

COIN

COMMISSION OF INQUIRY NOW

Justice for victims of Catholic Clergy Sexual Assault in Victoria

The Hon Georgie Crozier MLC,
Chairman, Family and Community Development
Committee, Parliament of Victoria, Spring Street
MELBOURNE VIC 3000

4th July 2012

Dear Ms Crozier,

**Family & Community Development Committee Inquiry into Child Sexual Assault
by Religious and other Organizations :
COIN Submission NO 2: Committee's Methodology & Ethical Issues**

We refer to COIN's Submission No 1, being a letter dated 29/6/2012 regarding the Committee's lack of powers and resources, and our request that it focus solely on sexual assaults of children by Catholic Church Clergy and the grossly inadequate responses of that Church's hierarchy over many decades. We note to date that, so far as is publicly known, your Committee has received no extra funding or resources from any source to pursue the above Inquiry.

We write to request clarification regarding the method by which your Committee is intending to conduct its above Inquiry. In seeking clarification, we raise the following matters:

1. Will your Committee investigate organisations through qualitative research methods, e.g. surveys; semi-structured interviews; or action research methodology involving group meetings with "staff", "managers" and "executives" of organisations?
2. Will your Committee actively seek the provision of documents and records pertaining to victims' experiences, their complaints, and responses by organisations (e.g. the Catholic Church Melbourne Response involving Mr Peter O'Callaghan QC and the Response's associated entities, eg, its Compensation Panel?);
3. What powers in relation to discovery of, and compelling the production of, documents and enforcing requests for documents when an organisation refuses to provide these, does your Committee enjoy?
4. How will your Committee address issues pertaining to the *Information Privacy Act 2000 (Vic)*? For example, will the Committee's access to and/or public release of documentary evidence (including personal records) require the removal of all personally identifying material?
5. Of particular concern is the potential participation of victims of clergy sexual assault, who may be required to take part in semi-structured interviews, focus groups or to provide written submissions. We suggest that your Committee's interface with any participating victims will demand prior thorough consideration by you of ethical issues and victims' wellbeing.
6. We also request that your Committee undertake its Inquiry in such way that the risk of

COIN Submission No 2

harm to participating victims is minimised as far as possible. We suggest that the Committee should prepare participating victims by indicating, to any proposed witness, prior to him/her appearing either in public or in private session, the following:

- The benefits that you claim will result from a victim's participation and how your findings might benefit both the witness and the Victorian community. In this regard, we refer you to para 9 below and suggest that if, through no fault of your own, your Inquiry is not properly resourced and is in danger of becoming a futile exercise that avoids thorough inquiry into the Catholic Church hierarchy, then victims should not put themselves at risk by participating;
 - A victim's right to choose not to participate and/or withdraw from participation at any time;
 - A victim's right to maintain anonymity and to request that his/her evidence be received in confidence and/or in private session;
 - Your Committee members' obligation to remain impartial, and be demonstrably independent of government or party-political influence or control;
 - If a participant so requests, Committee members' obligation to preserve his/her privacy and confidentiality;
 - The availability of appropriate counselling services, to be provided free of charge by the Committee, which victims may access if they suffer adverse consequences due to their participation; and
 - A victim's ability to lodge a complaint about your Committee and/or its Inquiry process, and to whom.
7. We suggest that most adult victims of child sexual assault by clergy will prefer not to come forward, because they carry deep emotional scars, eg., feelings of being permanently damaged, unresolved feelings of shame and self blame. Participation in your Inquiry, for most victims, would require a great deal of courage and personal strength. Many victims live with their deeply harbored secret about their sexual assault throughout their lives. They usually choose not to think about the past in an attempt to avoid being confronted by their personal traumatic memories. An adult victim's participation in your Inquiry raises a real danger of inducing re-traumatisation. In an attempt to minimize this risk and any impact, prospective participants must be given time to think through the various aspects of their participation (e.g. possible benefits to them and their community versus possibility of adverse emotional consequences).
8. The ethical dilemma of how to attract a representative group of participants without unduly causing them emotional harm may prove too difficult an issue to tackle. This has implications for the findings and conclusions of the Inquiry. We thus ask: will your Committee ensure that it selects and excludes participants (e.g. victims, perpetrators, institutions, organisations) in a fair, balanced and ethical manner, yet also vigorously examine, in required detail, the prevalence of clergy sexual assault within the Catholic Church and its institutions?
9. We suggest that your Committee must be very alert, at all times, to a danger of self-harm arising from victims' participation. Your Committee must also ensure that your Inquiry is vigorous, detailed and genuine, with adequate resources and powers and commitment to

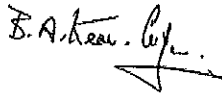
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COIN Submission No 2

pursue a thorough and fearless examination of the full scope of clergy sexual assault in Victoria; the true nature of the response of the Catholic Church over decades; and thus provide a firm foundation for recommended reforms. While your Committee remains, at present, inactive, inadequately resourced, and apparently subjected to government control, we have no confidence in your ability to conduct such a genuine, independent Inquiry. We thus require clear indications from you that your circumstances have improved by indicating: what resources have been sought from the Parliament, the government, or any other source, and with what results?

Should the government and your Committee fail to address these questions adequately, we would be very reluctant to advise any victim to risk his/her welfare by participating in what then amounts to (despite your best endeavors) a facile and pointless Inquiry, for the reasons indicated in this submission.

This submission is to be publically available when received by you, and will be released to the Media. We await your answers as soon as possible.



Dr Bryan Keon-Cohen AM QC
President, COIN



Dr Joseph Poznanski
Vice-President COIN

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All FCD Cttee Members
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