

Formerly

HEAR

Healesville Education
and Awareness Raising
Re Clergy Sexual
Misconduct and Abuse

Submission

by

Angela Read
Ian Lawther and
Pam Krstic

to

Victorian State
Government Inquiry
into the handling of
Child Abuse by
Religious and other
Non Government
Organisations 2012

Presented on

21st September 2012

Submission Table of Contents

- 1 Cover Letter**
- 2 Submission**

 - 2.1 Confidentiality not requested.....
 - 2.2 Request to attend Inquiry Hearing
 - 2.3 Submission

- 3 Correspondence**.....

 - 3.1 Correspondence overview table
 - 3.2 Copies of Correspondence.....

- 4 Documents**.....

 - 4.1 Document overview table.....
 - 4.2 Copies of Documents.....

- 5 More Newspaper Articles re Healesville**
- 6 Recommendations**.....

Response of Angela Read, Ian Lawther and Pam Krstic
formerly of Healesville Education and Awareness Raising
to the
*Victorian State Government Inquiry into Handling of Child Abuse by
Religious and Other Non-Government Organisations 2012*

We have put this submission together because our children became victims of two paedophile priests at St Brigid's in eleven years. The lies that have since been told to this community were blatant, minimising and somewhat slanderous and showed no regard for Christian principles and the safety of children. As a result, the parish as a whole has alienated and isolated our families.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. The institutional Church has absolutely no idea of the effect of paedophile priests on a community and you can't believe a word they say.^{2 3}

We have each prepared our own submissions to inform this Inquiry about the particulars of the abuse and our personal experiences of the Melbourne Response. In this submission we provide documentation to show the collaborative efforts we made in trying to communicate with those in our parish and the hierarchy in 2006 with a spirit of concern for children and the parish and respect for the Church.

At first a few parishioners responded warmly and were keen to work with us to look at the past in order to work towards safety for our children in the future. Two priests who showed an interest in speaking with us and working with us in working towards healing for victims and the

[REDACTED]

[REDACTED]

[REDACTED]

parish were [REDACTED] moved [REDACTED] away from the parish.

One of these priests actually apologised to a victim's mother for not speaking to her before [REDACTED]

Our submission shows we were so thoroughly shut down by the hierarchy of the Church who would not communicate with us, that we eventually decided we would go to a much broader base and go public. We organised some demonstrations at St Patrick's Cathedral in the lead up to World Youth Day and began to speak to the media.

Over the last four years we have asked for a pastoral meeting with the current parish priest on many occasions with no reply despite the fact that we had been promised a meeting when he first took over the parish. We eventually were given one meeting [REDACTED] in the presence of a Church official.

[REDACTED]

We are still deeply concerned because we know there are many other victims in our parish who have not yet disclosed their abuse because the parish and in some cases their families are in denial. We worry that lack of outreach to these victims may well lead to suicides in the future. [REDACTED]

We are very keen to meet with the Inquiry Committee to further explain what has happened in Healesville. Our experience shows that clergy sexual abuse is not just historic as the Church would have us believe, as Paul Pavlou was only ordained in 2004. Healesville also shows that the response to abuse has not changed either as the shut down and secrecy has been the same over both cases.

Ian Lawther, Angela Read and Pam Krstic

CONTACT FOR INQUIRY COMMITTEE

For information on confidentiality, sending your submission and further resources

Contact Dr Janine Bush, Executive Officer
Phone (03) 8682 2843
Email fcde@parliament.vic.gov.au
Postal Family and Community Development Committee
Parliament House, Spring Street
EAST MELBOURNE VIC 3002

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

Organisation

Angela Read; Pam Krstic and Ian Lawther
formerly
Healesville Education and Awareness Raising Re Clergy Sexual Misconduct and Abuse (HEAR)

SECTION A. About your knowledge of the primary victim(s)

1. How old was the victim(s) when abused?

Victim 1 : Sexually assaulted by David Daniel at 14 years old in 1994
Victim 2 : Sexually assaulted by Paul Pavlou at 14 years old in 2006

2. Where did the abuse take place?

St Brigid's Healesville - Church and presbytery

3. By whom?

Fr David Daniel in Healesville 1990-1994 also spent a short while in Healesville around 1987-8
Fr Paul Pavlou 2005-2006

4. How many known times?

5. Years of your secondary abuse

The secondary abuse we have experienced personally is in our own submissions. This submission addresses the systemic abuse we have experienced as a group who tried to work with the parish in learning from what had happened and working to ensure it couldn't happen again in the future.

We commenced working as a group in 2007 and the abuse continues

6. Did you experience/observe grooming behaviours by the abuser(s)? If so what happened?

All three of us experienced children being groomed under our noses. Details of this can be found at length in our individual submissions.

