

INTRODUCTION:

1. Mr Mitchell's Submission to the Parliamentary Committee is dated 21 September 2012, but has only been placed on the Committee's website recently. In summary, Mr Mitchell's Submission repeats criticisms made by the Police Submission, Deputy Commissioner Ashton and others. Mr Mitchell's Submission generally should be rejected as being based on hearsay, and the testimony of others which has been shown to be false and misconceived. In this Reply I set out relevant extracts from the Mitchell Submission in italics, followed by my comments.

2. *"Victims who have used this process (the Melbourne Response) have found it onerous and delivering very little positive results or assistance. An example of the process failing victims is the case against one priest who has since been charged and convicted. The victims and their family were left suffering for five months before he took any action on the victim's complaints against the Parish Priest after the Independent Commissioner was made aware that the perpetrator had confessed to the allegations, the Police were still not invited to pursue a criminal case."*

COMMENT:

- (a) I do not understand this allegation. I take it to be a reference to the conduct of Fr Paul Pavlou (now laicised), who was convicted. If Mr Mitchell is referring to that case, my comment on paragraph 37 of my

Reply to the Police Submission gives a full chronology of my handling of that complaint (see paragraphs 37 - 41),

- (b) I cannot understand the reference *“the perpetrator had confessed to the allegations”*. To whom had the perpetrator confessed? If he is referring to the Pavlou case, this is utterly mistaken.

3. *“There appears to be a raft of victim and victims family statements which support the view that some organisations do in fact discourage victims from seeking support and/or pursuing justice outside the parameters of the organisation. I have spoken to victims who say that not once has the Independent Commissioner of the Melbourne Response notified Police of a relevant criminal offence. It would seem to me and to many others to be an ethical and moral requirement of a Church appointed QC to ensure the integrity of the organisations they represent”.*

COMMENT:

This reflects the unthinking acceptance of the views of others, such views as which it is trusted will be found to be discredited. I have dealt with this in my Reply to the Police Submission (see paragraphs 7 and 8).

4. *“One case which has raised great concern is how one organisation’s internal investigation had ‘tipped off’ a Priest that Police were investigating criminal allegations involving that Priest. This same organisation and the same investigator was again reported for a second time to have alerted lawyers for a*

Priest that Police were investigating the Priest over sexual assault allegations first made to the investigator by a Parishioner. These actions fail to protect the victim. I understand this action has infuriated Police and drew a strong rebuke from Victoria's top Sexual Crime Detective at the time.

COMMENT:

Once again my response to the Police Submission (see paragraphs 37 - 41 and 46) refutes this repeatedly false and pernicious scuttlebutt. Mr Mitchell's Submission makes broad, unparticularised accusations, and when he does descend to particularity, is found to be wrong and misconceived.

CONCLUSION:

With respect, much of the Submission by Mr Robert Mitchell is mistaken and misconceived. His Submission should be given no credence.



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Peter J O'Callaghan QC

26th July 2013