

Attachment 6

History of the matter (referred to at paragraph 36)

SCHEDULE 5

AB v [REDACTED]

The purpose of referring in some detail to the abovementioned complaint is to provide an example, of how I have co-operated with the Police. I consider that this explanation is necessary because of the express and implied comments of Deputy Commissioner Ashton to the effect that Police investigations have been impeded because of a lack of co-operation on my part.

It is because of the length of this account that I have made it a Schedule for attachment to my Submission to the Parliamentary Committee.

1. On 6 December 1996 I received a letter from [REDACTED] (Monsignor) solicitors stating that they had been notified by AB's solicitors that she wished to pursue her allegations and that they were instructed
"that the Church has established a forum whereby compensation relating to these matters can be discussed without the necessity of legal proceedings". Monsignor's solicitors requested that I contact AB's solicitors direct *"so that AB's allegations can be considered"*.
2. I accordingly wrote to AB's solicitors stating inter alia
"If AB has a complaint of sexual abuse, I would appreciate hearing from her directly or through you as her representative. My duty is to investigate and report upon such allegations, but I emphasise, as appears from the Terms and Conditions, that if the sexual abuse alleged constitutes criminal conduct then I advise the complainant that he or she has a continuing and unfettered right to report that matter to the Police, and I would encourage the exercise of that right".

3. Relevantly I wrote to AB's solicitors on 2 May 1997 stating inter alia

"In those circumstances it seems to me that the only way in which the matter can be resolved is by me hearing the respective parties and deciding where the truth lies. If I found your client had been the victim of sexual abuse then she would be entitled to be referred to the Compensation Panel to apply for compensation and also to receive free counselling and psychological support from Carelink. I accordingly invite you to advise as to whether your client is prepared to participate in a hearing before me at which would be present [REDACTED] and his legal representatives and of course your client and her legal representatives. I would invite the representatives for your client to put forward the claim of sexual abuse and for the opposing party to respond to it as was thought fit. I would invite the parties to sign an undertaking of confidentiality as to what takes place at this hearing".

4. On the 5th May 1997 AB's solicitors wrote

"Further to your fax of the 2nd inst I wish to advise that our client and her legal representative is prepared to participate in the hearing before you, at which would be present [REDACTED] and his legal representative..."

5. On 8 May 1997 Monsignor's solicitors wrote

"Our client is prepared to participate in the proposed hearing and we await notification of the proposed time and date of the hearing".

6. The hearing was fixed for 12 June 1997 and on that date Monsignor, the Independent Commissioner and AB executed an agreement the recitals of which relevantly provided:

"B. The Monsignor has been the subject of complaints of indecent assault by the abovenamed complainant (the complainant) and the complainant does not desire or intend to report such complaints to the police notwithstanding that she has been advised that she has the right to do so".

The redacted agreement is attachment 1 to this Schedule.

7. On the 17th July 1997 I gave my Reasons for Decision in writing which concluded:

"In the circumstances I find that the complainant was the victim of sexual abuse being that involved in the beach incident. Because of the time which has elapsed, and because of the absence of any other complaint in respect of this Monsignor, I do not propose to make any recommendations to Archbishop Pell that any action be taken in respect of the Monsignor arising from the above. With respect to the complainant because I have found that she was the victim of sexual abuse (as defined) she is entitled to apply to the Compensation Panel and she is also entitled to the services of Carelink. In this regard I will communicate appropriately with the complainant's solicitors".

8. On 11 September 1997 I wrote to the Chairman of the Compensation Panel Mr David Habersberger QC (as he then was)

"I enclose herewith an application for compensation from the abovenamed via her solicitors Cahills. I am satisfied that the complainant was the victim of sexual abuse by [REDACTED] in the circumstances described by me in my Reasons for Decision dated 17 July 1997. It will be appreciated that the

complainant and the Monsignor both signed undertakings of confidentiality in relation to the proceedings before me..."

Thus at that point of time I was *functus officio* in my role as Independent Commissioner. Notwithstanding, I received further letters from AB's solicitors relative to compensation which I passed on to the Chairman of the Compensation Panel.

9. AB on 21 October 1997 rang the office of the then Vicar General Monsignor Denis Hart stating *"that she is a victim of sexual abuse by [REDACTED] and [REDACTED]. She is not getting any assistance from Peter O'Callaghan and the whole process has been delayed to suit the Catholic Church"*.

10. I wrote to AB's solicitors on 31 October 1997

*"I was contacted on 21 October 1997, after I had forwarded my most recent letter to you in relation to a telephone call your client apparently made to the Secretary of the Vicar General that day. I have written to the Vicar General relative to this statement in the terms of the copy letter annexed hereto. I reiterate the following points. First so far as the complaint in respect of which I conducted the hearing is concerned I am now *functus officio* and the matter will be dealt with by the Compensation Panel who accept my findings and thus the entitlement of the complainant to compensation. I play no part directly or indirectly in the assessment of compensation or indeed in any of the proceedings before that Panel..."*

11. On 22 November 1997 AB wrote to the Vicar General stating *inter alia*:

"I want the cases to be compensated before Christmas, otherwise I will go to the police and make it public in court...."

12. It would appear that in January 1998 Cuthberths of Ballarat were then acting for AB.

13. On 19 November 1998 Monsignor's solicitors wrote inter alia

"It is clear that all the parties agreed to the independent inquiry to be conducted in a confidential manner. It has now become clear that our client is being investigated by the police in respect to an allegation or allegations which were the subject of inquiry. It is also clear that the police have a copy of your findings which appears to be in breach of the confidentiality requirement. We write to request that should the police seek to obtain documents from you either personally or through a search warrant executed against or at your office you adopt the procedure of lodging any such documents with the Prothonotary of the Supreme Court and advising us so that we have an opportunity on behalf of our client to apply to the Court for a Direction or Decision in relation to whether those documents should be made available to the Police. Whilst there may be no privilege in your office as Independent Commissioner we believe that the circumstances in which your inquiry was conducted are such that it may be unfair to our client for documents from the inquiry to be made available to the police or to be available as evidence of any charges brought against our client. In circumstances of the confidentiality agreement signed by thewe are of the provisional view that public interest privilege applies to any documents held in your office as to these circumstances."

14. In November 1998 I was contacted by Detective Senior Constable [REDACTED] of the Geelong Police Station and on 25 November 1998 I wrote at considerable length to him, and set out below the relevant extracts.

"I refer to my recent conversation with you. I am an Independent Commissioner appointed by Archbishop Pell to enquire into allegations of sexual abuse....My reason in writing to you is because I have been informed inter alia by the Vicar General of the Archdiocese the Most Reverend Bishop Hart that you indicated to him your desire to interview [REDACTED]. I further understand that the desire to have this interview is to some extent at least produced by a document entitled 'Reasons for Decision' dated 19 July 1997 of which I was the author. In the circumstances, and because I also understand that it may be wished by the police to obtain via a search warrant relevant documents held by me, I have thought it appropriate to write, hopefully to avoid the necessity for the issue of any process.

It is in that context that I refer to the Terms and Conditions of my Appointment... and to the fact that they were compiled pursuant, inter alia, to consultation with Assistant Commissioner Gavin Brown. An essential feature of my appointment was that in no sense would I be a substitute for or impede any police investigation....It has been my invariable practice, if a complainant of sexual abuse comes to me to inform that person (consistently with the terms and conditions of my appointment), that he or she has an unfettered right to report the matter to the police and that I encourage the exercise of that right. Consistently with that, in a number of cases when police investigations are existing I have

taken no steps in relation to the subject of the investigation until the police investigation and any charges emanating therefrom have been heard and determined. Similarly in cases where either because of the complainant having requested that the matter be referred to the police or indicated that he or she wanted to go to the police, I have forthwith on the commencement of the police investigation refrained from taking any further action pending the resolution of that process. Members of the Child Exploitation Squad (the Police with whom I have most contact) will no doubt confirm (if confirmation is necessary) that this has been the situation followed and being followed in a number of cases. There have, however, been some cases in which the complainant was not desirous of reporting the matter to the police, and was only prepared to divulge information to me upon my undertaking to treat it confidentially unless otherwise compelled by law (see paras (x) and (xi) of the Terms and Conditions). The reasons why complainants have adopted this position include the desire to avoid the stress and strain of court proceedings, a desire to simply have the matter reported so that steps can be taken with respect to the offender, and in a number of cases simply to ventilate what has been bottled up for a long time without taking any further action.... I make it clear that I am willing to fully co-operate with the police in any investigation they are conducting into the matters raised by AB. This of course is subject to the usual constraints arising from it being held that some of the communications made to and by me are protected by public interest immunity."

(The letter then referred to my having been advised by the Monsignor's solicitors that they may wish to argue that the documents brought into existence pursuant to the processes described below are protected by public interest immunity.)

"I also make it clear that I express no opinion as to the existence or not of the privileged claimed".

(The letter then detailed a chronology of events commencing from the date of the complaint being made and having stated that AB has not pursued her application for compensation which remains outstanding and concluded)

"Would you advise me as to your requirements and (if relevant) your attitude to the solicitor's request. I reiterate my desire to co-operate. I have advised [REDACTED] solicitors that I have written to you".

15. By this time the police were apparently investigating the complaint and had interviewed the Monsignor.

16. On 23 December 1998 I conducted a conversation with Senior Detective Constable [REDACTED] and [REDACTED] solicitor of Doyle and Considine. That conversation was recorded in 13 pages of transcript. On the same date I wrote jointly to Detective [REDACTED] and [REDACTED] as follows:

"I refer to our telephone conversation of today and enclose herewith a transcript thereof, which the transcriber says she has not got complete confidence she has heard everything. However it seems to make reasonable sense. In that context I refer to page 12, and record formally that I am prepared to treat myself as having been the subject of a search warrant seeking all documents in relation to the complaints of AB against [REDACTED]. However in the light of the potential

objection by the solicitors for [REDACTED] that these documents, or at least some of them may be protected by the privilege of public interest immunity, I propose to put a copy of the documents in a sealed envelope and deposit them with Corrs Chambers Westgarth (Mr Richard Leder) the solicitors for the Archdiocese and Archbishop Pell, upon those solicitors undertaking that they will hold those documents securely and in confidence until such time as they are ordered by a Court to deliver up the documents or the police and [REDACTED] solicitors jointly request that they deliver up the documents. If for whatever reason no orders are made or sought in respect of the documents and the police no longer require access to the documents Detective [REDACTED] will notify the solicitors who will then be at liberty to return the documents to me. Annexed hereto is a schedule enumerating the documents which will be lodged with the solicitors as aforesaid. These are all the documents in my possession which relate to the complaints by AB against [REDACTED]. I enclose a photocopy of the envelope in which the documents have been placed and will be delivered to Corrs. Please advise as to whether the above arrangements are agreeable to each of you. I will then have the documents delivered to Corrs". (It will be appreciated that in those correspondence the actual name of AB was referred to and thus the documents referred to have been redacted to that extent).

17. Pursuant to the agreement of the parties the documents were lodged in a sealed envelope with Corrs Chambers and Westgarth and ultimately were transferred to the Magistrates Court pursuant to a hearing by the Chief Magistrate Michael

Adams of the issue of whether the documents were protected by the privilege of public interest immunity. His Honour held that they were not so protected.

18. Annexed hereto are the Reasons for the Decision of the Chief Magistrate dated 7 October 1999. The Chief Magistrates decision has been followed by a number of County Court Judges including Chief Judge Waldron.

19. [REDACTED] was subsequently charged with indecent assault to which he pleaded guilty and was fined.

Attachment 6A

Letter from the Independent Commissioner to the
complainant dated 6 August 2009

Independent Commissioner
Peter O'Callaghan Q.C

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

6th August 2009



Private and Confidential

[Redacted]
[Redacted]

Dear [Redacted]

Re: [Redacted]

I refer to the conference I had with you on 21 July 2009, and as arranged I enclose herewith a transcript of that recorded interview.