7. Did you see anyone else being abused?

We saw others being groomed. We hold grave fears for other young people exposed to the offenders.

8. Did you see any other abusers?
[Redacted]
9. Who and how did the victim(s) tell about their abuse?
**This information is to be found in our individual submissions.
Both offenders have been found guilty of criminal offences.**
10. Has anything been done to your knowledge for these victims?
Both victims are very critical of the Melbourne Response and the way their cases were handled. This forms part of our individual submissions.
11. Do you believe victims have still not told about this abuse?
We are very concerned however about other victims from this parish. We know there have been some disclosures although they have not necessarily been reported to the Church and police. There are likely to be others who have not yet disclosed to anybody and their families do not know of their suffering although they may be concerned about their well being without knowing the source of the problems.
12. Do you hold a view or know if there has been death(s) related to these abuses?
[Redacted]
13. Who has died?
This information can be furnished if necessary but not on the public record
14. In what geographical area(s)?
In Healesville

SECTION B. About the primary victim(s) going to the religious or other organisation

15. Did the victim (s) tell the organisation?
Both victims went to the Church first
16. Who did they tell?
**The parish priest
Peter O'Callaghan
Carelink personnel Susan Sharkey and Maria Kirkwood**
17. Were they referred to any police person or station for help?
In both cases the original advice was that no-one else had reported the offender and that the police would probably not be interested. In Daniel's case they meant no one had made a formal written report but led the victim and family to believe that no-one had made any kind of report which was not true. Daniel was a known offender before he came to Healesville. This has been proven in court.
[Redacted]
[Redacted]. **The need for privacy (silence) for the victims and the need to avoid gossip were stressed in a manner that led the parents to believe their children were**

better off in the Catholic system rather than going to the police who 'probably would not be interested' in their case anyway.

In the Daniel case the police came looking for another victim when his relatives made a report.

In the Pavlou case an advocate went with the victim to the police [REDACTED]

18. What did the organisation do about the reporting?

See individual submissions for details of actions with victims

In the Parish

In both cases the priest disappeared and the parish was told he was sick and on leave. All details were kept as secret as possible. Staff at the parish and school were not told the truth. There was no outreach to other victims. No explanation or education for their parents about what they may be facing. No counselling or crisis response team.

[REDACTED]

School staff and parishioners only found out about David Daniel when his conviction appeared in the daily newspaper in 2000. It was not publically acknowledged in the Church or school for many months until a neighbouring parish had a meeting about it [REDACTED] This was advertised only by one line in the newsletter calling on 'those who had been affected' by David Daniel – not those who really needed to be there – the parents of the other victims who did not know they had been harmed.

The situation was the same with Paul Pavlou. The parish was not told the truth. [REDACTED]

[REDACTED]

Staff at the school were warned not to speak to anyone even their partners about the situation. All questions from anyone were to be referred to the principal and parish priest. No counselling or expert advice was offered. No letters went home to parents until more than two years after the priest left when an article appeared in the local paper listing the charges he was facing. At that point the letter is complaining about gossip and instead of calling a meeting, people are invited to come and speak to the priest.

19. What did the organisation's education office or pastoral care do about this victim(s) reporting?

The Church refused to hold a meeting after David Daniel went to jail.

School staff were given a mandatory reporting session but this was before they knew that Daniel was an offender.

No crisis reponse. No community education.

SILENCE – no outreach to victims

After Paul Pavlou disappeared the same methods were used again.

SILENCE – no outreach to victims

20. Were they referred to a counselling person and received payment for this?

See individual submissions

21. Who were they referred by?

See individual submissions

22. Who to?

23. Did they receive any other support, services or payments?

24. Did they go to a religious or other organisation panel, mediation or representative for this?

25. If so where?

26. With whom?

27. What resulted?

28. Did they sign a deed of release, any other written or verbal agreement?

See individual submissions

29. Have they met with a religious leader before or after this agreement?

Meetings have been requested and refused

30. Do they have a better quality of life and/or outlook on life for having done these processes?

31. What needs do they still express?

32. If never reported to the police would the primary victim(s) go to a police liaison person now?

33. Would they like a police consultation about what happened originally with their abuse and throughout the organisation's response processes?

SECTION C. Contact with the religious or other organisation

34. Have you contacted a religious or other organisation regarding your knowledge of the grooming of victim(s) and/or their assault/abuse?

We tried to make contact with parish staff and the parish priest to talk about what happened in the parish and how to ensure it didn't happen again. We wanted to encourage some outreach to families who may have been affected but only in a safe manner in line with best practice and supported by professionals in the field.

The attached documents show the correspondence trail and what we were requesting.

