21 September 2012

The Family and Community Development Committee
Spring Street
EAST MELBOURNE VICTORIA 3002

Dear Committee Members

Inquiry into handling of child abuse by religious and other non-government organisations

We enclose for your attention our firm’s submission to the Inquiry.

If the committee members have any questions, please contact Ruth Baker of our office.

Yours faithfully

LEWIS HOLDWAY LAWYERS
per Ruth Baker

Enc.
Submission Type – Published Submission

Please note: The material in this submission may be published.

Background

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| Responsible Church Authorities | Catholic Archbishop of Melbourne, Various Provincials of Catholic Religious Orders, Catholic Bishops of Victorian Dioceses, Salvation Army; Anglican Church; Seventh Day Adventist; Exclusive Brethren; Mormon Church, Uniting Church |

| Length of Time in field of Religious Sexual Assault | 17 years |
| Time Taken to Resolve Client Complaints             | From 3 months through to 13 years |

Introduction

Our firm has been working with victims of sexual assaults by members of religious organisations for 17 years. To date, we have assisted over 200 victims to seek justice through a number of church protocols, the majority of which have been through the “Melbourne Archdiocese Response” and “Towards Healing”. In 2010, Paul Holdway, a principal of our firm, was awarded the Law Institute of Victoria President’s Award for Access to Justice for his work with victims of clergy abuse. The material we present to the Committee in this Submission is therefore based on our long-term experience in this field.

Our clients have encountered many barriers to seeking redress, both from within the legal system and Religious Organisations. It is our strong contention that many of the current church complaint processes that exist are deeply flawed and are in need of significant reform. As such, many clients have been significantly further damaged as a result of going through a church internal complaints process (a dynamic which we refer to as ‘systemic abuse’), and we remain concerned that this is likely to discourage victims from coming forward in the future.

We therefore welcome the decision of the Victorian Government to hold an Inquiry into the Handling of Child Abuse by Religious and Other Organisations; this is an outcome which we have been advocating strongly for in recent years.

We also welcome the opportunity to make a submission to the Family and Community Development Committee about these very important issues. We are hopeful that this Inquiry
will be an important step in introducing widespread change. The importance of such change from a victim's perspective was powerfully explained in one of our client's submissions as follows:

"I have not yet made a statement to police, although I would like to do so. In the current situation in Australia, however, the Catholic Church makes its own rules, and the sheer amount of pain and misery involved in going through a legal process is simply not worth it in my view.

I have become quite sickened also over the years, that in this country - a nation which I love - the representatives of my government are willing to let this situation continue. On the other hand, I am extremely heartened about the current State inquiry, and as an optimist, can only hope that it leads to a future society where religious clergy of the Catholic church who abuse children are not protected by a set of special conditions set up by and for themselves."

We have assisted a number of our clients to prepare Submissions and from time to time in our Submission we will refer to examples from their individual cases in order to demonstrate and highlight the difficulties and issues that we have observed in church complaint processes.

We acknowledge that religious organisations other than the Catholic Church have been subject to sexual and other criminal assault allegations against their members. However, as the majority of our clients' cases relate to complaints against Catholic clergy and various Catholic hierarchies, our focus is on the two protocols of the Catholic Church, 'Towards Healing' and the 'Melbourne Response'. Our comments relate to these protocols unless otherwise stated.

We have categorised the issues reported to us by clients and observed by us as practitioners into three phases: Initial Contact with the religious institution, Investigation by the religious institution and Outcomes. In our opinion, each phase demonstrates different systemic issues and we set these out in dot points below. Some points are supplemented with specific examples but where this is not the case, the point is provided as a generic observation from our practice.

We then draw the attention of the Committee to some of the consistent and recurring issues that emerge from our clients' submissions. These include the lack of independence of the investigating authority, the inadequacy of the skills and training of the staff, the inadequacy of support offered, the power imbalance, invasion of privacy, lack of transparency and lack of accountability.

We then offer our recommendations for change for the Committee's consideration.
1. The Handling of Allegations of Abuse

1.1 Initial Contact

When making initial contact, our clients experienced the following:

A. **Clients were unable to get help as no-one was available to assist them**

For example, one of our clients who was suicidal after making his disclosure called Carelink for immediate help and was told to call back in four days time. Another, whose child was in real and present danger from the paedophile priest was told she would have to wait until she got a letter from the Independent Commissioner. In both of these cases, the church's lack of response put lives at risk.

