

Anthony and Chrissie Foster
[REDACTED]

22nd May, 2013

Supplementary Submission to the Inquiry into the Handling of Child Abuse by Religious and Other Organisations

Dear Committee Members,

Under Canon Law the Vicar General has the same powers and responsibilities as the Archbishop except for powers the Archbishop reserves for himself. See <http://www.cam.org.au/Church-in-Melbourne/Vicar-General>

Archbishop Frank Little's Vicar-Generals, 1974-1996 were:

1974 Fr Leo Clarke then promoted to Bishop of Maitland, NSW 1974 – deceased

1974-1976 Not known

1976-1987 Fr Peter Connors then promoted to Bishop of Ballarat 1987-2012

1987-1993 Fr Hilton Deakin then promoted to Bishop of Eastern Region 1993-2007

1993-1996 Mons Gerry Cudmore demoted to Parish Priest Prahran 1996-deceased

Bishop Peter Connors, who has previously appeared before the committee, and Bishop Hilton Deakin are both still alive and are witnesses to 20 years of Archbishop Little's 22 year reign.

As Archbishop Little's assistants they would know of and be a party to appointments, meetings, files and details of paedophile priests which according to Archbishop Hart's evidence before the Committee that these things were not recorded. Interviewing Connors and Deakin will fill the gaps.

Canon Law 489 stipulates every bishop must maintain a "Secret Archive" under lock and key in his office. There is no choice to keeping these Secret Archives, they must be kept and they must exist. The following document details the workings of the secret archive:

<http://www.cdom.org/administrative/pubs-resources%20docs/Diocesan%20Policy%20Clergy%20Permanent%20Records.pdf>

Ms Helen Last of Good Faith and Associates appeared on ABC's News Breakfast Tuesday 21st May, 2013 and stated that files of Archbishop Little's dealings with paedophile priests do exist. [REDACTED]

Fr John Salvano (live-in assistant priest to Fr Kevin O'Donnell 1991-1992) went to Archbishop Frank Little and Vicar General Hilton Deakin on several occasions to complain about O'Donnell in 1991 and 1992. See Salvano's full statement to our solicitors in the case filefolder submitted to the Committee earlier this year or see my book Hell On The Way To Heaven's brief account of his statement on page 258. Fr Salvano can give witness of his complaints about O'Donnell to Little and Deakin, what was said and done about it and if there were any files. Fr John Salvano is currently the Dean of St Patrick's Cathedral Melbourne, [REDACTED]

Fr [REDACTED] the priest who walked in on Fr O'Donnell laying on top of a child in O'Donnell's bed and who did nothing but to turn around and leave the abuse to continue, and who allowed O'Donnell to have further access to children after his retirement is spoken about on page 263 in my book. Fr [REDACTED] is now retired, but only months ago took over as parish priest, at [REDACTED], from a priest accused of sexually abusing children. (Helen Last knows of this priest) Fr [REDACTED] is also the priest who investigated, in 1994 or 1995, a witness who would have proved the 1958 complaint against O'Donnell by the Scout Leaders, as per [REDACTED] letter to Vicar General Gerry Cudmore submitted to the Committee. Fr [REDACTED] could answer many questions. We are not sure if [REDACTED] is still standing in at [REDACTED] parish [REDACTED]

Fr Noel Brady, from November 1992, also complained to "the Cathedral" about O'Donnell's crimes. He had heard about them from grown up victims in Dandenong where he was placed at the time. He also made sure children did not go near O'Donnell's accommodation near the church. See my book

about his efforts and complaints on pages 363 and 264. Again he will be witness to many details. Fr Brady indicated he knew but refused to state, for my book, the names of the hierarchy he made his complaint to (believed to be Little and Deakin). Fr Brady is currently parish priest at Resurrection Parish, [REDACTED].

During evidence to the inquiry Mr David Curtin, QC, Chair of the Melbourne Response's Compensation Panel, whilst fiercely defending his independence, defended the \$75,000 capped amount as being comparable to and based on the State Victims of Crime scheme and also claimed the church is not liable for crimes of its priests.