We initially met with some warmth from the pastoral associate and the parish priest

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

First contact with the parish was in May 2007

36. When was your most recent contact?

On the 2nd November 2007 we were told that we would be invited to meet with the new parish priest [REDACTED] who planned to implement a 'parish program'. We were told to be patient and they would contact us. We are still waiting.

**Ian and Angela requested meetings with the priest [REDACTED]
[REDACTED] They both found the meetings very unsatisfactory and realised there was no point in trying to work with [REDACTED] any of the parish**

37. Over what period have you been in contact with the religious or other organisation about your knowledge of the grooming of victim(s) and/or their assault/abuse?

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

We were getting emails from the parish pastoral associate while things were going well. Once the archdiocese shut things down we were only told important information on the phone – no written record.

39. Approximately how many meetings have you had?

3 meetings with a few parishioners. One was attended by the priest Fr [REDACTED]

Angela and Ian have met once each with Fr [REDACTED] and [REDACTED]

40. Approximately how many phone calls have you made?

There have been a number of approaches by Ian for a meeting with Fr [REDACTED] His calls are not answered.

41. Approximately how many phone calls have you received?

2 or 3 from pastoral associate in 2007

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

43. Can you name these people and their roles?

**[REDACTED] Pastoral Associate St Brigid's Parish
[REDACTED] St Brigid's Secretary
[REDACTED] Past Principal St Brigid's Primary School
[REDACTED] Principal St Brigid's Primary School
Fr [REDACTED] Past Parish Priest
Fr [REDACTED] Parish Priest**

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

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

See individual submissions

45. Were you able to get immediate acknowledgement, advice or intervention?

See individual submissions

46. Was a crisis response given to you, your professional organisation or your professional community?

NO!

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

We asked for crisis response and were refused

48. Was it over the phone or in person?

both

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

Concern for other victims and need for safer procedures and practices in the future.

50. If it was the organisation, why did they contact you and what did they say?

51. Were you provided with clear information about the organisation's complaint process?

There was none

52. If so, when did they give you this information?

53. Do you have any documents or correspondence that you would like to refer to? (Materials can include letters sent or received, emails, recordings or transcripts) Please refer to the bottom of this submission assistance document for further space

DATE	FROM	TO	RE
See the attached tables and documents they refer to. HEAR Correspondence and HEAR Documents			

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

[Redacted]

SECTION E. The conducting of your complaint interview

1. Who conducted this interview?
We were refused any meeting as a group to discuss our concerns over the systemic response
2. Who do you believe they represented?
[Redacted]
3. Who were you told they represented?
[Redacted]
4. Who organised your interview?
[Redacted]
5. How long did the interview go for?
[Redacted]
6. Do you know whether it was recorded?
[Redacted]
7. Were you told it was being recorded?
[Redacted]
8. Were you asked your permission to record the interview?
[Redacted]
9. Did the person talking to you write anything down?
[Redacted]
10. Do you know what the person wrote down?
[Redacted]
11. Did you write anything down or your support person?
[Redacted]
12. Was it possible/not possible to do this?
[Redacted]
13. How did you feel being questioned by that person – at ease, comfortable, relaxed, controlled, at ease, uncomfortable, intimidated, rushed, and/or harassed? (Please list)
[Redacted]
14. Were you offered more time for the interview?
[Redacted]

SECTION F. Focus of the interview

15. What type of questions were you asked? Do you remember what the questions were?
[Redacted]
16. Did you feel you were given an opportunity to adequately explain what had happened to you?

- []
17. Did the person ask you precisely where the incident took place?
[]
18. Did the person ask who you had told about the incident?
[]
19. Did the person ask for specific details that would have confirmed when the event happened?
[]
20. Did the person ask you if anyone else was with you or could have witnessed the behaviour you spoke about?
[]
21. Did the person ask you who the other priests or clergy in the area where you said the event took place?
[]
22. Do you know if any other person in authority, religious, clergy or lay, was notified about your experiences and abuse/s? If yes, who?
[]
23. Did you find out later that other people knew about your abuse? If yes, who?
[]
24. Did the person say they knew the person about whom you were making the allegation?
[]
25. Did the person ask appropriate/inappropriate questions?
[**See individual submissions**]
26. Did you find the questions asked intrusive?
[]
27. 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)
[]
28. Was an investigation commenced? Who by?
[**There was never any investigation to see who else might have been harmed**]
29. Was the investigation commenced with/without your knowledge? Who by?
[]

SECTION G. Reporting to the police

30. Were you told of your right to report to the police from the outset?
[**See individual submissions**]
31. Was there a threat to withdraw support if you went to the police?
[]
32. If yes, what do you remember about that?
[]
33. Were you discouraged from reporting to the police? If yes, what was said to discourage you?
[]
34. Did you understand what your rights were in relation to reporting to the police?
[]
35. Did the person explain these to you in a way you could understand?
[]

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

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

The influence is subtle. So much is made of how they keep everything so confidential and the victims need for privacy – by which they mean complete secrecy – that you find the idea of subjecting the victim to further scrutiny as possibly harmful and not a good idea for a good parent protecting their child's privacy to recover.

