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SUBMISSION TO THE VICTORIAN PARLIAMENTARY INQUIRY INTO THE HANDLING OF CHILD ABUSE BY RELIGIOUS AND OTHER ORGANISATIONS

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This submission has three sections:

- Section 1: Summary of basic points of the Submission
- Section 2: Detailed Submission, with primary reference to Catholic Archdiocese of Melbourne's protocol, "The Melbourne Response"
- Section 3: Attachments (as referred to in Section 2).

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SUMMARY:

The impetus for this Parliamentary Inquiry, as least as I see it, is the consistent complaint of victims of church-related sexual abuse who have used the Church services and who believed that they not been helped or recognised by those services. In many cases, they believe they have been damaged again by the process itself.

In 1996, according to Cardinal (the Archbishop of Melbourne) George Pell, Jeff Kennett told him: *"Either you fix it or we will!"* Sixteen years have since elapsed, and the continuing distress of so many victims makes it clear that "it" has not been "fixed". So the time is up. The Church has had more than its fair chance to try to repair the damage for which it has responsibility, and the ongoing distress of victims proves that the Church processes have failed, indeed, failed dismally..

This Submission concentrates mainly on the acute failings of "The Melbourne Response" as a process to (supposedly) assist victims, but many of its inadequacies are, according to victims to whom I have spoken, replicated in "Towards Healing".

The Submission outlines major areas of concern for the manner in which "The Melbourne Response" has been developed and used over the past 16 years.

- (a) It was hurriedly introduced under pressure from the State Government, therefore there was totally inadequate preparation.
- (b) The two systems "Melbourne Response" and "Towards Healing" often overlap and produce unnecessary conflict for complainants.
- (c) There is no true "independence" in the role of the "Independent Commissioner". He is a "delegate" of the Archbishop of Melbourne.
- (d) Over the 16 years since its implementation, there has been no review of "The Melbourne Response" of any kind, let alone a truly external and genuinely independent review.
- (e) No effort has been made to gain feed-back from victims as to their experience, positive or negative, with "The Melbourne Response".
- (f) There has been no effort to alter or modify the system, even when feedback is provided.
- (g) No support person or advocate has been provided for victims at any stage through the process.
- (h) Legal support and advice for victims is provided only at the complainant's expense.
- (i) There has been attempt made to encourage victims to come forward.,
- (j) There has been no effort to accompany and support victims who might wish to go to the Police.
- (k) The "cap" in "compensation" is inexplicable and unjustifiable.
- (l) There has been no allowance for any kind of appeal to decisions made by Compensation Panel.

Given that all sexual abuse is a crime, against the victim and against society, it is the community which needs to address it. The Church has to pay for its responsibility in putting criminals in a position of trust and, in too many cases, shifting them from one position of trust to another, only for them to re-offend and damage, sometimes, irreparably, more victims.

Further, any system which is to be truly just needs to address the failures of the Church systems used, and develop a “best practice” strategy. Sixteen years of gross mismanagement demonstrates that this is an area of responsibility which needs to be handed over from the Church to the civic community – with the Church to foot the bill.

It is my belief that the “Melbourne Response” and “Towards Healing” (at least in Victoria) should be abandoned, and the community, via the elected Government should:

(a) investigate the alleged crimes as it would other crimes, i.e. via a proper police investigation;

(b) instruct the churches and other religious organisations to entrust their moral and societal duties of justice towards established victims (including those who have already been through the “systems”) to a transparently independent body which will care for those victims according to their needs and the damage they have suffered.

In the event that this radical change may not be possible (politically or, according to current laws legally), nonetheless the basic substance and numerous shortcomings of “The Melbourne Response” must be addressed.

This may best be addressed by the appointment of a team of perhaps three people, preferably not Catholic, and with appropriate skills and qualifications, (e.g a pastoral / social worker, a former police officer trained in investigation of sexual crime, a psychologist etc.). Their role would be similar to those of the government-appointed “Commissioners” (but this term should not be used) in the transition in local governments when Councils were disbanded for some time.

