

POC: And what is your occupation.

R: I'm a teacher of _____, I'm a teacher at

POC: I see. I was a mechanic before I was a lawyer.

R: Really.

POC: A long time ago now, but, O.K. and you were at from what years.

R: I got to in 1969 which was grade 5 for me and,

POC: Junior or the senior school.

R: That was the junior school.

AM: In

R: I finished my matric in 1976 and I went to the senior school in 1973 and that was the first year that I ever come across so up until this time I hadn't met,

POC: I'm just trying to work out, as I was telling you on the phone the other day, I've got six sons all of whom, although the last one when wanted to change all the rules we put him to, all the others went right through would have been, how old are you.

R: 41.

POC: Well, 40 this,

R: He might have been in my brother's class actually.

POC: He as born in 1959.

R: My brother was,

AM: In the

POC:

AM: So he would have been at the year below

R: The year below me, I know the name, but I can't put a face to it.

POC: When he was doing his HSC we had, I had a son in every grade at the senior school, anyway that's by the by. Well look, let me just jump around a bit. If I'm satisfied that a person has been a victim of sexual abuse I can do two things, I can refer them to Care Link which is an agency which has been set up to provide counselling if you need it etc. etc. Have you had any counselling.

R: No although all those that I have been to in recommended that I do and as yet I haven't, it's just been something, I just want to get the court case out of the way,

AM: actually said you would probably refer him, this is just in my note taking,

POC: Yes.

AM: To Care Link.

POC: You were also a school teacher.

AM: Yes, primary.

POC: Whereabouts,

AM: in Only one day a week though,
call it my day off, with two young children,

POC: Yes I see.

AM: 6 and 9.

POC: Well with my second son,, his wife's had a bit
of a breakdown, a serious breakdown, she's in
hospital, so we're back to five kids in the house
again.

AM: Oh you've got all the littlies.

POC: Yes. But as I say that's the first thing I can do and
the second thing is that you're entitled to apply for
compensation which has a compensation panel who can

award up to a maximum of \$50,000. Now I think it's probably a good idea I'm not going to make any formal findings because at this stage because I don't want to be investigating at the same time as there's a court proceeding. And I, one of the things that's sometimes put to people, look, the reason you're dobbing this priest in or these priests, is because you can get compensation if you satisfy people that you're the victim of sexual abuse.

R: Mmm.

POC: Tell me this, were you cross examined at length at the committal.

R: Oh my word I was yes, I came out exhausted.

AM: His skin peeled off.

R: I came out so frazzled, I went home and I just lay on the bed and I thought it's got to be worth it because the reason I followed this through and I said to I'm worried about getting near my kids. Or anyone else's, he has no right to do what he's been doing and I know he's been doing it for a long long time and I know in between me leaving he was

bashed pretty severely up by some ex students and he still continued on after that, nothing stopped him. And he's just, he seemed to have a free reign at whatever school he goes to. And if he gets near my kids I might be on a murder charge. You know, I don't want him anywhere near my children. I don't want him at school, I don't want him near any kids that I know or any kids, he doesn't deserve that privilege and that was my, and I didn't know anything about compensation, excuse me, until in the Magistrate's Court..... defence mentioned it, I had no idea about compensation, it wasn't even in my mind at that time, and he mentioned it and made me aware of it.

AM: And it still isn't.

R: And asked me if I was aware of, of you know compensation and actually that morning I'd been speaking to about it and he mentioned something about it but up until that point,

POC: O.K. the, how, what I think I'll do is, we will switch off.

MAILED 4.2.2000

2A

Commission into Sexual Abuse
Peter O'Callaghan Q C

Owen Dixon Chambers West
Room 1815
205 William Street
Melbourne 3000

1 February



PRIVATE & CONFIDENTIAL

Dear

I refer to my meeting with you and your wife on 28 January.

I confirm that I am an independent Commissioner appointed by Archbishop Pell to enquire into allegations of sexual abuse by priest, religious and lay persons within the Archdiocese of Melbourne. I was also appointed a delegate of the Archbishop pursuant to Canon 1717 of the code of Canon Law.

I provided you with the Terms and Conditions of my appointment, and also a brochure which was circulated at the time of my appointment on 30 October 1996.

You complain of sexual abuse by [redacted]. As appears from the Terms and Conditions of my appointment, it is my invariable practice to advise complainants who come to me that they have a continuing and unfettered right to report their complaint to the police and I encourage the exercise of that right.

Whenever a police investigation is pending and any court proceedings emanating therefore, I take no or no further action. Accordingly I confirm my advice to you that whilst I will pay the closest attention to your complaints, I will not do this until after the trial of [redacted] is completed, which trial I understand is to take place on [redacted].

I also confirm that naturally I have made no decision whatsoever in relation to your complaint. You appreciate as I explained to you that I must be keep a completely open mind about that matter until I have fully investigated it.

Notwithstanding that I have made no decision, I have referred you to Carelink who will discuss with you the desirability or otherwise of your receiving counselling and like services. I suggest that you ring Carelink (94197053) and make an appointment. The persons you are most likely to see initially are either ... or ... and in due course you will probably see

Should you have any queries arising out of the above please advise. In the meantime I have forwarded a copy of this letter to Carelink.