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

See individual submissions

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

See individual submissions

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

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

SECTION H. If you spoke to the police about the primary victim and your concerns

42. Who did you speak to?

See individual submissions

43. What was their response?

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

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

46. Have they contacted you further?

SECTION J. Actions taken by religious or other organisation

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

See individual submissions

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

See individual submissions

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

See individual submissions

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

See individual submissions

51. 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?

See individual submissions

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

See individual submissions

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

See individual submissions

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

See individual submissions

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

56. Did the person remain in their previous role?

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

58. To your knowledge was the person moved?

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

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

61. To your knowledge did the person offend again?

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

62. 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?

See individual submissions

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

See individual submissions

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

See individual submissions

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

See individual submissions

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

See individual submissions

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

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

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

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

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

See individual submissions

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

See individual submissions

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

This whole submission is about the community response – or lack of it.

The community has been shut down by the hierarchy. Almost all parishioners have been [REDACTED] silent and as a result victims and their families are ostracised and the climate is not safe for any other victims to disclose.

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

The ostracism is abusive and makes life very difficult.

The catholic culture subtly shuts out anyone who 'makes waves'.

This is explained really clearly by Bishop Malone in an article in the Newcastle Herald magazine (see attached documents)

75. If yes, please describe these actions.

We are often ignored as we pass people in the street. People in their embarrassment hide and move away in the supermarket so that we do not meet. They probably do not know that we made many efforts to work with the parish before we felt forced to go out and demonstrate at the cathedral and we are now painted as enemies of Catholicism and people feel we are beyond the pale. [REDACTED]

[REDACTED] Most victims tell us it is a relief to hear outrage from Catholics. It is true however that our ostracism by the parish sends a very powerful message to victims who have not yet disclosed that it is not at all safe to disclose abuse in Healesville even if people are coming out in other more aware and responsive environments.

SECTION L. Counselling and support

76. Were you, the victim or your family offered psychological support or counselling?

See individual submissions

77. Were you, the victim or your family refused psychological care?

See individual submissions

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

See individual submissions

79. Did you receive counselling when you requested it?

See individual submissions

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

81. Who was in charge of this service?
82. Were you offered this service free of charge?
83. Did you have to pay anything?
84. Did you have to use Medicare or private health Insurance?
 See individual submissions
85. 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?
 See individual submissions
86. Were you satisfied with the confidentiality of the counselling, emotional and psychological support?
87. Did you believe the service maintained an independence from the church or other organisation?
88. Did you complain about this service at all? If yes, who handled your complaint?

SECTION M. Pastoral care and support

89. Were you the victim or your family offered pastoral care? By who? Who was offered as pastoral carer?
90. Did you, the victims or your family ask for pastoral meetings or care?
 Repeatedly! Always refused
91. Were you, the victims or your family refused pastoral care or meetings when requested? Who by? If yes, what reasons were provided for refusing you pastoral care?
 When we wrote to Archbishop Hart requesting a pastoral meeting he replied that Maria Kirkwood is his representative for pastoral care.

SECTION N. Education

92. Was any person or program provided for education and information meetings in your organisation or community? Were victims' families informed and acknowledged?
 -
 -
 -
93. Who was provided?

94. What was provided?

Nothing that bears any resemblance to world's best practice. No involvement of child protection professionals or counsellors. [REDACTED] No information.

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

See individual submissions – re teachers with concerns

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

Nothing - See individual submissions

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

98. What is their role?

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

**At the time of Paul Pavlou being stood down, there was no information available on the Archdiocese website and no one in the parish knew how to report a priest. A web search did not locate any information. Angela Ryan of the Catholic Professional Standards Office told us that to find a link to Towards Healing you have to go to the CASA website and use their search facility.
We raised this issue with the press and this has been addressed since the police spoke to the Archdiocese.**

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

100. Were you offered or given gifts?

See individual submissions

101. Were you offered or given money?

See individual submissions

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

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

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

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

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

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

108. Were you bound by any confidentiality agreements?

109. Did you receive any legal advice?

110. If yes, who were you referred to?

[]
111. Who paid for your legal advice?
[]

