

Responding to the
Victorian State Government Inquiry into Handling of Child Abuse by
Religious and Other Non-Government Organisations 2012

SECONDARY

PRIMARY VICTIMS SUBMISSION QUESTIONNAIRE

Prepared by Independent Consultants
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PERSONAL DETAILS

Title:

Miss

Ms

Mrs

Mr

Dr

Other (Please specify)

First Name

Surname

Phone Number

Address

Suburb

State

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

Organisation

Position/Title

Summary

Starting in 1962, my brother Gavan was abused and raped over a period of three years from age 12-14 by the Very Reverend Monsignor Penn Jones, Chancellor of the Archdiocese of Melbourne. Gavan was invalided out of the Education Department in 1999 at age 51 due to alcoholism and died of neglect in November 2005.

He admitted the abuse to me in late 2004 and very much to my regret I persuaded him to approach the Archdiocese of Melbourne for assistance with his physical and mental health. This decision of mine continues to cause much personal pain.

Gavan was interviewed by QC Peter O'Callaghan on behalf of the Melbourne Response in February 2005. He was treated with respect and his story was accepted. However, he received minimal support and his mental condition deteriorated rapidly.

Six weeks later he was assessed by Carelink Counselling Services on behalf of the Melbourne Response, and again one week later. There is no substantive evidence that he was offered counselling or support at that time, and his condition continued to deteriorate. Concerned about his condition, a friend contacted Peter O'Callaghan, who in turn contacted Carelink. There is no evidence that they responded.

In August 2005 he was referred to the Melbourne Clinic for assessment of his alcoholism, who offered respite but recommended a more comprehensive program than they were able to provide. Gavan did not agree to attend the Melbourne Clinic, and there is no hard evidence that he was offered any alternative by Carelink, or given any counselling.

During interviews with Melbourne Response, Gavan made several requests to redress the effects of his abuse. No money was requested. Not one request was addressed.

Gavan attended the Compensation Panel in October 2005. The supporting reports from Peter O'Callaghan and Carelink minimised the long term impact of his abuse, blaming his alcoholism on Gavan for starting to drink heavily at an early age. There was no comment made on his deteriorating health. He was offered a lump sum in compensation, which he was incapable of managing, and no other support. He died within days after the cheque arrived.

In April 2005, I decided to write to Archbishop Hart to have some of Gavan's requests acted on. Little did I know that this would take two years and leave me traumatised, with a permanent phobia for Bishops, even though I did achieve some success.

The effects of this saga on our family has been a nightmare. We accepted and loved Gavan with all his faults, but we did not anticipate the lies, deception, prevarication and inaction of our Church.

The Melbourne Response is flawed and needs to be disbanded and replaced with a compassionate, caring system with in-built checks and balances.

Jillianne Mather

Who I am.

Jillianne Rita Mather, nee Jillianne Rita Boyle - born [REDACTED] 1946 to Vincent and Vivien Boyle.

My older brother is James Lindsay Boyle born in 1940, and my younger brother was Gavan John Boyle born [REDACTED] 1948 and died prematurely on November 20, 2005 . Gavan was born, lived, worked and died in Victoria. I grew up in Victoria but moved away in 1967 to work as an Australian Volunteer Abroad in Malaysia for two years, then worked in Melbourne for 18 months before marrying and moving to Canada. With my husband Jim Mather and our three children we returned to live in [REDACTED] Australia in 1977.

What I did.

In late 2004 during one of our many long conversations on the phone, Gavan told me that the Very Reverend Monsignor Penn Jones had raped him when he was at altar boys camp in Shoreham more than 40 years previously. He said he had been reading in the paper about a case of priest raping a young boy years ago, and this brought back memories he had suppressed for many years. I immediately felt the gears spinning around in my head fall into place. "That explains it. Now I can understand why Gavan is like he is." Gavan's life had been spiralling downwards for some 10 years, leading to his being invalided out of the teaching profession at age 51 due to alcoholism.

My first thought was to give him support. I believed him totally. I offered to immediately fly over and be with him because I instinctively knew he was in for a long and arduous and difficult journey coming to terms with revealing this pain to himself, to me and to others. I really had little or no knowledge of the effects of child sex abuse except that they were bad, long-lasting and often emerged later in life. Because I worked closely in my parish office with a number of priests in the [REDACTED] Diocese I came across many of the Catholic Church documents on Towards Healing emerging at that time. I was conscious of their contents but not the specifics. The overall impression I had from them was that the Church recognised the issue of child sex abuse by priests and religious and looked after the victims, following an expertly-devised protocol, treating their pain and suffering, offering and supplying all kinds of professional and pastoral support as needed, and providing financial compensation.

Gavan did not want me to come to Melbourne. I respected that decision but immediately rang my older brother Jim Boyle and he jumped in his car to go to him. [REDACTED]

[REDACTED] We both felt that revealing this sexual abuse was extremely painful and Gavan needed support. Gavan did tell me he had spoken to Bernie Barrett at Broken Rites who took down his story and offered group discussion but he declined. Gavan said to me he was only interested in whether Broken Rites knew whether there were other victims of Penn Jones so he would be able to collaborate their stories.

Over the next weeks I talked to Gavan about contacting the Archdiocese as I believed there was expert help for him so that the pain could be reduced and his life made easier. I truly believed the church had the victims' welfare at heart and would do everything possible to help. But Gavan initially refused to speak about it to them, saying "It's a waste of time. All they do, particularly under the Pell Process, is throw a small amount of money at you so you'll go away". "No No," I said. "I know what

the church does - professional counselling, medical and pastoral support is given. Caring for the victims is their priority." I had worked closely with a large number of priests in my parish and the [REDACTED] Diocese, including Bishop Peter Quinn.

Gavan said he did not want the money. He was only interested in getting Penn Jones stripped of the papal honours bestowed upon him as described by the title - The Very Reverend Monsignor - Penn Jones. And he said the man was honoured with his name on a plaque in St Patrick's Cathedral and "I want that to go. Then I'll be happy."

I was eventually able to convince Gavan to report Penn Jones to the Melbourne Archdiocese because it had the authority and power to strip the title from the man, even though he was dead. We lay people couldn't, and the government certainly couldn't; And the Archbishop was the only one who could remove The Very Reverend Monsignor Penn Jones' name from the plaque in St Patrick's Cathedral.

As had been the custom for years, we spoke by phone often (somewhere between 5 and 10 times a week). He eventually agreed to speak to the Independent Commissioner Peter O'Callaghan but he again refused my help (and Jimmy's) to walk the journey with him. He wanted to do it himself.

And convincing him to go to the Melbourne Response is the worst thing I ever did for my brother.

It was worse than the guilt I felt at not protecting him from a paedophile.¹

I have to bear that pain knowing that I coerced him into becoming part of the Melbourne Response and I believe it harmed him more. He opened his wounds for all to see and they were left gaping and bloodied. He died a totally broken man.

And no one in the church gave a

That is the pain I bear. And yet it is so little compared to Gavan's journey of horror.

What the Church did.

I believe the Melbourne Archdiocese's response to Gavan's revelations that he was raped and forced to masturbate by the Very Reverend Monsignor Penn Jones made him suffer more, which in turn affected me greatly, and continues to do so. In fact I believe Gavan gave up on life by not seeking any medical attention when he was ill - suicide by another name. My brother Jim Boyle is detailing most of his last couple of weeks to this enquiry.

I believe the Melbourne Archbishop's response to me, when I tried to help my brother by asking for action on the two issues Gavan felt were most important, was appalling and reprehensible. I remain extremely concerned about the Melbourne Archbishop's continuing failure to seek other victims of Penn Jones, and his failure to correct Penn Jones' exemplary public record.