Yours most sincerely,



Peter O'Callaghan
Independent Commissioner

NAME:

ADDRESS:

DATE:

2 B.

POC: I'm having a conference with _____ who is
accompanied by _____ of _____, solicitors, and _____ we've
had, back in February 2002, 2000, we had a previous meeting at
which time _____ was the subject of police investigation and I said
then that I wouldn't make any decision or take any steps until the
police investigation was completed and what's occurred since then as
appears from the correspondence, and indeed I myself spoke to _____
that the police are not going to proceed with charging _____
in respect of you. _____ told me that because of the nature of
the offences they decided not to, the extent of the offence. So, what
I've got here is significantly enough a record of interview of
conducted by the police and in which he simply makes no comment
in relation to the allegations that were put to him in respect of you.
So there doesn't seem to be much point in putting things to him
because that's what he'll say but that police statement that you've
made and which was dated the _____ you've seen that
before.

RG: I have, yea.

POC: The contents, for the record, the contents of that are true and correct.

RG: What I've seen, are true and correct yes.

POC: Alright well now, what you continued to do is work as an

RG: At yes.

POC: And you're still doing that.

RG: I am.

POC: And you're a married man.

RG: Yes.

POC: And the last time you were here, your wife was with
you.

RG: Yes.

POC: And do you have any children.

RG: Sorry.

POC: Have any children.

RG: Two.

POC: O.K. Well look the, what I'll do is I will write to telling them that I'm satisfied that you were a victim of sexual abuse as described in the police statement and I can then refer you to Care Link and you can make application to the compensation panel which I'll set out in a letter to you. Are you having any treatment at all.

RG: No.

POC: Do you feel you need to.

RG: Well I've been fairly busy, I don't know if you know, but my wife is terribly ill.

POC: I didn't know that.

RG: She's got a brain tumor and she's only got, well the best estimates are three and a half years to live, they don't think she'll go any longer than that so between now and three and a half years and so really that has been keeping me fairly busy, with two young kids. So you know.

POC: I might say in July last year I lost my wife of 44 years.

RG: O.K.

POC: She, we'd had two weeks in Africa on a holiday, came back, and I left her at home at 10.00, the first day we hadn't been together in 16 days constantly, on safari, and she rang me at 1 o'clock and said she'd picked up the dogs and we had a brief discussion and she apparently died about ten minutes or so after that.

RG: Really that quickly.

POC: She had what was called a condition of ~~myopathy~~ ^{amyloid angiopathy} which is a deposit of protein in the blood vessels of the brain, just makes them fragile and (inaudible), so can feel for you.

RG: Mm.

POC: Well, but, I can understand that you haven't been, your priorities have been directed predominantly in one direction, what I was going to say to you was if you did have the time you could go to see Care Link, _____ of Care Link, if I could suggest to you it might be worth your while just for them to appear to talk about it with them and you could do no damage, you could get a bit of counselling in relation to your present situation as well. So I'll set all that out in a letter then we can fix up the whole thing, and I'll send you out an application for compensation as well. Now tell me this, is your wife in bed or,

RG: No, right at this moment she's not. No right at this moment she's probably walking the kids around the corner to school this morning but she has been bedridden over the last twelve months. There was a time there I thought that she wouldn't last more than a few weeks but she's very ill and mentally not quite well but bounces back and has a

good month and then has a bit of a bad month and I guess the last couple of weeks I've just seen a bit of a down turn mentally.

POC: I was reading the transcript and I had quite a strong memory that she was a vibrant person.

RG: Mmm.

POC: Oh de me, that's very sad. Well alright look now the formalities have been complied with in the strict sense my procedures have changed a bit because of some ruling from Rome but I think it can be ignored for the moment. So have you got any queries.

RG: No I've just been leaving it in [redacted] hands to, like I said I've been pretty busy and this really has been the last thing on my mind for the moment. But it's something I think is necessary and I think I'm entitled to really, so no real questions Pete.

POC: Look what I'll do if you like [redacted] is, I'll write to [redacted] and to you on the same basis save you sending it out.

KC: O.K. Sure.

Commission into Sexual Abuse
Peter O'Callaghan Q.C

Owen Dixon Chambers West
18/15
205 William Street
Melbourne 3000

1 July 2002

[Redacted]
[Redacted]

Private and Confidential

Dear

I refer to our recent telephone conversation and confirm that I have been provided with a letter which you addressed "To whom it may concern" and provided to the Archbishop's office. Consequently the Vicar General, Monsignor Christopher Prowse forwarded it to me.

This was because I am an Independent Commissioner appointed by Archbishop Pell, which appointment was renewed by Archbishop Hart to enquire into allegations of sexual abuse by priests, religious and lay persons within the Archdiocese of Melbourne.

If I am satisfied that a person is a victim of sexual abuse I can refer that person to Carelink which will provide free counselling and psychological support and I can also refer that person to a Compensation Panel which has jurisdiction to make binding recommendations of compensation up to a limit of \$55,000.00.

You write to me with respect to two events which you say "took place in the mid 70's" at what I gather is.....

What you describe in the document referred to constitutes criminal conduct. I enclose herewith the Terms and Conditions of my appointment and also a brochure illustrating the interaction between the Commission, Carelink and the Compensation Panel. You should note the present Chairman of the Compensation Panel is Ms Sue Crennan Q.C.

You will note from the Terms and Conditions of my appointment that it is provided that I inform any person who complains of what might constitute criminal conduct that such person has a continuing and unfettered right to report that conduct to the police, and that I should encourage the exercise of that right.

