

Background

Name Please keep my name confidential but I agree to publish the material	[REDACTED]
Address	c/-Lewis Holdway Lawyers 20 Queen Street Melbourne 3000 Ph 96299629
Responsible Church Authority	The Franciscans
Time of Assaults (Approximate year)	1954- 1956 I was 13 years old and a Ward of the State. I was placed in the Morning Star orphanage where I was repeatedly anally raped by a hooded monk in the evenings over a period of 18 months. Because of the hood I could not identify him. I was also physically assaulted and indecently assaulted in the showers by other monks on numerous occasions.
Time of Report to Church Authority	2011, at age 70
Time Taken to Resolve Complaint	Ongoing. It is difficult because I am unable to recall the names of any of the perpetrators as I am so traumatised.
Outcome	Unresolved

The Handling of My Report of Abuse to the Church

Initial Contact:

I did not receive immediate and appropriate assistance, the Franciscans did not believe me.

I was not offered psychological support or counselling. When I requested that the Franciscans pay for my counselling, they refused.

I did not understand the complaint process at all. I am unable to read or write as I was never sent to school while in State care, and I was never provided with any clear information about what the steps of the process were.

Towards Healing sent a man called Shane Wall to visit me I thought he was there to work for me but it turned out that he was working for the Franciscans which I did not understand at the time he visited me.

I was not offered independent legal advice.

Period of Investigation:

I had a meeting with Franciscan representatives who did not explain their role to me, I did not know what was happening. I was allowed to bring a support person to the meeting and I took my brother. They offered me a lump sum of \$5,000 and said I should speak to a lawyer but they did not offer to pay for independent legal advice.

[REDACTED]

I was disbelieved. One of the Franciscans I met with said he had spent three months at Morning Star and "things like that" (meaning my rapes and sexual and physical assaults) "did not happen there". This has distressed me enormously and I am constantly crying and upset. Since this meeting on many occasions I have struggled to control my anger towards the Church.

My lawyer has asked the Franciscans to pay for some counselling for me and to pay for my counsellor to provide a psychological report to ascertain my conditions but they have refused and have said that I can use the \$5,000 for counselling.

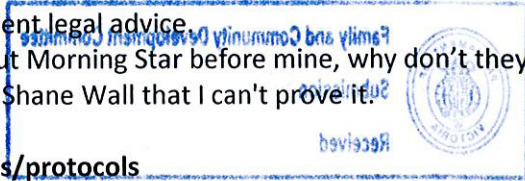
Harmful Systemic Practices

I was never told I could report what happened to me to the police.

The Franciscans said that they don't believe it happened to me.

It was only later that they said I could seek independent legal advice.

I believe that there have been other complaints about Morning Star before mine, why don't they believe me? I have been told by the Franciscans and Shane Wall that I can't prove it.



Required changes required to law/practices/policies/protocols

The church authority's organisations should include complainant representatives to ensure that their services appropriately target the needs of complainants.

Recognition and Inclusion of spiritual damage as a critical element in the harm caused. I cannot go into a Church and cannot attend the weddings or funerals of friends and relatives because of this.

Recognition and practical response and support should be provided 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

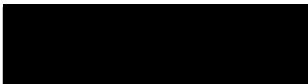
The Church orders should be a lot stricter with those they give the job of caring for children to.

They should be made to help victims throughout their lives.

They need to recognise that spiritual damage is very harmful as well as the actual abuse.

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.
- I also think that the religious orders should not be allowed to run the government homes.

Witness:

[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

17/8/2012

[REDACTED]