¹ Throughout my first year at school Gavan spent more on my knee in class than in his kindergarten. Mum was a teacher at the school and she needed to work as my Dad was ill with tuberculosis of the kidneys, and couldn't look after 3 year old Gavan at home. Gavan was very small, as well as young for the kindy, and wore glasses so was a prey to bullies. I was his big sister who cared for and protected him. So from the time I was five until 12 years old, at primary school I always looked out for Gavan as that was my job in the family. Jimmy was seven years older so did not attend the same school.

I believe the majority of bishops in Australia have harmed the cause of victims by continuing to support a process that is self-serving, legalistic, minimises compensation and dodges responsibility wherever possible, and does not have the care of the victims at heart. The former Papal Nuncio, the late Archbishop Ambrose de Paoli, is one of the few church officials who responded to us with care and sympathy.

I believe the practice I have personally observed of moving priests with a past sexual abuse history around and across dioceses is criminal and a gross misuse of power. It is a practice that is alive and well.

At great cost to ourselves physically, mentally and monetarily, my brother Jim and I, and our spouses, have tried unsuccessfully to get the Church to review and reassess the Melbourne Response. We have worked through the Church channels, through the Melbourne Victims Collective and now, at last, through this enquiry.

Legalistic and power-filled Interview

When a person contacts the Melbourne Archdiocese about a rape and abuse within the Catholic Church the Independent Commissioner, Peter O'Callaghan, is the first and only choice of contact. Peter O'Callaghan is a skilled and experienced Queen's Counsel. He questions the victim about what happened to see if it is the truth. The victim is told that anything said may be used in evidence if they seek legal redress outside the Melbourne Response. A victim who has decided to reveal the abuse would rarely be in a fit and proper state to assess the implications of that statement.

I believe Peter O'Callaghan is a kind and generous man and he treated Gavan with utmost respect. However I do not believe he is in a position to provide independent representation to a victim of sexual abuse by a member of the Archdiocese of Melbourne, and he does not have the professional training to effectively deal with the traumatic process of disclosure of rape.

[REDACTED]

There was none of the specialised support one would expect to support the victim in his current crisis of revealing the abuse, especially some 40 years after the event. No one skilled in the area of rape crisis was available to the victim. In Gavan's case it is clear his mental, physical and emotional condition deteriorated after he revealed the details of Penn Jones rape and abuse.

I believe this initial interview and assessment was entirely inappropriate for a rape victim, and victim support was minimal.

Non-specialist Assessment by Carelink

Gavan was first assessed six weeks after his interview with O'Callaghan by the Archbishop Pell appointed Carelink staff Professor Richard Ball [REDACTED]. Professor Ball has also provided expert psychiatric reports which have been used in court for the defence of Catholic clergy accused of sexual abuse. He has also helped treat Catholic priests accused of sexual

abuse, including a colleague of Penn Jones.² The conflict of interest should be obvious! I do not believe Ball has any qualifications specific to assessing and treating victims of child sex abuse, and in particular assessing and treating those who reveal the abuse much later in adult life.

Hence I believe the assessment of Gavan's mental and emotional state, plus his alcohol addiction was not in line with current best practices which should be the standard the church uses if it is honest about caring for victims. One could argue that Professor Ball's views could be skewed to favour clergy as he is paid by the archdiocese, and as he is used as a witness for the defence of priests it could be viewed as having a conflict of interest.

Susan Sharkey, psychologist, was also present at the interviews and represented herself to Gavan as a psychologist but made no assessment on Gavan's condition. It was later stated she was there purely as an administrator for Carelink. She did not sign the report on Gavan. [REDACTED]

[REDACTED] Gavan gave permission for his medical and other relevant records to be obtained from his GP and others but Carelink staff apparently did not access the information as part of the assessment of Gavan's condition, as no mention was made.

In summary, I believe any support by Carelink was tardy and manifestly inadequate.

The Church Response to what Gavan wanted

In his first formal interview with the Church's Independent Commissioner Peter O'Callaghan, QC, Gavan requested that Penn Jones' name be taken off the plaque in the cathedral, and he be stripped of his Papal Honours - the title The Very Reverend Monsignor. POC's response was "...I hear what you say".³ Gavan had no response to this request from the Archdiocese.

Gavan also asked Peter O'Callaghan for a public apology from the Archdiocese for Penn Jones' wrongdoing with himself and others⁴. POC said he would get a personal apology and would not be bound to confidentiality. My personal requests to Archbishop Denis Hart for a public apology and for the plaque to be removed were also ignored.

Gavan asked Carelink for proper counselling⁵ yet he was offered nothing in the way of specialised treatment for sexual abuse victims. In an interview with Jim and [REDACTED] Boyle, Carelink said Gavan would not accept counselling "and there was nothing we could do"⁶. [REDACTED]

I repeatedly asked him what Carelink was doing for him and he'd say "nothing", or they've told me the compensation panel interview is in a couple of weeks.

If the Church had responded positively to ANY one of these request, I believe it would have had a very positive effect in reducing Gavan's evident distress.

² Fia Cummings Sun Herald, Jun 2, 2002

³ Transcript of POC interview with Gavan Boyle, February 22, 2005, Page 16

⁴ Transcript of POC interview with Gavan Boyle, February 22, 2005, Page 17

⁵ Carelink Questionnaire A (Primary), Gavan Boyle, p18, April 7, 2005

⁶ Interview Jim Boyle with Richard Ball, Feb 20, 2006, Page 15.

Compensation Panel

Gavan told me that POC's letter said he would be sent to the Compensation Panel and he understood that would be at the end of April. From April through to October he kept telling me that it is postponed - 'they're too busy' is the sort of comment I would be offered when I questioned him. He attended the Panel on October 11, 2005. That was a delay of more than 20 weeks. He declined offers of support from Jimmy and myself to attend the Panel hearing, saying that Peter O'Callaghan was supporting him.

When Gavan did meet with the four illustrious members of the Compensation Panel he was an extremely frail sick man who could not walk and weighed about 36kg. POC and Richard Ball of Carelink wrote a "report" for the Panel [REDACTED] made no links between the abuse and his subsequent alcoholism - "He unfortunately began to drink when he was quite young"⁷

In his letter to the panel POC reiterated that Gavan had been raped by Penn Jones and Ball basically said "there was some loss of faith" as a result. [REDACTED]

[REDACTED]
[REDACTED] There was no indication in these reports that Gavan's condition had deteriorated markedly since he had revealed his abuse to the Melbourne Response. [REDACTED]
[REDACTED]

The decision of the Panel was to award Gavan a lump sum of \$37,000. This decision was counter to the recommendation of the consulting psychiatrist for the Government Superannuation Board when Gavan retired due to alcoholism in 1999¹⁰, as he was considered to be incapable of managing a lump sum payment. There was no reference to this in the Carelink Report to the Panel.

In summary, the reports to the Compensation Panel minimised the impact of the abuse on Gavan, and the Panel's decision was flawed.

Advocacy and support

Gavan's first contact with the Archdiocese of Melbourne about being raped by a priest was with Peter O'Callaghan (POC) sometime in late November/ December 2004. Gavan did not get a formal interview until February 22, 2005. A delay of 8 to 12 weeks.

⁷ Carelink Confidential Report on Mr Gavan Boyle, page 4, Oct 3, 2005

⁸ The Black Hole of Trauma, B. Van Der Kolk & A. McFarlane, in Traumatic Stress, The Guildford Press, 1996

⁹ [REDACTED]
¹⁰ Psychiatric Report, Mr Gavan Boyle, 11 Aug 1999, Page 3.