SECTION Q. If you were offered monetary compensation or gifts

112. Were you or the victim offered or refused reimbursement for medical expenses which arose from your injuries?
[See individual submissions]
113. How was the payment/gift made to you or the victim? (Cheque, Cash, Bank Transfer, Visa Card, payment of bills, replacement of household items, travel or accommodation etc)
[]
114. Can you provide a copy of the relevant documents relating to these payments/gifts?
[]
115. Did you believe that you still had a right to consult with civil authorities or the police?
[]
116. Did anyone offer or give you or the victim any money/gifts at any time throughout the process?
[]
117. Did anyone offer you or the victim predictions about how much money you would be entitled to?
[]
118. Did you or the victim understand what conditions were placed on you in accepting money/gifts?
[]
119. Did anyone explain any conditions you or the victim had to abide by when accepting the money/gift?
[]
120. If yes, please describe who explained these terms and conditions and what the terms and conditions were.
[]
121. Were you or the victim provided with any written information?
[]
122. Please include any documents you feel are relevant
[]

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

123. How did it happen that you were provided with money or payment resulting from your victimisation?
[]
124. Was it a hearing, panel, facilitated meeting and/or mediations?
[]
125. Did you understand the purpose of the hearing, panel, facilitated meeting and/or mediations?
126. Can you describe what you believed was the purpose of the hearing was?
[]
127. Did you go before a panel with regards to you receiving money/gifts?
[]
128. How was the hearing, panel, facilitated meeting and/or mediation organised?

- []
129. Did you know who would be present at your hearing, panel, facilitated meeting and/or mediations?
[]
130. Can you describe who you thought would be present at your hearing, panel, facilitated meeting and/or mediations?
[]
131. Were you able to tell the hearing/panel what had happened to you and how you had suffered?
[]
132. Did you have any representation or a support person/advocate at any stage?
[]
133. If yes, was the support person/advocate of your choice or appointed by the religious or other organisations?
[]
134. At what stages was this support person present?
[]
135. Did you seek legal advice?
[]
136. Were you advised of your right to seek legal advice at any stage?
[]
137. Were you advised of your right to seek a support person/advocate at any stage?
[]
138. Did you receive money or gifts outside the hearing, panel, facilitated meeting and/or mediations process?
[]
139. How was this money/gift given to you or the victim? Why?
[]
140. Briefly describe how you felt during and after your hearing, panel, facilitated meeting and/or mediations?
[]

SECTION 5. Satisfaction with process

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

The response process has been abusive. It has led to our ostracisation from our faith community and friendship group and we now have difficulty with knowing who to trust in our home town. We have lost all faith in the hierarchy who have covered up and harmed not only our families but the families of those who have not yet disclosed. They have been deliberately (not negligently) left to struggle on their own.

We are all struggling with our health and well-being and financially as a result of all that has happened to us over the last 12 years.

But all of this is nothing to the harm done by not reaching out to those harmed in Healesville and not educating their families so that they could be supportive in the aftermath of their criminal abuse.

What has been inflicted on us has been a very powerful message to victims – Healesville parish is not a safe place to speak up.

142. Was your complaint adequately investigated?

No

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

No other people were permitted involvement. There was no one to complain to.

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

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

No - we were referred back to the one we were complaining about.

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

We were refused a meeting with anyone but Maria Kirkwood

147. 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 avenue for appeal

148. 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?

149. Did you take your dissatisfaction complaints elsewhere?

Eventually we were forced to take our complaints to demonstrations at the Cathedral and then to the media.

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

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

We are counting on this Parliamentary Inquiry to recognise the need for outreach and to mandate a change in the crisis response in parishes.

152. Did you find these processes unnecessarily legalistic?

We have been aware all along that lawyers were orchestrating the Church's response to us. There has been no sign of Christianity or gospel values in our dealings with the Church over these matters.

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

153. 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?

This is well covered in our other submissions but it is important to note [REDACTED], principals still refer all sexual abuse matters to the CEO and archdiocese when the priest is the offender. All responses are orchestrated from there.

It does not seem that there is any knowledge of world's best practice in crisis response or any consultation with child protection professionals by the CEO or Archdiocese personnel.

It does not seem possible that the personnel we have been forced to deal with in these matters have received any current training in best practice response to child sexual abuse. If they have, then that would make their response even more diabolical than it already is.

Catholic culture shapes our behaviour very subtly. Catholics pick up vibes and meaningful silences as described by Bishop Malone in the attached document

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

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

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

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

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

See individual submissions

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

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

In 2008 the parish promised us a meeting with Fr [REDACTED] and consultation over a parish education program for all parishioners to address safe environments. We are still waiting! We have been told that we are not allowed to know who is on the committee who has put out a 'code of conduct' for the parish. The code of conduct is woefully inadequate as a policy and has obviously not been prepared in consultation with experts or professionals nor have the writers received best practice training for the task.