These people could be appointed, perhaps, using the advice and wisdom of through CASA and the Victoria Police to preside over each case, with particular regard to the effect on the complainant / victim.

Among those which, could, and should be addressed immediately are:

An acceptable and suitably trained advocate, acceptable to the complainant, to be appointed as the complainant’s first point of contact. This person should remain as a support person throughout the process.

All complaints of criminal behaviour to be investigated by police, with complainants to be accompanied by a support person.

One system only to be in place in Victoria.

Both the verbal term, and the office itself of the "Independent Commissioner" to be abandoned, due to its many conflicts of interest, history and misleading connotations.

A consistent external review / audit of the process to be undertaken at least every second year.

Feed-back from all complainants, including those who have been through the processes, to be sought and examined. This feed-back could be by way of an invitation issued every six months for at least three years to comment on the process. Ongoing voluntary feedback welcomed at any time thereafter.

There is much damage and "fall-out" from those who have already used the processes. Their needs may need to be re-assessed by a "fresh look", not only at the original offences suffered, but at the effects of what they have experienced in "The Melbourne Response" and / or "Towards Healing".

An "appeal" system to be introduced after compensation has been awarded to ensure that justice is done.

Removal of the legal restrictions on suing "the Church" as an entity.

Removal of the "cap" on compensation. Every case needs to be treated according to its merits, and according to the damage suffered and the needs of the complainant.

A total review of counselling referral services, together, if needs be, a scrapping of "Carelink".

Establishment of support groups for victims and their families, who are so-called "secondary victims" i.e. families, loved ones etc.

Establishment of a fund which will address ongoing needs of victims where PTSD and other fall-out from abuse has impacted on either earning ability or capacity to available personal finances wisely.



SUBMISSION TO THE PARLIAMENTARY INQUIRY INTO THE HANDLING OF CHILD ABUSE BY RELIGIOUS AND OTHER NON-GOVERNMENT ORGANISATIONS.

Fr. Kevin Dillon, 150 Yarra St., Geelong 3220

INTRODUCTION:

I imagine that this is but one of many submissions being made to the Parliamentary Inquiry. However, I submit these reflections as a priest ordained for more than forty-three years, all of which have been served in parishes.

In addition to the continuous parish service, I have been Diocesan Director of Vocations (1974 to 1980), Victorian State Director of the Visit of Pope John Paul II (1986), a member of the Archbishop's "College of Consultors" (1996 to 2004), Episcopal Vicar for the Western Region (2001), and Episcopal Vicar for Communications (1997 to 2003).

From 1985 to 2001, I was Parish Priest of St. John's, Mitcham – one of the largest parishes in the Archdiocese. In 2001, I was requested to take up the position of Parish Priest of St. Mary of the Angels Parish, Geelong – one of the largest and oldest parishes in the Archdiocese, and "home" to one of Australia's five Basilicas.

I mention the above only to indicate that I have had extensive and unbroken parish experience for more than four decades, and have been entrusted with areas of significant pastoral responsibility.

Over the past five years, I have had consistent contact with many established victims of (Catholic) church-related abuse – currently thirty in number.

My reflections in this Submission are based on my listening to their experiences of both "The Melbourne Response" (the majority), and "Towards Healing" (the minority).

Sadly, but importantly, I have yet to hear one victim speak positively of their experience with either Church process.

LOCAL AND INTERNATIONAL REVELATIONS OF ABUSE

My first awareness that sexual abuse of children and vulnerable adolescents and adults was even possible was in 1978, when Michael Glennon was charged with and later imprisoned for multiple offences. At first, I could not believe that any priest could be responsible for

such appalling crimes. Over the years, my initial naivety has evaporated, as more and more offenders from the ranks of priests and brothers have been convicted.

In different ways, as my pastoral responsibilities brought me into continual personal contact with numbers of victims of church-related abuse, I became aware of the deep and lasting effects of their horrific experiences on them.