It has been my invariable practice to so inform people and to encourage them to report the matter to the police. Accordingly I so recommend to you. I must say that if the matter is reported to the police, then I take no further steps until the police investigation and any proceedings emanating there from is completed. It would be quite inappropriate for me to be conducting investigations and making findings contemporaneously with a police investigation. I am no substitute for the Police Force, and the only way that offenders can be brought to justice in the true sense is pursuant to police action.

However, regardless of whether you do report the matter to the police, I consider that in the circumstances you should be entitled to counselling and psychological support if you require it. Thus, whether or not you go to the police I would be prepared forthwith to consult with Carelink and to ascertain the name of a counsellor or psychologist in South Australia who could provide you with relevant assistance if required. In my experience it is often of great assistance for a person in your position to discuss these matters with professional experts.

Can I suggest that after you have considered the above that you give me a ring or leave a message for me to ring you and we can discuss the matter further.

Yours most sincerely,

Peter O'Callaghan
Independent Commissioner

Commission into Sexual Abuse
Peter O'Callaghan Q.C

Owen Dixon Chambers West
18/15
205 William Street
Melbourne 3000

14th May 2009



Private and Confidential

Dear

Re:

I have received from [redacted] the transcript of the interview which she had with you on 14 April 2009. I am satisfied that you were the victim of sexual abuse by the abovenamed, substantially in the circumstances briefly described by you in your interview with [redacted]. As she explained to you it will be necessary and desirable for you to make a fuller and more detailed statement when you are released from prison which I gather will be on [redacted].

Because of my finding you are entitled to receive free counselling and psychological support and also make application for compensation.

However you have raised with [redacted] the question of whether you should report your complaint to the police. It is my invariable practice to advise complainants of sexual conduct which might constitute a criminal offence that they have a continuing and unfettered right to report the matter to the police, and I encourage the exercise of that right. If the matter is reported to the police then I take no further steps in relation to the matter, until all proceedings emanating from the police investigation have been finalized. I should add that in the exercise of my discretion I will recommend to Carelink that if you do report the matter to the police, you will also be afforded the provision of free psychological support and counselling but the issue of compensation must be deferred until the finalization of the proceedings.

My attitude as to doing nothing whilst police investigations are pending is because I do not seek to be or to be seen as a substitute for the police force. Further, it is the police force only who can bring an offender to justice in accordance with relevant laws and procedures.

Another reason why I encourage the reporting of matters to the police is to ensure that the relevant offender is prevented from engaging in the practices of which complaint has been made.

NAME:

ADDRESS:

MAIL ADDRESS:

TELE NO:

DATE:

POC: I'm having a conference with

DC: _

POC: How do you spell that.

DC: It's

POC: Yes, and you are living at,

DC: I'm living at l.

POC: Put this on the record, your telephone number.

DC: I'll give you my mobile number,

POC: And you've come here to make a complaint in respect of
is that correct.

DC: That's correct.

POC: Well, what I want to tell you at the start is that it's my invariable practice to tell anyone who comes here with a complaint of sexual abuse that if that conduct may constitute criminal conduct, then I remind the person that they have a continuing and unfettered right to report that to the police and I encourage the exercise of that right. In this case, as I told you on the phone, . . . is dead so,

DC: Something which to which I was actually unaware.

POC: Yes, he died I think would have been November I think, last year. So, and indeed if a person does go to the police I then take no steps whilst the police are investigating the matter but again that doesn't arise. But often people, either because they don't want to go to the police, or for some other reason, they simply want me to listen to what they say and I tell you that on that basis you have my undertaking that whatever you tell me, will remain confidential until you direct me otherwise. Now, just so you can, you'll get a copy of this transcript.

What I am is an Independent Commissioner appointed by the Archdiocese to enquire into allegations of sexual abuse and I act much like a Royal Commissioner, just investigating whether I am satisfied that abuse has occurred.

DC: Right.

POC: If I am I can refer the victim to Care Link, which is an agency set up to provide free counselling and psychological support and to a compensation panel which has jurisdiction to make binding awards or recommendations of compensations up to \$55,000.

DC: In this instance because . has actually passed away,

POC: Yes.

DC: I mean, how would, I mean how would you go about proving what I basically say.

POC: That's, I'll listen to what you've got to say.

DC: That's one of my concerns I would think.

POC: Well you tell me what,

DC: O.K. I want to make it quite clear that I'm basically, look I'm here, I'm here, not to actually report sexual abuse in the true sense of the word, as far as if I can be quite frank whether it be penetration or anything of the sort, but yet, I'm actually here to say that some of the things I guess he had done or said to me at the time made me feel uncomfortable.

POC: Right.

DC: And I guess yes, the anger has sort of resurfaced over the past couple of weeks hearing about a lot of other reports.

POC: Been in the papers a lot.

DC: Yea, yea.

POC: Well now, how old are you now.

DC: I'm 32.

POC: Your date of birth.

DC:

POC: Yes and what year of your life are you talking about, years of your life are you talking about.

DC: O.K. It's something I can't actually quite pinpoint but it would have been between the years of say 1982 or 1983 and 1985 or thereabouts.

I was actually at _____ at the time.

POC: Say it again.

DC:

POC: Where is that.

DC: _____ It's actually just behind _____.

POC: Right.

DC: And at the time and still am quite an avid, well I enjoy keeping tropical fish and what not and at the time . actually had an n the foyer of the presbytery.

POC: The presbytery is alongside .

DC: Yes, well it's actually right, right across the road. And I was actually appointed on recommendation of the Head Master at the time.

POC: Yes, yes. Would you like a coffee.

DC: I would absolutely love a coffee, that would be great. Just black thank you very much.