POC offered no immediate support in 2004 or 2005 to mitigate the trauma associated with the revelation. I expected, and certainly believed that the setup would be similar to that found in any Rape Crisis Centre.¹¹

On March 15, 2005 POC sent Gavan a letter of acknowledgement on legal letterhead that he had been raped and abused by The Very Reverend Penn Jones. He referred Gavan to Carelink , an agency set up to provide free counselling and psychological support; and to the Compensation Panel for compensation.¹²

Gavan believed POC was his advocate and told me many times that I did not need to come over to help him as he had POC to look out for him. I see no evidence that POC took on that role for Gavan.

It was not until 7 April that Gavan was first interviewed but not treated or counselled in any way by Carelink Counselling Services. He was interviewed again on 14 April, then had no support until he was referred to an alcoholism specialist, [REDACTED], on 8 August.

I believe this lack of support severely affected Gavan. From the time Gavan revealed his abuse his life became more chaotic. See Page 5 of my 2008 statement on effects of Gavan's abuse on me.¹³ It appears Gavan also showed severe signs of distress to friend [REDACTED]

[REDACTED] contacted POC on April 10 2005, three days after Gavan's first interview with Carelink, concerned that Gavan was in a bad way. POC said he passed this information to Carelink.¹⁵ There is no evidence to suggest that Carelink did anything about this.

It appears to me that no one in the Catholic Archdiocese of Melbourne expected this kind of response from a person who has revealed childhood sexual abuse more than 40 years earlier, did not know what to do about it, could not do anything about it , or maybe, would not do anything about it. But experienced professionals in the field would know the consequences and respond in a professional manner to mitigate the trauma of revelation.¹⁶

¹¹ <http://www.nswrapecrisis.com.au/AboutUs/WhatWeOffer.aspx>

¹² Letter POC to Gavan Boyle, 15 Mar, 2005

¹³ Secondary Victims' Impact Statement - Jill Mather, May 29, 2008

¹⁴ As part of his submission to the above boards defending the Carelink staff POC said Gavan had been frequently phoning his office and his secretary found it distressing

¹⁵ [REDACTED]

¹⁶ <http://www.nswrapecrisis.com.au/AboutUs/WhatWeOffer.aspx>

So the Melbourne Response to Gavan was

1. Referred him to a QC lawyer, POC, [REDACTED], and definitely was not his advocate. POC referred him to ...
 2. Carelink - an agency for free counselling and support which gave him a 2 hour interview detailing his rape and life in general, followed by a questionnaire that Gavan could barely fill out¹⁷. A week later in the second two hour interview Gavan said that in the past week he had been depressed, crying and sleepless. "Well we did cover a lot of ground. Let's just tidy a few things up." was the response from Richard Ball¹⁸. [REDACTED]
[REDACTED]
[REDACTED]
 3. Carelink referred him to Melbourne Clinic in August 2005, 6 months after the initial interview by POC. There, Dr [REDACTED] believed Gavan was seeing Carelink to work on his past history (meaning being sexually abused by a priest). Melbourne Clinic suggested Gavan be given a longer alcohol withdrawal program at "considerable expense". No further correspondence was entered into.¹⁹
 4. Compensation Panel. No one accompanied Gavan to the interview with the panel of four - a fairly adversarial place for him to be. Jimmy and I offered but he kept saying POC was his advocate and would look after him. Gavan went to the Compensation Panel October 11 2005 and on November 11 was awarded \$37,000 compensation based on the report from Richard Ball which described the effect of the abuse on Gavan as " This resulted in him leaving his role as an altar boy and gradually disengaging from the church as such."
- The connection between the abuse and his alcoholism was described as "This was disturbing and distressing at the time ... and **possibly** contributed to his poor relationship history and substance misuse." (my bold typeface)²⁰
5. Gavan died of dereliction and neglect on November 20, 2005.

¹⁷ Carelink Questionnaire A (Primary) Gavan Boyle, 8 April, 2005, Pages 4,5 showing Gavan's shaky writing, certainly not worthy of a former Year 12 Literature teacher.

¹⁸ Carelink Interview with Gevan (sic) Boyle, April 14, 2005, Page 1

¹⁹ Letter from Dr [REDACTED] Prof Richard Ball Aug 8, 2005.

²⁰ Carelink Confidential Report on Mr Gavan Boyle, Page 7, Oct 3, 2005

My interaction with the Melbourne Archdiocese.

In April 2005, Gavan was in a bad way. From the time he revealed his rape and abuse, life became extremely difficult for us with Gavan ringing either crying, or abusing me, or just plain talking, (or all of the above at once) frequently, and at all hours of the day and night. He was in trouble and I knew it was partly because he was suffering from revealing the abuse. I believed that Carelink would be trying their best and that we would just have to ride through it all.

I felt helpless so after a few weeks decided I could maybe try to get a kick start the healing by getting Gavan to stop saying the church is useless when the something he really wanted done got done. I asked Gavan if I could contact Carelink on his behalf to see what they could do for him, and if there was anything I should or could be doing, but he always refused, saying he could do it himself and Peter O'Callaghan was helping him.

Because of my experience in parish work, and my huge involvement in parish and diocesan affairs I believed I had the right to approach Archbishop Denis Hart personally and ask for him to help with Gavan's healing. On April 28, 2005, I wrote, what I now describe as a sycophantic letter, asking for Gavan's requests - for Penn Jones be stripped of his papal honours and his name removed from a plaque in the cathedral - to be honoured.²¹ It was a letter that presumed the church cared about Gavan and all victims of abuse and that the authorities would do all they could to help them and their families. I carefully detailed who I was, the fact that I did have the best interest of Gavan at heart and that my record in church matters was exemplary. I had hoped that I would be able to persuade him to meet all, or some, of my requests in an effort to start Gavan along the path to healing.

Gavan did not know I sent the letter.

In his reply of May 12, 2005,²² Archbishop Denis Hart said the title Monsignor is a sign of office and there exists no procedure for revisiting that. He certainly did not acknowledge the title The Very Reverend Monsignor is in fact a papal honour²³, nor did he even offer to consider it any further.

Archbishop Denis Hart **denied there was a plaque** with Penn Jones name on it in the cathedral. (my bold typeface and underline)

I could not believe my eyes - [REDACTED] - and just threw the letter aside in disgust. Jimmy went to St Patrick's Cathedral and took a photo of the plaque.

I was not in a good place myself as it was extremely stressful dealing with Gavan all the time. I was not sleeping much, and I had no help from anyone except my own family. I was very close to just going away and leaving everyone else to deal with everything. I no longer felt good enough for anyone, totally useless like Gavan used to tell me I was because I had told him the church would help him. My family kept me going by installing Caller ID on the phone and not letting me answer the phone or lying that I was not there when Gavan rang sometimes. My husband [REDACTED] and daughter

²¹ Letter from JR Mather to Denis Hart, April 28, 2005

²² Letter from Denis Hart to JR Mather, May 12, 2005

²³ Scene, Quarterly Magazine of Catholic Church Insurances, June 2002, Page 11, article announcing Papal Honours being awarded with the title of "Monsignor"

██████ both argued with Gavan and told him not to ring anymore. He never remembered those conversations luckily.²⁴

After Gavan died November 20, 2005 I wrote a very polite letter to Archbishop Denis Hart thanking him for not using the title Monsignor when referring to Penn Jones in his letter for apology for the abuse by Penn Jones to Gavan dated October 2005²⁵. I believed it was a thoughtful touch and told him so - I was a good Catholic woman who believed that we should always be polite and acknowledge the good things when they do happen. Slowly but surely I was going to wear down the Archdiocese to take the actions that could and should have been done for Gavan.