Around 1995, a parishioner told me of how her brother had thrown a chair into a television screen after watching a Canadian-produced film, “The Boys of St. Vincent’s”, which depicted in detail sexual abuse by religious brothers at an orphanage in Newfoundland. This man then revealed to his unsuspecting wife and family that thirty years earlier he had been abused by now-notorious Dandenong / Hastings / Oakleigh offender, Fr. Kevin O’Donnell. His accusations were among others that eventuated in O’Donnell being imprisoned for several years.

In more recent years, I have had lengthy meetings and discussions with (to date) thirty victims of church-related abuse. Most of these have been through the process called “The Melbourne Response”, but about 5 or 6 have been through the “Towards Healing” process.

This Submission restricted to an evaluation of “The Melbourne Response” from perspective of

- (a) the established victims who have utilised “The Melbourne Response” process, with many of whom I have had lengthy and consistent contact over several years.
- (b) my personal reaction as a Catholic, as a priest, and simply as a person.
- (c) the general reaction of the public, especially those who are practising Catholics and have an affinity with, and loyalty to, the “official” Church.

The Melbourne Response was introduced under sufferance.

In 2011 in an address in Cork, Ireland (*Attachment 1*), Cardinal George Pell acknowledged that the “Melbourne Response” had been introduced in mid-1996 while he was Archbishop of Melbourne. Its introduction followed a threat from then-Premier Jeff Kennett that the Victorian Government would step in if the Catholic Church failed to take appropriate steps to address the scandal of sexual abuse of minors and vulnerable adults by Church-related personnel. Against this background, “The Melbourne Response”, including the appointment of eminent Melbourne Queens Counsel Peter O’Callaghan as Independent Commissioner, was hurriedly introduced in October 1996.

Soon after, in December 1996, the remainder of the Australian dioceses and all Religious Orders (male and female) combined to arrange a separate process: “Towards Healing”. For a time (perhaps 2 – 3 years), the Jesuit order used their own individual process, but then later joined “Towards Healing”.

Since 1996, there have been consistent assurances from both Archbishop (later Cardinal) Pell and his successor, Archbishop Hart as to the efficacy and value of “The Melbourne Response”. Curiously, when Archbishop Pell was appointed to the Archdiocese of Sydney,

he chose *not* to introduce the strategies of the “Melbourne Response” model to his new Archdiocese, and so “Towards Healing” remains in use in the Archdiocese of Sydney.

Also, the word “Commissioner” when applied to this position has been the subject of understandable misinterpretation. Many people, including victims presenting themselves to “The Melbourne Response” mistakenly believe they are approaching an independent Government appointee, after the example of a “Royal Commissioner”. In fact this misunderstanding was exacerbated when a document released by the Archdiocese to explain the role of the “Independent Commissioner”

For the past sixteen years, the two “systems’ have been operated by the Church. To my knowledge, there is no evidence to suggest that efforts have been made by authorities administering either system

- (a) to determine if one system is preferable to the other,
- (b) if the strengths of one system might assist in addressing the weaknesses of the other
- (c) if the dual system creates unnecessary complications and difficulties for those complainants whose “case” involves both systems.

Dysfunction of two systems, especially when they can easily overlap.

“The Melbourne Response” and “Towards Healing” can both be relevant when complaints are made regarding Church personnel who are connected with both the Archdiocese of Melbourne and a Religious Order or another diocese.

For example, complaints have been made against:

- (a) Priests of the Archdiocese of Melbourne who have been chaplains in schools operated by a Religious Order.
- (b) Priests from a Religious Order which has responsibility for a parish within the Archdiocese.
- (c) Members of a religious order conducting activities e.g. camps, retreats etc. in an Archdiocesan parish where the Parish Priest is a Diocesan Priest.
- (d) Members of a Religious Order operating a school within the Archdiocese, especially a parish-based Primary School or a parish-operated Secondary College.

There are many such examples of both possibilities and actualities. Victims offended by personnel linked to both processes can be subjected to two processes, including dual questioning in order to establish the veracity of their allegation, meaning they must trawl through their experience(s) even many times over, with devastating consequences for them and their loved ones – all because the authorities in charge of the “systems” will not address this dysfunction.