POC: Yes, and so you were the honorary.

DC: Well, the honorary as such. And that was actually upon recommendation of at the time, he was Head Master there. So he approached me and said look : would actually get an for his presbytery, would you like to go and help and I said yes, of course. I mean at the time, as a result I've

actually got an _____ at my shop at the moment, but that's another matter altogether.

POC: What is your present occupation.

DC: Well my present occupation is I'm self employed, I do two things, I'm self employed, I've actually got an _____ in _____ a little shop, but I also work as a sales representative of an evening for one of the major cable TV companies. So I would actually go in after school, I would go in during my holidays and actually look after them, for me it was a great pastime. And while I was there comments were made to me, there were times when _____ would actually expose himself to me,

POC: What was the nature of the comments.

DC: Well they were obviously a sexual connotation I would think. I mean if they were meant to be just in passing or as a joke I think they were actually rather both cruel and crude at the time.

POC: Where would you be and he be when he exposed himself.

DC: Well I would actually be inside, inside the actual presbytery itself, at times, there were actually times when for instance after the weekends after the collections for instance, there would be times when he would be counting the coins, I would be actually helping him doing that for instance.

POC: Yes.

DC: And there were times when he would you know go to the bathroom or go to the toilet and come out and he would be exposed, or have been exposing himself. I'm just feeling a little bit uncomfortable talking about this I haven't spoken to anyone about this before.

POC: That's O.K., I understand that but, have a spell if you need one but keep going otherwise.

DC: O.K. Comments like, how frank can I be here,

POC: Absolutely.

DC: O.K. Um,

POC: Just tell me what happened.

DC: O.K. He would have cakes for instance, like sitting on the table and he'd ask me, he'd say, would you like a cake, I mean being the young person I was I'd say yes, and he'd say well if you give me a head job I'll give you a cake.

POC: Right.

DC: Which I mean, nothing ever happened like that, just basically,

POC: He invited you to give him a head job.

DC: Yes.

POC: And did you.

DC: No. No because I think I had enough sense at the time to know that it wasn't right, I mean I was a 13 or a 14 year old adolescent. But nevertheless it actually made me feel very very uncomfortable. I would wear like my school uniform going there after school for instance.

POC: Just hang on for a sec.

DC: Thank you very much.

POC: It's very hot, I just found out.

DC: That's fine. I'd be wearing my school uniform and he would look at me and say why do you wear such tight trousers and sort of pat me on the backside and that happened half a dozen times.

POC: How did that effect you.

DC: How did it effect me.

POC: Well what was your feeling at the time.

DC: Well, I mean I was really really confused because I mean he was a parish priest and I mean as a parish priest at the time I looked up to him as well. By that stage though it was on some sort of level that it actually clicked in my mind that, hey this isn't actually right and I think it was shortly after that that I actually stopped going.

POC: Right.

DC: And this would have gone on for probably a period of may be 8 to 12 months.

POC: And did you continue to see him as a parishioner.

DC: No, no because shortly after, I think that's, it would have been pretty much the point when my Catholic faith sort of went out the window and it's only fairly recently that I've actually started going back to church or having anything to do with my faith just because the priest who's actually at _____ at the moment I can honestly say is a priest in the true sense of the word.

POC: Who's that.

DC: That's _____ I call him _____

POC: Well now what you've told me is that the instances that troubled you were he exposed himself on how many occasions.

DC: Oh, two or three.

POC: And on some occasions he patted you on the backside.

DC: Yes.

POC: And he made remarks that made you feel uncomfortable.

DC: Yes.

POC: Because you apprehended them in a sexual nature and inappropriate for a priest.

DC: Yes.

POC: Now is that the sum of it.

DC: Yes, yes.

POC: Now have you, did you complain to anyone about that.

DC: No.

POC: Did you tell your parents.

DC: No.

POC: Have you told anyone before you told me.

DC: No.

POC: Are you married.

DC: Yes.

POC: Tell your wife.

DC: No.

POC: Does she know you're here.

DC: No.

POC: And you haven't had any, you haven't told a doctor.

DC: Well look actually I was going through a period of counselling going back five or six years ago, the counselling, it was more for, it was for other issues but this issue actually had come up on a number of occasions and it was obviously something that I needed to actually work through because I was actually having some problems at the time with what I perceived as my, if I can be quite frank, my sexual orientation. I was very confused about a lot of things, and in my counsellor's opinion at the time he, what he tended to think that I mean it played sort of a contributing role in all of that sort of confusion and apprehension that I was,

POC: Did you tell him what you've told me.

DC: I hadn't mentioned any names but I did actually, yes, in effect I did.

POC: That is you spoke of a priest but not, without name.

DC: No.

POC: And who was that counsellor.

DC: A gentleman by the name of

POC: Yes, I've had (inaudible) with in other matters.

DC: O.K.

POC: So what I will do is to get an authority from you to get a report because I'll, of your meetings with him.

DC: Right.

POC: Because if I might say that's, I've got to exercise keen judgment in these matters and that's a confirmatory fact. Don't let me hasten to say that it is not infrequently the case that victims tell no one, or virtually no one, so it's no surprise to me to hear that's the way,

DC: He's the only person I've ever told.

POC: Has it, you told me I think before, that the recent publicity has sort of, reminded you, has it been troubling you before that.

DC: Um, it was troubling me in as much as, I mean I'd sort of think about it from time to time and it would trouble me in as much as I'd be getting some anger coming up, and I think it was just more the feeling of disgust. But I mean it's not that, I guess the counselling that I had again not only with this but on other matters, with actually helped me through a lot of stuff.