I confirm that I am the Independent Commissioner appointed by the Archdiocese of Melbourne to enquire into allegations of sexual abuse by priests, religious and lay persons within the Archdiocese of Melbourne.

You have complained to me that [Redacted] engaged in conduct, which might constitute sexual abuse. It is my invariable practice to advise a person who complains of sexual abuse that he or she has a continuing and unfettered right to report that conduct to the police and I encourage the exercise of that right.

Having said that, and without seeking to dissuade you from reporting the matter to the police if you so desire, I must say that the conduct you described would be unlikely to be held by a Court as criminal conduct.

I should add further that if the matter is reported to the police, then I would take no further steps until all proceedings (if any) emanating from a police investigation have been concluded.

If I am satisfied a person has been the victim of sexual abuse by a church person, I can refer that person to Carelink which is an agency set up to provide free counselling and psychological support for victims of sexual abuse. However, in this case I understand via your meeting with Mrs Maria Kirkwood, you are presently being counselled by Ms Sue Sharkey.

If I am satisfied that a person is a victim of sexual abuse I can refer that person to a Compensation Panel which has jurisdiction to make binding recommendations of compensation up to a limit of \$75,000.

Pursuant to what was discussed at conference I propose subject to your consent to write to [REDACTED] as follows:

"Dear [REDACTED]

I am the Independent Commissioner appointed by the Archdiocese of Melbourne to enquire into allegations of sexual abuse by priests, religious and lay persons within the Archdiocese of Melbourne.

I have received a complaint from [REDACTED] when she attended on me on 21 July 2009.

I set out hereunder the extracts of the transcript of interview I had with her in which she describes her complaint.

● *And I said look I'm unsure and I'd have to think about things. Then he'd asked me how my family life was because Father had known that I'd come from an abusive family. So he said how's family life and I said well you know I don't really talk very much with my family and its still very much the same and he said to me what's been happening in that area and how are things going and I said to him look I'd been sick for the last year prior to two and I said I had to have a lump removed out of my right breast*

POC: Yeh

● *And he said oh that's not very good and he said um stand up and we'll do an inner healing an inner healing session. I'd never had an inner healing session before and I don't know what inner healing session is. So I stood up and he told me to close my eyes. He stayed seated. So I closed my eyes and he said to me take your time and then tell me what you see. And I opened my eyes and I said I don't really know what I'm supposed to see and he said just relax close your eyes don't open your eyes and tell me whether you see Mother Mary whether you see Jesus who do you see. And I went oh ok thinking to myself well obviously this is a spiritual way of doing an inner healing so I closed my eyes and I say I see Mother Mary. Well where are you. I'm at home. What's happening. And I go into the procedure of what I'm seeing. And then he says to me now where is this lump. And I open my eyes and I said to him in my right breast it was in my right breast and he said to me he put his hands up and he put his hand to my right breast and he moved his hand through the breast and he said this is your father's side and then he put his hand to my lower how would I put what's the word*

POC: Your genital area

Yes and he said he moved his hand around my right breast and said this is your father's side then to the lower bit and said this is your father's side and then he put his hand on my left breast and he moved around the breast and around to the lower genital side and said and this is your mother's side. I took a breathe in and I said its getting late I need to go home. I didn't feel he did the right thing I knew he didn't do the right thing and I was a bit nervous that I need to go home. So I walked towards the door as I turned around to open it he said to me now where did you say this lump was again. And I looked at him and I said I said my right breast. Now and he did the procedure again. This is your father's side this is your father's side this is your mother's side and there must be something still happening between you and your father for the lump to have been found in the right breast. So you need to work through what's still going on with you and your father for you to be occurring a lump in your breast. And I said well I need to go home. As we walked out he said I'll walk you to the car it was late he said I'll walk you to the car. I said that'll be fine. He walked me out near to the car and then he said to me I need your opinion about one thing. And I said it's getting really late I must go home and he said it wont take long it'll be very quick. I need you to come back up to the church with me into the church and I want your opinion about putting a café there. And I said look I'll give you about 10 minutes we'll quickly run up and look at it. We got into the church, we went through the back way, got into the church and as we walked onto the altar it was probably probably around 10 o'clock past 10 o'clock it was late and Sister Liz was there praying and gave us both a very big scare because we walked on we switched the light on and there was Sister Liz praying on the altar and we both got a fright and we went oh my God Sister Liz you know so late at night and she said hello look I wont disturb you and we said look you know Fr [REDACTED] said that's ok we're going to the other side of the church so we walked right through to the other side of the church. He said I want to put a café here I want your opinion on this he said how do you think we should go about it and I gave him a bit of my opinion of what we should do and he said I've got people who will help me with it and I said well if you need further assistance you know I'm only there to assist you with whatever you need assistance with. And then he walked me back out and walked me to the car. As we walked back out to the car there were two young boys throwing rubbish in the dumpster and he stopped the boys and he said you're not to come here and throw any rubbish in this dumpster. They went off I got in the car and I drove off home. I came home, I told my husband what had happened and my husband was very upset and my husband said he has no right whatsoever to touch any part of your body and especially your private part of your body and if he needs to show you anything in any healing regarding any form of that area that he needs to show it on his own body. He can demonstrate and any healing session to you with him saying this is what I want to show you I'll demonstrate on my body because I should not touch your body".

I invite you to respond to this complaint which you can do in writing or by attending on me accompanied if you wish by any other person.

I stress that I have made no decision whatsoever as to the validity or otherwise of the complaint, and I will not do so until you have had full opportunity to respond.

I await your reply."

Please let me know if you wish me to send the letter as above.

I await your reply.

Yours sincerely



Peter J. O'Callaghan
Independent Commissioner

Enc.

Attachment 7

Letter from the solicitors for the priest to the
Independent Commissioner dated 24 August 2009



T.J. MULVANY & CO.

L A W Y E R S

OUR REF: TJM:JK:27689

YOUR REF:

24 August 2009

Mr Peter O'Callaghan QC
 Independent Commissioner
 Owen Dixon Chambers West
 18/15
 205 William Street
MELBOURNE VIC 3000

Dear Commissioner O'Callaghan

Re: [REDACTED]

We wish to advise that we have been retained by [REDACTED] in this matter and have been provided with a copy of your letter to him dated 17 August 2009.

Would you kindly ensure that all further correspondence on this issue is forwarded to [REDACTED] via this firm.

At this stage the writer has not had an opportunity of obtaining detailed instructions and has had a brief conversation with our client. In order to assist in the obtaining of instructions and furnishing of advice we should be grateful if you would advise us of the following:-

1. The date and year in which [REDACTED] alleges the conduct occurred; and
2. Details of other complaints made by [REDACTED] alleging professional misconduct by our client which we understand were made to the Vicar-General in recent times.

We look forward to your reply.

Yours faithfully,

T J MULVANY & CO

PARTNERS
 TIM MULVANY, B.A. LL.B.
 PHILIP TIERNAN, B.COMM., LL.B.
 BEN SAYER, BSC. LLB.

CONSULTANT
 ANTHONY TESORIERO, B.E.C. LL.B.

ASSOCIATE LAWYERS
 LAURA TIERNAN, BA. LLB.
 LUCIA DI NATALE, BA. LLB.
 ANTOINETTE MOYLAN, B.COMM. LL.B.

ADDRESS
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 51 QUEEN STREET, MELBOURNE.

CORRESPONDENCE
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 DX 329 - MELBOURNE
 ABN 19 407 458 104

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Attachment 8

Letter from the Independent Commissioner
to the complainant

Independent Commissioner
Peter O'Callaghan Q.C

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

25th August 2009



Private and Confidential

[Redacted]
[Redacted]
[Redacted]

Dear [Redacted]

Re: [Redacted]

I have received the enclosed letter from TJ Mulvany & Co advising that they have been retained by [Redacted].

I propose to reply to these solicitors as follows:

"I refer to your letter of 25th August 2009 and advise that the conduct complained of occurred around [Redacted]."

I have seen from the Archdiocesan file that complaints were made to the Vicar General in relation to matters of a non sexual nature. Those complaints were to a significant degree made also to me by [Redacted]. I am only concerned with the issue of whether or not there has been sexual abuse as defined. However for your information I enclose herewith letters to the Vicar General on the 12th March 2009 and 1st June 2009.

I stress that I will not be involving myself in the validity or otherwise of those complaints. Accordingly I do not seek any response to those matters.

I await your response.

Yours sincerely,

I take it that you will consent to my acting as proposed. Whilst in strictness the other complaints are complaints of a non sexual nature, I have an obligation to inform the other side of what else I have been told by you.

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I anticipate that I may receive a further request to provide the balance of the transcript in which these matters of confidentiality are referred to. If so I would be obliged to make same available, though stressing that I am not in any way concerned with issues other than the issue of sexual abuse.

I enclose herewith copies of your letters to the Vicar General, which I became aware of, when as is my usual practice, I require the production from the Archdiocese of the relevant priest's file.

I await your reply.

Yours sincerely



Peter J O'Callaghan
Independent Commissioner

Encs.

Attachment 9

Letter from Lewis Holdway to the Independent
Commissioner dated 1 September 2009



Lewis Holdway Pty Ltd
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ABN 76 099 695 279

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Lewis Holdway

L A W Y E R S

Our Ref: RCB:MA:18960

1 September 2009

Private & Confidential
Mr Peter O'Callaghan QC
Independent Commissioner
Owen Dixon Chambers West 1815
205 William Street
MELBOURNE VIC 3000

By Email

Dear Sir



We refer to the above named and advise that we are now instructed to act on behalf of [REDACTED]

We have to hand your letter to [REDACTED] dated 25 August 2009. We are presently in the process of taking instructions from [REDACTED] and will revert to the requests in your letter in due course.

If you have any questions in the meantime, please contact Ruth Baker of our office.

Yours faithfully

LEWIS HOLDWAY LAWYERS
per Ruth Baker

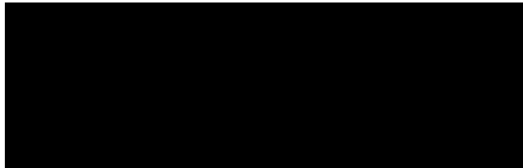
Attachment 10

Letter from the Independent Commissioner to
Lewis Holdway dated 27 October 2009

Independent Commissioner
Peter O'Callaghan Q.C.

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

27th October 2009



Private and Confidential
Attention Ruth Baker
Lewis Holdway
Lawyers
20 Queen Street
MELBOURNE VIC 3000



Dear Ms Baker

Re: [REDACTED]

I refer to your letter of 1 September 2009 in which you advised that you acted on behalf of the abovenamed.

Last week I was contacted by [REDACTED] of the Victoria Police who advised that the abovenamed's complaint had been referred to the police.

In those circumstances I will take no further step in this matter until the completion of the police investigation and the proceedings (if any) emanating therefrom.

I have similarly advised TJ Mulvany & Co who act for [REDACTED].

Yours sincerely


Peter O'Callaghan
Independent Commissioner

Attachment 11

Email from the Independent Commissioner to
Detective Senior Constable OP dated
5 November 2009

Marilyn Stefanile

From: Marilyn Stefanile
Sent: Thursday, 5 November 2009 3:13 PM
To: [REDACTED]
Subject: Email from Peter O'Callaghan

[REDACTED]
[REDACTED]

I refer to the complaint by the abovenamed against [REDACTED].

Before referring to previous correspondence and the matters raised therein, I confirm that I am the Independent Commissioner appointed by the Archdiocese of Melbourne to enquire into allegations of sexual abuse by priests, religious and lay persons within the control of the Archdiocese of Melbourne.

I attach herewith the Terms and Conditions of my appointment, which remain substantially similar to the terms which were given me in October 1996. I should add that those Terms and Conditions were compiled in consultation with Assistant Commissioner Brown of the Victoria Police, and were submitted to the Victorian Government through the then Solicitor General the late Douglas Graham QC.