In addition, there can be “in-fighting” between authorities within each process, in an attempt by each to place the greater share of responsibility on the other.

Failure to engage a genuinely and transparently “independent” process to assess complaints from victims.

The appointment in 1996 of Mr. Peter O’Callaghan QC as “Independent Commissioner” was received within the Church, and perhaps by the general public, on its merits, with recognition given to Mr. O’Callaghan’s status as an eminent Queens Counsel, and not someone who was – at least at that time – an integral part of the Archdiocesan structure.

However Archbishop Pell, in his letter of appointment to Mr Peter O’Callaghan QC as “Independent Commissioner” (*Attachment 2*), made it clear that Mr. O’Callaghan was his “delegate”. How some who is a “delegate” can be deemed as being truly “independent” is a mystery for many.

In addition, over time the question has arisen in the minds of many people as to how, even with the best of intentions, a person who is a “cradle Catholic” and has given long service to the Church in a variety of capacities, can truly be termed “independent”.

Also, the word “Commissioner” when applied to this position has been the subject of understandable misinterpretation. Many people, including victims presenting themselves to “The Melbourne Response” mistakenly believe they are approaching an independent Government appointee, after the example of a “Royal Commissioner”. In fact this misunderstanding was exacerbated when a document released by the Archdiocese to explain the role of the “Independent Commissioner”

Catholicism is both a religion and a “culture”. As such, it readily becomes an essential component of a Catholic person’s outlook on life and approach to any number of issues. Loyalty to the structure of the Church and its mission is difficult, and for many impossible to shrug off.

Even acknowledging that the Independent Commissioner’s attitude to his “commission” may have been intended at the outset to be as genuinely “independent” as he could make it, given his personal commitment to the Catholic Faith, the task to remain “independent”, let alone be seen to be independent, has surely become more difficult as his work has continued over 16 unbroken years.

He must “report” regularly to the Archbishop and it is reasonable to wonder whether such constant reporting compromises genuine independence.

Failure to introduce an external, genuinely independent review of any kind over 16 years of operation, despite numerous calls to do so.

In the 16 years since “The Melbourne Response” commenced, there have been consistent calls for a “review” of the process. These calls have come from complainants, from clergy, from families of complainants, and from many concerned people – especially committed Catholics – who have pointed out to the Archdiocese that “reviews” are a normal part of ensuring that any business or process achieves its maximum benefit by identifying and addressing inadequacies and shortcomings, be they major or minor.

Indeed, Catholic schools are mandated to have an external review every five years. Independent financial audits are carried out annually in Catholic schools. But “The Melbourne Response”, hurriedly introduced purportedly to assist and support people gravely damaged by Church personnel, has had no review whatsoever, let alone a truly external review, in its 16-year history.

It is reported that the complaints of over 300 victims have been accepted under “The Melbourne Response”. Yet none of the thirty victims with whom I have contact have indicated that any attempt was made, after they had signed the “Deed of Release”, to ascertain their opinion and experience – good or bad, positive or negative – of the process they had just completed.

This consistent refusal to instigate a fundamental process of review has been bewildering to the public, the clergy, Catholics-at-large, and most importantly, to the victims and their families.

The Independent Commissioner has acknowledged that his investigation normally takes one week only, and that 95% of complaints are upheld. This has meant that even clergy have expressed concerns of the fairness of the process. Following many years of denial by Church authorities of sexual abuse being perpetrated by priests and religious, with known offenders being moved from parish to parish rather than being subject to police investigation, they fear that the process may have been “over-corrected”, with inadequate investigation by untrained investigators.

So the absence of any external and ongoing Review raises serious doubts that genuine justice, both for victims and for alleged offenders, is being served.

Only the best possible practice should be in place – not something that was “made up in a hurry” 16 years ago!!

Failure to seek any kind of feed-back from those who have used the system

An essential part of any Review (that hasn’t happened) would be to seek “feed-back” from those who have used “The Melbourne Response”. The Archdiocese proposes that “The Melbourne Response” was established to address the allegations and complaints of victims.

