

Submission Type – Name Withheld Submission

Please note: The material in this submission may be published, but the name is to be kept confidential.

Background

Name	██████████ Secondary Victim (Keep confidential)
Address	c/-Lewis Holdway Lawyers 20 Queen Street Melbourne 3000 Ph 96299629
Responsible Church Authority	Salesian Order
Time of Assaults (Approximate year)	1966 -68 - My husband ██████████ was the victim of numerous sexual assaults while a boarding student at Rupertswood College in Sunbury. He was 12 when the assaults began.
Time of Report to Church Authority	2000 - to Towards Healing
Time Taken to Resolve Complaint	1 year
Outcome	Ex-gratia payment No apology

The Handling of My Husband's Report of Abuse to the Church

Initial Contact:

I did not receive immediate and appropriate assistance. At no point was any help offered to me but ██████████ was offered six sessions of counselling.

As ██████████ had suffered a severe nervous breakdown and was unable to work, I was left to manage our business and care for ██████████ I had never known anyone with a mental illness before and the Salesians did not offer to help me. I joined a carers group (Mental Health Support Network) to learn how to handle him and manage his issues.

Neither ██████████ nor myself understood the Towards Healing process, it was never explained to us. I thought that the Towards Healing people were from the government, not the church.

At no time was any support offered to me or to our children who were also suffering enormously from the impacts of their father's breakdown and ongoing mental illness.

Period of Investigation:

A Towards Healing Assessor came to our home to question ██████████. He was an ex-cop and accused ██████████ of lying, which made ██████████ very unwell again. The Assessor never apologised to ██████████ when he later found out ██████████ was telling the truth.

Throughout the Towards Healing process I was excluded from all meetings until the third and final meeting.

Even at that meeting for a large part of that meeting I had to sit outside of the room. I was very distressed by this as I wanted to be with ██████████ to support him but also because I was very worried about how fragile ██████████ was mentally, and I thought it was too much for him to have to face them alone.

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In that meeting I was astounded to be told by Fr [REDACTED] that the offender Fr Ayers had been to confession with him and that therefore Fr [REDACTED] couldn't discuss any crimes Ayers had committed prior to that confession, which was the period when he had sexually assaulted [REDACTED]

It was also a shock for me at that meeting that myself and the Victim Support Agency worker who we wanted to accompany us to the meeting were excluded from the first part of the meeting and yet Fr [REDACTED] was there with his solicitor. We were not asked if it was okay with us for the solicitor to be at the meeting. I felt that this was unnecessarily legalistic.

I was also upset that Towards Healing got [REDACTED] information from his psychologist without [REDACTED] permission.

Outcome:

We were told the offender was in Samoa which later turned out to be a lie. This had a terrible impact on [REDACTED], whose condition significantly worsened during after discovering that Fr [REDACTED] had lied and that Fr Ayers was in fact back in Melbourne.

We have found out more recently that he remained in ministry in Samoa.

I have felt traumatised as a result of [REDACTED] going through the Towards Healing process. The impacts on [REDACTED] and therefore on me and the family have been ongoing and devastating. I can't live with him anymore as I can't deal with his anger. It is like living on egg shells, and he is up and down like a 'yo-yo'. We are currently living separately under one roof.

[REDACTED] has become obsessed with trying to make the church accountable for these crimes. He spends all his time on computer dealing with this. Although he has some insight into this behaviour, he can't seem to help it and continues to put all his time into it which means that the family is neglected by him. At present [REDACTED] is refusing to get help and so we are all stuck, unhappy and miserable.

My complaint was not resolved to my satisfaction for the following reasons:

- The Salesians didn't consider our future needs. Just prior to [REDACTED] breakdown we had mortgaged our home to buy a franchise in a business. After the breakdown, [REDACTED] was unable to work and I also had to quit my job to take care of him. We now live on a carer's pension and still have a mortgage in what should be our retirement years.
- They never apologised to [REDACTED] or to me.
- They excluded me from meetings.
- They didn't offer the family any support at all.
- The tax-payers are paying us a pension whereas the church should be paying something to us, a wage.
- The Towards Healing process made things worse, not better, especially because they lied and manipulated us throughout the process. It has damaged our family relationships even more. The kids can't manage [REDACTED] mood swings. One of our daughters says that it's like not having a father at all; because she can't rely on him.

Harmful Systemic Practices

We were never told we could report what Fr Ayers did to the police. We were told that he was in Samoa so nothing more could be done.

They never suggested to us that we should get our own lawyer. We went through the whole process with no legal advice but Fr [REDACTED] had his lawyer.

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Required changes required to law/practices/policies/protocols

I do not think the church should run the responses to the victims. It would help if the government ran an organisation for church victims and had a place where victims and their families could go to for help.

Victims and their families should be on the Board of any organisation that responds to victims to make sure that they are properly meeting the needs of victims.

Spiritual damage should be recognised and included as a critical element in the harm that is caused.

Recognition and practical response and support to family members of the complainant – the secondary victims.

The relationship between Canon Law and civil and criminal law should be transparent and Canon Law should be subject to the law of the State

There should be psychiatric screening of all current church personnel including those currently in training for religious life to minimise risk to children, especially if involved in boarding schools

There should be funding for complainants who seek a holistic casework approach, (spiritual/medical/legal/ psychological)

An acknowledgement that the required pastoral care in this field is specialised and should be provided to victims by appropriately qualified professionals at no cost to the complainants.

I believe the following changes to the law will improve access to justice for victims of Catholic clergy abuse:

- The Statute of Limitations – amend to allow historical abuse claims
- Amend corporations law so that the church authority is legally a corporation and capable of being sued over time
- Amend property trust legislation in each state to prevent the church authority from protecting its assets from civil suits
- Amend the law on vicarious liability so that priests and religious are treated as employees and therefore church authorities can be held responsible for breaches committed by church personnel.
- Introduce Mandatory Reporting for priests, religious and those appointed by the church to investigate complaints of sexual assault.

Witnesses:

[Redacted]

I would welcome the opportunity to speak in person to the Committee and if so, I would like to bring a support people with me.

Signed

[Redacted Signature]

Date

20/9/12