The Catholic Church has constantly compared its now \$75,000 capped ex gratia scheme to the government's Victims of Crime \$60,000 limit. However, the government scheme provides compensation where the government had no part in perpetrating the crimes. On the other hand the Catholic Church scheme provides a capped ex gratia payment in cases where the church was involved in the crime.

If the government were to be directly involved in an injury to a victim it would be subject to action at law within the court system leading to an uncapped determination by the court, satisfied from the assets of the State.

The church should be subject to the same potential action, satisfiable by the wealth of the church.

We feel it is imperative to have Cardinal Pell admit that the church is responsible for the sexual crimes committed by its priests and that the church is willing to accept that responsibility within our legal system.

In his evidence, Archbishop Denis Hart stated many times, that since 1996 the then Archbishop George Pell, himself, bishops and priests (ie the church) had treated victims with respect and sought justice and removed offending priests. Yet five months after this claimed time of creating change for victims, the then Archbishop of Melbourne, George Pell attended two meetings in Oakleigh on the evening of 17th February 1997. The first meeting was with Anthony and me, as described in my book page 155. The second meeting was on the same topic, clergy child sexual assault, as described on page 164. In both of these meetings Archbishop Pell said to all of us repeatedly that our words of warning to him of several paedophile priests (Searson & Baker were two of them) we believed were still in parishes and needing to be removed for the sake of children were met with his harsh words and temper, berating us that we were all gossiping. Still we insisted through the evening that something should be done.

Archbishop Pell almost yelled at us that "It's all gossip until it's proven in court AND I DON'T LISTEN TO GOSSIP!"

This account of Pell's behaviour in supposedly protecting children and having victim's interests at heart contradicts Archbishop Hart's view of history and reality. At the group meeting where he raised his voice, there were 45 of us to witness his words, we are all still alive and we all remember what he said.

In stating these words Archbishop Pell was saying child victims had to grow into hurting adults, maybe take their complaint to the Police, then take the paedophile priest to court and achieve a guilty verdict before the Archbishop would remove the paedophile priest from harming other children.

This made us understand the hard and cruel stance the church hierarchy took and how little they thought of our children, any children, that they required, indeed demanded, such a stringent proof before lifting a finger to protect children even when confronted with a child's disclosure or their pleading parents.

We take great offence to the evidence Archbishop Hart gave before the Committee when he stated that 'When victims did not want to accept the church offer it had "walked with them" through the court system to "more generous payouts".'

Based on his own evidence, that NO victim cases had ever made it to court, this is an outrageous statement.

Further, in our case – Archbishop Hart and his lawyers fought our family tooth and nail so as not to be held accountable for their paedophile priests' crimes and the hierarchy cover up of the crimes which led to our daughters being raped. Hart and his lawyers even denied the reality of their own Independent Commissioner's finding in both our daughters cases – Emma's in writing and Katie's verbally – that the abuse had taken place.

The 5 members of our family served writs on Denis Hart and others, so he was directly involved in our case.

They did not in any way, shape or form “walk with us” throughout years of attempting to obtain justice from the catholic church over the multiple rapes of our two daughters. Archbishop Hart has never spoken with us. He and the others strenuously attacked us and delayed settlement, causing further harm to our family and leading to Emma's death.

As detailed in our case file, previously submitted to the inquiry, we finally settled for a total of \$750,000 dollars, plus legal fees of approximately \$150,000, plus reimbursement of Medicare costs of more than \$40,000 for a total in excess of \$940,000.

A document in our case file details the church's QC's opinion that if the matter had gone to court Emma alone may have been awarded more than the total sum paid.

Our settlement contrasts with the pitiful levels of silencing ex gratia payments made by the church to vulnerable victims who feel they have no avenue open to them other than the church's internal system.

Kindest regards,
Chrissie Foster
Anthony Foster