

1 DOCUMENT THREE – MY CONTINUING PROBLEM

2 WITH THE INDEPENDENT COMMISSIONER,

3 THE MELBOURNE RESPONSE, AND

4 THE ARCHDIOCESE OF MELBOURNE.

5
6 INTRODUCTION.

7 This is my third companion document in my general submission to the Victorian Inquiry.

[REDACTED]

12 This document records and documents my long running personal struggle with the
13 Independent Commissioner, the Melbourne Response and the Archdiocese of Melbourne -
14 particularly in the last three years.

15 It is relevant insofar as it indicates that there are continuing problems of attitude, structure
16 and process on this matter within the Archdiocese of Melbourne that need to be addressed
17 and resolved.

18
19 NOTE

20 This third companion document has two sections.

- [REDACTED]

28 Section two of this part of the submission is more to do with my understanding of the
29 continuing legal problem I have with the archdiocese of Melbourne. This material can be
30 public if deemed appropriate by the Victorian Inquiry.

1595

SECTION TWO

1596

1597 This section has been added to the previous document and was written on 22 July 2012, and edited
1598 on 27 August 2012.

[REDACTED]

[REDACTED]

1603 As mentioned many times, I do not presume everything I have written is 100% accurate. There may
1604 be some unknown factual errors or assumptions. However, I maintain that my document is
1605 substantially correct and reflects in a reasonable way my frustrating experience with Mr O'Callaghan
1606 and the Archdiocese of Melbourne.

1607 I reasonably argued that my alternate position to that of Mr O'Callaghan had some merit worthy of
1608 further consideration and review. My rule of thumb is the belief that a person, with no vested
1609 interest in this matter, could find that there may be some substance in my position that merits
1610 further consideration.

1611 I have argued that it is inappropriate for the original investigator/adjudicator to be the final word. [REDACTED]
[REDACTED]
[REDACTED]

1614 I was simply requesting a review of my file by another "independent" person with the competence
1615 to understand and assess the complexities and legalities of this particular problem. It has been a
1616 matter of considerable concern that, in the Melbourne Response, there is no structure for a Right of
1617 Appeal against any adverse finding that Mr O'Callaghan has determined.

1618 This means that anyone with any continuing misgivings on how they have been treated, or questions
1619 of process, or ultimate outcomes has nowhere to go to address and resolve outstanding matters of
1620 concern.

1621 There is a definite question of natural justice when the Archdiocese appoints the same person to be
1622 the first point of contact, the investigator and the adjudicator. This is further compounded if a
1623 person receives an adverse finding from Mr O'Callaghan. [REDACTED]
[REDACTED]

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

1629 As Catholics, we understand that the Pope enjoys the rarely enacted authority of infallibility, but I do
1630 not think this position of absolute truth extends to the Independent Commissioner of the Melbourne
1631 Response.

[REDACTED]

1637 I argue that the officers and agencies of the Archdiocese of Melbourne must become far more
1638 accountable than is the present reality.

1639

1640 FURTHER COMMENTS PARTICULARLY FOR THE PARLIAMENTARY INQUIRY

1641

1642 PERSONAL COMMENTS AND EXPERIENCE.

1643 If there was not a Victorian Parliamentary Inquiry, I would probably have just given up on this
1644 matter. The Victorian Inquiry will be able to hold the Catholic Church accountable as no-one has ever
1645 been able to do previously. It will allow many people to have the opportunity to tell our story and
1646 receive a fair hearing.

1647 I wish to put my specific three year struggle with Mr O'Callaghan/the Archdiocese of Melbourne
1648 before the Victorian Parliamentary Inquiry as a documented story challenging the less than
1649 satisfactory structures and strategies of the Archdiocese of Melbourne that have been, and
1650 continue to be, employed in relation to this most serious matter of clergy child sexual abuse.

[REDACTED]

1656 Prior to this three year dispute I had been a relatively positive supporter of Mr O'Callaghan and the
1657 Melbourne Response. However, if others have been treated in the same manner as me, I can now
1658 understand why so many people are so embittered with the Melbourne Process.

1659 I was active in the Archdiocese from 1969 to 1999. From 1969-1975 I was training to be a priest in
1660 the Seminary, and from 1976 to 1999 I was active in parish ministry throughout many Melbourne
1661 parishes as a Catholic Priest. For 6 of these first 8 years as a priest I lived and worked with two
1662 paedophile priests.

1663 From 1978 to 1998 I worked actively offering support to a large number of victims of clergy child
1664 sexual abuse. Over these two decades I heard the stories of pain and abuse inflicted on a
1665 significantly large number of people by clergy. This led to me being involved in varying degrees with
1666 victims in a large number of criminal investigations – all of which resulted in convictions.

1667 As I received much specific information of abuse, I co-operated extensively with police, lawyers and
1668 journalists over this period. I also communicated my known information to the officials of the
1669 Archdiocese of Melbourne.

1670 A Vicar General, Mgr. Gerry Cudmore, in response to my detailed and direct letter challenging how
1671 the two paedophiles I had lived with in 1976-78 and 1981-83 were still on active appointment in
1672 1996, resulted in him inviting me to his Cathedral office. It was in his office that he lamented that he
1673 was overwhelmed insofar as he had inherited a "poison chalice" and he freely discussed multiple
1674 cases. Much to my surprise, he then opened his files and gave them to me to read.