If this is the case, it is a basic step surely to seek from those who have used or are using the system their opinion as to how they have found the process – be it helpful, healing, traumatic, intimidating

Providing the opportunity for those who seek it to offer feedback is not an intrusion, nor is it a betrayal of confidentiality, (as claimed by the Independent Commissioner in a letter to me on July 25, 2011- *Attachment 3*) since such feedback would be entirely voluntary. Victims need not be coerced in any way, but they can surely be invited to make a contribution, should

they wish, towards improving the process by providing their opinion of it- both as to how they have experienced the process and, in the light of that experience, how it can and should be improved.

The Archdiocese has frequently claimed that the majority of victims are happy with, and have benefitted from “The Melbourne Response”. Yet I suggest not one shred of evidence to suggest this has ever been produced.

On the contrary, this very Inquiry is effectively the result of the anger and frustration of many victims who have turned to the Church for solace, comfort and support, and whose experience has left them bereft of these, angry, confused, disillusioned and traumatised. Indeed, one victim wrote to me the “The Melbourne Response” was the worst experience of my life – even worse than the original abuse!!.

Failure to make any changes to the process when negative feedback is given.

The complaints of victims, many of which they will undoubtedly spell out to the Inquiry through their personal and individual submissions, cover a wide range of serious shortcomings in the “Melbourne Response”.

Some of these, briefly, are:

The process has a legal, not a pastoral basis. There is little evidence of any genuine interest in the pastoral good and true “healing” of the complainant. “The Melbourne Response” commences with an interview with a Queens Counsel in his chambers, and concludes with the signing of a (supposedly) legally-binding “Deed of Release”.

The first contact with “The Melbourne Response” is an interview by a Queens Counsel in his chambers. It is hard to think of a more intimidating starting point for a process which it has taken many victims some decades to initiate.

There is no “appeal” of any kind to the decisions of the “Independent Commissioner”, the “Compensation Panel”, or “Carelink”. “The Melbourne Response”, notwithstanding the multiple apologies to and assurances of pastoral care for damaged people, is clearly a case of : “Take it or leave it”

More than one complainant has told me that Archdiocese-retained lawyers have told them that, should they take their complaint to a civil court, their complaint will be “strenuously defended” by the Archdiocese, even when the complaint has been accepted by the “Independent Commissioner”. Indeed it would be, with the Archdiocese utilising the virtually limitless funds of the Church for legal defence, and with many complainants having very meagre resources with which to pursue a claim through the courts.

Complainants are provided with no advocate of any kind throughout the process. Should they engage legal advice (as indeed they should / must, given the legal nature of the process and the signing off of any further legal claims as a conclusion to the process), then

no expenses will be covered, even though the truth of the complaint has been accepted. (*Attachment 4 and 5 - letters to and from David Curtain QC*).

“The Melbourne Response” allows no consideration for families or loved ones whose lives have been hurt, sometimes irreparably, by the abuse inflicted on the “primary” victim. The term “secondary” victim is misleading and avoids the reality that marriages of “primary” victims to “secondary” victims are disrupted, if not ended. Children of the marriage grow up in a disruptive environment, often leading to behavior which culminates in crime, drug abuse, alcoholism, even suicide. Yet these “secondary” victims have no place within “The Melbourne Response”.

There has been no attempt whatsoever to offer victims any kind of “support group”, wherein they can, should they choose, share with others who have suffered in similar ways, their suffering, their trauma, the pain of their efforts to regain their lives.

In modern society, such groups are considered to be an essential facility for those who choose to avail themselves of the considerable psychological, social and spiritual benefits they offer. “Al Anon”, “Alcoholics Anonymous”, “Gamblers Anonymous” and any number of other groups for, say, parents of drug addicts, parents who have suffered the loss of a child etc. etc.

No such group has even been contemplated, let alone been initiated, within “The Melbourne Response”.