Some few weeks ago, you rang me, and advised that you were investigating the complaint by [REDACTED] (the complainant) against [REDACTED], and you asked for me to provide documents I had received from the complainant. I agreed to do this subject to your obtaining the written consent of the complainant, and providing it to me.

I recall that you expressed some concern that I had informed [REDACTED] of the complaint, expressing or implying that your investigation would be better managed by him not being aware of the matter having been reported to the police. I then explained that I had done so at the request of the complainant, whom I understood was not intending to report the matter to the police.

You indicated that you would obtain the complainant's consent. On 23 October 2009 I sent an email to you, a copy of which you have already been provided with. Unfortunately that email was misaddressed as I now see from the letter you wrote me on 28 October ie. there was not a . after [REDACTED]

I had a conversation with you on 28 October in which you advised me inter alia that you had not received any email, and you expressed concern that I had advised the solicitors for [REDACTED] that the complaint was now being investigated by the police. You stated that this constituted me "over stepping the mark".

As appears from the correspondence which I provide you hereunder, the complainant knew and agreed to my conducting an investigation as to the validity or otherwise of her complaint against [REDACTED]. It was in that context that I forwarded to [REDACTED] the extracts from the transcript detailing the alleged complaint of sexual abuse.

You will note from the Terms and Conditions of my appointment that I am obliged to observe the rules of natural justice in carrying out my role as Independent Commissioner. It would be a breach of the rules of natural justice if I did not inform each of the parties to the investigation of what I had been informed and have knowledge of. Accordingly, I advised the solicitors for [REDACTED] that the matter had been referred to the police, and likewise informed the solicitors for the complainant that this was the case, and that accordingly I would be taking no further steps in relation to the investigation until the police investigation and the proceedings (if any) emanating therefrom were completed. You did not request me not to inform the solicitors for [REDACTED] that the matter had been referred to the police, and if you had I would have respectfully advised you that I would not consent to such a course, because of my duty to keep both parties in respect of the investigation I was conducting fully apprised of relevant matters.

It is obviously appropriate that [REDACTED] through his solicitors be informed that I will be taking no further steps in relation to determining the validity or otherwise of the complaint. To suggest that I should effectively conceal from [REDACTED] that the matter had been referred to the police would be in breach of my ethical and legal responsibility to one of the parties to the complaint.

Whilst I will be taking no further steps in relation to determining the validity or otherwise of the complaint, that does not mean that I will not continue to be involved in the fact of the matter having been referred to the police. For instance, if I am informed that [REDACTED] is to be, or is eminently likely, to be charged with a criminal offence I would inform Archbishop Hart that this is so, and in all probability I would recommend to the Archbishop that [REDACTED] be placed on administrative leave pending the outcome of the police investigation, ie. his faculties to act as a priest would be withdrawn.

Consonant with that, in the particular circumstances of this case, I will be requesting the solicitors for [REDACTED] to keep me advised as to what is occurring. Similarly, I would appreciate your advising me if charges are or are likely to be laid against [REDACTED]. I also point out that the solicitors for the complainant are well aware of my practice of ceasing to involve myself in the determination of the complaint, if the matter is referred to the police. No advice was received by me from those solicitors that the matter had been referred to the police. I might add that those solicitors are the solicitors for and the proponents of Melbourne Victims Collective, which is highly critical of my conduct in the role of Independent Commissioner. This was enunciated in a document published as long ago as 30 June 2008, and in respect of which I have successively sought to obtain particulars of their criticisms but to no

avail.

I further add that those solicitors would presumably have been provided by the complainant with all the documentation which I had provided to the complainant. As appears from my faxing of the incorrectly addressed email, the documents I have are

- (i) a transcript of interview 21 July 2009
- (ii) a copy of my letter to the complainant including a draft of the letter proposed to be written to [REDACTED]
- (iii) my letter to the complainant referring to the letter from Mulvany & Co and my proposed reply to that letter.

Apart from the letter from Lewis Holdway of 1 September 2009, that is all the documentation which I have.

Notwithstanding my assumption that the complainant and/or her solicitors has made these documents available to you, I will forward copies thereof by mail when you email me your mailing address.

If you have any further queries do not hesitate to contact me.

Yours sincerely

P.J. O'Callaghan
Independent Commissioner

[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.

Attachment 12

Email from Detective Senior Constable OP to the
Independent Commissioner dated
16 November 2009

Marilyn Stefanile

From: [REDACTED]
 Sent: Monday, 16 November 2009 2:33 PM
 To: Marilyn Stefanile
 Subject: RE: Email from Peter O'Callaghan
 Peter

Re: [REDACTED]

Please forward any correspondence attention to me at Moreland Crime Investigation Unit 630 Sydney Road Brunswick.

Have you conducted any investigation into this matter? It appears to me you have more of a mediator role than in investigation role and without receiving the "Terms and Conditions of your appointment" you promised, I am not aware of how you go about conducting the investigation into the validity of the claim.

All I can say is that I was disappointed in you, with your decision to contact [REDACTED] legal team in regards to police involvement without firstly speaking to me about your actions, as I remember you saying that you would take no further part in the matter. As stated above I am unaware of your rules of natural justice, I cannot see how you can claim this is the reason for informing of police involvement.

I can assure you that all suspects are treated fairly and afforded the rights to speak to there legal representative prior to recorded questioning by police.

Regards

[REDACTED]
 [REDACTED] | Senior Constable 32542 | Moreland Crime Investigation Unit |
 Victoria Police

email: [REDACTED]
 phone: (03) 8378 6030 | fax: (03) 8378 6066 |
 address: 630 Sydney Road Brunswick, Victoria 3046 | DX211503

From: Marilyn Stefanile [mailto:mstefanile@vicbar.com.au]
 Sent: Thursday, 5 November 2009 3:13 PM
 To: [REDACTED]
 Subject: Email from Peter O'Callaghan

Re: [REDACTED]

I refer to the complaint by the abovenamed against [REDACTED]

Before referring to previous correspondence and the matters raised therein, I confirm that I am the Independent Commissioner appointed by the Archdiocese of Melbourne to enquire into allegations of sexual abuse by priests, religious and lay persons within the control of the Archdiocese of Melbourne.

I attach herewith the Terms and Conditions of my appointment, which remain substantially similar to the terms which were given me in October 1996. I should add that those Terms and Conditions were compiled in consultation with Assistant Commissioner Brown of the Victoria Police, and were submitted to the Victorian Government through the then Solicitor General the late Douglas Graham QC.

Some few weeks ago, you rang me, and advised that you were investigating the complaint by [REDACTED] (the complainant) against [REDACTED] and you asked for me to provide documents I had received from the complainant. I agreed to do this subject to your obtaining the written consent of the complainant, and providing it to me.

I recall that you expressed some concern that I had informed [REDACTED] of the complaint, expressing or implying that your investigation would be better managed by him not being aware of the matter having been reported to the police. I then explained that I had done so at the request of the complainant, whom I understood was not intending to report the matter to the police.

You indicated that you would obtain the complainant's consent. On 23 October 2009 I sent an email to you, a copy of which you have already been provided with. Unfortunately that email was misaddressed as I now see from the letter you wrote me on 28 October ie. there was not a . after [REDACTED]

16/11/2009

Attachment 13

Signatory page of Melbourne Victim Collective

Most importantly, if the Melbourne Catholic Archdiocese continues to respond as it has done to date, we fear that innocent children and vulnerable adults will continue to be assailed within the Archdiocese, both by clerical abusers and, crucially, by the very system put in place to respond to these sinful crimes.

Finlay *McClellan* *Robert* *San Francisco*

Boyle *Jim* *Boyle* *Plancher*

L. Holdway *Toske-Tanner* *Madison* *Jillene White*

John D. Bacon *John* *Holdway* *David*

Helen Last

Ms Helen Last
Representative

Jim Boyle

Mr Jim Boyle
Representative

Pam Krstic

Ms Pam Krstic
Representative

The Melbourne Victims' Collective
Melbourne, Australia, June 2008


CONTACTS

IN GOOD FAITH AND ASSOCIATES

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P: (03) 9326 5991 | W: www.igfa.com.au

LEWIS HOLDWAY LAWYERS

Paul Holdway (Principal) | Ruth Baker (Clergy Misconduct Lawyer)


P: (03) 9629 9629 | W: www.lewisholdway.com.au

MELBOURNE VICTIMS' COLLECTIVE

Jim Boyle | Pam Krstic (Representatives)
E: collective@igfa.com.au

Attachment 14

Letter from the Independent Commissioner to
Lewis Holdway dated 30 June 2008

**Commission into Sexual Abuse
Peter O'Callaghan Q.C**

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

30th June 2008

Private and Confidential

Attention Mr Paul Holdway
Lewis Holdway
Lawyers
20 Queen Street
MELBOURNE VIC 3000

Dear Sir

Re: Towards Justice: The Charter

I refer to my recent correspondence requesting the identity of the signatories to the Charter.

That request has apparently been ignored, and whilst I have recognized some of the signatures, I considered it important that I know who it is making complaints. I accordingly maintain that request but in the meantime I respond to the Charter. I do so in my capacity as Independent Commissioner, because much of the Charter expressly or impliedly criticises the role and the performance of the Independent Commissioner. Whilst I have not the slightest objection to constructive criticism, and will endeavour to accommodate to it, this cannot be said of a great deal of the Charter.

I am alarmed at the allegations and certainly if they could be validated appropriate remedial steps should be taken. The problem is that there is little particularity to the assertions made in the Charter, and until this occurs, it is difficult if not impossible to properly respond.

I set out hereunder extracts from the Charter and comment thereon in different type..

1. *"Since sexual abuse: the Melbourne Archdiocese's response was established in 1996 by Archbishop George Pell, (later maintained by Archbishop Denis Hart, victims, their families and members of their Parishes have repeatedly recounted to the collective practitioners their experiences of disregard, disservice and disadvantage within the set of arrangements of the Melbourne response. The similarity of independent accounts has led the collective practitioners to form the view that there has been a disturbing pattern of abuse."*

I assume that the victims there referred to are some of the several hundred who have complained to me in my capacity as Independent Commissioner. It is impossible to deal with this assertion unless there are particulars of who, when and in what circumstances victims have experienced disregard, disservice and disadvantage. Tell me who they are so that I can properly respond. I repeat I welcome constructive criticism, but not such which impugns reputation and competence.

2. *"Our aims are to raise Church and public awareness about the mistreatment and ongoing trauma of victims, and to open avenues for dialogue, review and change through processes of restorative justice."*

Please specify to whom, when, where and in what circumstances did mistreatment of victims occur. It is a fundamental principle of natural justice that in order to respond I must know the details of the complaint. With respect to ongoing trauma, naturally I have no difficulty in accepting that this occurs. I have repeatedly stated that no matter how considerably complaints are dealt with, how efficient and adequate the provision of counselling, how full the apology is given in respect of the abuse, and however adequate the amount of compensation awarded, there cannot be eradicated the hurt and effect which the sexual abuse has had upon the lives of these victims which is ongoing. I have always endeavoured to deal with complainants in a sympathetic and caring way, knowing only too well the stress and concern which many victims suffer, by recounting the details of the abuse typically suffered when they were children. Of course, no system is perfect, and I certainly do not profess to be.

3. *"Over 12 years since its inception it has, in our view, not practiced these principles and has reduced its response to a legalistic claims process."*

If meant by this, there is an undue adherence to law, this is not so. Obviously the first and essential step in dealing with complaints of sexual abuse is to ascertain when, where, by whom and in what circumstances the abuse has occurred. In the Melbourne Archdiocese, this is generally done by my meeting with the Complainant. I repeat my knowledge and awareness of the stress that this often imposes, and I do my best to alleviate this. I add that of the several hundred complaints I have received, the vast majority have been established.

