

PRIMARY VICTIMS SUBMISSION QUESTIONNAIRE

Prepared by Independent Consultants
Glenn Davies, Helen Last with Clare Leaney (In Good Faith and Associates)
for SAVAs, Melbourne, 2012
Contact: (03) 9526 5991, Helen.Last@igfa.com.au

PERSONAL DETAILS

Title:

Miss

Ms

Mrs

Mr

Other Title (Please specify)

First Name

Sandra Mary

Surname

Higgs

Phone Number

[REDACTED]

Address

[REDACTED]

Suburb

[REDACTED]

State

[REDACTED]

Postcode

[REDACTED]

Country

Australia

If you are submitting on behalf of an organisation or group:

Organisation

Position/Title

5. How did what happened to you make you feel?

I felt sick + I felt something was not right, I felt so frightened. I couldn't sleep without a light on even to this day. when locked in the dormitory I hid under the blankets + cried I lost the ability to function. day to day

6. When did it happen? (Please provide an exact or approximate year or time)

about 1948

7. Where were you when this happened to you?

at home

8. Is there something that has helped you remember it being that year or time? Eg. A birthday, a public event, a year at school, a teacher who taught you.

My mother had left my sister + I.

9. Did you tell anyone about what had happened to you?

yes.

10. If yes, who was the first person you told about what happened to you? Approximately when did you tell the person? What did you tell that person?

my Dad. EXACTLY what FR FIASCIALE had done to me. He kissed my lips, pushed himself against me, buried his face into my breast and touched my vagina.

11. Did you tell any other people about what happened to you? Approximately when did you tell these other people? What did you tell these other people?

■■■■ at St Mary of the angles Geelong EXACTLY what happened to me.
FR FIASCIALE kissed me on the lips, pushed himself against me, buried his face into my breast and touched my vagina.

12. Did you report what happened to you to a religious or other authority?

MONSIGNOR HILTON DEACON AT ST PATRICKS
CATHEDRAL. MELBOURNE IN PERSON

SECTION B. Contact with the religious or other organisation

13. Have you contacted a religious or other organisation regarding your assault/abuse?

yes

14. When was your first contact with the religious or other organisation?

1993 - 1997

15. When was your most recent contact?

16. Over what period have you been in contact with the religious or other organisation about your abuse?

1994 - 1997

17. Has your primary method for contact been in person or over the phone?

Both.

18. Approximately how many meetings have you had?

7

19. Approximately how many phone calls have you made?

2.

20. Approximately how many phone calls have you received?

NONE EVERYTHING WAS DONE BY CORRESPONDANCE.

21. How many different people have you had contact with?

7.

22. Can you name these people and their roles?

MONSIGNOR HILTON DEACON
MONSIGNOR CUDMORE VICAR GENERAL.
CARELINK
INDEPENDENT COMMISSIONER MR. P. J. O'CALLAGHAN & C.
CHURCH PSYCHIATRIST
THE COMPENSATION PANEL
PROFESSOR BALL.

SECTION C. When you first contacted the religious or other organisation:

23. Were you able to get someone on the phone or in person straight away?

yes

24. Were you able to get immediate counselling or intervention?

NO

25. Was a crises response given? NO

26. Who made contact first, you or the religious/or other organisation?

I did

27. Was it over the phone, or in person?

phone

28. If you made contact first, what prompted your contact?

I Received information that Fr. Fiasciale was parish priest with a primary school attached. and I started remembering every thing that he had done to me. I was a basket case

29. If it was the organisation, what did they give as the reason for contacting you?

They made a appointment for me to go to St Patricks Presbytery to report my abuse that was devastating. Monsignor Hilton Deacon said I prattled on.

30. Were you provided with clear information about the complaint process?

NO.

31. If so, when and what?

When I had a appointment with monignor Cudmore he was Vicar General and Handling all abuse cases.

32. Do you have any case documents, recordings, transcripts, emails or letters etc that you would like to submit? (See end of document for further space)

DATE	FROM	TO	RE

33. Can you explain where these fit with your experience?

SECTION D. Contact with the organisation

34. Write about what your first contact with the religious or other organisation was like.

Traumatic uncomfortable
debilitating. asking myself if I was
doing the right thing. I was on my own
and I wanted to run. there was not a
friendly greeting.

35. Were you instructed to put your complaint in writing before anything was done? For example: Where did it take place? Who was there? When did this happen?