Immediate improvements which could / should be made to “The Melbourne Response” or any church-related process for victims

Should it continue in any form whatsoever, “The Melbourne Response” needs a total re-evaluation with regard to (at least):

the legal, rather than pastoral basis of a process which commences with an interview with a Queens Counsel in his chambers, and concludes with the signing of a legally-binding “Deed of Release”.

the suitability, capacity and ability of a Church-delegated lawyer to investigate allegations of criminal actions and behaviour. Justice and fairness to both the complainant and the alleged offender are not served unless the investigation is carried out by experienced and qualified investigators whose independence is totally evident and transparent.

the appropriateness of anyone, other than the police, to investigate an alleged crime.

a public appeal being made for victims to come forward. The consistent “bad press” afforded “The Melbourne Response” since its inception has proved a major deterrent for people who have been offended. It is widely accepted that only a small proportion, perhaps

as low as 10% of sexual abuse victims will acknowledge in any way the crime committed against them and the suffering it has caused them.

the need to ensure that the initial contact with any Church person in the process is to establish a support person or “advocate”, to accompany and assist the complainant throughout the whole process.

the need to set in place protocols whereby Police are fully satisfied with the process with regard to the notification of alleged crimes.

complainants being not only encouraged to go to the Police, but to be given every possible personal assistance to do so. In the event that an alleged perpetrator is dead, and / or the police indicate no interest in investigation, a protocol of investigation by an experienced and trained person to be undertaken.

the removal of the “cap” in “compensation”, in order that each case is dealt with and responded to according to its merits, the impact on the particular victim, and the immediate and ongoing financial needs of the victim.

the establishment of a fund which recognises the need to provide assistance for the often dire financial needs of victims who suffer from PTSD and similar psychological / psychiatric disorders, and the effect of these on proper and wise financial management.

the removal of the “Deed of Release” as a so-called “conclusion to a supposedly “pastoral” process.

allowing legitimate legal costs to be added to any “ex gratia” payments or “compensation”. If the process is to be “legally” based, then as a matter of justice legal costs should be added to the compensation, given that the process demands appropriate legal advice and guidance be given to the plaintiff?

including an appeal process to the determination of the Compensation Panel.

Over the past few years, I have had several engagements with regard to the administration of the Archdiocese's handling of victims and their needs.

I believe each of these, in a different way, demonstrates the inadequacy of the processes currently in place, and I offer them, with supporting documentation, for the Committee's consideration.

1: "PUBLIC DEBATE" WITH MR. PETER O'CALLAGHAN QC

In July 2011, I received a phone call from a "Sunday Herald Sun" reporter, who asked me my "opinion" as to the value or otherwise of the "Melbourne Response". The article was published on Sunday July 24, 2011, but only in the on-line version of the newspaper, not in the printed edition. (*Attachment 6*)

My answer to the reporter's questions focused on two basic comments, each of which is addressed earlier in this Submission:

The failure of the "Melbourne Response" to ask victims who had utilised the system about whether or not the system had been of assistance to them in addressing their pain from the abuse suffered. That this was not done with any victim (at least to the best of my knowledge), was at best unfortunate, and at worst, irresponsible.

Those victims / complainants to whom I had spoken (more than 20 at that time) had frequently indicated to me that they found the process of "The Melbourne Response" traumatic and intimidating.

On Monday July 25, I received an e-mail (marked "Confidential") from Mr. Peter O'Callaghan QC (*Attachment 3*), which indicated that he perceived any criticism of the "Melbourne Response", such as that published in the on-line "Herald Sun" article, as a personal criticism, reflecting on his own integrity and competence.

In the e-mail, he also asked me to identify to him the complainants to whom I had been speaking, and who had described "The Melbourne Response" process to me as "intimidating". He wrote that he wished to contact them in order that he might address that issue (of them finding "The Melbourne Response" intimidating) with them.

I was incredulous that the "Independent Commissioner" would ask me to identify to him people who were coming to me for pastoral support.

