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Consultation strictly by appointment only

31 May 2013

Family and Community Development Committee
Parliament House, Spring Street
EAST MELBOURNE VIC 3002

Attention: Committee Chair, Ms Gorgie Crozier, MP
Via post and email: fcdc@parliament.vic.gov.au

Dear Ms Crozier,

RE: Inquiry into Handling of Child Abuse by Religious and Other Non-Government Organisations: Further Submission by Waller Legal

I refer to my submission to the Inquiry by letter dated 21 September 2012. I note the Committee published my submission on the parliamentary website in October 2012. I make this further submission to the Inquiry.

Allegations in Relation to Cardinal Pell

I received a letter from the Catholic Archdiocese of Sydney dated 11 January 2013 (copy enclosed) requesting that I inform the Parliamentary Committee that I "do not make any claim that Cardinal Pell was present in 1969 (or otherwise) when Victim 2 made a complaint about Br Best".

In return correspondence dated 3 February 2013 (copy enclosed) I made it clear to the Archdiocese of Sydney that I have not made any allegation against Cardinal Pell and I am therefore not in a position to inform the Parliamentary Inquiry of any retraction or alteration of the content of my submission in relation to Cardinal Pell. My letter also pointed out, as is obvious from my role as his solicitor, that I am bound by my client's instructions in this regard.

That same item of correspondence invited the Archdiocese to clarify whether or not they wished to request that my client withdraw his allegation. It also invited the Archdiocese to provide any background material or evidence that they wished my client to consider. I then offered to seek my client's instructions in relation to any request that they might choose to make that my client withdraw his allegation or amend his instructions in relation to the submission.

I received a response from the Archdiocese of Sydney dated 14 February 2013 asserting that the allegations against Cardinal Pell were made by me and that it was incumbent upon me to correct my submission to the Victorian Parliament. No request was made to seek my client's instructions in relation to his allegations. No material was provided for his consideration.

I note that the Parliamentary Inquiry published correspondence dated 15 January 2013 from the Catholic Archdiocese of Sydney concerning this issue on the website on or about 28 March 2013, which reads in part "It is of some concern that Dr Waller made these false allegations against Cardinal Pell and then failed to retract them when it became apparent to her that they could not have been true (if that was not apparent from the outset.)" It also implies, without saying so directly, that I have misled the Parliament and engaged in professional misconduct. I entirely refute these serious and unfounded implications against me.

I wish to state unambiguously that;

1. It is clear on any plain and sensible reading of my submission that, in relation to the content that refers to Cardinal Pell, I am recording my client's instructions. The relevant sentence on page 9 commences with the phrase "I am instructed that ..."
2. Clearly, I have no direct knowledge of my client's visit to the presbytery and can only be recording my client's instructions.
3. The transcript of the ABC interview dated 11 October 2012 also records that my comments in relation to Cardinal Pell are prefaced with the phrase "And I'm instructed by one of my clients that..."; and
4. That material was included in my Parliamentary submission in accordance with my client's specific instructions to do so.
5. I informed the Archdiocese of Sydney that I have made no allegations in relation to Cardinal Pell, and I inquired as to whether the Archdiocese wished to ask my client to retract the allegations. No request has been made by the Archdiocese of Sydney nor by Cardinal Pell to my client to retract or alter his allegations.
6. I invited the Archdiocese of Sydney to provide any material to my client that they might wish him to consider. No such material was ever provided.

Updated Information Relevant to My Submission

I also wish place before the Parliamentary Inquiry updated information about an important aspect of my submission as it relates to Victim 2 and other victims of sexual abuse by the Catholic Clergy.

My submission identified the difficulties encountered by Victim 2 in seeking appropriate compensation. I am now in a position to advise that Victim 2's further claim for compensation resolved on 26 March 2013 and he has received an additional financial settlement.

My submission identified the technical defences raised by Catholic Clergy Defendants in sexual abuse litigation and discussed the difficulties faced by victim litigants. I wish to advise that despite these difficulties I have secured settlements that total more that 1.1 million dollars in compensation since November 2012. These settlements were on behalf of 11 clients who allege that they were victims of Catholic Clergy sex abuse.

I currently act on behalf of 97 clients who allege sexual and physical abuse by various Christian Brothers, and a further 30 clients who allege abuse by other Catholic Clergy. My work on behalf of these people continues.

If I can be of assistance to the Inquiry in any way, or should you wish me to clarify any aspect of this correspondence, please do not hesitate to contact me.

Yours faithfully,

Dr. Vivian Waller
• **WALLER LEGAL**