NO. ST PATRICKS PRESBYTERY MELBOURNE
VERY convenient. Once again I felt
intimated

36. Were you offered or provided with a support person when writing your complaint?

my complaint was verbal

37. Did you know who the person you were speaking to was?

NO

38. How did they explain their role? By making a appointment
for me at The Diocesan Centre

39. Did the person give you the impression he/she was working for you?

NO

40. Can you describe how they explained their role?

When I arrived for my appointment
with my sister [REDACTED]
[REDACTED] who were also abused he
introduce himself & told us he would be
investigating our case

41. Please explain what/who you thought they represented?

The Catholic Church.

42. Were you offered independent legal advice?

NO

43. If yes, who offered you this advice?

44. How was this person paid?

45. Did they say they were representing your interests?

NO

46. Were you encouraged or discouraged from seeking some independent legal advice?

NO

47. Was support offered to your family or your community in your religious or other organisation? If yes, what support?

NO

SECTION E. The conducting of your complaint interview

48. Who conducted this interview?

MONSIGNOR CUDMORE

49. Who do you believe they represented?

The Catholic Church

50. Who were you told they represented?

The Catholic Church

SECTION F. Focus of the interview

62. What type of questions were you asked? Do you remember what the questions were?

We were asked about our abuse and we had to face FR Fiasciak. He denied knowing us, I then asked him did he remember my dad. He then said I am sorry if I hurt you I don't remember then he said what about my family. I slammed my fist on the table and said what about my family. I felt punching him I wish I had.

63. Did you feel you were given an opportunity to adequately explain what had happened to you?

yes

64. Did the person ask you precisely where the incident took place?

yes

65. Did the person ask who you had told about the incident?

yes

66. Did the person ask for specific details that would have confirmed when the event happened?

yes

67. Did the person ask you if anyone else was with you or could have witnessed the behaviour you spoke about?

NO

68. Did the person ask you who the other priests or clergy in the area where you said the event took place?

NO

69. Do you know if any other person in authority, religious, clergy or lay, was notified about your experiences and abuse/s? If yes, who?

Don't know

70. Did you find out later that other people knew about your abuse? If yes, who?

my sister [REDACTED]
BROKEN RITES

71. Did the person say they knew the person about whom you were making the allegation?

yes

72. Did the person ask appropriate/inappropriate questions?

They asked appropriate questions
only if we wanted to talk about it

73. Did you find the questions asked intrusive?

NO

74. What was your demeanour at the time of these questions being asked? Were you comfortable, relaxed, focused, upset, emotional, anxious, sad, and/or angry? (Please list)

emotional anxious sad

75. Was an investigation commenced? Who by?

The Independent Commissioner.

76. Was the investigation commenced with/without your knowledge? Who by?

with my knowledge by LETTER

SECTION G. Reporting to the police

77. Were you told of your right to report to the police from the outset?

we had already reported the abuse

78. Was there a threat to withdraw support if you went to the police?

NO

79. If yes, what do you remember about that?

80. Were you discouraged from reporting to the police? If yes, what was said to discourage you?

NO

81. Did you understand what your rights were in relation to reporting to the police?

yes

82. Did the person explain these to you in a way you could understand?

yes

83. Did anyone from the organisation talk to you about reporting to the police? Did you sign anything?

yes my statement

84. Did anyone try to influence you about going to the police? If yes, how?

NO

85. Did the person offer any opinion about whether the police would be interested in your complaint? If yes what was said?

NO

86. Were you told what happened to you was not a crime?

NO

87. Did the person talk about what happened to you as some type of criminal offence?

yes

88. Was your report to the religious or other non government organisation used to discredit you at a criminal proceeding against the perpetrator?

FR Fiasciake died two days before his court case

SECTION H. If you reported to the police

89. Who did you speak to?

a police woman

90. What was their response?

very helpful

91. Have you been part of any criminal proceedings? If so what?

NO

92. Were they interested in taking your information for data?

yes

93. Have they contacted you further?

NO

SECTION J. Actions taken by religious or other organisation

94. Did the person offer or give you a copy of your interview(s) or notes?

NO

95. Were you given a transcript of any interviews you had?

NO

96. Did you find the transcript provided matched your recall, recording, or notes about the interview?

97. Did you have access to these transcripts during further interviews or hearings?

NO

98. Did the person give information on further options and offer time to think about what you would like done next? If yes, what further options were you given?