By March 2006 I felt strong enough to ask Archbishop Denis Hart to again remove name from the plaque as it upset Gavan, and I was upset he denied it was there and had not removed it. I included the photo.²⁶

In April 2006 I received another letter from Archbishop Denis Hart suggesting I had asked for Penn Jones name be removed from the plaque as it recorded the fact he was a monsignor; "and there is no plaque in the cathedral recording that". He did admit that Penn Jones name was in the Cathedral on a plaque and that " it recorded a donation."²⁷

By now I was extremely angry and upset with the Melbourne Response and just wanted it all to go away. No one seemed to care about Gavan, or me or my brother and the effect the abuse had on us. A lot of energy was taken up with our own family, my deteriorating mental health, ██████

By August 2006 I gathered my resources and again wrote Archbishop Denis Hart asking that Penn Jones name be removed from the plaque. This time I armed my argument with the relevant sections of the Towards Healing and Melbourne Response documents detailing six different sections on how the plaque offended my brother Gavan, and myself, and Jimmy of course. I paid particular attention to those parts that suggested the process would do everything to minimise the hurt and pain, pointing out the plaque and Archbishop Denis Hart's attitude was making things worse.²⁸

September 8, 2006. Another letter from Archbishop Denis Hart saying in his view of the name on the plaque was different from mine.²⁹

He denied it was offensive to my family, and refused to remove it again.

My family and friends urged me to go to the press with the story as it was explosive, but again "my good Catholic woman" status won out: publicity would be my last resort.

²⁴ Secondary Victims' Impact Statement - Jill Mather, May 29, 2008

²⁵ Letter of apology, Denis Hart to Gavan Boyle, October 18, 2005

²⁶ Letter JR Mather to Denis Hart, March 30, 2006

²⁷ Letter Denis Hart to JR Mather, April 2006.

²⁸ Letter JR Mather to Denis Hart, August 22, 2006

²⁹ Letter Denis Hart to JR Mather, September 8, 2006

Hence I wrote the Papal Nuncio Archbishop Ambrose de Paoli on Nov 1, 2006 asking for the title of Papal Honour be taken away from Penn Jones, and that he force Archbishop Denis Hart to take the name off the plaque.³⁰

It was a protracted process getting action through from the Papal Nuncio, as it took until March 9, 2007 to get a result. I have since been made aware that he was diagnosed with cancer at about the time my first letter arrived and spent time at his home in the US undergoing treatment so understand the delay but felt hurt at the time as though I was whistling in the wind once more and no one from the Catholic church was listening or cared.³¹

On March 9, 2007 I received a letter from Archbishop Denis Hart saying he had organised for the plaque to be taken down and Penn Jones name removed from it.³² He did not apologise for his refusals to remove the name just saying he did it because it was Gavan's dying wish. He offered to organise pastoral counselling.

I accepted his offer³³ and said I wanted to talk to him. He accepted the challenge so my husband and I, along with a priest friend flew from Perth to Melbourne to meet with Archbishop Denis Hart on April 28, exactly two years after my initial request. I wanted him to hear my story.

I have attached the original pages of my notes for that interview,³⁴ which made the following points:

- I wanted Archbishop Denis Hart to know how important it is to feel cared about
- the full effects the abuse had on Gavan, my Mum, myself and Jimmy, as well as our families;
- the effects of the Melbourne Response on Gavan, and on us,
- the total lack of pastoral care and support for Gavan or us until Archbishop Denis Hart offered it to me
- open and honest review of the Melbourne Response.
- Give victims a truly independent advocate to walk the journey of Melbourne Response with them. A worker skilled and experienced in the needs of sexual abuse victims, similar to that which happens in Rape Crisis centres.
- publicly acknowledging Penn Jones as an abuser, because Gavan revealed as a result of a newspaper article.
- Actively seek more victims of Penn Jones as he was a school, scout and altar boy chaplain as well as a choirmaster at the cathedral, and extend that to all parishes that have had an abusive priest, informing the Catholic community of the effects of abuse on people and their loved ones.
- National Day of recognition/reconciliation by the church for survivors and families
- Psychological damage to Gavan when his "friend" Barry Robinson was the subject of newspaper articles as a sexual abuser in the church who had been welcomed back by the Archdiocese. I told him I now had a better understanding of the effects of "forced

³⁰Letter JR Mather to Papal Nuncio, Nov 1, 2006

³¹Letters between Papal Nuncio and JR Mather, Dec 14, 2006, Dec 20, 2006, Feb 14, 2007, Feb 27, 2007, March 10, 2007, March 15, 2007.

³²Letter Denis Hart to JR Mather, March 9, 2007.

³³Letter JR Mather to Denis Hart, March 15, 2007.

³⁴Interview of JR Mather with Denis Hart, April 28, 2007.

forgiveness" - "you must forgive and forget and move on" attitude, which I once thought was correct.

- Meet with Jimmy and [REDACTED]

I felt the fact he gave me the interview showed that at last Archbishop Denis Hart cared for me as a person, and I told him so. I outlined the pain and suffering our family had endured for the previous ten years with Gavan and the fact he had deteriorated badly after he had revealed the abuse to the church. I related the time in 1998 my 86 year old mother was so worried about Gavan one day she went by taxi to his home, and when he did not answer the front door and she knew he was there she climbed the back tin fence to get to him. Mum was pretty frail, and almost blind, but like all mothers tried to find out what was so wrong with Gavan that his career was in tatters and his life hopeless.

As far as I know I was the first person who has been granted an interview as a victim. Hart did agree to meet with my brother Jimmy a few days later, at my request. I really felt Archbishop Denis Hart had listened to my plea to truly look into the Melbourne Response and the way it treated victims. He did say he had spoken to the staff at Carelink prior to my arrival and they had said Gavan was offered counselling but he didn't ask for anything. [REDACTED]

I also asked for him to present the notion of a National Sorry Day for victims and their families to the upcoming College of Bishops of Australia meeting that he was attending the following week. Victims and their families feel like lepers in our own communities because we are viewed as trying only to bring the church down with scandals. A forum would encourage open discussion on a topic that needs to be discussed so people understand the pain and suffering that abuse has caused and for the church community to openly hear and acknowledge our stories. - the basis for any form of healing and restorative justice.

I have heard nothing from this day to now from Archbishop Denis Hart or anyone else in the Melbourne Archdiocese regarding any of the points I raised. Sometimes I feel it was a waste of time and money, but I am satisfied that I tried all I possibly could to quietly get the church hierarchy to review its treatment of clergy abuse victims and their families.

Bishops

My total distrust of Bishops manifests itself in finding it extremely difficult to be in the presence of such men. I do not trust them and for the past four years when near them I start shaking, feel rooted to the spot and unable to move. I avoid contact where possible, not attending formal church occasions, and if a bishop turns up in a venue where I am I leave rather than experience those feelings again. In the past two months I have overcome the shaking but I am still very apprehensive at any contact.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

2. Bishop of [REDACTED]

After the PR disaster of WYD, the Bishop of Maitland Newcastle chose to address the crisis of clergy sexual abuse in his diocese with a special event similar to the one I suggested to Archbishop Denis Hart in 2007 and I was very pleased to hear about it and wrote him saying so. I also wrote to other bishops and the Australian Catholic Bishops Conference telling them of my views as a secondary victim on the service of Solidarity with survivors of sexual abuse and their supporters. We were not invisible people, we were real and belonged in the Catholic community and the issue of survivors and their families had to be acknowledged.

In the Melbourne Archdiocese no such service of solidarity was offered but several survivors and their families agreed to talk to priests and religious about their experiences, to tell their stories, and to create dialogue within the church community.

I felt it was a great idea and after talking to my husband I again asked about a service of solidarity and offered my services to speak to clergy in our diocese of [REDACTED] Here is his email..

Thank you for your email and attachment.

Yesterday I was sad to read of a man who had been sexually exploited by a priest committing suicide. According to the news report, the stimulus was the bringing up of sex abuse matters again by the ABC. The week before last, to (sic) other victims expressed distress that they can never seem to be allowed to go on with their lives because of constant reminders of what happened to them.