POC: Were you married then.

DC: At the time.

POC: When you,

DC: I was, actually I was married, well that was my first marriage. Which had subsequently broken down.

POC: Right.

DC: So I've remarried.

POC: Yes, O.K. Well look, that's the picture and what I'll do is I'll write formally to you, and I'll explain the steps that you can take. Do you think that you need any further counselling.

DC: Um,

POC: Let me put it this way. One of the things that as I said to you before, if I am satisfied, you can be referred to Care Link which is an agency set up to provide free counselling and psychological support.

DC: Right.

POC: That's chaired by ...

DC: Right.

POC: And it may be desirable for you to see them and at least discuss with them whether or not you require further counselling or you may want to go back to ... and if you wanted to do that,

DC: Yes.

POC: Then his fees would be met by Care Link.

DC: To be quite honest with you I actually haven't spoken to _ for probably the best part of two years and I have no idea where he is at the moment or what he's doing so,

POC: I think I've got, alright well look,

DC: I mean as far as, do you think if I need any counselling, I personally think that I've managed to work through a lot of the issues myself and with _ when I was there.

POC: Yes, but you don't have to rush, have you got any other questions.

DC: No look I don't think so. No.

POC: Well look I'll just switch off.

You were just telling me. What is your current address.

DC: O.K. My current address is ...

_ I think the postcode is.

POC: O.K.

DC: Actually and if I can like a mailing address, I'd like a mailing address
different to what my home address is, for any correspondence.

POC: Yes.

DC:

POC: So you want all correspondence sent to .

DC: To . that's correct.

POC: . in,

DC:

POC: . The area code.

DC:

POC: Yes well you will find that letters which we send will be marked private and confidential and if you want we can put on those letters to be opened by addressee only.

DC: I would prefer my mail to go to _____, because that's my shop address.

POC: I understand that but you might have some,

DC: No that's fine it's only me who's there so,

POC: I'll switch off.

Interview with

①

Name:

Address:

Occupation: Self employed - milk bar

POC: And you've come here for the purpose of making a complaint?

PC: Yes.

POC: Against whom?

PC:

POC: What is the nature of your complaint.

PC: Sexual abuse.

POC: When do you say that occurred?

PC: When I was in grade 4.

POC: How old were you then?

PC: I can't rem....

POC: In grade 4 you were probably 7 or 8.

PC: Yes.

POC: And what school were you at?

PC: I went to _____ - I was accepted into grade 4 at .

POC: _____ where

PC:

POC: _____ - I see.

POC: And where was he stationed at?

PC:

POC: I see.

PC: He got us in - I was in grade 3 we were at and my parents had been trying to get us into and couldn't and said "You know I'll get him in there - so he got us.

POC: Now before we go any further let me tell you this that I am obliged to tell you that if what you say about this abuse constitutes criminal conduct you or course have a right to go to the police and to report it to the police and I would encourage you to do it and if you wanted to do that really that I would not continue then to take it up. Have you thought about going to the police?

PC: I've been too afraid to.

POC: Why is that?

PC: It's hard to explain - you know I mean being sexually abused and him being in a pal position as a priest.

POC: Yes well you can tell me - if you want to tell me about this in confidence and for me not to tell anyone else unless you tell me to if that is the condition upon which you want to talk to me I will give you an undertaking that I will treat everything you tell me as confidential unless and until you tell me that you don't want me to. Is that satisfactory?

PC: Yes.

POC: Well I may after I have heard what you say say to you you ought to go to the police or whatever but however we will deal with that when it arises.

PC: Yes.

POC: At the moment what you are telling me I treat completely confidentially and I won't tell anyone else unless I was obliged by

law to do so which I can't really see that happening or unless you tell me I can. So tell me about it. You were in grade 4 and this is - how old are you now?

PC: 26.

POC: 26 and so on that basis it is probably about 19 or 20 years ago.

PC: Yes.

POC: And you got moved to 4th grade and what happened then?

PC: We became close even my brother who became altar boys at a certain age and I have always been with him - gone out where he has gone and gone to his family's and slept over at his family's place.

POC: Was he friendly with your parents?

PC: Yes very friendly with my parents.

POC: Yes, and how did this sexual abuse occur? Can you remember the first time it happened?

PC: He just kept touching me all the time.

POC: Touching you where?

PC: Down below - on my penis.

POC: On your penis. Rubbing it or touching it?

PC: Rubbing it - he was always putting his hands down my pants.

POC: Yes and trying to give you an erection. Did you get an erection?

PC: I can't remember.

POC: And that's what he use to do - he use to put his hands down your pants - did he?

PC: Yes.

POC: And where would you be when this happened?

PC: Either in his parish or either his sister or his brother's house - we use to sleep over there - we use to sleep in the same bed - there was not enough beds because my brother slept there as well - so we all slept in one room.

POC: And how many times did he do this to you?

PC: He kept on until I got into my teens - when I told him to stop him.

POC: Did he stop?

PC: No, he was still persisting- until I was 13 and went overseas and...

POC: And it was nearly always the same sort of abuse was it - reaching down and grabbing your penis?

PC: Yeah -

POC: Did he do anything with his own penis?

PC: Only when I slept at his brother's house - when we slept in the same bed and we had a shower cause I've have had problem with a car accident when I was younger and I have constantly wet my bed - so we slept in the same bed and he forced me to have a shower with him - he said I was not capable of having my own showers.

