

**THE PARLIAMENTARY INQUIRY INTO THE HANDLING
OF CHILD ABUSE BY RELIGIOUS AND OTHER NON
GOVERNMENTAL ORGANISATIONS**

**SUBMISSIONS IN REPLY TO SUBMISSION OF MARK
PROUSE**

**BY PETER O'CALLAGHAN QC
INDEPENDENT COMMISSIONER**

INTRODUCTION

1. On or about 6 September 2013 there was published on the Parliamentary Committee's website the Submission by Mr Mark Prouse.
2. Naturally I have considerable sympathy for Mark Prouse as I do for all victims of sexual abuse. There are various aspects of his submission which are inconsistent with my records, but I appreciate that to engage in any public debate would perhaps exacerbate the suffering caused by the abuse. Accordingly I will be contacting Mr Prouse privately.

3. However I must correct Mr Prouse's recollection in which he states in his Submission:

"In order to get this compensation I must sign a waver (sic) stating that I must not talk to anybody about the abuse and that the matter has been dealt with and no further legal prosecution was possible".

4. Mr Prouse, as is the case with all other victims, was not asked to nor did he give any undertaking of confidentiality. The Release which Mr Prouse signed did not contain any confidentiality obligation. That this was so, is made clear in a letter of 19 October 2005 from the Solicitors for the Archdiocese to Mr Prouse, a relevant extract of which is set out below:

*"In accordance with the procedure established by the Archbishop, we are instructed to offer this amount to you. If you wish to accept it, you will need to sign the **enclosed** document which releases the Archbishop from all further claims arising out the action of the sexual abuse or any other sexual abuse by a priest religious or lay person under the control of the Archbishop of Melbourne. We note however that you will remain able to receive treatment and counselling through Carelink. We have **enclosed** two copies of the Release. Assuming that you wish to sign the Release, you should sign one copy for return to us and retain the second copy for your records.*

The Release that you sign contains **no** confidentiality provisions. Whilst your right to confidentiality will be respected if that is your wish you are under no confidentiality restrictions if you accept the offer. You are free to discuss the abuse and the payment you have received if you want to.

If you reject the offer, you remain bound by the terms of the application for compensation form. This offer is put on a 'without prejudice' basis, in order to preserve the rights of all concerned if your claim proceeds to court. The only matter that you are asked to keep confidential are the details of your application to the Panel and this 'without prejudice' offer. However, there are no restrictions on you discussing the circumstances of the abuse and its effect on you, whether publicly or in any other forum.

The Archbishop and the Archdiocese acknowledge that for some applicants the ability to speak publicly about the abuse they have suffered is important. Applicants to this Compensation Panel have never been restricted from speaking publicly about this, and the Archbishop wishes to assure you that you have every right to make your allegations public if you so wish...." (Emphasis supplied)

CONCLUSION

I request that this Reply be published forthwith on the Parliamentary Committee's website. It is vital that this be done so that the true position with respect to confidentiality, is on the public record.



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Peter J O'Callaghan QC

15th October 2013