There was a Sargeant at Geelong Police Station who kept us up to date on the proceedings he was very professional. a few months later he rang my sister & told her he could not do any more for us. He was told to back off.

99. Did the person encourage you to seek advice from other people such as friends, family, advocates or legal advice?

yes

100. Did the person tell you what would happen to the person who you made the allegation against?

He would be charged with a criminal offence

101. Did the person tell you what was done in relation to the person you made the allegation against?

can't remember.

102. Do you know what occurred with regard to the person you made the allegation against?

FR FASCIATE was placed in a home FOR RETIRED PRIESTS in Balwyn Melbourne.

103. Did the person remain in their previous role?

NO

104. Was the person stood down or removed from ministry or position?

yes

105. To your knowledge was the person moved?

yes.

106. Do you know what type of role or place the accused person was moved to?

FR Fasciate had Bowel cancer
and was placed in a home in Bakwyn
so no one would know what he had
done to me + others

107. What type of people did the accused have access to in his/her new role?

House keeper Doctor and Retired
PREISTS

108. To your knowledge did the person offend again?

yes

SECTION K. The perpetrator and the criminality of what has happened to you

109. Did the person offer any opinion as to the guilt or innocence of the person you made the complaint about? If yes, what opinion was offered?

NO

110. Did the person tell you if the alleged perpetrator had been the subject of other complaints?

yes OUR SOLICITOR there
were 3 men.

111. If no, do you think you experienced bias because no other complaints had been made against the same perpetrator?

112. Were you told of the details of the earlier complaints made against the alleged perpetrator in your case?

yes

113. Did you feel you needed to prove your allegation beyond reasonable doubt rather than on the balance of probabilities?

yes

114. Did the person offer you an opinion as to whether your complaint would be successful or not in court?

yes we would win the case.

115. Did the person explain that the alleged offender would be told about your allegations against them?

yes

116. Were you told not to talk about your concerns about the alleged perpetrator?

NO

117. Were you asked about other possible victims or situations?

yes my sister
and 

118. Did the accused person seek support from others in your religious/organisation whilst your complaint was being progressed? If yes how?

We did it Together

119. Were you pressured by these people on accused person's behalf?

NO

120. How were you supported by your community after you made the allegation?

NOT SUPPORTED.
NO ONE WANTED TO KNOW
ESPECIALLY MY FAMILY THEY COULDN'T
COPE.

121. Did you receive any pressure, threats, or coercion from anyone within your community or other people?

NO

122. If yes, please describe these actions.

SECTION L. Counselling and support

123. Were you offered psychological support or counselling?

yes I was already having counselling

124. Were you refused psychological care?

NO

125. Was the counselling or psychological support funded to your knowledge by the organisation?

NO I had to pay my own account.

126. Did you receive counselling when you requested it?

I did NOT Requested it as I had my own counselling.

127. What was the counselling, emotional and psychological support you received?

yes

128. Who was in charge of this service?

Susan Corby

129. Were you offered this service free of charge?

NO

130. Did you have to pay anything?

yes

131. Did you have to use Medicare or private health insurance?

NO

132. Was your psychological or emotional counselling dependent on you agreeing to terms or conditions provided by a service? If yes, what were these terms and conditions?

That I was to pay for my counselling
The church refused to pay

133. Were you satisfied with the confidentiality of the counselling, emotional and psychological support?

yes

134. Did you believe the service maintained an independence from the religious or other organisation?

yes

135. Did you complain about this service at all? If yes, who handled your complaint?

SECTION M. Pastoral care and support

136. Were you offered pastoral care? By who? Who was offered as pastoral carer?

yes PROFESSOR BALK + SISTER Ryan

137. Did you ask for pastoral meetings or care?

NO

138. Were you refused pastoral care or meetings when requested? Who by? If yes, what reasons were provided for refusing you pastoral care?

NO

SECTION N. Education

139. Was any person or program provided for education and information meetings in your organisation or community?

NO

140. Who was provided?

141. What was provided?

142. Was professional mentoring, supervision or advocacy given to you in relation to your abuse concerns?

NO

143. Were policy, procedures protocols given to you for reporting for example child protection protocols and police reporting and consultation?

NO

144. Who did the printed materials refer reports to within the organisation?

145. What is their role?

146. Are public materials on view in the organisation and community about child protection, sexual abuse and who to contact with concerns and information?