POC: Yes I see and when you were having a shower did anything happen then?

PC: ~~He just kept playing with me in the shower and he grabbed my hand and wanted me to play with him - but I didn't~~

POC: And that went on until you were about 13 didn't it? And all this time you were at :

PC: No because he moved parish to . and before that he went to and if we got . he was going off to other churches like ! and all that.

POC: Yes but were you at . all the time with this happening.

PC: Yes.

POC: When did you leave ..

PC: When I was in sixth grade.

POC: When you went overseas?

PC: No, I went overseas when I was in Form 1- yeah Form 1.

POC: Form 1 where?

PC: At ..

POC: So you stayed at ' .. 's until sixth grade and then you went to .. and was he still doing this when you were at

PC: Yeah because we were still in contact - because he knew my family very well and I always use to be with him everywhere he went - he use to always take me along.

POC: Anyone else did he take along?

PC: He took my other friend ..

POC: .. who?

PC: ..

POC: How do you spell that?

PC: ..

POC: And anyone else.

PC: .. his brother

POC: .. who?

PC

POC: Yes and do you know whether he abused them at all?

PC: No.

POC: Did you ever discuss that with them?

PC: No.

POC: Do you ever discuss that with them?

PC: No, we are not speaking terms at the moment.

POC: You're not on speaking term?

PC: No.

POC: Any particular reason?

PC: We just had a dispute over things in the past about our money situation.

POC: Yes I see. Have you discussed with this anyone at all?

PC: Um, the only time I've discussed it was when I was married - I am divorced now - when I was married I discussed it with my ex-wife.

POC: And when was that?

PC: Over three years ago.

POC: And,

PC: Not in detail with her.

POC: But you told her about it.

PC: Yes.

POC: And you have been divorced for how long now?

PC: We're separated we haven't been officially divorced, separated for over two years now.

POC: Yes I see, what went wrong.

PC: Its just the relationship didn't work out.

POC: Yes - and are you on good terms with your wife?

PC: At the moment no because we are fighting over property - but she did contact me once - was on the news about the sexual thing - he had seen me a week before he was on the news - he came around to my parent place and gave us all a plate each - saying he was dying.

POC: He was what:

PC: Dying.

POC: And gave you a plate?

PC: Yes, from Franklin Mint - a plate with Jesus.

POC: I see.

PC: He gave one to each member of the family a plate each.

POC: And he said he was dying?

PC: Yes he said he had some kind of cancer - in his stomach.

POC: I see - did he make any reference to his abuse of you at that time.

PC: No I make it to him because he asked for us to go for a drive - because I have a business - he came to my shop and he goes can you get some time out so that we can go off and discuss a few things. So I went and drove around the corner and he placed his hand on mine - and asks if I still loved him and I said that as a father yes but nothing more than that and that you can't go off and get away with what you have gone away with and I am not going to forgive you about that.

POC: Yes.

PC: And that's when he took me back to the shop and then he said you know I mean I've got to go back to the hospital.

POC: Did you know that he had been charged at that time?

PC: No, I realised a week after when I walked home and met a lot of family members at home and it was on the news - I didn't see the news at the shop and as I walked in I had all my cousins and aunts because we had a death in the family - and we had all the relatives there and they all approached me as I walked in the door if I was sexually abused by _____ which I denied to them. Then I've had all my parish because I use to be an altar boy at the church and it is not far from where I've got my business and they all walked in and asked the same thing.

POC: Who walked in?

PC: All friends - people that use to be church goers - use to go - old ladies.

POC: And what did you say?

PC: I said no - I denied it.

POC: Well who did you tell?

PC: I told my ex-wife and my brother knows about it.

POC: How old is your brother?

PC: My brother is 28.

POC: When did you tell him?

PC: I told him after I separated with my ex.

POC: She is not strictly your ex yet

PC: No, I call it my ex.

POC: Do you think she would be prepared to discuss that with me as to what you told her?

PC: Well, the only thing that she knows is that he just sexually abused me and she asked me to go forward to the police, but

POC: Well the reason I am asking these questions is I have to make a decision as to whether in fact you were sexually abused and of course to have confirmation that you complained about it goes a long way to doing it. See you haven't what you've told me is the first person you told you it was your wife. Who else have you told about it?

PC: My bother.

POC: What about

PC: Yes,

POC: And when did you tell him.

PC: He approached me after when the charges were out and he came up to me when I was at church and he approached me and asked me if I was sexually abused by him and I said no at the beginning but he then ended up saying can we meet after when everyone has gone away and we will have a coffee and we will talk about it and that is when I discussed it with him.

POC: And that was about the time of the charges?

PC: Yes.

POC: When was that?

PC: Last year.

POC: I'm not quite sure myself. I will find all these things out in due course. And have you continued to discuss this with

PC: Yes, I went to see, we went out to dinner on Friday and we discussed it and following he asked me to come and see you.

POC: And so you had dinner with him last Friday was it and he told you to come here. Have you discussed it on other occasions apart from the first time that you were having the coffee.

PC: We've discussed it a few times but not in as full a detail, just more or less or Friday, we got into more details about it.

POC: And have you had any psychological assistance or psychiatric assistance or anything like that for it.

PC: No.

POC: You haven't been to a counsellor - do you feel you need to?

PC: I would prefer to see one but I haven't got the money to go off and see one and the thing was just being afraid to come up forward with it.

POC: And have you thought about compensation?