4. *"Victims of sexual abuse by Clergy, Religious and lay personal are profoundly disadvantaged and wounded. When they turn to an institution for assistance and receive an inadequate response which does not recognize their needs, victim's wounds are seriously compounded. This is a further layer of abuse, inflicted by the institution ostensibly offering help."*

It is impossible to adequately respond to these general assertions. Who, when, where and in what circumstances has the Independent Commissioner inadequately responded to a complaint by a victim of sexual abuse.

5. *"This dynamic is reported by victims in the collective who turn to the Melbourne response, only to find what in our opinion is an inequitable system that, from a*

victim's view point, places the public legal and financial interests of the Melbourne Catholic Archdiocese over those of the victim."

I consider that this opinion is misconceived, and wrong. Again, there is no particularity to it.

6. *"The Archdiocese maintenance of a set of arrangements, in our opinion, appears to prioritise its livelihood above the needs of victims, and is diametrically opposed to the values and examples of Christ. We believe it also contravenes the most recent directives of Pope Benedict XVI on this matter."*

Again I disagree. The Melbourne process enables a complainant to put forward his or her complaint to the Independent Commissioner, and if established (the vast majority of which are), that person can be referred to Carelink, and to the Compensation Panel, and if pastoral support is requested, this is provided. It must be said that many of the victims, sadly, have no wish for pastoral support, because they have abandoned any adherence to the church. In some instances they regard any proposal for further contact with the church with anathema.

7. *"In our view the perpetuation of the current priorities of the Melbourne response by its clerical leaders, also directly contradicts the National Code of Conduct for all Clergy and Religious in Australia, outlined in the booklet Integrity and Ministry. This document holds all Clergy accountable for prioritizing the care and healing of those who have been harmed by Ministers of their community "in situations" when communion is broken as well as "the parents and family of those harmed and the community where the violation has occurred"*

I do not see any contradiction either in principle or practice.

8. *"Primary and secondary victims in our collective feel betrayed by the lack of clerical leadership within the Melbourne Catholic Archdiocese. They describe feeling powerless within the Melbourne response set of arrangements, which are deficient in values and principles of justice, healing, safety, integrity, empathy and trust building."*

Once again these general assertions can only be responded to by the statement that is not my understanding or experience. It is necessary to provide chapter and verse of such serious allegations, if they are to be adequately responded to.

"Hearing Victims speak about the Melbourne response"

So that these deficiencies are heard in victim's description of:

9. *"Mismanagement of complaints"*

Specify whose complaints were mismanaged, and I will respond.

10. *"Neglecting to investigate and respond to ongoing risks of clerical abuse with appropriate interventions."*

Specify the instances of neglect, to investigate and respond.

11. *"Impersonal insensitive and untimely responses to victims, their families and wider communities."*

I must assume that this and the other criticisms apply (at least in part) to the Independent Commissioner, and I want to be told when and to whom, I have made impersonal, insensitive, and untimely responses to victims. It is axiomatic that complaints should be substantiated.

12. *"Mismanagement of accused priests who continue to harass complainants and Parish members after being stood down from Parish and/or public ministry pending investigation."*

I have and will continue to make recommendations to the Archbishop (who is of course the exclusive decision maker) in respect of offending priests. I necessarily repeat these serious allegations must be particularised, at least as to the identity of the priests, in order for an adequate response to be made.

13. *"The retaining of offenders as ordained Priests, even after they have been found guilty in Criminal Court, and/or the Independent Commissioner for the Melbourne response makes a finding that victims complaints of sexual abuse by these priests have been established; the absence of promises of pastoral support, which leaves victims feeling spiritually abandoned by and excluded from their church community."*

I am not sure what is meant by the "retaining of offenders as ordained priests. Generally, priests remain priests unless they are laicised on their application, or by papal decree. Apart from a very few, It is my experience that offending priests have had their faculties removed. Again I request the retained offenders be identified.

14. *"Receiving a response from the Archbishop's lawyers when victims question the personnel, practices or processes of the Melbourne response."*

If any such question were directed to me, I would regard it as mandatory in my role as Independent Commissioner to respond directly.

15. *"Confusion of roles by those who respond to victims on behalf of the Melbourne Catholic Archdiocese."*

What is the confusion, I do not believe I have misunderstood or confused my role. If you contend I have, specify how and when

16. *"A lack of professional advocate, resourcing and support for professionals working with children exposed to abusive clergy in Catholic schools and appropriate intervention in situations of abuse."*

Again, it is impossible to respond to this general assertion without having particulars of this "lack".

17. *"A scarcity of information for family members and parishioners and lack of recognition of and response to their needs as secondary victims."*

I repeat what I have said in 16. above.

Structural Flaws in the Melbourne response

18. *"Although the Independent Commissioner announced that "it was hoped the Commission would complete its work within six months, and hopefully a much shorter time than that", the Melbourne response has filled a permanent role for more than a decade."*

I did make that statement, and note that the Terms and Conditions of my appointment contained inter alia "The retainer of the Commissioner shall be for a period of six months Provided that if at the expiration of that period..... there are outstanding matters.....Archbishop shall extend the retainer for a further period of six months, or such other period as may be mutually agreed upon That was based upon a belief that consonant with the publicity given my appointment, that all or the great bulk of complaints would be made and dealt with in the period of six months. Instead, there has been a continuing series of complaints which are continuing at the present time. It would have been untenable to terminate my appointment, whilst this flow of complaints continued. Undoubtedly, had this been done the Archdiocese would have been spared very considerable expense, but an avenue for complaints would have been closed. Is it suggested that this should have been done. Surely not. Had it been, it could properly have been characterised as a lack of compassion by the Archdiocese.

Conclusion

I have not at this time responded to other matters in the letter under reply. This should not be taken in any way as acceptance thereof. When the particulars sought as above are provided, I will provide a further response dealing with all matters raised.

I request your reply no later than fourteen days from this date.

Yours sincerely,

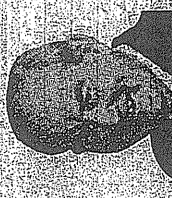
PETER J. O'CALLAGHAN
INDEPENDENT COMMISSIONER

Attachment 15

Complete Op Ed published in the Age
on 20 December 2011

Critics of church's handling of abuse cases need evidence

A STATE independent commissioner for the Catholic Archdiocese of Melbourne, I have had more than 300 complaints of clerical sexual abuse submitted. Those people have been awarded compensation and will receive free psychological and counselling support as long as they need it.



PETER O'CALLAGHAN

fairly or reasonably treated. I invite them, or someone on their behalf, to contact me in confidence. My response will remain confidential, unless the complainant wants to publish it. In short, I am bound to confidentiality but complainants are not.

Almost all complaints of child sexual abuse made to me are from adults who were abused when a child.

They have lived with these complaints for decades without disclosing to anyone save perhaps a spouse or close friend. Most keenly desire confidentiality, which I undertake to maintain.

I tell all complainants that they have a continuing and unfettered right to report their complaints to the police. And I encourage them to do so. However, the great majority of

complaints of child sexual abuse are against priests who have been convicted or are dead.

In cases where the priest is alive, some complainants, having been encouraged to do so, have reported their complaints to the police. Others

I reject the attacks on my personal and professional reputation.

have not. Reasons for not doing so vary. But the desire to maintain confidentiality and avoid the stress of court proceedings are nearly always among them.

If a complaint is reported to the police, I take no further steps until that investigation and any resulting proceedings are completed. Once this has

occurred, I resume dealing with the complaint, and in due course the victim is compensated.

In the relatively small number of cases where the victim will not go to the police and the alleged offender is alive and denies the offence, I conduct a confidential hearing. At that hearing there is senior counsel assisting the commission; the complainant is often also represented by a lawyer.

And in all cases in which I have found the complaint established, the offending priest has been represented by counsel.

As long ago as June 2008, the Melbourne Victims Collective made a series of highly critical allegations against the Melbourne Response and me in particular.

My repeated attempts to

obtain details of the cases giving rise to its criticisms have been unsuccessful. Likewise, the collective has not identified any particular person who they say has been unfairly treated.

I make no comment on whether there should be a public inquiry, other than to say that if there is I will fully co-operate with it.

But surely there should be some prima facie evidence that sexual abuse complaints have not been fairly, reasonably and appropriately dealt with before any inquiry is called.

Because an inquiry could be expected to impact on the confidentiality that I have undertaken to complainants would be maintained, the need for one should be clearly and cogently demonstrated.

Peter O'Callaghan is a Melbourne QC.

20/12/11

Attachment 16

Relevant pages of the Independent
Commissioner's interview with 'George'

NAME: [REDACTED]

ADDRESS: [REDACTED]

DATE: [REDACTED]

POC: I'm having a conference with [REDACTED]
[REDACTED]

[REDACTED] Correct.

POC: And where do you live.

[REDACTED]

POC: And in the preliminary discussion we've had you've explained that
you are, if I might say, a [REDACTED]

[REDACTED] Yes.

POC: And you've got a history of public relations and so on, but, and
you're presently doing something in the U.S. but that in one sense is
not strictly relevant to what we're saying.

■ Yes.

POC: I want to put on the record of this transcript, a copy of which I'll give to you, is that everything you tell me is and remains confidential until you tell me otherwise.

■ O.K.

POC: Now, you have told me that you'd first spoken to Elizabeth Harding consequent upon speaking to Broken Rites, and,

■ Correct.

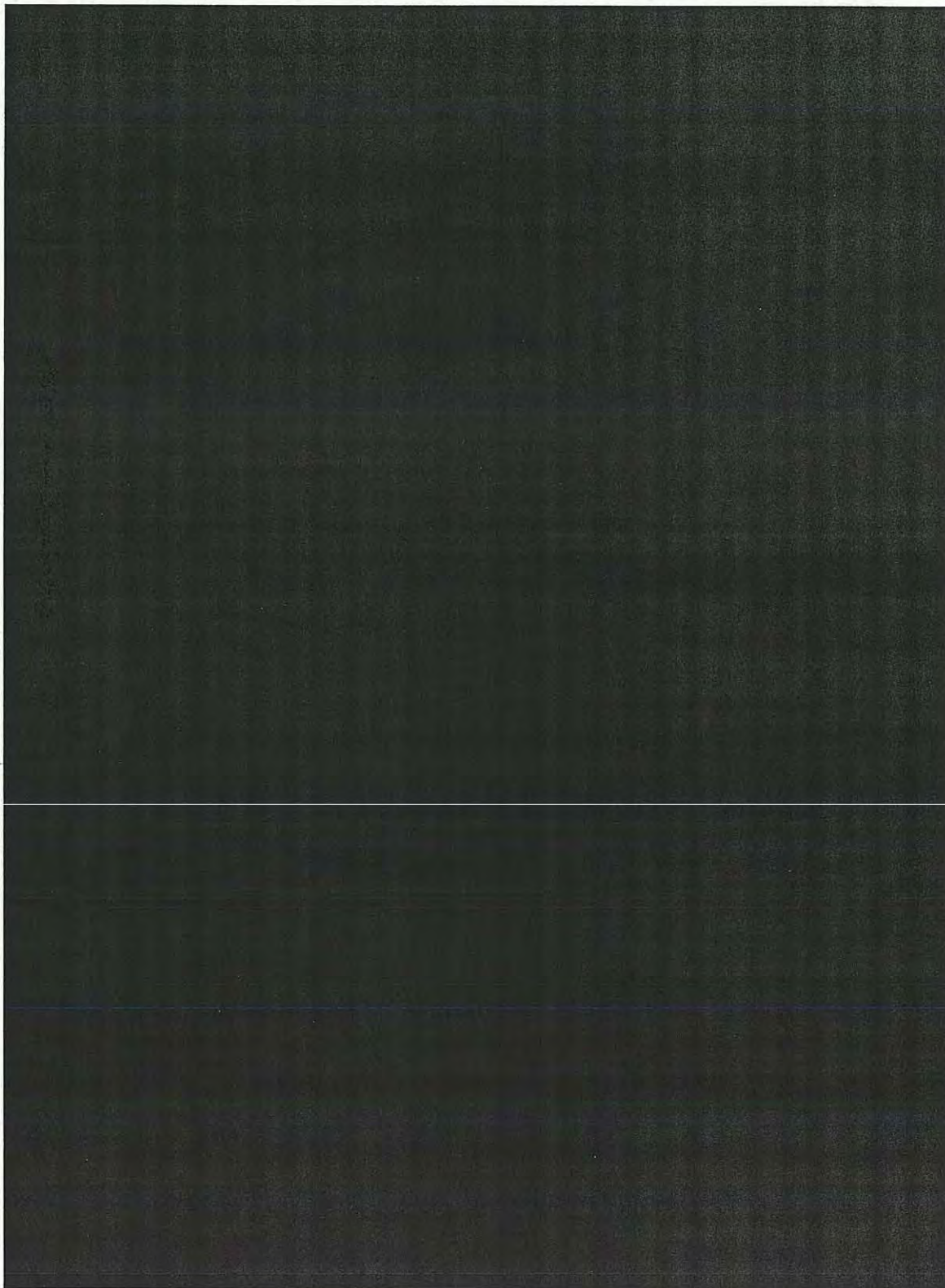
POC: And, now you're here.