SECTION P. Offered or given financial payments and/or gifts

147. Were you offered or given gifts

148. Were you offered or given money

149. What were the circumstances leading to you getting this money or gift?

I had to go before the compensation panel independent people we were told.

150. Were there conditions attached to the receipt of this money or gifts?

we were NOT TO discuss the amount we were given.

151. Please list (to the best of your knowledge) any gifts or monetary payments offered or received by you in a chronological order.

152. Who offered you the payments and/or gifts?

153. What did you believe their role was within the religious or other organisation?

154. Did you sign any legal documents to receive your payment?

yes

155. Were you bound by any confidentiality agreements?

yes

156. Did you receive any legal advice?

yes

157. If yes, who were you referred to?

Lander & Rogers SOLICITORS

158. Who paid for your legal advice?

I did

SECTION Q. If you were offered monetary compensation or gifts

159. Were you offered or refused reimbursement for medical expenses which arose from your injuries?

NO

160. How was the payment/gift made to you? (Cheque, Cash, Bank Transfer, Visa Card, payment of bills, replacement of household items, travel or accommodation etc)

cheque.

161. Can you provide a copy of the relevant documents relating to these payments/gifts?

yes

162. Did you believe that you still had a right to report your victimisation to civil authorities or the police?

yes

163. Did anyone offer or give you any money/gifts at any time throughout the process?

NO

164. Did anyone offer you predictions about how much money you would be entitled to?

NO

165. Did you understand what conditions were placed on you in accepting money/gifts?

yes

166. Did anyone explain any conditions you had to abide by when accepting the money/gift?

yes

167. If yes, please describe who explained these terms and conditions and what the terms and conditions were.

OUR SOLICITORS by LETTER STATING
The COMPENSATION Panel Recommended
& The Archbishop has agreed to offer me
\$25,000 in compensation

168. Were you provided with any written information?

yes

169. (Please include any documents you feel are relevant)

SECTION R. Hearings, panels, facilitated meetings and/or other

170. How did it happen that you were provided with money or payment resulting from your victimisation?

The compensation panel arranged a meeting + AFTER asking questions about our abuse. They then decided how much money I should receive.

171. Was it a hearing, panel, facilitated meeting and/or mediations?

A hearing panel.

172. Did you understand the purpose of the hearing, panel, facilitated meeting and/or mediations?

yes

173. Can you describe what you believed was the purpose of the hearing was?

To decide what I should get for being abused, what a joke money means nothing, it can't make up for what happened to me.

174. Did you go before a panel with regards to you receiving money/gifts?

yes

175. How was the hearing, panel, facilitated meeting and/or mediation organised?

With a meeting

176. Did you know who would be present at your hearing, panel, facilitated meeting and/or mediations?

NO

177. Can you describe who you thought would be present at your hearing, panel, facilitated meeting and/or mediations?

a independent panel

178. Were you able to tell the hearing/panel what had happened to you and how you had suffered?

yes

179. Did you have any representation or a support person/advocate at any stage?

my Dad.

180. If yes, was the support person/advocate of your choice or appointed by the religious or other organisations?

yes

181. At what stages was this support person present?

FROM START TO FINISH.

182. Did you seek legal advice?

yes

183. Were you advised of your right to seek legal advice at any stage?

NO

184. Were you advised of your right to seek a support person/advocate at any stage?

NO

185. Did you receive money or gifts outside the hearing, panel, facilitated meeting and/or mediations process?

NO

186. How was this money/gift given to you? Why?

187. Briefly describe how you felt during and after your hearing, panel, facilitated meeting and/or mediations?

uncomfortable STRESSED
emotional I could not remember
what I said I was a bundle
of nerves

SECTION 5. Satisfaction with process

188. Briefly describe how you felt during and after the whole response process?

shattered

189. Was your complaint adequately investigated?

yes

190. Were your complaints upheld by other people or official bodies?

yes

191. If yes, which people or other bodies upheld your complaints?

MONSIGNOR CUDMORE
police

192. Were you satisfied with the outcome of the handling of your complaint?

NO There has to be a better way

193. Were you refused a meeting with higher authorities in the religious or other organisation until you signed a deed of release?

yes.

194. Did you have an avenue for appeal if you were not happy with responses to your complaint? If yes, can you describe the avenue for appeal?

