

Please note – the material in this submission may be published, [REDACTED]

Background

Name	[REDACTED]
Address	c/-Lewis Holdway Lawyers 20 Queen Street Melbourne 3000 Ph 96299629
Responsible Church Authority	Redemptorist Order/ Towards Healing (TH)
Time of Assaults (Approximate year)	1977 - The first assaults occurred and were followed by a long period of minimal contact. 1993 - 2002 -I had a very important pastoral relationship with the perpetrator (the perpetrator was providing pastoral care for my son and myself). During this time the sexual assaults happened on a regular basis. It was also during this time that my 10 year old son who was ill with cancer passed away.
Time of Report to Church Authority	May 2003
Time Taken to Resolve Complaint	December 2004 - 19 months
Outcome	Ex-gratia payment Apology - "kind of"

Practices/Policies/Protocols in handling Allegations of Abuse

Initial Contact:

I do not recall the Order offering me immediate and appropriate assistance.

At the time of the report, my crisis was over and I had had 5 years counselling. I was emerging from the difficulties by then.

I was asked to put my complaint in writing before any action could be taken and I had to speak to a person and do a Contact Report. This person worked for Centacare which is a Catholic organisation.

I was aware at that time that the accused in my case had been the subject of other complaints but TH didn't tell me anything.

I did get some money for counselling along the way so my counselling was partly funded by the church authority.

I was not provided clear information about the complaint process but I knew a bit as Angela Ryan (Towards Healing staff worker) had told me a bit about it.

I was not offered independent legal advice.

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

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Period of Investigation:

I was not told anything about the investigation into my complaint.

I attended meetings on my own.

It took 19 months for my complaint to be finalised.

My experience of the process was that the church representatives seemed to change their approach after reading my counsellor's report.

I found the Facilitator to be very cut and dried, kind of legalistic and not compassionate at all. There was no empathy. In the end the Provincial of the Order was the most empathic.

Outcome:

I had a letter of outcome and received a payment and some assistance that I wanted. Although these things were agreed to at the Facilitation, they never came to pass and this still causes me a significant degree of disappointment and pain. These responses mattered to me more than anything else.

One of my requests was for a healing service which never happened.

Another request was that the Order takes some time to fully consider the complexities of my case and engage in some dialogue with the Churches of Christ. This was very important to me as I was vulnerable due to the earlier abuse I had suffered at the hands of a Church of Christ minister. I wanted this dialogue to occur so that both religions could understand my case better. My case was complex and I wanted them to understand that and use it as an opportunity to learn. However, this also never happened as they couldn't figure out how to do it.

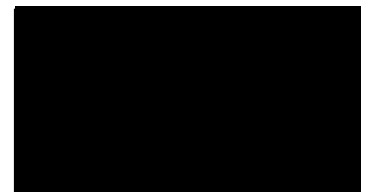
In the end, my complaint was not resolved to my satisfaction for the following reasons:

- They didn't follow through on those pastoral care issues
- Lack of long term follow -up - these impacts don't go away, you have to learn how to live with them.
- They did not learn from my experience or use my story as requested to become part of training or a learning resource for church personnel.

Required changes required to law/practices/policies/protocols

I believe the following 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.
- Recognition and Inclusion of spiritual damage as a critical element in the harm 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.



Submission Type – Name Withheld Submission

- 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 do not like the name "Towards Healing". Why do they call it that? In my view this is very presumptuous, just call it a complaint process as that is what it is.

I believe 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

Supporting Documents:

Any documents are available to the Committee at their request.

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 19/9/2012

[Redacted]