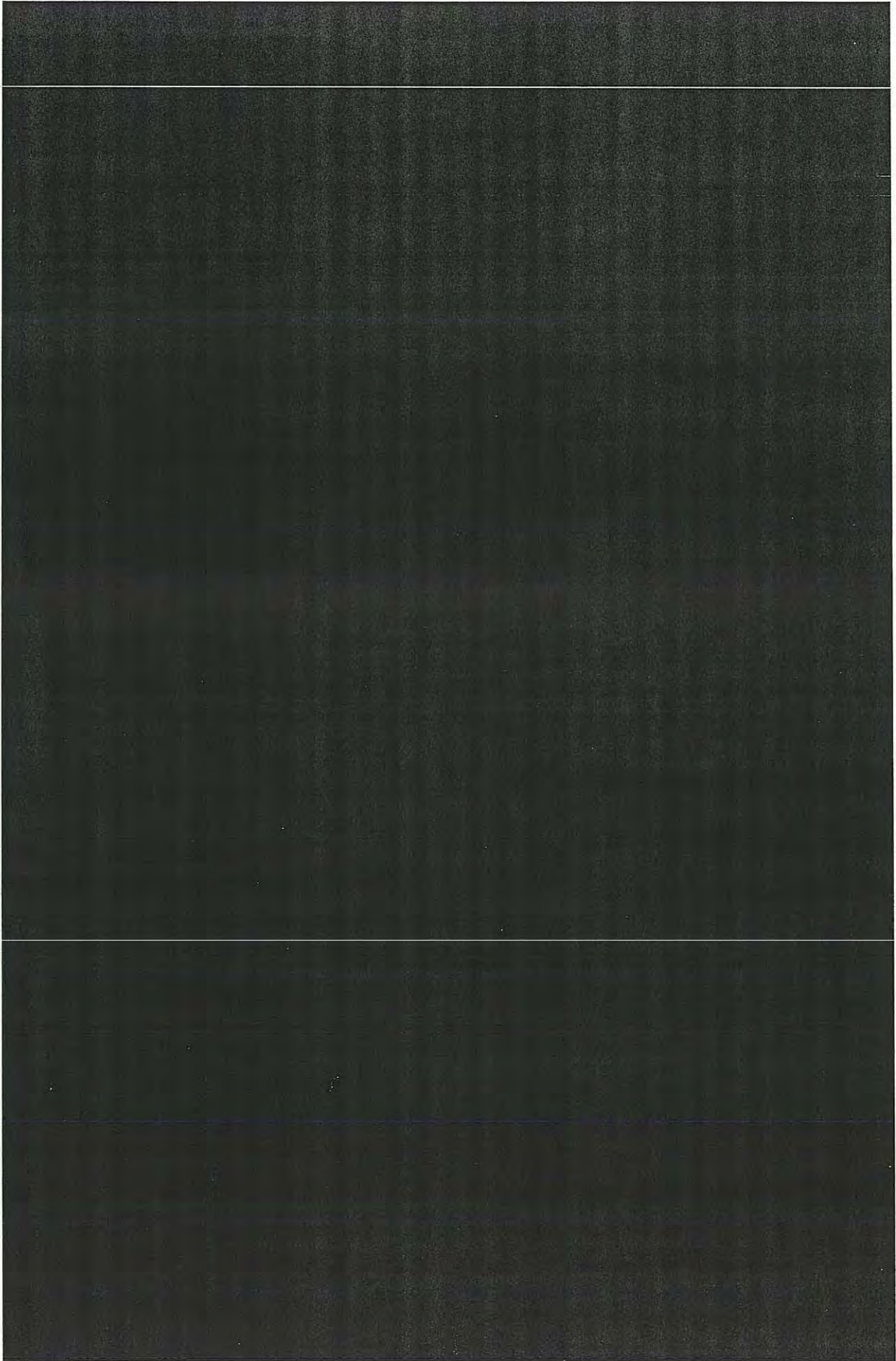
■ Mmm.

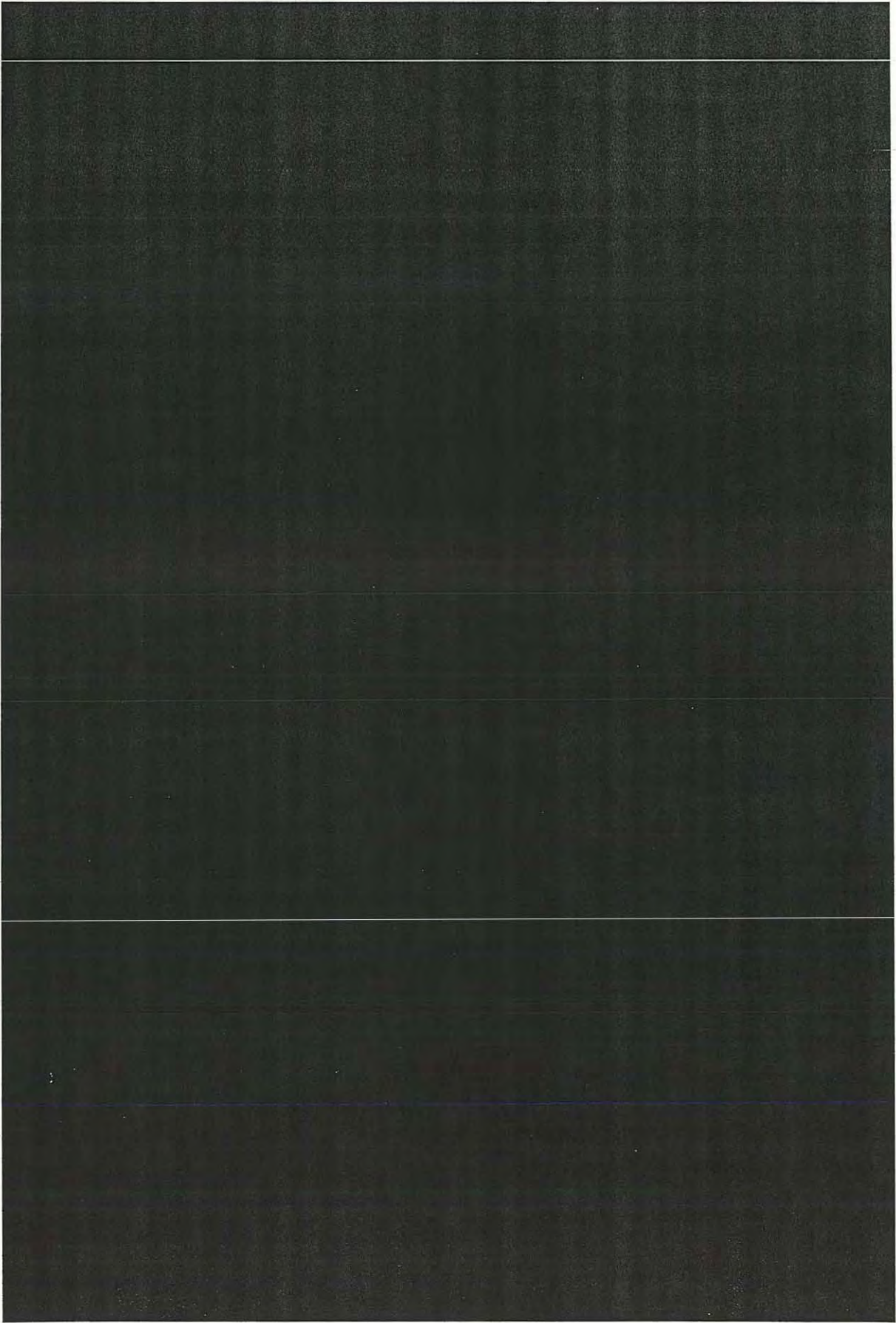
POC: So I invite you to tell me what you want to tell me about the complaint that you've got.

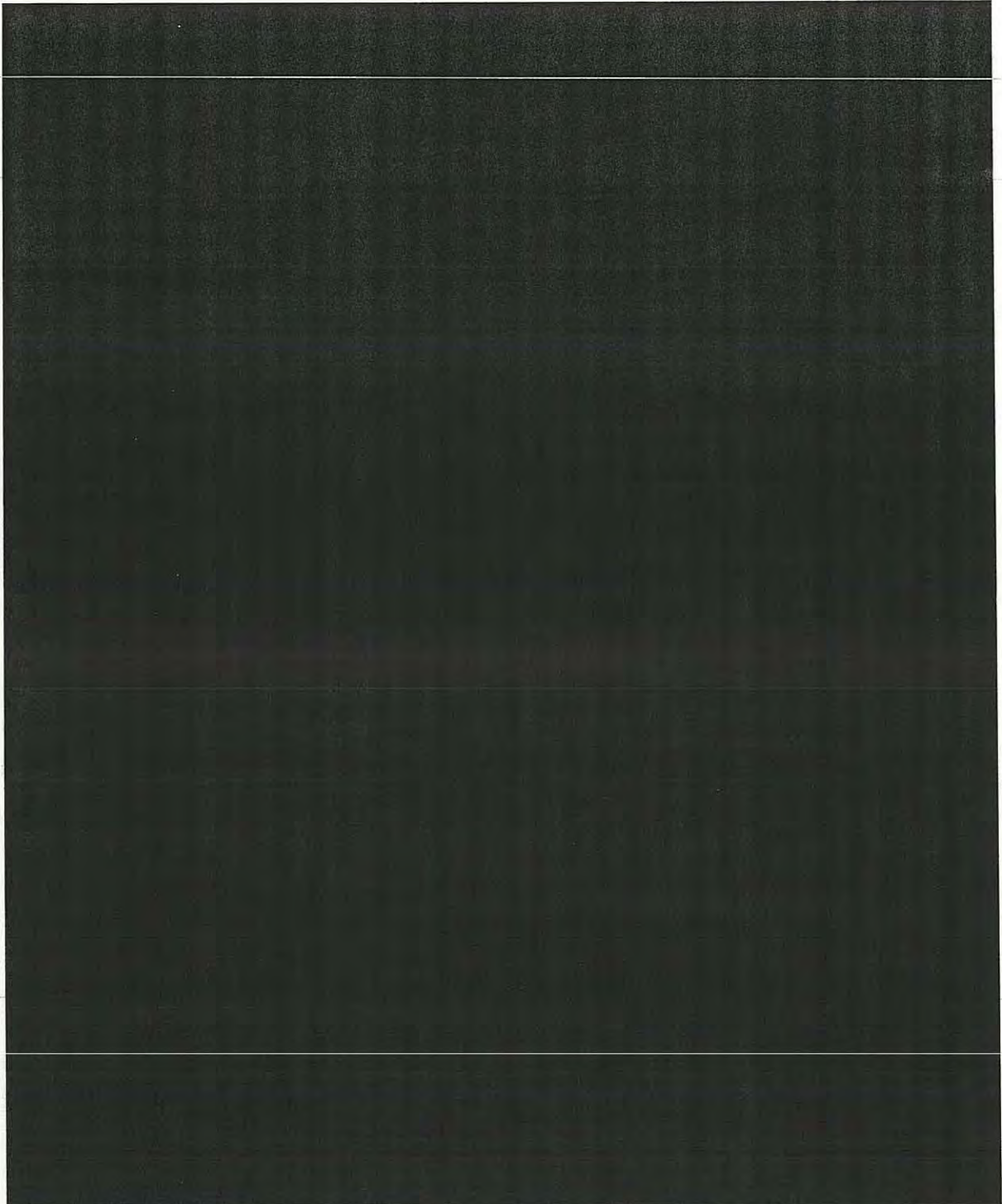
■ Can I get, I'd like to start by saying, give you some background.