These examples reflect the problem as I see it with what you have spoken to me about in the past. My opposition remains that I will never knowingly do anything to make life more difficult for victims of sex abuse in the Church. As I have explained, this position is very firm and based on my many years of experience of abuse victims of people outside the Church. I have no doubt that my position would be strongly supported by the Pope, though he actually said nothing about what you would like me to do.

I am sorry that, as I read it, you imply in your letter to Bishop [REDACTED] that I have unworthy motives for my position. To not do what you want in no way justifies you implying an unworthy motive. You do not even know me.

My motive is deep concern for flesh and blood people I have actually talked to and worked with. There is absolutely nothing you or anyone else can do to lead me to cause them any further pain.

Yours sincerely

Bishop [REDACTED]

I immediately disconnected myself from all parish activities and no longer contribute \$100 a week to the parish building fund as part of that went to the [REDACTED] Diocese and [REDACTED], but I knew God still loved me.

It was tough even attending Mass as I felt totally rejected and unworthy, but my faith has been and always will be built on community and I needed those friends. Many of those close friends now no longer attend Mass including my family. It took many weeks before I could move from the back seat of the church back to our usual pace in the building.

Since 1977 I had been more than a "bum on seat" Catholic in my parish and have done voluntary work in almost every field of endeavour possible from administration, media, evangelising, catechesis, faith education to children and adults, Minister of Eucharist, Reader, youth groups,

prayer groups, parish councils, diocesan councils, as well as starting Catholic schools, serving on Catholic school Boards and Parents and Friends Associations.

It would be fair to say I was missed.

[REDACTED]

[REDACTED]

[REDACTED]

4. Attitude of Bishops

I doubt bishops understand the difference between gratitude and approval. All along I have written notes and letters expressing my gratitude at what has been done but that does not preclude the fact that I have serious concerns about a number of issues. What has hurt particularly is Archbishop Denis Hart 's cheek to publicly use my politeness as a sign that I approve the Melbourne Response, totally ignoring any other issues I have raised. This was very evident in the article by Barney Zwartz on our family's story.³⁵ I was extremely wounded by his remarks taken out of context. The Age did publish my Letter to the editor in response.³⁶

[REDACTED]

[REDACTED]

[REDACTED]

Effects On Our Family

I believe Gavan's rape resulted in him losing his beloved teaching career to addictions, to a collapse of his relationship with our mother and myself which caused so much anguish for my elderly mother, myself and my brother, and of course our families. The last ten years of his life were difficult,³⁷ but the final eight months were hell by comparison. I believe the Melbourne Response contributed significantly, and have said so all along to the Archdiocese. I suffered depression during this time, gaining 25 kg, and my marriage could have ended.

Then, when my brother Jimmy had a massive heart attack in June 2008 when addressing a conference on the effects of abuse on secondary victims, I said enough was enough. The church got one brother, it's not getting another, and it's not getting me. I had to stop the fight to make changes to the Melbourne Response for my own mental and physical health, and let others do the work. I am very grateful they have done so and congratulate them getting this far. The church's lack of empathy for those wanting to make things better for victims created the tension and stress that caused Jimmy's heart attack. Since that time Jimmy and I have had to severely limit our involvement in a very worthy cause for our own sakes and for our families.

³⁵ Sacrificial Altar Boy, article in Age Newspaper, Sep 15, 2009, Page 9

³⁶ Letter to the editor, Age Newspaper, Sep 17, 2009

³⁷ Secondary Victims' Impact Statement - Jill Mather, May 29, 2008

The attitude of the church has totally turned our four children off the Catholic faith and all religion. They totally distrust the system and constantly question my faith and loyalty although they know why I continue a certain level of Mass attendance and belonging to our parish.

[REDACTED]

Conclusion

The Melbourne Response system failed to provide the psychiatric, medical or physical care and counselling to Gavan that I expected. If that had been done then I would feel that the church would have tried its best to help Gavan. It did not supply any of the above and the Melbourne Response in fact made Gavan worse as identified by his deteriorating mental condition and worsening alcoholism.

Writing this I now can admit that I believe Gavan never forgave me for persuading him to go to the Melbourne Response. He was very angry the day I flew to his bedside when he was dying and after the first outburst he refused to let me in. On the last day of my stay in Melbourne I sat outside his hospital room crying. And I flew home pretending all was okay but it wasn't. I loved my brother and had totally failed him because I believed the public pronouncements about how good the Melbourne Response was.

And it took until 2009 for me to truly come to terms with the betrayal by my beloved church and to allow myself to get angry. I had again suffered depression, not sleeping and becoming increasingly withdrawn from the family and my friends. My doctor sent me to counselling where I realised I was angry and it was okay to be angry and to accept the church was so flawed. I wrote the following on Sept 2009³⁸

What I want – Never again will a primary, secondary, or tertiary victim of clergy abuse have to suffer as Gavan and we have.

Justice for our family – recognition of the fact that no one in the church hierarchy cared about Gavan, and the pain it caused him and our family. No one cared there were possible other victims of Penn Jones who needed help.

The Archbishop of Melbourne has to this day never publicly acknowledged that the Very Reverend Monsignor Penn Jones, Chancellor of the Archdiocese, was a serial paedophile who abused my brother over a period of 3 years, when he was 12, 13 and 14. His public record remains unblemished.

Signed:

Date:

Sept 20, 2012

[REDACTED]

Jillianne Rita Mather,
[REDACTED]

³⁸ "What_I_want_Jill.doc. Sept 2009. Justice for survivors of clergy abuse, Our Charter sent to Paul Holdway and co.

Responding to the
*Victorian State Government Inquiry into Handling of Child Abuse by
Religious and Other Non-Government Organisations 2012*

SUBMISSION ASSISTANCE

SECONDARY VICTIMS

- **Extending the Current Submission Deadline**
- **Confidentiality Appropriate to You**
- **Contacts for Support and Assistance**
- **Becoming Part of this Inquiry**
- **Submission Assistance Questionnaire**

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

Extending the Current Submission Deadline!

The success of the Inquiry, in our view, depends on the care of the victims undertaking submissions as well as the quality and quantity of submissions documents the Inquiry receives. The current deadline is 31st August 2012. We suggest from our interaction with victims that this deadline needs an urgent and appropriate time extension to 30th November, 2012.

We are aware that the Inquiry setup and processes have taken what could have been valuable time for victims overcoming difficulties and achieving submissions. Support structures and advice needed by victims to successfully complete their submissions is also taking time to access and arrange. This can have disadvantaged primary victims, secondary victims, members of communities and organisations wanting to have their material secured and known to the Inquiry.

We are aware that individuals requesting extensions will be favourably considered at present and also if many people write to the Executive Officer strong consideration will be given to a general extension time.

Request a 30th November 2012 submission deadline by writing as soon as possible to the Executive Officer of the Inquiry Janine Bush (see page 4).

CONTACT HELEN LAST AND CLARE LEANEY FOR FURTHER INFORMATION (See page 4)

CONFIDENTIALITY APPROPRIATE TO YOU

If you have access to the internet we advise that you read the *general information* found on the Inquiry Committee's website: <http://www.parliament.vic.gov.au/fcdc/inquiries/inquiry/340>

Please note: you have a further option to our submission assistance document in an electronic format submitted directly to the Inquiry Committee available at:
<http://www.parliament.vic.gov.au/fcdc/inquiries/article/1863>

Please note the confidentiality criteria.