1675 Later, this same Vicar General, along with the Archdiocesan psychologist [REDACTED] came to meet with
1676 about a dozen representative victims of Fr. Kevin O'Donnell at the Belgrave Presbytery. While the
1677 psychologist held a lengthy meeting with the victims in the lounge, Mgr. Cudmore stayed with me in
1678 my study where, once again, we had a full, frank and open discussion on the problem and we shared
1679 information on known and suspected clergy perpetrators.

1680 In response to the written request of the Independent Commissioner of the Archdiocese of
1681 Melbourne, Mr Peter O'Callaghan Q.C., I also co-operated fully with him by providing him with
1682 specific information known to me. It was because of our mutually trusting relationship that I held Mr
1683 O'Callaghan in such high esteem. Although now disillusioned with the Melbourne Response, and
1684 with my relationship with Mr O'Callaghan significantly damaged over these past three years, I still
1685 hold that he acted without fear or favour trying to do what was ultimately an unachievable task in
1686 the circumstances of his appointment.

[REDACTED]

1692 I believe I have a fair and informed understanding of the problem insofar as, over an extended
1693 period of time, I received specific information from such diverse sources - the victims, their families,
1694 police, lawyers, journalists, Mr O'Callaghan, the Vicar General of the Archdiocese, the insurance
1695 official, and certain clergy.

1696 Most of the information I received in the years from 1978-1998 is now on the public record following
1697 the convictions, or removal from public ministry, of the offenders. I have little or no new information
1698 that would be relevant to the police or the Victorian Inquiry.

1699 What I can offer the Inquiry is an insider's definite, specific knowledge and documents of how the
1700 Archdiocese of Melbourne dealt with this criminal behaviour of abusing priests. Unfortunately, the
1701 Archdiocese was completely derelict in its duty of care to children. The Archdiocese had definite
1702 knowledge, and consequently definite responsibility. Sadly, when faced with a dilemma, it chose the
1703 protection of the institutional Church over the protection of so many Victorian children.

1704 Another offer I can contribute to the Victorian Inquiry is my knowledge and understanding of the
1705 culture, structures, clergy, and hierarchy involved in this scandal. From my seven years in the
1706 seminary, to another 23 years in parish ministry throughout Melbourne, I had a lived experience of

1707 this problem. I know a significant amount of what happened and I know those involved – most
1708 importantly the offending priests and the Archdiocesan officials.

1709 It may sound strange, but my final offer to the six parliamentarians entrusted with this onerous duty
1710 of investigating this major scandal is personal support. I am aware of how emotionally distressing
1711 has been my involvement in this ugly scene for more than the past 30 years. It really is
1712 overwhelming to deal with clergy sexual abuse of children. I fear the members of the Inquiry are
1713 going to be inundated with volumes of material that will come from the public. This exposure to
1714 abuse takes a toll on all involved. I fervently hope that all members of the Inquiry have professional
1715 support to debrief and emotionally deal with the ugliness of this scandal. If in any way, I can assist
1716 the Inquiry to understand the context and complexity of this criminal activity, I am available to assist
1717 and support in any way.

1718 Now to a few more general points....

1719 I was hoping for a Royal Commission or a Judicial Inquiry. It appears so obvious that Justice Philip
1720 Cummins has the knowledge and experience to be appointed in such a capacity.

1721 However, that been said, I had little or no hope over the many years we have collectively struggled
1722 for justice that any Government would have the political will to investigate the Catholic Church. I
1723 was delighted to hear the news of this Inquiry. It may not be ideal, but it is a great start.

1724 And ultimately, it just may be that the members of the Inquiry recommend to the Parliament that
1725 this issue is too large and complex to investigate with the current personnel, terms of reference and
1726 time-line. As such, a priority recommendation could well be a Royal Commission or Judicial Inquiry.

1727 One benefit of a Parliamentary Inquiry is that it is not an inquiry conducted by lawyers! Why is it that
1728 this very significant scandal has been, almost totally, the lawyers' domain?

1729 I can understand the Church choosing this narrow, protective and adversarial legal strategy to do
1730 everything possible to limit community conversation and to protect its own reputation and assets.

1731 There is nothing like a direct or implied threat of litigation to stop most people in their tracks.

1732 The power imbalance between an institution with unlimited financial resources and its firm of
1733 lawyers, against individuals trying to identify a serious failure in duty of care to children of that
1734 institution appears, to me, as so obvious and unfair.

1735 It is well over-due and so good that elements, other than legal, can now be considered, discussed
1736 and evaluated in the public forum.

1737 I have always stated that The Melbourne Response is much better than what preceded it. However,
1738 this is not particularly difficult as, up until 1996, there had been no structural response of the
1739 Melbourne Catholic Church to multiple allegations of criminal sexual assault by priests against
1740 children in their care. In fact, there had been a collective failure of the hierarchy to respond to this
1741 scandal over many decades.

1742 And even then, instead of joining the national program, "Towards Healing", the Melbourne
1743 Archbishop decided to have its own internal investigation officer and structure. By setting up its own
1744 "process" it kept control. This internal control ensured information did not enter the public domain.

1745 And why did the Church appoint a Catholic lawyer to be the person of contact for victims, as well as
1746 the adjudicator of their case?

1747 If the Church really wanted an Independent Commissioner, it must be asked why it did not appoint
1748 as the first point of contact someone who would be perceived as being truly independent -
1749 preferably a "non-Catholic", female, social worker. This first point of contact could then have
1750 established a trusting relationship with those who were abused. This first point of contact could then
1751 have referred those who were abused to the police, lawyers and professional counselling and
1752 support services.

1753 [REDACTED]
[REDACTED]
[REDACTED]

1756

1757 [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
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[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]

Pages 7-21 have been redacted.