POC: Yes.










POC: Do you remember who the Parish Priest was.

 I, because of what happened I blanked out a lot of, that whole thing, without going into that at the minute, after the incident I stopped

going to Mass. I didn't go anywhere near the church. Which was a big thing for me and I found it very difficult to go to the church, I was very embarrassed. I only had to, the only time I went to church was if I had to go for Xavier College. And when I left Xavier, that's the only time I had to go to church, when I left Xavier I never went back to a church again. In fact the only time I've ever been to church is when I got married at Xavier and if I had to go to a funeral or if I had to go, like I had to go. That's the only time I ever went to church. Completely stopped.

POC: You've ceased being a church goer.

Partly because of what's happened. And I was very active and I miss it a lot. Because I used to go to confession, I mean I was it, and I was raised you know, on very strong values. And I, you know, it was good going to Xavier because it was continuing of the Catholic values, but, but without talking about the incident, if I can just mention this.

When I was at Xavier I was an "A" student. I actually came to Australia, I actually skipped a grade. They put me from grade 3 to grade 5. My brother was two years older yet he was only a year

ahead of me. So a lot of the kids, well the kids or the students, were always a year older than I was, I was actually a year younger than everybody. And I was an "A" student. Never would be aware that I got a "B" or a "C"; and I was doing very well. [REDACTED]

[REDACTED] the teachers were saying [REDACTED] an advanced student, you know, he's clearly you know, he's, he's basically getting, he's, what we're teaching him is not stimulating him enough you know and in fact they were going at that time about to send me to a special school for gifted children because I scored a very high I.Q.

Now after the incident, all my grades failed. I had, I was failing, "B", and "C" and at the time my parents were you know, what's happened, you know, why are you, my father was, because I didn't say anything, and my father was, my parents were very angry with me because I was you know not getting the grades and in fact in [REDACTED] who was the Form Master in form 5, actually pulled me aside and said, "If you don't pull your socks up we're not letting you go to HSC, we're going to basically tell you to get lost, we don't want students like you". Which was a shock to me.

And so I just crammed it as it were to get passed, and even when I got into HSC I still didn't you know perform and it was very frustrating for my parents because you know, what's happened, why, you're not applying yourself you're, they blamed everything, I was listening to rock music or T.V. or whatever it was I was not applying myself and even I'd just passed HSC and also, when I was at Xavier when I was at Acquainis I was, again, because I was a smart student and you know, confident, very confident, I usually was very popular because you know, usually helped a lot of kids with their homework and so forth and I had no problem at Xavier, sorry Acquainis College. But when I came to Xavier; the first year was fine. But when I got into Form 4, early in Form 4, which was about that year, don't know the exact month, but, um, after that my whole self esteem just completely died. It was a compounding, not the studies, not the thing and in fact I was picked on at school, quite heavily and there was an incident, they were calling me poofter. Calling me gay, poofter, which compounded even more because of the embarrassment, because I'm not. I'm not gay. Because of what happened with the Priest it sort of compounded even further until I couldn't, I couldn't handle it and they, the kids could smell the fear, could smell the, you know, kids being kids, could smell, the bullies could smell that they had me,

something that they could upset me with and I was taunted every school day. I was called you know, poofter, Goldielocks, and I didn't know what to do.

And so, one day I just couldn't take it any more and I ran away and I ran home and my father was like, what are you doing here at home, and I said, well they were all picking on my at school and my father was like, well you know, stand up for yourself and you know, you know, pick on, fight the kids and whatever and there was one kid I did fight, but it didn't stop them the bullies just kept going worse. So my whole recollection of Xavier I couldn't wait to get out, it was like Hell. In fact even going back there was like you know, for the main time, because there was that incident. I'm sorry, I'm just talking a bit. So that's the thing that's what's happened and all I just wanted to do was forget it because I felt embarrassed, I didn't know what I was feeling but I just, all I know is I wasn't wanting to go to church and I then you know, that was it, it was like no seeking help, just pushing it all behind me.

When I got into University um, I just you know, put it all beside me and just kept moving forward, just you know, move forward in life and, I just, you know, you don't know any different and you think

that's the way you are. Last year, have I jumped ahead, and we can probably go through some other stuff but, last year I was, and sorry, over, over the years when I've seen articles or heard of sexual abuse I would read them. I would not necessarily recall the event but I would relate to it. Any articles of pedophilia, any articles of abuse I would always read, in fact my wife kept saying, you can ask her, but she kept saying, why are you so interested in the subject. She thought I was a pedophile and she, we've got a little daughter and in fact she's even saying the other day, you know, why are you so interested, there was an article on Fox news about the Church and pedophilia. And why are you watching that article you know, I'm worried about you, may be you're a pedophile why are you so keen about it, like you seem so interested. Well now she knows. So,

POC: When did you tell her.

■ I just told her recently.

POC: Yes.

■ Only just recently. Um, but I've always been reading it and watching it and that's why when I saw the article I wanted to come forward, I

wanted to speak for so long I know and when I saw the article on A Current Affair, Four Corners or whatever it was saying how victims were being treated by the church, that they were basically rather than sympathetic quite the opposite was the antithesis of that was more of they were treating them a bit like the people suing the Tobacco company they were trying every which way they could not to have any sort of claim because they thought it would open the flood gate. I thought the last thing I want to do is stick my hand up and step forward because I'm just going to get it cut off. I mean why be the you know, why do that.

And so, just put it off. But again, just kept following it. Last year, and I'm jumping ahead. There's a lot of other things I could keep going on about but where things, where things started to take more action was last year I was going through incredible mood swings, I had thoughts of suicide, many times I wanted to commit suicide, I mean we all have pressures of work, I mean I've always thought suicide, was that's a not me, but many times I've driven across the West Gate Bridge and thinking all I have to do is just park, you know stop the car, jump and that's it, it will all be over. It's like this pain. And I related it to business work, I thought it was the pressure of work and money. That's it, that's the way I related to it. You know,

yes we've got pressures at work, things are not going, there would be some set back and then I would immediately go into depression. I wanted to commit suicide and then like bounce back, so it was like a sign graph I was like up and down so,

POC: Just interpolate here, we've discussed it before. What is your date of birth.

[REDACTED] So last year I was just, I could feel I'm out of control. I could feel I'm losing it and some mornings I just couldn't get out of bed and I just didn't want to face the day and again I'm relating it to business. There's a new doctor that I've just started seeing, as a normal GP his name is Dr. [REDACTED]. I'm happy seeing him, I'm so glad that I found him, he went to school with my brother, younger brother. So, and I've got a younger brother and an older brother, both went to Xavier. And he was an old (inaudible), and I felt a kindred spirits.

POC: Where's his practise.

[REDACTED] So last year I saw him and I felt, felt funny because I wanted to see a psychiatrist but to me a

psychiatrist is a cop-out. To me it's like you're admitting defeat, you know, my wife, but it's like you know, you don't need a psychiatrist. My wife was all stiff upper lip, you don't need a psychiatrist, you know, I feel I'm having bouts of depression, oh, don't worry about it, you know, you know anyway.

So, I don't say that my wife was unhelpful but, she just felt that you know, you know you just carried on, just stupid, you're being stupid. You don't need to do that you can sort it out. But one day, was the very incredible low and I was not, about to do it, but pretty close to about to doing it, committing suicide, that was it. And I was almost, I even said one day, I said goodbye to my daughter and I started crying and my wife said to me, she just looked at me going, What, what did you say, like what are you doing? And I just said nothing, I'm just saying goodbye, well no, you said goodbye, like goodbye. And my daughter came back, because we were going to school and she came back and she said, 'I love you darling, I love you very much'. And that stopped me from doing it because I was ready to die that day, that was the day I was going to die, I woke up,

POC: Approximately how long ago was this.

Well, I can, I forget the exact date because it was when I saw [REDACTED] you can have my permission to speak to him he'll tell you when, I don't know, it was last year, October some time and that was the day I was going to die and I said goodbye. And she said, 'I love you darling, you know I love you daddy', and I said, I can't do this, I can't do this to her so I said I've got to get help so I went to [REDACTED] and I said [REDACTED] I feel stupid being here, I wasn't crying, but I said I feel stupid being here I said you know, it's like I'm not sick, I'm coming to you, like, I'm not sick but I need to talk to you. And he said, what's wrong. I said, mate, I'm just like I'm getting, I feel stupid because you know I've always felt myself as a very positive, and people who know me, I'm very, I'm always optimistic I'm, in fact my wife calls me the eternal optimist. And he said, I said mate I'm just getting like, I've got incredible highs and incredible lows, and he just, you ask him, he'll tell, he said, the first thing that come out of his mouth was, you had something happen to you when you were young.

I nearly fell out of the chair. And I went, yea. He said, look, don't tell me, I don't want to know but something's happened to you when you were young. And I just was absolutely, it was like 'bingo' and I said well, I said well, he said did it happen to you when you were at

school. And I said, yea. And I didn't want to tell him. I felt embarrassed, I said oh yea, I was picked on my bullies. He said, well, that could be it, that's very traumatic you've had a traumatic event, whatever you've had you've had a traumatic event and I don't need to hear that unless you want to talk to a psychiatrist he said now there's two ways we can go.

You can go to psychiatry and do all that you know. Freudian and all that sort of stuff or we can treat it chemically. He said what you need, because you've got these mood swings because I just described it, he didn't want to hear it, he just straight away, he said you've got ups and downs haven't you, he said well that's not, something's happened to you when you were young, we all have business problems but that doesn't cause that this is something that's building up over years and now you're [REDACTED] you had it when you were young and it's now, you've actually suppressed them in the past and now it's getting to the point where it's unmanageable.

So he said, what I'm going to do is prescribe you Zoloft which is a drug one of the five categories of drugs which will attack your Serotonin and sort of try and level you out. So you should be able to cope. He first started with 25 mg. per day and now I'm on 50 mg. a

day, up to 50 mg. and all I can say it's like my life's back. It's like where I was like loosing it, I didn't have a life, when I say didn't have a life, I was loosing control of my life, I was out of control.

POC: Can I ask you a question.

■ Sure.

POC: Obviously at the same time you were pretty busy.

■ I'm under incredible pressure at the moment. Financial pressure, marriage, and I'll come to the big pressure at the moment, so he prescribed that. And my wife's immediate reaction was you know, why are you taking drugs oh yea, you know, you're like a weakling why do you need drugs you know. Come one, you know, men don't need drugs, you don't need all of this and she looked at the thing on the box and it says, for treatment of obsessive compulsive disorder, O.C.D., like Jesus you know. It's like you know, she said, you don't need it, you think you need it, I don't want to can my wife but, it was the opposite, I don't want to put her down, it was like the opposite and said you know, you don't need all this. And I said ■ I need

it. You know, I've had suicide thoughts, I don't know if you know, oh yea, yea, yea, you know you just, so I dismissed it.