We also advise that you read the *Inquiry's Submission Guide* (10 pages) provided by the Committee:
http://www.parliament.vic.gov.au/images/stories/committees/fcdc/inquiries/57th/Child_Abuse_Inquiry/Final_FCDC_CAIROs_Submission_Guide.pdf

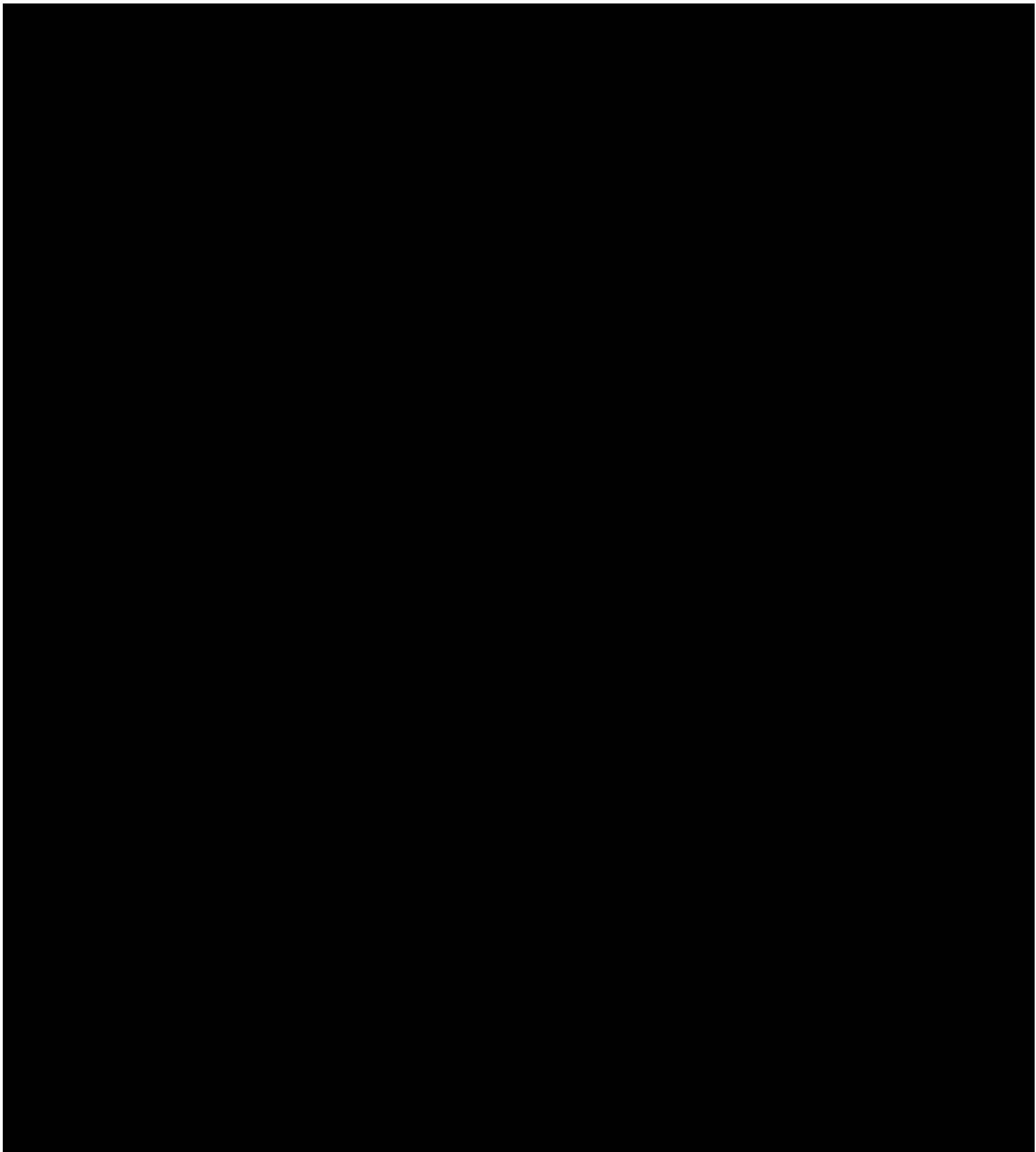
Note the various references to confidentiality options which we cover in detail below.

To clarify the following options in regard to your confidentiality and nearest public hearing, contact:
Executive Officer

Janine Bush

Phone: (03) 8682 2843

Email: fcdc@parliament.vic.gov.au



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

CONTACTS FOR SUPPORT AND ASSISTANCE

CASA HOUSE (Centres Against Sexual Assault) - for submission assistance

Ph 1800 806 292
Email ahcasa@thewomens.org.au
Web <http://www.casa.org.au/contacts/>

Victims of Crime Helpline - for submission assistance

Ph 1800 819 817
Web www.justice.vic.gov.au/victimsofcrime

Victims Support Agency

Ph (03) 8684 6700
Web www.justice.vic.gov.au/victimsofcrime

Lewis Holdway Lawyers - victims' submission assistance

Ph (03) 9629 9629
Paul Holdway paulh@lewisholdway.com.au
Ruth Baker ruthb@lewisholdway.com.au

Ryan Carlisle Thomas - victims' submission assistance

Ph (03) 9238-7867
Angela Sdrinis asdrinis@rct-law.com.au

Detective Inspector Paul Binyon – Sexual Crimes Squad

Ph (03) 9611 8701
Email paul.binyon@police.vic.gov.au

Helen Last – SAVAs (Sexual Assault Victims' Advocate)

Ph (03) 9326 5991
Email Helen.Last@igfa.com.au

Glenn Davies - SAVAs (Sexual Assault Victims' Advocate)

Email respectfulrelationships@gmail.com

Neil Woodger – Clinical Psychologist (Complex Post Trauma, Professional Misconduct Issues)

Ph 0402 026 067

BECOMING PART OF THIS INQUIRY

Support for You with the Submissions Process is Paramount

This document may trigger strong emotional responses and reactions. Its focus on past events may be distressing with the potential to revive unresolved trauma. We ask that sufficient time is given to process the responses as the comprehensive questions in this document are important to your submission.

We advise, for your care and well being, that you work through this document in the presence of a professional worker from your nearest Centre Against Sexual Assault (CASA) or organising a worker through the Victims of Crime Helpline or Victims Support Agency (see page 4). You might also work with your counsellor, psychologist, community health, welfare worker or advocate if possible.

If you are not able to access the above assistance, phone consultation and a support plan can be discussed by contacting SAVAs advocates Helen Last, Glenn Davies with administrator Clare Leaney (see page 4).

General Understandings

The Family and Community Development Committee of the Victorian Parliament has been asked by the Government to conduct an Inquiry into how religious and other organisations have dealt with allegations of the criminal abuse of children by clergy and people within their organisations. 'Criminal abuse' includes sexual abuse but could cover other kinds of abuse.

The goal of our submission assistance document is to provide practical help and encouragement to the many people suffering the effects of sexual and further abuses. It is a very positive action to submit your experiences now to this historical Inquiry, to join with the many others wanting to have their voices heard. To take this step of providing a submission to the state government Inquiry is to contribute to greater understanding and acknowledgment of victims.

The evaluating of the submissions will lead to recommendations for improved responses by those institutions, organisations and communities dealing with and affected by abuse. Thus your contribution goes towards achieving better intervention, practice and prevention of abuse into the future.

Creating Better Outcomes

The Inquiry invites all interested parties to provide submissions. Our submission assistance documents are provided to recognise two categories of victims, primary and secondary. People may like to obtain both questionnaires from Helen Last and Clare Leaney (see page 4) and distribute them across those concerned.

Our two questionnaires are clearly titled:

1. **For Primary victims;** women, men and children (with appropriate support) directly abused and/or assaulted by clergy, religious and lay workers across denominations and other organisations in the state of Victoria
2. **For Secondary victims;** those related to the primary victims such as parents, siblings, children, partners, extended family etc and also suffering impacts

OR

For Secondary victims; those who have been in a professional or lay context with the abuser (for example teacher to offender, priest to offender, religious, pastoral or lay person to offender, doctor, nurse or care worker to offender etc)

Will You Participate in a Public or Closed Hearing?