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

They have done all they can to ensure we have no voice.

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

SECTION U. Recommendations for improvement

163. What actions could the Church 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?

- **Abolish the present response** and all personnel involved – they are tainted even if well-meaning and genuine and must be reassigned far away from new response.
- Work with state authorities, child welfare professionals and complainant representatives to **establish truly independent entities** to oversee
 - (1) **establishing and maintaining safe environments**
 - (2) **justice for victims**;
- Work with state authorities, independent trauma specialist psychologists, child welfare professionals and victims to **establish best practice education programs** for all – priests, lay workers, employees including school staff; volunteers, parents; other parishioners and children;
- Work with state authorities, police and independent child welfare professionals to **establish and implement adequate scenario training for mandatory reporting**;
- Ensure that **all sexual matters are reported to specialist police officers** and child protection professionals not the CEO or archdiocesan officials;
- Work with state authorities and independent child welfare professionals to **establish policies and procedures to create safe environments** – examining the various models around the world and adapting them to ensure we adopt world’s best practice;
- **Adopt the paramountcy principle** – that the well-being of children and vulnerable adults takes precedence over the ‘natural justice’ they keep affording the perpetrator – these must not be balanced as of equal weight!
- Work with state authorities, independent trauma specialist psychologists, child welfare professionals and victims representatives to **establish best practice crisis response** for when an allegation is made. A response team should include independent trauma specialist welfare professionals and psychologists as well as police and specially trained church pastoral workers;
- Work with state authorities, police, independent trauma specialist psychologists, welfare professionals, lawyers and victim representatives **to establish best practice response to victims**;
- This response should include the **provision of a case worker/advocate** to liaise with families, police, mental health professionals, welfare agencies and Centrelink etc for the victim if he/she so wishes;
- **Nominate entity to be sued** by victims and **agree to be a model litigant** (as the government has in cases of sexual abuse in government institutions)
- **Implement a completely independent complaints procedure**
- **All of the above must be accountable** to the independent board and **reviewed and audited by an entity established by the government** who have the ultimate responsibility to ensure the safety of Victorian children.
- Abolish statute of limitations completely in canon law for clergy sexual abuse
- Canon law norms to include zero tolerance of any offending including for credible allegations even if offender not prosecuted in criminal law courts
- Ensure that canon law hearings do not drag out for twelve years as they have in the US.

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

SECTION V. What actions could the Church 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)

165. Statute of Limitations

Abolish Statute of limitations for child sexual abuse for canon law and Victorian Law

166. The organisation not being a legal entity

This must be addressed. The Church is unlikely to do this so it must be mandated by government legal reform

167. The organisations assets not being protected by property trusts

Again this requires action - Government law reform

168. Personnel not being considered employees

This is ludicrous. Victorian law must require that any organisation working with children has a well-established pathway of responsibility and, if they do not then, they should not be registered to have care of or jurisdiction over children in Victoria

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

The people of Victoria are entitled to demand that the Church acknowledge that they are responsible for their priest's debts if they expect them to take a vow of poverty.

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

The power of the priest in a parish and in the parish school must be addressed. He is the employer of the principal and teachers and they fear for their jobs if they make allegations against him. Priests should not be in sole charge of a school. The schools should be part of an accountable system. The school board should have some power to stand against him but they don't unless he gives it to them.

It is painful being a whistleblower – they should have some recourse for lost career and financial security

Only by knowing that they may face a jail term will priests or other underlings disobey their bishop. That is why it is really important to prosecute those who have endangered children following the directions of a bishop or the Vatican.

171. All of the above.

Yes

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)

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

Definitely – as the legislation in Ireland – no exceptions. Leave it to the magistrate to consider mitigating circumstances re confession in sentencing but don't give it as an exception in law.

173. 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

Absolutely essential! Ongoing, regularly reviewed, best practice training accountable to and audited by government. This training must be prepared and delivered by experts – not like the mandatory reporting training that has been done in some Catholic schools by Catholics who obviously allowed teachers to feel that reporting to the CEO was adequate.

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

This is a no brainer but will require firm insistence by the government because it will be resisted by the Church. See the appalling May our Children Flourish Document as an example. The police don't even feature in the actual flowchart for reporting but are in small print as an aside in the margin.

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

Paul Pavlou was only ordained in 2004, two years before he was charged. The Church has been telling us they have adequate screening happening. They don't. See also answer to 173.