I ignored both the letter and the request contained within it, because:

(a) Mr. O'Callaghan already possessed the contact details of nearly all the people to whom I was speaking. Nearly all of them had been through the Melbourne Response, and I presumed all the records of their personal details were still with his office. Ironically, in my consistent calling for a Review of the Melbourne Response, I had specifically requested that

he and / or his office contact all complainants, in order to assess their opinion of the process they had used and experienced

Why, then, would he wish to contact ONLY those victims to whom I was speaking?

(b) My credibility and integrity with the people who had trusted me with their story and their confidence would have been destroyed totally had I in any way responded positively to his extraordinary request.

My incredulity at Mr. O'Callaghan's e-mail was eclipsed when I opened the "Sunday Herald Sun" the following Sunday (July 31) to read a lengthy "Letter to the Editor" from "Peter O'Callaghan QC" (*Attachments 7 & 8*) in which the contents of his supposedly "confidential" e-mail were laid open to the readers of the print-version of the "Sunday Herald Sun", most of whom would not have read the original article of July 24, as it was published only in the on-line version.

In that letter (*Attachment 3*), Mr. O'Callaghan publicly chastised me for "ignoring" his e-mail (which I had), clearly annoyed that I had not immediately jumped according to his instructions!

Moreover, both his public letter and his "confidential" e-mail demonstrated that he took any criticism of the Melbourne Response as personal criticism. But it also revealed that, notwithstanding his sixteen years of hearing victims tell of the appalling offences committed against them, he was surprised that any of them should find the process "intimidating".

Why should he be surprised? Had he developed an appropriate understanding of the depth of the trauma experienced by so many of the victims he had interviewed, then a more appropriate comment from him might have been along these lines: *"Intimidated? Of course they are intimidated. Such is the depth of hurt, invasion and suffering these experience bring with them. I would be surprised if they were NOT intimidated. We could have the most just, compassionate and caring process in the world, and they would still feel intimidated"*.

But no, he didn't say that. He just publicly asked me to "reveal my sources" and in doing so, to betray them. I told the people at St. Mary's Basilica that morning that "Hell would freeze over" before I responded to Mr. O'Callaghan's call to identify those victims seeking my support and / or counsel.

A few weeks later, I eventually did send Mr. O'Callaghan a reply (*Attachment 9*) to his public letter (*Attachment 7*) in which I pointed out that any criticism of "The Melbourne Response" should not be taken as a criticism of him personally.

I pointed out his role of "Independent Commissioner" was, and remains, just one of several components of the process -- which are:

- (a) the investigation and recommendation of the Independent Commissioner;
- (b) the counselling services arranged through "Carelink",
- (c) the Compensation Panel, and

(d) most importantly, the overall “ambience” provided by the Archdiocese as to the purpose of the process.

By (d) was meant that if that “ambience” was designed to make the highest priority of “The Melbourne Response” the provision of support, comfort and genuine justice to victims, then the other three components (a), (b), and (c), would be interpreted and used accordingly.

But if the ambience was to protect the Church’s financial assets, to minimise negative publicity for the organisation, and to ensure that a victim’s situation, once dealt with and finalised through a legally-binding “Deed of Release”, was truly “done and dusted”, then those same three other components of (a), (b) and (c) would be interpreted and enacted in a total different (and thoroughly defensive) manner.

2: LEGAL EXPENSES TO BE ADDED TO ANY “COMPENSATION” FOR ESTABLISHED VICTIMS

In February 2011, I wrote to the Archbishop of Melbourne (Attachment 10 – name withheld) to request that legal expenses be added to awarded compensation. My request was based on the need of one particular established victim who had been awarded compensation as a result of abuse suffered when he was a Primary School student. He is now in his early 60’s, has never had a long-term committed relationship, has moved from one job to another, and lives in very poor circumstances. In personality, he is shy and withdrawn, but also a very decent and pleasant person.

This victim was distressed that no provision would be made for him to meet, or even make a contribution to the legal expenses he required in order to negotiate “The Melbourne Response”. He correctly understood that it is a legally-based process, from start to finish. It begins with an interview with Independent Commissioner, and concludes with the signing of a legally-binding “Deed of Release”. It would be foolish for any victim to utilize such a process without adequate legal advice and representation. Yet if his lawyers were to be paid, it would have to be deducted by him from his “compensation”.