In response to submissions the Inquiry Committee might wish to discuss a matter further with the author of a submission. Please indicate on page 3 (Confidentiality Options) if you wish to speak to the Inquiry Committee in a public or closed hearing. We understand you can have a hearing in camera which will not be included in the parliamentary report or be available to the media. You can also choose to have a hearing where your identity and name are withheld but your information will be included in the Parliamentary Report.

You will need support to do this (see page 3). You may already have a worker to accompany you. Alternatively you can contact the Inquiry Committee's Executive Officer (see page 3) to organise one of their support people.

Hearings Taking Place in Regional Areas

Hearings will be held across Victoria and we encourage you to attend. Dates and places should be announced on the Inquiry Committee's Website.

Submissions record the handling of you abuse complaint

Please be aware that the Inquiry seeks to know through submissions, details of people's experiences when making complaints of abuse to religious and other organisations in Victoria. This means that your submission will cover 'the adequacy of the policies, procedures and practices' you have encountered in response to your complaint/s. Our document assists you to reflect on and record this detail. This area of harmful experiences is called systemic abuse. It is very important to enhance understandings of what reforms need to be recommended to improve practice and policies that respond to child and vulnerable adult sexual and other abuses.

Talking to the Police

Many victims will have historical experiences, well in the past which are still of importance and interest to the police. If the offender/s is deceased police are still interested in hearing about your experiences to link them to their historical records of offenders and the offender's connections. In the context of this Inquiry some victims will be motivated to tell of their abuse for the first time. Police are trained to have sensitive discussions with you and if you wish provide them with a detailed statement. Our submission assistance documents ask that you provide important information on past reporting to Victoria Police, their processes including criminal court. For contact and consultation now with Victoria Police we provide the name of a Melbourne police liaison officer with their phone number (see page 4).

The Inquiry and Government's Response to the Submissions

The Committee will finish its Inquiry by giving a written report of their findings to the Parliament on or before 30 April 2013, and this report will then be available to the public. After the Parliament receives the Committee's report, the Government has 6 months to decide on what action it will take. This response will be published in a later report. These timelines will be extended if requests for the submission timeframe are provided to the Inquiry now.

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

Dr

Other (Please specify)

First Name

Jillianne

Surname

Mather (nee Boyle)

Phone Number

██████████

Address

██████████

Suburb

██████████

State

██

Postcode

██

Country

██████████

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

Organisation

Position/Title

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

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

My brother Gavan Boyle was a young teenager aged - 12 to 16 when the abuse occurred.

2. Where did the abuse take place?

Gavan told me he had been abused at Altar boys camp at Shoreham Victoria but he did not disclose details because he said he was too embarrassed. Nothing he said at the time, or later, gave the impression it only happened once and only happened there. I certainly felt it was an ongoing occurrence that could have taken place elsewhere. Gavan attended altar boys camps several times as he was an altar boy at St Patrick's Cathedral for a number of years - from the first year at secondary school - Parade College.

3. By whom?

The Very Reverend Monsignor Penn Harold Jones, Chancellor Emeritus at St Patrick's Cathedral Melbourne in charge of the altar boys and the choir. He was also a chaplain for the scouts in Melbourne, and a chaplain to the boys at Parade College

4. How many known times?

Not known

5. Years of your secondary abuse

Early nineties to now.

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

NA

7. Did you see anyone else being abused?

NA

8. Did you see any other abusers?

NA

9. Who and how did the victim(s) tell about their abuse?

Gavan lived in [REDACTED] Victoria and my family resides in [REDACTED]. [REDACTED] Gavan and I spoke frequently on the phone and have done so for many years. Gav's life had been spiralling downwards for years and life was often extremely difficult with Gavan. He rarely talked about himself or his life in this period and could get abusive if he felt you were intruding. Despite attempts by myself, my mother and my brother we did not know the root cause/s of his many psychological issues. He appeared distressed and depressed many times becoming incoherent and crying on the phone, and yet others quite chatty. Any time Mum or I tried, Gav showed no interest in broaching the subject of what was causing his pain. For the last 10 years of his life he shut himself away and avoided anyone meeting him or coming over to visit. After Mum's death in 2001 Gavan and I spoke more often and in late 2004 Gavan started rambling on about an article in the paper about a boy who had been raped by a priest and that is "what happened to me".

10. Has anything been done to your knowledge for these victims?

Yes

11. Do you believe victims have still not told about this abuse?

Yes - I only know of one other victim of Penn Jones. However, given Penn Jones had ready access to many boys in altar boys, the choir, the scouts, and schools once can imagine that a diligent enquiry would bring to light other victims. Stories that came to light after Gavan's story was told in the Age ("Sacrificial Altar Boy", Barney Zwartz, The Age, Sept 15, 2009) indicate that others were being groomed ("Re-examining the Memories of a Catholic childhood", Bill Farr, The Age Sept 16, 2009)

12. Do you hold a view or know if there has been death(s) related to these abuses?

I believe my brother did not choose to live but chose not to seek treatment when he was ill knowing that he would die.
Details of his death are in my victim impact statement but early November 2004 I received a phone call from his friend [REDACTED] who was extremely worried about Gavan's health status – "This is the sickest I have ever seen Gavan and I cannot persuade him to go to the doctor could you please try." Jimmy intervened and despite Gav's resistance for 5 days, he was hospitalised on Monday Nov 8. He was diagnosed with lung cancer on Wed Nov 10. The next day his heart stopped beating but the doctors resuscitated him and I flew to Melbourne that night to say goodbye. Jimmy stayed with him until he died November 20 2005.

13. Who has died?

Gavan John Boyle

14. In what geographical area(s)?

Melbourne

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

15. Did the victim (s) tell the organisation?

Yes Gavan did tell Broken Rites. I am not sure when, but it was after he read Archbishop Little's glowing tribute to Penn Jones in his obituary published in The Age Aug 1, 1995, and the lavish funeral that was bestowed upon the man. Gavan said that he had been repressing the memories all that time but the dam broke when he read the article. Gav wanted to let Broken Rites know about Penn Jones for corroboration in case other victims came forward. None were on their website at he time. He wanted nothing more and declined to join a group discussion at Broken Rites

It was after Gavan read an article in the paper about a court case relating to a priest raping a young boy that he told me of his own abuse.

Then after I persuaded Gavan to go to the Church he contacted the Independent Commissioner Peter O'Callaghan QC in December 2004 - ie the Pell Process as he called it, or the Melbourne Response.

He was interviewed by POC on February 22, 2005 and the transcript and referrals sent March 15, 2005.

16. Who did they tell?

[REDACTED]

No family members or support services were informed.

17. Were they referred to any police person or station for help?

No

18. What did the organisation do about the reporting?

Nil

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

Nil

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

Gavan was referred to Carelink , "an agency set up to provide free counselling and psychological support." Letter from Peter O'Callaghan to Gavan March 15, 2005.

Gavan filled in a very lengthy questionnaire and had two two-hour interviews with Ball and Sharkey. He gave permission for them to access his medical records with his GP. (refer to Transcript of interview April 8, 2005, pages 16, 17). He agreed to treatment for his alcoholism.

21. Who were they referred by?

The Independent Commissioner Peter O'Callaghan referred Gav to Carelink and they in turn referred him to The Melbourne Clinic.

The Independent Commissioner also referred Gavan to the Compensation Panel and Gavan completed the application form for compensation March 23, 2005.

22. Who to?

Carelink referred Gavan to the Melbourne Clinic for treatment for alcoholism some four months later.

[REDACTED]

[REDACTED]

[REDACTED]

.