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

A crisis response team could ensure that parishioners do not allow the suspect to denigrate the victim.
Police and government need to grapple with the fact that charged offenders are out mixing with children as they please until the trial. In Paul Pavlou's case, a parishioner was horrified to see him wandering through Billanook College with a group of four early-teenage boys one night when she was there for a parent information evening. It was obvious that he did so often. The police told her that there was nothing they could do as he had not yet been found guilty.
Surely restrictions can be placed as a condition of bail. If so then this should be being used.

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

The response system needs to have trained personnel at the parish, regional (deanery) and diocesan level. All levels should be required to liaise and work with the state authorities at the same levels. This should include working in local hubs with counterparts from other Church and organisations personnel for training and support in their roles.
The organisation needs to be transparent and apparent. Unlike the secretive and hard to find responses at present.

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

This is absolutely essential and how this is done will need to be well thought out. It is not acceptable to just find two amenable victims and assume that they do represent all victims – take for example the token victims chosen to meet the Pope. It can cause more dissention.

179. Feedback and regular review should be embedded in the process to ensure complaints and service delivery is at an appropriate high level.

Cannot emphasise that enough. This should be audited by independent government appointed entity (paid for by the churches/organisations it audits)

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

This has largely been ignored and yet is a huge part of the personal pain but also the family division in the aftermath of clergy sexual abuse. Even victims who have not yet disclosed can be enraged by their parents continuing support for a faith that has so harmed them. The parents may not even know where the rage is coming from as they are unaware of the abuse. The breakdown in family relationship can be insidious and devastating and parents need to be made aware of it.

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

This is terribly important. They all suffer but in different ways. In some cases victims don't want contact with the Church or any support services but they can be supported through their families.

The parents of clergy victims suffer terrible guilt for endangering their child through their choices.

Many of the parents and siblings of clergy abuse victims I know have suffered devastating mental health problems as a result of the trauma.

182. 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

In Ireland, when considering this matter, it was decided that Canon law has no more jurisdiction than the rules of a golf club might have for example.

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

This is a necessary step. Paul Pavlou was ordained in 2004 only two years before the offences for which he was convicted and long after the Archdiocese claimed steps had been taken to screen seminarians. His behaviours were obvious to us. Someone should have picked this up.

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

The kind of work priests do is comparable to social work and they have a system of supervision or debriefing which could be utilised or developed for priests.

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

Funding of an caseworker/advocate and all the assistance in a one stop shop would be helpful, but a system of vouchers such as used by the bushfire victims would work too.

186. 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.

This is a much needed field of work and they must receive best practice training from trauma experts – not the Church only.

-
187. Would any of the following changes to the law improve access to justice for victims?
(Please indicate)
188. Statute of Limitations - amended to allow historical abuse claims
- No limit for child sexual abuse as some are not ready to disclose until they are in their 50s-60s +
189. Amend the corporations law so that the authority is legally a corporation and capable of being sued over time
- Vital
190. Amend property trust legislation in each state to prevent the church authority form protecting its assets form civil suites
- They should not have these legal loopholes.
191. 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
- Essential to ensure that any organisation with staff who work with children is essentially responsible for their staff's actions otherwise there is no incentive for them to ensure they are safe.
192. All of the above
- YES
193. Other legal changes or reforms (Please provide)
- Mandatory reporting legislation must be amended to include grooming as reportable. Victorian legislation makes little or no mention of it.
 NSW law explains grooming in the legislation and describes patterns of behaviour as reportable.
 This must be backed up by far better training than is currently being delivered.

 NSW also has an ombudsman to report to and who is responsible for audits of organisations. This would be a great improvement here.

 It would be better if changes that evolve from this inquiry were not ad hoc knee jerk reactions that set up piecemeal systems that are not fully integrated into the child welfare / education system.

 You can see why if you look at the problems that arose in the recent ombudsman's report about welfare, corrections and police not being fully integrated and minors falling through the cracks as a result.

 Our whole community is responsible for the well-being of Victorian children and the systems to support their well-being should be well integrated.

 The Irish and UK Church child protection systems are fully integrated with the secular systems. This uniformity ensures greater accountability and it makes sense that childcare and school personnel, together with workers from sports and hobby centres and

Churches etc all know that they have similar systems, uniform vocabulary and a general understanding that is in line with the state welfare authorities.

Although the US Church has developed widespread training for parish and Church personnel and they have a National Review Board, this all operates completely separately from all other child welfare. This is not as safe a model. It may be easier to implement to start with but for genuinely safe communities an integrated approach is far superior.