My request to the Archbishop was that, in the event of an alleged offence being found to be established and accepted as “eligible” for compensation, then there should be allowance for a reasonable amount for legal fees to be added to the compensation awarded. My suggestion is that the amount be a maximum of one-third of the compensation awarded e.g. \$30,000 compensation would entitle legal support of \$10,000 . (This was not what I would have considered “ideal”, but might hopefully be regarded as both reasonable and achievable.

The Archbishop suggested I write to the Chair of the Compensation Panel, Mr. David Curtain QC, which I did (*Attachment 4*), in a letter of March 31, 2011, enclosing my letter to Archbishop Hart (*Attachment 10*).

In his reply, dated April 6, 2011, (*Attachment 5*), and dismissing the request for legal costs to be added to awarded compensation, Mr. Curtain seemed to have misinterpreted my letter. It

seems he chose (somehow) to interpret my suggestion as being restricted to the provision of legal representation for a victim to be provided at the compensation Panel alone.

It remains unclear to me as to whether Mr. Curtain had not read my letter carefully, or simply wished to “palm me off”. I decided not to write back, nor to pursue the issue. As I saw it, any effort (of mine or of anyone else, for that matter) to question any aspect of “The Melbourne Response” was clearly to be treated with an arrogant “brush off”.

Nonetheless, the question, and its ultimate totally unsatisfactory reply stand as yet another example of the lack of common sense and justice, let alone compassion in this substantially flawed process.

3: REQUEST FOR THE ESTABLISHMENT OF A PASTORAL SUPPORT FUND FOR VICTIMS.

Aware that many, perhaps most sex abuse victims suffer from Post Traumatic Stress Disorder, and that this condition often leads to an inability to manage even basic domestic finances, I prepared a submission to the Archdiocese for the establishment of a Pastoral Fund to support Church-related sexual abuse victims. (*Attachment 13*)

The strategy of the suggested Fund meant that the Archdiocese would need find no finance to establish the Fund. Instead, it would be built up through small (\$20 to \$50 per week) contributions from the 220 parishes of the Archdiocese. This could generate more than \$300,000 per year, and would be administered by a small committee, totally separate from “The Melbourne Response”, according to needs presented by established victims. These victims would NOT be made to trawl through their devastating experiences yet again, but their being accepted as genuine victims by “The Melbourne Response”, “Towards Healing” or the Police would entitle them to apply for assistance and support from the Fund.

In March of 2011, at separate meetings, I personally handed a one-page synopsis of this suggestion to the Independent Commissioner, and to the Business Manager of the Archdiocese.

I received no reply of any kind from either.

In October 2011, I wrote to the Business Manager (*Attachment 12*), reminding him of the proposal for a Fund, and enclosing another copy of the details.

I had no response.

After several phone calls to the Business Manager’s Office to determine that the letter had, in fact been received, and after sending the identical letter again on December 5, I eventually received an acknowledgement, and a letter which advised me that the suggestion would need to be dealt with by the Archbishop only.

Accordingly, on February 3, 2012, I wrote to the Archbishop (*Attachment 15*), again enclosing a copy of the Proposal, and received a reply in a letter dated March 21, 2011.

The Archbishop made it clear he was not keen about the proposal, but suggested that I have a meeting with Vicar General (Mons. Greg Bennet), and the Business Manager on Tuesday April 15 at 2.30 p.m. Ironically, this was just two hours after the public announcement of the Public Inquiry!!

Mons. Bennet only attended the meeting, and I was informed early in the conversation that the establishment of the Parliamentary Inquiry meant that the proposal to set up a Pastoral Fund could not be pursued "because of the Inquiry".

As former Geelong Cat's great Bob Davis would say: "*Fair dinkum unbelievable*"!!!

A handwritten signature in black ink, appearing to read "Kevin Dillon". The signature is written in a cursive, flowing style.

FR. KEVIN DILLON
October 4, 2012