So O.K. so I'm on Zoloft and he's prescribed, he said what you've got is anxiety, it's not quite getting there but at least this will hold you back and I know if I didn't take it I wouldn't be here. Something would have triggered because even there's many times I've walked along the street and I've thought, just walk in front of a truck and that's it, and you know when you start thinking like that there's something wrong. So, um, everything's all pressure at work, still a lot of pressure you know, things are, the pressure is on me. And, um, then in March, March, February, March, April, in March my wife, to cut a long story short is diagnosed with cancer so like, a truck hit her. This is my wife, [REDACTED]

POC: This year.

[REDACTED] Now, just now, a few weeks ago. She thought it was hemorrhoids, went into the colonoscopy, she didn't even want to do the colonoscopy, and I kept saying you've got to do the colonoscopy, I mean better to have it checked out. Again [REDACTED] was the doctor. And he said, do you want to pause the tape.

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
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[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

And so, my wife is now, this was like everything. You couldn't, it was like going through a cyclone. All I can say is emotionally and [REDACTED] was very good because he's seen me and he's sort of followed through and I've gone to see him, just when I went to see him about you know, I was sick, and he gave me, it was conjunctivitis that what it was.

And I think the way he sort of spoke to me was like he just looked at me, you know like a doctor looks at you, a good doctor and says you know, I've got his mobile phone so I can call him which is very good, not like a normal doctor where you've got to pay. He said you just call me any time and I think he was just like, without knowing, he just sort of, he said I don't want to know, that sort of man thing, just, if you need help I'm here.

And that sort of triggered me and I spoke to my wife and I said, and I just said, she's like marching orders, in fact she said I want you out of

the house because you know you're just, you're talking about suicide you're talking about this, I can't deal with this any more. I've got to deal with cancer now, I've got to deal with getting better.

So, at that time it was about then that the article appeared in the Age. So it's like the paths have crossed and I read it, straight away, and when I read about the group called Broken Rites, and I read that they, that the church was now more accepting. That's what made me make the call and before I called, and I've never told my wife any of this. So I've never told anybody.

POC: You'd not told your wife at all about this.

Nothing, no, no, no, sorry up until that article and up until that point my wife's seen me looking at and reading articles about sexual abuse, pedophilia, all of that, victims, I always read about victims, that's all I've read, I just kept reading about, like there was the article about the Boys' Home, you know there was one in New Zealand in was on Sixty Minutes. I watched it, I was like glued to the set and [REDACTED] was like, why are you watching that what's so interesting about that, you know, it's just about sexual abuse why are you sort of fascinated,

and she's thinking I'm a pedophile because I've got a [REDACTED]
daughter which like that's all I need know.

POC: I understand.

[REDACTED] Because she'd sort of say well I'm a pedophile and take my daughter away, like my daughter is like everything in my life. So I'm like very careful, anyway, so I've always been watching that and she's sort of watched that and she even said it, why do you keep asking, so then when Broken Rites, when I read the article and I bought the Age, I went out and bought, I saw it in the thing, I went and bought the article in the Age, and I then said I'm going to have to call this group. That's when I called and I said you don't know, and she was like, her attitude with me was like, you know, I've had enough of you, I'm sick and tired of, like she's got pressure, and said, you know, well I then, I had, because I sort of, in a way, keeping her away from the information I mean she's under pressure at the moment.

The last thing she wants to hear is something from me it was like the Antithesis, but when she told me to get lost I just said well I've got nothing to lose now, I just said well I've got to tell you this is what happened to me when I was younger with a priest. And she went oh,

and then she didn't respond. And I said well I'm going to call this group Broken Rites. Well if you think it will help. So then I rang the woman, I can't think of her name. Broken Rites and it was, to me it was making that call. It was a big decision for me and it was like I've got to get well, I've got to fix something up, because why I didn't because what was in my mind was, this is something that's happened a long time ago, these things that I'm going through have got nothing to do with what happened until [REDACTED] when I said and he'll tell you and happy to talk to him, he said, you had something happen to you when you were younger. So when I then read the article, when he said that, immediately I'm thinking, it started me,

POC: Tell me which article. There's been so many lately.

[REDACTED] I apologise. I don't remember, it was the one about the priest they're trying to extradite.

POC: Gardenvale. Pickering.

[REDACTED] Pickering that's the one. And there's a guy they call him [REDACTED] in the article but they said he was from Xavier.

POC: Yes, yes.

█ I don't remember, I can't, verbatim,

POC: I think they also said █ and they also said there was █

█ But the point, what triggered it was the fact that there was in the article it said he went to Xavier.

POC: Right.

█ Just you know, I've read articles of abuse, but when I saw Xavarian I went like I really caught on to it and his feelings that he's had as a man or since this has happened I identified with the same feelings. So that's the trip that said in my mind then join the two together.

POC: Then you rang Broken Rites.

█ Then I rang Broken Rites. And the woman that I spoke to straight away said, I am a victim myself, straight away so I immediately opened up to her and I found her very, very comforting, it was like

finally I was able to talk to somebody. Something I've never talked about. And she was very good and she said right, we'll try and track it down I'm sure we'll find out because I blocked a lot of it out I've not remembered you know, don't want to remember it, she said we'll find out, I can identify him but she said the name, this name and I'll come back to what happened.

So then she said, we'll find the name, this is what's happening, the church is a lot more open about it now, they want to help victims now, they want to help and I said this is great so then, I left it for her, I then rang her back, actually there was another article, a follow up article in the Sunday Age. It said that there were seven people that rang as a result of that article which I assume I was one of the seven. I don't know. Keep going.

POC: Keep going. Just checking,

■ So I'm one of the seven obviously that rang and I rang that week. And she said O.K. There's counselling if you need it, there's this, there's that, there's a couple of ways you want to go, you have the right to go civil, and I just said well, I don't know, I've got to talk about this and I've got to get well. So she said, then I rang her back,

what are we, last week and said, she said I've had more cases come out so she said I apologise I didn't come back to you. We're still trying to track down who was at that North Balwyn church.

But in the meantime you can speak to [REDACTED] Now this is the group called Care Link, this is the, sort of, she said you know, you appear to be, her view is that you appear to be, seem to be doing the right thing, so I'm not pushing you the wrong way, it's up to you, if you don't want to go we'll keep talking and I said look no, no I'm happy to talk I've got nothing to hide. I'm happy to talk so that's when I rang and I rang Elizabeth and she rang me back and then here we are today Tuesday and I spoke to her, I saw her yesterday.

Now the thing that, as I said the like even just it was just even just recently with my daughter I went to, there was a Mass at Mandaville and I haven't been to Mass for so long and you know I want to bring my daughter I want to take her to church, I want to take her, in fact I even said to my daughter, my mother, my wife sorry, I want to take [REDACTED] to church. But for me going to church is very hard for me to go into a church and I've tried to go into St. Paul's I think it is, I've actually tried to physically walk in and I've walked in but whenever I get in there I don't feel comfortable.

So you talk about what happened. I was the President of the group, [REDACTED] and as you know I was the altar boy, I was in the choir, and there was remember there was a new young priest, there was a new priest that came into the parish, into that church. Because I was President of the group, or involved with the youth group obviously I had more contact with him. He and I always, as I've grown up, you know very strong Catholic views and the priest was you know representative of God and you know if the priest said this that's what it was and I would go to confession and if a priest said you know, I've confessed my sins and said three Hail Mary's, you said three Hail Mary's and you know and I, it was a wonderful feeling and I was very happy and I was a very happy boy and this priest, this young you know I can describe him, if I saw a photograph I'd recognise him, I liked because was younger and you know was more, I won't say hip, you talk hip in the [REDACTED] but was very felt, I felt very comfortable with him. And he was a very friendly, and because I was the President of the group he was obviously wanting to you know work with me and help with events and you know whether we were organising the school dance which I did, you know he was always very helpful and said I'll organise the hall and you know and always showered me with praise. And you

know, you are terrific, I've never seen anyone like you, and you know and I was looking, remembering it was a very happy time.

And you know, it was, it was just magic, to me it was magic because I you know, it was um, I was happy to be in Melbourne, was happy with my, you know, everything was running well. A number of times he invited me back to his room and I,

POC: Where,

█ In the parish at North Balwyn.

POC: In the presbytery.

█ Yea, in the presbytery, which I've never been in a priest's presbytery. When I've grown up the presbytery was like their residence and you never went there. I mean the Nuns would go there, other people go there, but you never went there. You certainly never went in their room. And I remember I described his room because he had all these albums, he had all these classical albums, he had racks, and rows and rows of all these records and I loved classical musical in fact I was in the orchestra, when I was at Xavier I was, I applied for the █

[REDACTED]
[REDACTED] so he, we were playing classical records, and I used to like classical, because I love classical music so, it was like we had that in common, the music.

POC: And you'd sing.

[REDACTED] I sang in the choir. I didn't sing,

POC: Did he sing.

[REDACTED] I don't remember him singing, but I certainly remember it was like it was all part of it, I'm singing in a group and I love classical music, he loves classical music, and I would be in his room and think nothing of it, in fact if anything I felt privileged I felt you know here's a priest I'm forming a relationship with in that priestly way you know and I still looked at him as you know as I looked at priests as representing God. You know and someone I've always looked up to. And we would play records and he was you know I remember him saying, he would play a piece and said you know see if you can name what, I won't tell you what it is, he'd put the record on and I'd say oh that's Mozart's piano concerto Moonlight Serenade or that was this or that,

we'd pick, I'd pick music and he was always, oh you're incredible you know music and you know this and you know that.

POC: Can you identify what year this was.

[REDACTED] [REDACTED] And, or it could have been [REDACTED] but it was about that time. And nothing that I remember sexual happened in those room but looking back on it I know that he was building up the trust with me. Building up the you know getting to know me and feel comfortable with me and I felt comfortable with him and I'd leave and I remember going home to mum and saying, you know I, I was really enjoying it and of course my parents were ecstatic that I was involved with the church and you know we'd got a good son and then he'd, he said [REDACTED] 've got somewhere special I want to take you and I said, oh yea, where's that. And he said out to the seminary at Mt. Waverley or Glen Waverley, Mount Waverley. Which is now the Police Academy.

POC: Yes.

[REDACTED] Right. Glen Waverley or Mount Waverley.

POC: Mt. Waverley.

█ The one on the hill.

POC: Yes on the hill.

█ Which was the seminary then.

POC: Yes exactly.

█ And now it's the Police Academy.

POC: Yes.

█ And before I talk about it, if I can, I'd just say that whenever I see that seminary I just think of like, I think of, not of evil but it just brings back the memory and I don't like looking at it. I now know it's a Police Academy but I, it's a funny thing, but anyway. So, he said I'm going to take you somewhere special not many people go here you know, so you're terrific and this is like a reward. So every time my parents said where are you going and I said well, Father's going to take me to this special, we're going to go to this special

function that's what I said to my parents. So I got all dressed up and which when I was younger at Acquis College there was a Christian Brother who didn't do anything but was a nice, who took me to, he and a couple of other boys we took up to see the Vienna Boys Choir we drove up from Southport I'll never forget the night because the car broke down on the way back but, you know so it wasn't unusual for me to go somewhere it was sort of like when you're, to me it was special. You know that you're, not like a reward but you know, it felt good to me it felt great that you know that that was showing interest. So he took me out to the seminary, we drove in his car. It was fine and we were just probably making conversation on the way or whatever but we got to the seminary and I was excited, this was great, you know he said this is the priests' seminary. So we were sort of, it was exciting for me because it was like, well this is where the priests, this is where they make priests sort of thing you know.

