

Submission Type – Name Withheld Submission

Please note: the material in this submission may be published, but confidential.

Background

Name	[REDACTED] (Keep Confidential)
Address	c/-Lewis Holdway Lawyers 20 Queen Street Melbourne 3000 Ph 96299629
Responsible Church Authority	Melbourne Response
Time of Assaults (Approximate year)	1971 I was sexually assaulted on a number of occasions while a student at [REDACTED] by a nun (Sister [REDACTED]) and a male who I believe was a priest.
Time of Report to Church Authority	September 2004
Time Taken to Resolve Complaint	2 years & 1 month
Outcome	Ex-gratia payment Apology

The Handling of My Report of Abuse to the Church

Initial Contact:

My initial contact was with Peter O'Callaghan via a telephone call to him. I had an appointment with him in September 2004 and told him of the abuse I suffered in a catholic school in 1971. This interview was taped.

I explained that I went to [REDACTED] In 1971 I was abused by a nun and a man. I knew the nun by name, but I did not know the name of the man. I also explained that my memories surfaced as I suffered post natal depression after the birth of my son and was hospitalised for 9 weeks in [REDACTED] They surfaced when my son was 2 months old. I thought I was going mad as I could not believe what I remembered was caused by a nun and a man she brought to the school to abuse me.

At the time of my interview I was not offered immediate counselling or intervention or any kind.

I was never offered psychological support or counselling, nothing was offered.

I was not provided clear information about the complaint process. I did not realise that in time I would have to sit in the same room as my abuser for four days during the hearing.

I was never offered independent legal advice, nor told I should seek it. I was told that Jeff Gleeson (Counsel assisting the Independent Commissioner) would help me with representation.

No support in any shape or form was offered to my family or my parish community.

Submission Type – Name Withheld Submission

Period of Investigation:

I was pressured to attend a church authority internal hearing that lasted four days before my claim was accepted.

My Complaint was not investigated properly. There was another male abuser that was never properly looked into.

The perpetrator remained in ministry another two years and one month whilst the inquiry was occurring

I did not get any pastoral care.

I noted that in the transcripts from my hearing that there were occasions in the typed version that no voice could be heard from the abuser. This only seemed to happen when sensitive information was given by the accused, for example, where she had taught prior.

My experience of the process was that it became unnecessarily legalistic.

I was unable to claim any of my medical expenses until she was found guilty and I signed the forms for the ex-gratia payment. This took four years before I was reimbursed. I was only able to get reimbursed from the date I made the complaint to Peter O'Callaghan. I was not reimbursed for the years prior to making the complaint i.e. counselling fees and medication.

Outcome:

I never found out who the male abuser was.

What the abuse did to my life compared to the amount of ex-gratia payment – there is no comparison. I had a very well paying career prior to the memories of my abuse surfacing. The abuse and memories of it directly affected my relationship with my son, husband and family. I was hospitalised when my son was two months old. I was in the [REDACTED] for nine weeks trying to deal with horrendous memories of my abuse whilst trying to be a first time mum. Just being in [REDACTED] cost approx \$45,000.00 my ex gratia payment did not come anywhere near even covering that amount. You lose on many fronts if you are abused - emotionally, spiritually, mentally and financially.

I felt re-traumatised as a result of going to the church authority for help especially after going to the Compensation Panel. The Panel process was brutal. Four people sitting across a table weighing up how much my abuse was worth. I was in tears after that meeting. I had to plead my case for compensation. I wrote to Peter O'Callaghan after I attended the Compensation Panel and told him how I was totally upset with the behaviour of the Panel.

In summary, my complaint of being abused at Sacred Heart was not resolved to my satisfaction for the following reasons:

- Never found out who the man was that abused me. The Archdiocese failed to look into this further and it still hangs in the balance.
- The payout for my abuse was laughable. It was nowhere near what a victim truly deserves.

Submission Type – Name Withheld Submission

Harmful Systemic Practices

I was never informed of my right to report to the police at the outset, or at a later time.

I was never encouraged to seek independent legal advice.

Required changes required to law/practices/policies/protocols

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 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)

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 decided not to take civil action against the church authority or the accused due to legal advice that my claim would not be successful because of:

- The Statute of Limitations
- The church not being a legal entity

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.

Submission Type – Name Withheld Submission

- Introduce Mandatory Reporting for priests, religious and those appointed by the church to investigate complaints of sexual assault.

Witnesses:

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



Date

20/9/12