NO

195. Did you have an avenue for appeal if you were not happy with counselling, support and pastoral care responses? If yes, can you describe the avenue for appeal?

NO

196. Did you take your dissatisfaction complaints elsewhere?

NO

197. Who did you make these complaints of dissatisfaction to?

NO

198. Was the complaint resolved to your satisfaction? If not, why not?

NO. we have to Re-live the
TRAUMA time & time again it's
debilitating

199. Did you find these processes unnecessarily legalistic?

yes.

SECTION T. Other issues you might want to cover in your submission

200. Do you know of any policies or rules or ways of doing things in the religious or other organisation that could discourage or hinder or stop a person reporting child abuse to the State authorities? If yes, can you please describe these?

201. Were you ever visited by people who represented the religious or other organisations but did not explain their role?

NO

202. If yes, what did you believe was their role?

203. Was any of the information you provided passed on to another individual or organisation without your knowledge or consent?

I don't know

204. Were you pressured to attend an internal hearing before your claim was accepted?

NO

205. Was any child involved in this process pressured to attend an internal hearing against your wishes?

206. Did you have other parties sitting in on any interview or hearing without your consent?

207. Did the process have significant time delays before a resolution was reached? If yes, what reasons were given for the time delays?

208. Did the organisation seek out your feedback on the process?

NO

209. If there was a finding in your case did it cover appropriately what had happened in your case?

yes

SECTION U. Recommendations for improvement

210. What actions could the religious or organisation now take, or what new systems or rules could it put in place, to ensure it deals fairly, compassionately and effectively with complaints of child abuse by its personnel?

ALL child abuse interviews should take place in our home where we felt safe. Interviews in a police station is traumatic. We also need to have a support person with us.

211. Why was it you decided not to take civil action against the religious or other Government agency?

you had to pay up front & I don't have that sort of money. It's take it or leave it or see us in court. They know we can't afford it.

SECTION V. What actions could the religious or organisation now take, or what new systems or rules could it put in place, to prevent child abuse by its personnel in future? (Please indicate)

212. Statute of Limitations

213. The organisation not being a legal entity

214. The organisations assets not being protected by property trusts

215. Personnel not being considered employees

216. The accused not having any assets due to a vow of poverty

217. Fear of consequences from the organisations hierarchy/other members of the organisation

218. All of the above.

Changes required to law/policies/practices/protocols

SECTION W. Do you think any of the following would improve the religious or other non government organisations complaints process is helpful in relation to law/practices/policies/protocols? (Please indicate)

219. Religious and other organisations should be mandatory reporters as per current obligations for those working in schools and teachers

220. Organisations should provide realistic and ongoing frameworks education and training to ensure adequate equitable relationships are fostered to negotiate appropriate boundaries in relation to children and vulnerable adults

221. Reporting of any suspected illegal behaviour or crime should be facilitated first and foremost through police

222. Ongoing primary prevention programs being implemented across the organisation in accordance with best practice recommendations from government.

yes

223. Appropriate supervision of suspects and offenders with no access to complainants or those who could be construed as vulnerable children or adults.

yes

224. The organisations response should be locally based and have a public profile such that they are approachable to the public and professionals.

yes

225. The organisation should include complainant representatives to ensure that their services appropriately target the needs of the complainants.

yes

226. Feedback and regular review should be imbedded in the process to ensure complaints and service deliver is at an appropriate high level.

yes

227. Recognition that spiritual damage as a critical element in the harm caused.

yes

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

yes

229. 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

yes

230. Psychiatric or Psychological testing of all current religious personnel including those currently in training for religious life.

yes

231. Appropriate and independent access to psychological counselling and treatment available to religious.

yes

[]
232. Funding for victims to seek holistic casework approach.
(spiritual/medical/legal/psychological)

yes

233. 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 complainants.

yes

234. Would any of the following changes to the law improve access to justice for victims?
(Please indicate)

235. Statute of Limitations - amended to allow historical abuse claims

yes

236. Amend the corporations law so that the authority is legally a corporation and capable of being sued over time

yes

237. Amend property trust legislation in each state to prevent the religious authority from protecting its assets from civil suites

yes

238. Amend the law on vicarious liability so that priests and religious are treated as employees and therefore religious authorities can be held responsible for breaches committed by religious personnel

yes

239. All of the above

yes

240. Other legal changes or reforms (Please provide)

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For SAVAs (Sexual Assault Victims' Advocates)