When we went in they, because the people there knew him like he just, because they all knew who he was and I remember walking in and we went into one priest's room and there were three others there and they were all sitting in their underwear. And I remember that was a shock because I was thinking because you know, priests you never see in underwear you see them you know with their clothes and I was

like, oh sorry, excuse me, no they said come on in, come on in and when I sat there I was like all of a sudden I got this like oh, oh, that feeling. The only way to describe it was like fear. Was like something's going to happen. And because they all looked at me and they're all like their eyes lit up, like oh, so who's your friend, like, hello, and they all like you know that, I've had you know people grown up, when you're at school, sound crude, crass, but you sort of know when there's a poofter, like sort of go away, but these are all priests and I was like absolutely, like I just froze. I didn't say anything.

POC: Were they priests or students.

■ I don't know who they were, obviously students.

POC: Seminarians,

■ Temenarians or whatever and they were sitting there in the room and they were all in their underwear and he came in and he was all beaming and he was like this is my friend ■ and he was all like, I remember them all looking at him like you know whow, look what you've got. You know and then a couple of them walked past, they

were walking down it was like a room, and they were walking past, it was obviously the priests' room or wherever they were sleeping and two of them walked past and looked in the room and it was like, hi, how are you and then more came in and it was like what have we got here. And I just froze,

POC: You were about 14 at this stage.

Yes. And I just froze because I could just see them all just like not like, hi how are you, welcome to the church, it was like hi, you know, we like you. And I just sat there like this and I just don't know what they were saying I wasn't even responding. And then I think that he could see that I was upset so he said come on let's go. You know after awhile. And then I said, can we go. I just said straight away, can we go. And he said, no, no, no, I just want to show you around. No relax, relax, you're O.K., relax. I said, I won't to go, I won't to go. I just said, I won't to go. He said, come on I'll just show you around. And I thought alright if I co-operate you know. Show me around, O.K. show me around. It's dark, there's nobody there. It's like 7 o'clock or 8 o'clock at night.

And he said this is the thing, and this is the chapel and you know, it's a big place. And we walked around a lot of the rooms, and this is this, and that's that and I'm thinking when's this going to go, when's this going to end. I've seen enough. And then he took me into the kitchen area and it's like reminds me of Xavier, you know the boarders where the dining room, at Xavier, that sort of smell, the kitchen smell and you know there's nobody there, he said well this is where we dine.

And he said I'm going to show you the kitchen and the kitchen area was like the serve areas completely black, sort of dark, but it's sort of it's after hours and there's nobody there and then he then put his arm around me and then grabbed me from behind and I can feel his erection in his pants. And he said, Come here [REDACTED] And I'm like, no, no, I want to go, I want to go please. And he goes, no [REDACTED] no, come here.

And, he said it's alright, it's alright, then he started grabbing me, grabbing me on my penis and I just said, what you are doing. He said, it's alright [REDACTED] come on we're friends, it's alright, it will be O.K., no one will know, something like that. And I was just like, and all I was saying look, and he says we're not going, we're not going

until you and I are going to have some fun. And I'm like, I want to go please. So he's still grabbing me and I'm just like I'm not fighting him and I'm just like, he said, you're very pretty, and I just stood, I was standing there, and I was crying, he undid my pants and I could feel his mouth on me. He was giving me oral sex and I was just sitting there and I was just like crying and he wasn't even concerned. And I said, he was feeling me, and I just, all I want, I just want, like a blank, I just put my mind out, that's the only way to describe it I was just like, I just because he was like his voice was like, we're not going to go. Until you know I'm done. So, I thought to myself if I co-operate and then I said to him, I said I want to go and he was like, just words to the effect like, if you co-operate we'll go. Like we'll go, but you know like I'm nearly finished sort of thing, like that type of conversation I can't specific words but like that and I was just, all I wanted to do was I wanted to go.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED] we got in the car. That was the thing, because we were so far away it was like, how am I going to get out of here, I'm only, I didn't have any, otherwise I would run away you know. We got in the car, that's what I wanted to say, like I wanted to run away but then I was thinking if I run away how am I going to get home, I don't know where the hell I was. I knew I was a long way away and I knew the physical look of the building. Then we got in the car and it was

And I didn't go back to the church, I didn't go back, that was it, never went back.

POC: Did you see him again.

█ No I didn't. I didn't want to go anywhere near him. I didn't want to see him, I didn't speak, I didn't, and what I was dreading was something mentioning like where is █ how come he's not back. You know why isn't he here, where is he but no one seemed to bother much I just said to my Mother oh, I'm sick of the group you know. And she probably thought, I think thinking back on it she probably thought I was a teenager, like I've grown out of it, you know.

POC: But your parents didn't worry too much about the fact that you'd stopped going.

█ No, well they didn't force me. I said, you know, and I, that's it and I've never been, since this day never, I find it difficult to go into a church and I've never felt embarrassed because I felt embarrassed to tell my parents, I couldn't tell anybody and that's when the taunting started at school they started calling me poofter and I felt like I was gay you know because of what had happened and I wasn't, and it was

like they kept picking on me and that's when, like I hated school and just like everything I said to you before.

POC: Is this the first time you've told any one about it in detail.

█ Yes, I've never told anybody and I've just blocked it out.

POC: You haven't told █

█ No because when █ said, something happened to you when you were young at school and that's when I nearly fell out of the chair and all I told him was yea, I was bullied. And he said well that's probably it, I don't know, he said but something happened to you and you can ask █ he'll tell you.

POC: And tell me this, you're confident it was █

█ About that.

POC: Just excuse me.

SECOND TAPE:

POC: This should be working. It's the resumption of a conference with

[REDACTED] I don't want to hear the click off.

[REDACTED] I told my wife, I told me wife that, not the details but that I was sexually abused by a priest. I have told my, since all this cancer and the divorce, you know the thing with my parents, stress with my father-in-law and the family, last Friday, last Monday, last week, I told my brother-in-law that he was having, he had marital problems and he went to a psychiatrist who said that you know he didn't see there was any problems, or he didn't think anything was wrong but in fact found out that he had problems when he was 14, his father left him, and that was the cause of it. In other words he actually looked at me and he said I'm no expert but you need help. And it was funny that he said that because I just said well actually I was a victim of abuse. He said well you definitely need help because I can look at you and you know you're saying there's nothing wrong but there is wrong and there are things that are happening that are wrong that I can see. I also told a close friend of mine, confided with him that I had contacted Broken Rites so there's three people that I've told.

POC: It's all quite recently.

█ This has all happened in the last few weeks and compounded with my wife with cancer and the stress and the pressure and everything that's happened it's just been like, is there anything else, I keep saying is there anything else that can happen and so because of all of that I thought right whatever, a lot of things I've been putting off and I think that's when finally I've got to talk, I've got to bring this out, I've got to talk to somebody and that's why when I spoke to Broken Rites I was hesitant talking but because the woman on the phone said she was another victim of abuse and I just sort of talked about it, she, I sort of talked in general terms and she said yes I know the seminary aren't there yet, that's right, she said, she was very, she encouraged me to come forward. She said we'll get help.

POC: Now █ as far as the identity of the priest is concerned, have you got any idea of his name. I'll find out who it was because,

█ The honest answer is I don't know, I can remember when I look at him.

POC: Can you remember his christian name.

█ That whole experience,

POC: Did he wear glasses.

█ No, I don't think so, I can describe him. He was dark hair, young, black hair or dark hair, he would have been about 5 foot 4 or 5 foot 8, you know, he was not a tall guy as I remember it but he was young. I remember he was young. And I think he just came to the church, whether he was actually the priest or whether he was working under the priest, you know like they have the priest and then they have somebody working underneath. I don't think he was probably the priest priest, because he was new and I remember his room, I know where his room was, I can walk back to where it was.

POC: Do you remember the name Father █

█ Yes I do.

POC: He was the parish priest.

█ Yes, I don't think it was Father █ because he was older, he at the time was, he was in his sixties.

POC: He was.

█ I remember Father █ so whoever was working under him or it was a younger.

POC: O.K.

█ I remember █, yes, and he was older and I remember him because he was around when my mother died and he was the priest, because we had a funeral when my mother passed away, we had the funeral there.

POC: O.K. Well look what I will do is to, I think the first thing that you ought to do is to, I necessarily have to keep an open mind in all of these things, so I've got to make some enquiries and so on. The thing that you obviously I think can benefit by is getting some counselling. And it mightn't be a bad place to start, there's, Elizabeth Harding, and a Richard Ball, he's overseas now but will be back in a few days time. But I think you should go back, what I will do with your authority and I'll forward a letter to you, I'll give Elizabeth a copy of this transcript.

█ I don't want to say it again, give her a letter, yes, I'm happy with that.

POC: And I'll also send you out an authority, for me to speak to █

█

█ Yes.

POC: Then you go and see Elizabeth and,

█ █ it is.

POC: █,

█ █,

POC: Did I say █

█ Do you want his presbytery number, sorry his practice number, I've got it here. He went to Xavier as I say,

POC: It doesn't matter, not what's his address though, it's in █

█ I don't know his exact address, I just know where to go. █

█ I'll give you his number.

Hang on. Here it is, Dr. █ surgery number is █ Do you want his mobile number.

POC: No. I'll write him,

█ You have my permission. I mean he's the one who's prescribed me on Zoloft and as I said, he's,

POC: I'll write to him probably simultaneously as I write to you, so I can the authority,

█ Yes I'll do that. As I said that's what he said, you know that something happened.

POC: And I will make some further enquiries but in the mean time though whatever else you need the assistance which I hope can be provided by Care Link and speak to Elizabeth and you've got a tumultuous time at the moment obviously with,

█ I've got everything, I've got everything happening and that's why I suppose that's like everything, it brings that to the surface, that's why it's like you know, fix this, fix this, because you know you can't keep putting this off and I'm no expert, I can only go by myself but I just feel like the thing that was in the article was, what I suppose I, the article, was the, just the loss of confidence, the loss of you know it seems like he's taken away my life, he's taken away my career,

POC: All sorts of things, your breach of trust,

█ Breach of trust because I mean,

POC: Before you close off I want to say this to you, that what you have described to me may constitute criminal conduct and I am obliged as is my invariable practice to tell you that albeit that this is and remains completely confidential, you have a complete and unfettered right, I think I may have told you this on the phone this morning, to go to the police and I have always said to people if you wish to and I encourage you to do so because I cannot be the substitute for the police force. ~~On the other hand people who prefer to deal with the matter confidentially and don't go through that stress, or make that decision at this time. I'll set it all out in a letter to you.~~

Set it out, but the thing for me is it's like everything you know, you can appreciate, you move in circles, it's, do you know what I'm trying to say, it's like, it's going down that road.

POC: What I wanted to say.

Sorry I apologise.

POC: Put it on the record,

Yes I know.

POC: Because let's just leave it at the moment. I'll write to you,

Please.

POC: I'll give you a copy of this, this transcript and will I send it to you,
your address is,

[REDACTED]

POC: Area code.

[REDACTED]

POC: And if I mark that private and confidential.

[REDACTED] Yes it will go to me. I was just going to say one last thing while it's on my mind. The thing that really above all I suppose was the I mean, the sexual bit is traumatic enough but is that being away you know not like it's in his room or presbytery, which I could have run out the door, or you know if I felt was uncomfortable I could have said I've got to go home my mummy, my Mum wants me.

POC: (Inaudible)

[REDACTED] Correct, I could have walked home. He was only going up the road and I think the thing was because we were out in the middle of no, I mean a car, it's a long way to drive, and I just remember that night, I was so far away, I don't know where I was, I just know I was a long way away, it was like you know, and that's like scream or yell it's like, run away, run away to where, I suppose the shame for me it's like you know, it's like the, being imprisoned, that sort of kidnapping and that, being held against my will, the sexual bit is strong but the

thing that really got me was the priest holding me against my will. A priest of all people, like we're not going to go, like no, we're not going home until I've done my bit and that's the thing, it was like if I just let it go I'll get home, I just wanted to go home, I kept, in fact I said it when I sat down, I want to go, I want to go, I want to go home. And he could see, you know. Straight away I knew, I knew, it's hard to say when you're a child but you just know something's not right.

POC: Alright I'll switch off.

 O.K.