PC: ~~REDACTED~~
~~REDACTED~~
~~REDACTED~~

POC: Yeah.

PC: Because I had keys to the parish - because he gave me a set of keys to go in and out anytime I felt like it.

POC: Into the presbytery?

PC: Yes.

POC: Yes. Would you be prepared to confront - that is if I brought him in here ~~would you be prepared to come in here and say what you have said.~~

PC: Yes, I have no fear with him I have always spoken out towards him.

POC: And has it affected you do you consider in any way.

PC: I reckon it has.

POC: In what way?

PC: In what way - um it is more of guilt that I put on myself - I blame myself - I let him abuse me - but at the time I didn't know what abuse was - I didn't know what my sexual desires were - you know

- I was just naive and young and I can't still let go about what has happened. I refused - I just entered back into the Church - going back to the Church but I refused the whole Church system.

POC: What about your marriage break down - do you think that had anything to do with it?

PC: It had a slight difference but not as great a deal.

POC: Well would you like to be referred to what we call Carelink which gives you psychological counselling - you can go and see them and tell them your problems. You would like that?

PC: Yeah.

POC: Alright. Well they won't be back until the early part of January but I will consider this matter and write to them and refer you to them. Anyway what you've told me and I respect that that I am treating this in confidence. Your concern as I understand you to say is you don't want him to be back in the Church?

PC: I don't want him to be out there to abuse other people as well.

POC: Exactly.

PC: I have been at the Church where people have come and offered themselves to him - as I've said I had keys and can walk in and out anytime I felt like it. I remember a case a boy called _____ but I don't know his surname that was offering for him to pay him for sex.

POC: When was this?

PC: This is going back way before I had the shop - I was about 18 or 19 - as I had the car then - because I came to the church and he walked into _____ and asked Father if he wanted some sex and he offered some much money for it and so many different things and he was also I think living with _____ was living at the church at the time.

POC: Who was _____ (sic) - was it a boy or girl?

PC: A boy.

POC: And um, yes and the keys that you had to the presbytery when did he first give you those - how old were you when he first gave you those?

PC: I would have been about 16 or 17 because I stayed there for a couple weeks in one of his rooms.

POC: When was the last time that he abused you?

PC: The last time it would have been before I went overseas.

POC: How old were you when you went overseas.

PC: I went over when I was 13.

POC: And why do you believe that he stopped abusing you after that?

PC: For speaking out right to him. I always pushed my way and always threatened him.

POC: Threatening him with what.

PC: Not to touch me because I will just walk out of your life and not walk in there again or I will speak to someone about it what you are doing.

POC: That he would do you in?

PC: Yeah basically.

POC: ~~But you continued to go to the presbytery on plenty of occasions didn't you?~~

PC: Yeah.

~~POC: Why?~~

PC: I dont know because I have been there all my lifewith around him and even what he done I grew up with he was doing to me and it was just more or less I needed time though - I knew I could go to the Church and he would not touch me and I had a room that I can stay for a few weeks.

POC: And you were able to - do you think if you hadn't spoken out as you did that he would have tried to abuse you again?

PC: Yeah because when he came to see me the week before he came with confidence- he was still going to touch me and I kept telling him not to touch me. I said I don't mind sitting talking to him about what you want to discuss but I won't if you touch me.

POC: Yeah.

PC: ~~And he just kept saying you don't love me if I don't touch you. And I said you don't love someone by touching them.~~

POC: And did you have a considerable respect and affection for him as a priest?

PC: As a priest no because I have never called him ... I have always called him by his first name because I never thought that I mean because maybe the bond I grew up with him - I didn't think I had to call him :

POC: Yeah. Did you feel that what he was doing to you was wrong when you were a little kid?

PC: No, not when I was young.

POC: When did you first come to realise it?

PC: When I started getting into my teens I didn't like being touched or played around with.

POC: Did he ever masturbate you to ejaculation?

PC: No.

POC: ~~...did you get any pleasure out of it?~~

PC: No.

POC: Anyway you were able to be quite free of any abuse after you were about 13 - but you continued to if I might put it this way be

associated with him quite frequently for how long after that? Until you were 18 or 19?

PC: Um.

POC: And when did you open your milk bar?

PC: I opened my milk bar in 1990.

POC: How old were you then? About 19?

PC: No, 20.

POC: And do you run that on your own?

PC: Yeah.

POC: But you must have some assistance I suppose?

PC: Yes, I have my sister helping me out now.

POC: And is that a reasonably successful business?

PC: No it has died down now.

POC: Well I see, it's still - it doesn't run at a loss or does it?

PC: Um, last year we ran at a loss because they blocked off the road for three months and we were cornered in and no one came in - but normally we are on a profit - just last year was a loss.

POC: Yes I see - you haven't got any children from your marriage?

PC: No.

POC: What is your wife's name?

PC:

POC: Yes. Does she work?

PC: No.

POC: And what property are you fighting about?

PC: The property I received - because I got compensated when I was 13 because we had a 13 year court battle with my accident that I had when I was three years old.

POC: What happened?

PC: I got

POC: And you finally got damages did you?

PC: I had to wait 13 years to see the process of how I was processing as a child because I couldn't walk at one stage and I must have got back spinal injuries - I go every three years for spinal check ups.

POC: Go where?

PC:

POC And when you say you couldn't work couldn't walk you were hospitalised were you?

PC: Yes I was hospitalised - they wanted to put me into one of those special schools when I was a young kid because they thought I was mentally

POC: deficient

PC: Yeah.