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

[REDACTED]

All services were paid through Medicare and Medibank Private

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

Yes the Compensation Panel Chaired by David E Curtain

25. If so where?

**Compensation Panel
Archdiocese of Melbourne
Optus House, Level 25, Suit 36
367 Collins St, Melbourne Vic 3000**

26. With whom?

No one accompanied Gavan to the Panel hearing. Both Jimmy and I offered to be present, and, or, write in support of Gavan but he said he was fine. The Independent Commissioner Mr O'Callaghan is looking after me and has advocated for me, Gavan said.

27. What resulted?

Compensation of \$37000 offered to Gavan

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

Yes [REDACTED] Gavan signed the offer document November 2, 2005 releasing the Archbishop from all further claims arising out of the sexual abuse or any other sexual abuse by a priest, religious or lay person.

There was no confidentiality clause.

However there was reference to the application for Compensation form should Gavan choose to not accept offer document effectively signing away his legal rights to confidentiality on anything he has disclosed during the course of his interaction with the Melbourne Response.

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

No

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

ABSOLUTELY NOT

31. What needs do they still express?

Gavan is dead but he asked for

- a. Proper Counselling
- b. Penn Jones name removed from a plaque in St Patrick's Cathedral
- c. Penn Jones be stripped of his papal honours.
- d. Public Apology so other victims could be found

**Gavan received none of these
He did not ask for money**

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

Not relevant

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

Not relevant

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?

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

36. When was your most recent contact?

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?

39. Approximately how many meetings have you had?

40. Approximately how many phone calls have you made?

41. Approximately how many phone calls have you received?

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

43. Can you name these people and their roles?

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?

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

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

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

48. Was it over the phone or in person?

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

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?

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

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

SECTION E. The conducting of your complaint interview

1. Who conducted this interview?

2. Who do you believe they represented?
3. Who were you told they represented?
4. Who organised your interview?
5. How long did the interview go for?
6. Do you know whether it was recorded?
7. Were you told it was being recorded?
8. Were you asked your permission to record the interview?
9. Did the person talking to you write anything down?
10. Do you know what the person wrote down?
11. Did you write anything down or your support person?
12. Was it possible/not possible to do this?
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)

14. Were you offered more time for the interview?

SECTION F. Focus of the interview

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

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?

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?

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

[Empty text box for question 29]

SECTION G. Reporting to the police

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

[Empty text box for question 30]

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

[Empty text box for question 31]

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

[Empty text box for question 32]

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

[Empty text box for question 33]

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

[Empty text box for question 34]

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

[Empty text box for question 35]

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

[Empty text box for question 36]

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

[Empty text box for question 37]

[Empty text box]

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

[Empty text box]

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

[Empty text box]

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

[Empty text box]

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

[Empty text box]

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

42. Who did you speak to?

[Empty text box]

43. What was their response?

[Empty text box]

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

[Empty text box]

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?

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

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

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

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?

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

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

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

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?

[Empty rectangular box]

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?

[Empty rectangular box for response to question 62]

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

[Empty rectangular box for response to question 63]

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

[Empty rectangular box for response to question 64]

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

[Empty rectangular box for response to question 65]

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

[Empty rectangular box for response to question 66]

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 religious/organisation whilst your complaint was being progressed? If yes how?

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

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

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

75. If yes, please describe these actions.

SECTION L. Counselling and support

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

My brother Gavan was not offered counselling "because he didn't ask for it" we were told.

Our family was not offered anything from the Archdiocese.

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

[REDACTED]

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

Yes - [REDACTED] conferences were, but not [REDACTED]

79. Did you receive counselling when you requested it?

Yes

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

In 2006 my brother Jimmy demanded that Carelink pay for counselling from specialist [REDACTED] for him and [REDACTED] and for myself and [REDACTED]. I am not sure of the number of sessions that we had via telephone conference but it was ten or eleven.

They were extremely helpful, and I told the Archbishop how good they were, and thanked him for paying for it. This was done as a matter of politeness and to emphasise to him how important counselling is to victims and their families. I was absolutely devastated when he misconstrued my letter of thanks as a letter of support for the way the Archdiocese helps victims and their families and used that information with the media.

Helen Last of In Good Faith and Associates also provided me with many hours of help and support when I needed to talk between 2006 and 2010. That was totally unpaid.

In 2008 when I was again falling into depression I had counselling with a psychologist [REDACTED]

81. Who was in charge of this service?

My GP [REDACTED]

82. Were you offered this service free of charge?

No

83. Did you have to pay anything?

Not directly

84. Did you have to use Medicare or private health Insurance?

Medicare

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?

NA

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

Yes

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

[REDACTED] and my private service yes, but Carelink's no.

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

[REDACTED]

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?

Gavan was offered nothing.

In 2007 Archbishop Denis Hart offered me pastoral care with anyone I chose and her would refer me to same..

It was a waste of my money on airfares.

This offer was in the same letter that informed me he was removing the name Penn Jones from the plaque in a place of honour, next to the high altar in the Cathedral after denying there was such name, and then refusing to several times to remove it. This letter came after I contacted the Papal Nuncio for help.

90. Did you, the victims or your family ask for pastoral meetings or care?

No Gavan did not ask.

I asked for Denis Hart to be one I chose, as the only opportunity to meet him face to face to tell my story..

At that meeting I told him I wished my brother Jimmy [REDACTED] were present but did not want to jeopardise my interview so did not bring them. However I did ask him to meet them which he agreed to.

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?

I was offered pastoral care by the archbishop but nothing specific or on-going was suggested.

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?

NO

93. Who was provided?

No

94. What was provided?

No

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

No

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

No

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

Melbourne Response - Independent Commissioner Peter O'Callaghan QC, Carelink Counselling Services led by Professor Richard Ball and Psychologist Susan Sharkey, Compensation Panel led by David Curtain QC

98. What is their role?

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

Yes. In that form Gavan signed in March it said that if Gavan was offered an amount of money he would have to sign there is no appeal on the Panel's decision, and that he discontinue any legal proceedings once Gavan had to sign a Deed of Release for the ex-gratia payment. He had to pay for his own legal costs, it was a full and final settlement, no further claims could be made in relation to the abuse

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?

NO. Gavan did not

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?

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?

Yes we can give a copy of Gavan's documents

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?

Gavan was told the maximum amount was \$50,000.

118. Did you or the victim understand what conditions were placed on you in accepting money/gifts?

I doubt Gavan had the mental competence to understand. the rest of the family had no contact with Carelink, POC or the Compensation Panel

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

Gavan received a letter with the conditions. He was not capable of reading and comprehending much.

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?

Panel, October 5 2005

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

Yes I believe Gavan did. I thought it could recommend on things other than monetary compensation, like removing name from plaque but the panel was not asked and I now understand they would not have been able to assess that.

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?

No

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

Yes

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

Yes Gavan was advised but he wasn't in a fit state to understand the implications. My brother and I offered to go with him but he said Peter O'Callaghan was supporting him.

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 S. Satisfaction with process

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

**Gavan's dying words to our brother Jimmy was "they didn't care". And he asked him to go public with his papers and story.
And that is what Jimmy and I have been trying to do since that day to make things better for victims and their families.**

142. Was your complaint adequately investigated?

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

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

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

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

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?

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?

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

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

152. Did you find these processes unnecessarily legalistic?

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?

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?

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?

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

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 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?

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

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)

165. Statute of Limitations

166. The organisation not being a legal entity

167. The organisations assets not being protected by property trusts

168. Personnel not being considered employees

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

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

171. 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)

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

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

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

[]

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

[]

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

[]

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

[]

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

[]

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

[]

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

[]

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

[]

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

[]

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

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

185. Funding for victims to seek holistic casework approach.

(spiritual/medical/legal/psychological)

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.

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

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

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

191. 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

192. All of the above

193. Other legal changes or reforms (Please provide)