Send your completed submission to the Family and Community Development Office

Email: fcde@parliament.vic.gov.au

Postal: Family and Community Development Committee

Parliament House, Spring Street

EAST MELBOURNE VIC 3002

Recommendations

Church

- Abolish the present response and all personnel involved – they are tainted even if well-meaning and genuine and must be reassigned far away from new response.
- Work with state authorities, child welfare professionals and complainant representatives to establish truly independent entities to oversee
 - (1) establishing and maintaining safe environments
 - (2) justice for victims;
- Work with state authorities, independent trauma specialist psychologists, child welfare professionals and victims to establish best practice education programs for all – priests, lay workers, employees including school staff; volunteers, parents; other parishioners and children;
- Work with state authorities, police and independent child welfare professionals to establish and implement adequate scenario training for mandatory reporting;
- Ensure that all sexual matters are reported to specialist police officers and child protection professionals not the CEO or archdiocesan officials;
- Work with state authorities and independent child welfare professionals to establish policies and procedures to create safe environments – examining the various models around the world and adapting them to ensure we adopt world's best practice;
- Adopt the paramouncy principle – that the well-being of children and vulnerable adults takes precedence over the 'natural justice' they keep affording the perpetrator – these must not be balanced as of equal weight!

- Work with state authorities, independent trauma specialist psychologists, child welfare professionals and victims representatives to establish best practice crisis response for when an allegation is made. A response team should include independent trauma specialist welfare professionals and psychologists as well as police and specially trained church pastoral workers;
- Work with state authorities, police, independent trauma specialist psychologists, welfare professionals, lawyers and victim representatives to establish best practice response to victims;
- This response should include the provision of a case worker/advocate to liaise with families, police, mental health professionals, welfare agencies and Centrelink etc for the victim if he/she so wishes;
- Nominate entity to be sued by victims and agree to be a model litigant (as the government has in cases of sexual abuse in government institutions)
- Implement a completely independent complaints procedure
- All of the above must be accountable to the independent board and reviewed and audited by an entity established by the government who have the ultimate responsibility to ensure the safety of Victorian children.
- Abolish statute of limitations completely in canon law for clergy sexual abuse
- Canon law norms to include zero tolerance of any offending including for credible allegations even if offender not prosecuted in criminal law courts
- Ensure that canon law hearings do not drag out for twelve years as they have in the US.

Government Action / Law Reform

- Prosecute those who have endangered children. Only by knowing that they may face a jail term will priests or other underlings disobey their bishop. That is why it is really important to prosecute those who have endangered children following the directions of a bishop or the Vatican.
- Establish an ombudsman with powers and a multi-disciplinary body to oversee all responses. All organisations to be accountable to this body which will regularly review/audit response system to ensure best practice.
- This body should ensure all the recommendations under the 'Church' heading above are addressed by the Church
- Mandatory reporting must be extended to cover all adults. The laws must also make grooming reportable. The laws need to explain grooming in the way NSW law does, if not better.
- Abolish Statute of limitations for child sexual abuse for all Victorian Law – criminal and civil litigation.
- The Church must be a legal entity. The Church is unlikely to do this so it must be mandated by government legal reform
- Law reform must ensure the Church's assets are not protected by property trusts
- Priests must legally be employees. Victorian law must require that any organisation working with children has a well-established pathway of responsibility and, if they do not then, they should not be registered to have care of or jurisdiction over children in Victoria
- The people of Victoria are entitled to demand that the Church acknowledge that they are responsible for their priest's debts if they expect them to take a vow of poverty.

- The power of the priest in a parish and in the parish school must be addressed. He is the employer of the principal and teachers and they fear for their jobs if they make allegations against him. Priests should not be in sole charge of a school.
- Schools should be part of an accountable system not a single entity under the charge of one priest. The school board should have some power to stand against him but they don't unless he gives it to them.
- It is painful being a whistleblower – they should have some recourse for lost career and financial security. Workcare is not an adequate response for this.

Police and Responding Professionals

- Better resourcing of police and professionals responding to abuse
- Better training for all police to ensure they are fully aware of best practice in responding to child sexual abuse in all situations and particularly clergy abuse. This must include an understanding of the dynamics of disclosure and concern for other possible victims despite this causing a greater workload.
- Police should investigate all allegations of child sexual abuse thoroughly treating the case as that of a possible serial offender. Offenders usually have patterns of behaviour over many years and these should be looked into to ensure other possible victims are resourced with support and given the opportunity to report. This must be done very carefully in cooperation with a well-resourced, professional team of trauma psychologists and welfare workers.

Outreach to affected families is vital

An overarching recommendation is that all Victorian families be given training in recognising healthy/unhealthy adult child relationships, grooming, signs of abuse and dynamics of disclosure as just one part of a comprehensive parenting education package. This training delivered through children's welfare community hubs and ensure well attended by linking with family tax payments eligibility.

All children participate in empowerment programs that deal with bullying and abuse by adults

The cost of this will be recovered over time as the huge cost to the community once children have been abused is well established.