POC: And who were your solicitor:

PC: Um I think it was, they are in now.

POC: -

PC: Yeah - something else was handling it before that I think he passed away and then

POC:

PC: Yeah he used to be in the city.

POC: Well _____ was a very old friend of mine - so is !
_____ - I use to do a lot - they use to brief me as a barrister and
lots of those cases but I can't remember you. Who was your
barrister?

PC: I can't remember - because I was only young then.

POC: Did you have to go to court eventually?

PC: No, we settled out of court - it just took too long and I just couldn't
handle too much time out of school.

POC: But you got a substantial settlement did you?

PC: Yeah.

POC: How much?

PC: I don't know if it was a great .. over two hundred thousand but I
ended up receiving - I had to wait until I was 18 or 21 to apply the
money out the courts -

POC: And that's what your wife's fighting you about is it?

PC: Yeah - cause they ended up putting the properties into her name as
well.

POC: I see.

PC: So you know - she has taken a claim on half of everything.

POC: You might have some - are you getting some legal advice about
that?

PC: Yeah I been fighting for two years with this legal advice but
nothing - they always seems to be working on her side.

POC: I see - yeah O.K. and did _____ know about your accident
and your illness.

PC: Yeah that's why he wasn't as powerful or domineering with me I mean cause he came with a bit of sympathy but still with that sympathy took advantage of my situation.

POC: And did you have any - you would have been examined by many doctors I suppose?

PC: Yeah.

POC: Did you ever talk to them about this sexual abuse bit?

POC: Because I didn't like them touching me as well. There were so many things they did I didn't like - I didn't bother talking to them because mostly they were from the side.

POC: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
about Carelink and you can go to Carelink on the same confidential basis if you want to and I summarise it in the letter of what we have discussed today and you can tell me whether I've remembered it correctly.

PC: ...

POC: Alright - have you any other questions or any question?

PC: No.

POC: Well thank you for coming in and we will see what we can do.

PC: O.K. thank-you - bye.

Attachment 5A

Copy of confidential Agreement and Undertaking

AGREEMENT

THIS AGREEMENT is made the 31st day of January 2008

BETWEEN

[REDACTED] of the first part;

[REDACTED] of the second part;

PETER O'CALLAGHAN QC, Independent Commissioner ("the Commissioner")
of the third part; and

[REDACTED] of the third part.

Whereas

- A. The Commissioner has been appointed by Archbishop Hart, the Catholic Archbishop of Melbourne, to act as an Independent Commissioner to enquire into and advise upon allegations of sexual abuse, as provided by terms and conditions of his appointment set out in the document being Schedule 1 hereto.
- B. [REDACTED] has been the subject of complaints of sexual abuse by [REDACTED] and [REDACTED] and neither [REDACTED] nor [REDACTED] desire or intend to report such complaints to the police, notwithstanding that they have been advised that they have the right to do so.
- C. [REDACTED], [REDACTED] and [REDACTED] have agreed to participate in the hearing before the Commissioner and upon the terms and conditions contained herein.

NOW THIS AGREEMENT WITNESSETH as follows:

1. The parties agree that the hearing before the Commissioner to take place on the 31st day of January 2008 and, if necessary, days thereafter will be conducted in camera and that the only persons present or entitled to be present are:

- (a) [REDACTED]
- (b) [REDACTED] and her legal and/or other representative(s);
- (c) [REDACTED] and his legal and/or other representative(s)
- (d) The Commissioner;
- (e) Counsel assisting the Commissioner;
- (f) Such members of the staff of the Commissioner whose presence is necessary for the conduct of the hearing;
- (g) Witnesses called before the Commission during the period of their giving evidence.

2. Save to the extent that it is necessary to adequately report to and advise Archbishop Hart in relation to the subject matter of the proceeding, the Commissioner will not disclose to any person information obtained during the hearing without the prior written consent of the parties, unless he is compelled by law to do so.

3. Neither [REDACTED] nor [REDACTED] will disclose to any person other than that party's professional advisers for the purpose of the hearing information obtained during the hearing unless compelled to do so by law.

4. The parties agree that each of the persons who are present or entitled to be present at the hearing shall, prior to the commencement of the hearing, sign an undertaking of confidentiality in the form of the document contained in Schedule 2 hereto.

SIGNED by the said)

[REDACTED])
 in the presence of:)

SIGNED by the said)

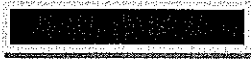
[REDACTED])
 in the presence of:)

SIGNED by the said)

PETER O'CALLAGHAN QC)

in the presence of:)

SIGNED by the said)

)

in the presence of:)

SCHEDULE 2

UNDERTAKING OF CONFIDENTIALITY

I, _____ of _____

being a person present at a hearing of complaints against [REDACTED] conducted by Mr. PETER O'CALLAGHAN QC in his capacity as Independent Commissioner appointed by the Archbishop of Melbourne do hereby undertake that I will not, unless compelled by law, disclose to any person the statements made by me or information acquired by me whilst present at the hearing of the Commission.

DATED this 31st day of January 2008

.....

UNDERTAKING OF CONFIDENTIALITY

I, _____ of _____
being a person present at a hearing of complaints against _____ conducted by Mr.
PETER O'CALLAGHAN QC in his capacity as Independent Commissioner
appointed by the Archbishop of Melbourne do hereby undertake that I will not, unless
compelled by law, disclose to any person the statements made by me or information
acquired by me whilst present at the hearing of the Commission.

DATED this 31st day of January 2008

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