

Submission Type – Name withheld submission

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

**Background**

<b>Name</b>	[REDACTED] (Please keep name confidential)
<b>Address</b>	c/-Lewis Holdway Lawyers 20 Queen Street Melbourne 3000 Ph 96299629
<b>Responsible Church Authority</b>	Catholic Archdiocese of Melbourne
<b>Time of Assaults (Approximate year)</b>	Approx 1991-2, I was aged 10 or 11 at the time of the assaults. The priest who sexually assaulted me was a family friend who regularly came to my parents' home for dinner. The assaults took place in our family home.
<b>Time of Report to Church Authority</b>	2003
<b>Time Taken to Resolve Complaint</b>	Approx 5 years
<b>Outcome</b>	Ex-gratia payment Apology

**Practices/Policies/Protocols in handling Allegations of Abuse**

**Initial Contact:**

I was satisfied with my initial contact with Mr O'Callaghan.

I moved out of home because of my complaint, as it caused enormous conflict within our family as my parents didn't believe us. I was 21, and still quite vulnerable. I literally became homeless and I think that the church should have helped me the costs I incurred when I moved out of home.

I was not told that the accused in my case had been the subject of other complaints. In fact, I got the impression that there hadn't been other complaints about him, which I now believe to be unfounded.

I do not recall being offered psychological support or counselling. I had started my own counselling anyway.

My counselling was funded by the church authority.

I was provided clear information about the complaint process.

When I met the Independent Commissioner, I formed the impression that he worked for the church authority.

I was not offered independent legal advice.

[REDACTED]

[REDACTED]

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No support was offered to my family or my parish community.

**Period of Investigation:**

I do not know how my complaint was investigated but I do know that the priest refused to attend a hearing that Mr O'Callaghan wanted to hold.

I am aware that after my complaint my father, [REDACTED] and did a lot of work for the Catholic Church, did not get many further referrals from the Catholic Church. It appeared to me that his work started to wind down.

I knew of some other complaints about the offender. I knew that the girls at St Augustine's would cover their chests whenever this priest came around. Also, I am aware that this priest made sexual advances towards my sister's godmother, but I cannot recall whether I told the church about this. I understand that my complaint (which I made together with my sister who was also assaulted by the same priest) was the first official complaint against him.

My complaint process had significant time delays before resolution was reached; it took 5 years - why? We wanted it to be over so that we could get on with our lives.

Currently Carelink won't pay for any of my diabetes expenses although I have submitted reports, which have linked the assaults as an event that triggered the onset of the diabetes and MS. Initially Susan Sharkey said she was unsure about it and then she told me that Carelink would not cover it, and will only cover anti-depressants and anxiety medications.

Diabetes (type 1) has triggered many other conditions which I currently suffer from (MS, teeth decay, Necrobiosis Lipoidica (dead fat cells); thyroid, severe acid reflux). All of these conditions require significant medications and treatment and some years my medical bills have been in excess of \$5,000. I have a young family and this is huge expense for us and I fail to understand why Carelink cannot assist me with this.

I know that my father wanted to meet the Archbishop about my case but I think that the Archbishop refused to meet with him.

**Outcome:**

The perpetrator in my case remained in ministry at St Augustine's for a period of time despite my report.

He was eventually pushed into early retirement and not allowed to say masses, had his canonical faculties removed but I believe he did still say masses when he wasn't supposed to be, this was reported to me by an advocate I worked with.

I felt re-traumatised as a result of going through the church authority's complaint process because I had to think about it so much and it took so long. All I wanted was to get the priest away from the schools and get him known as an offender. I achieved that so I am happy.

After my complaint had been dealt with, the only thing Carelink would pay for was my counselling.

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

[REDACTED]  
[REDACTED]

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I'm always a bit scared that they (Carelink) might withdraw the free counselling (see Deed of Release paragraph below under Supporting Documents, where they allow themselves the option to withdraw the counselling). It seems very contradictory to me that they say I can have it for free forever but that they can also take it away.

I continue to find Carelink unapproachable and really not that helpful. I feel that I have to walk on eggshells around them and have to act sweet to them in the hope that they will keep helping me.

The whole process took way too long- 5 years.

The Panel meeting was very daunting and I felt intimidated by the Panel members.

#### **Required changes required to law/practices/policies/protocols**

I believe that the following changes will improve the church authority's complaints process:

- The church authority's response organisations should be locally based and have a public profile such that they are approachable to the public and professionals.
- The church authority's organisations should include complainant representatives to ensure that their services appropriately target the needs of complainants.
- There should be recognition and inclusion of spiritual damage as a critical element in the harm caused.
- There should be 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.
- 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.
- Carelink should be restructured, get rid of Susan Sharkey and all those horrible people that answer the phone at Carelink. There should be an independent response set up which is not run by the Roman Catholic Church. Susan Sharkey holds the money like it's her own.

I believe that the following changes to the law will improve access to justice for victims:

- 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.

[REDACTED]

[REDACTED]

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**Witnesses:**

[REDACTED]

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

**Signed**

[REDACTED]

Date 17-09-2012

**Supporting Documents**

Deed of Release clause: "This deed does not affect any entitlement that the Applicant may have to the services of or to services supplied through Carelink, nor does it oblige the Archbishop or any person who may in the future be the Archbishop of the Catholic Archdiocese of Melbourne to cause any such services to be supplied."

[REDACTED]  
[REDACTED]