B. **Clients in crisis failed to receive a crisis response (e.g. immediate counselling or intervention)**

As above

C. **Clients were asked to put their complaint in writing before any action could be taken;**

Clients who sometimes take many years to feel strong enough to speak of the assaults committed against them need an immediate face to face compassionate response from a qualified professional. To be requested to put their complaint in writing can be a difficult task for those whose impacts include the inability to read and write, and can also (albeit unintentionally) give a message that they are not being taken seriously.

D. **Clients were misinformed regarding the history of the accused person in their case;**

Some of our clients were devastated to learn from non-church sources that the perpetrators in their cases had a track record of offending. For these clients, it would have affirmed them greatly if such information had been transparent and provided by the Church when they made a report. Others have reported to us that they were told that there had been no other complaints about a particular offender and later found this information to be incorrect.

E. **Clients were not offered psychological support or counselling;**

F. **The church authority refused to fund counselling for clients when it was requested;**

We are aware of victims who are in dire need of professional therapy but are not provided it through the Church until they are found to be a victim according to the
protocol; for some clients the process of making such a finding is long and stressful and they are required to fund their own counselling during this period.

G. Clients were not provided clear information about the complaint process;

Clients have consistently reported to us that they did not understand what the process was and what would happen next.

H. Clients were confused about the role of the Independent Commissioner of the Melbourne Response, some thinking that he worked for them, not the church;

We refer the Committee to the section below entitled 'Lack of Independence'

I. Clients were not encouraged to seek independent legal advice;

This is consistently reported to us by clients, many of whom initially confuse the lawyers for the religious authorities with lawyers who are there for their benefit.

J. The families of clients were not offered support.

We wish to draw the Committee's attention to the plight of the secondary victims - the parents, partners, children and siblings of the primary victims. These people are consistently overlooked and no consideration is given to the psychological and financial burdens they bear. A client has reported to us and has noted in her individual submission the particular burdens of being a secondary victim including having to take on the role of being a carer for her victim spouse as well as having to become the main breadwinner for their family.

1.2 Period of Investigation

During the period of investigation by the responsible authority, our clients reported to us that they experienced the following issues:

A. Clients were further traumatised due to inappropriate questions about their sex lives;

Multiple clients reported being questioned by the Psychiatrist appointed to Carelink about their level of sexual activity, sexual experiences and preferences in cases where we did not see the relevance of these questions to an assessment of their need for counselling to be funded by Carelink.

B. Investigations were commenced without their knowledge;

A client has reported to us that his siblings were contacted by the Independent Commissioner without his consent to see if his story ‘checked out.’

C. Clients were visited by church authority representatives who did not explain their role or why they were visiting them;
One client has described to us that he had no idea of the role of those who visited him or of the purpose of the meetings. He was left feeling confused and frustrated.

D. **Client information was passed to separate organisations without their knowledge or consent;**

In one of our client's cases, our client's complaint was passed on to a separate church organisation without his knowledge or consent which caused significant distress to the client. This action has never been explained, neither has he received an apology for such a breach of privacy.

E. **Clients were pressured to attend a church authority internal hearing before their claim was accepted;**

Some clients have reported to us that they feel strongly pressured to submit to the internal hearing processes held by the Independent Commissioner, and found the process to be traumatic and akin to a formal trial, such that they felt that they were the guilty party, not the perpetrator.

F. **Minors were pressured to attend a church authority internal hearing against their parent's wishes;**

Please see submission of [Submission for a specific example of this.]

G. **Clients were distressed by third parties who worked for the church authority sitting in on meetings without their consent;**

Please see submissions of [Submission for a specific example of this.]

A number of our clients have reported this concern to us and have felt deeply uncomfortable yet obliged to go along with it if they wish their complaint to progress.

H. **The accused in a case actively sought support from parishioners whilst the complaint progressed;**

Please see submission of [Submission for a specific example of this.]

I. **Clients were told to remain silent about their concerns about the alleged perpetrator;**

Please see submission of [Submission for a specific example of this.]

J. **Clients were not told they could have a support person with them during interviews and meetings;**

Clients have consistently complained about this, see [Submission for a specific example of this.]

K. **Clients were approached by the church authority to seek Information about other victims' situations;**

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A client has reported to us that he was contacted by the Independent Commissioner for the express purpose of obtaining information about another victim’s situation. It appeared to this client that the information was being sought so as to defend the Melbourne Response’s dealings with that victim.

L. Clients were denied access to transcripts of their interviews with the church authority;

Please see submission of [redacted]

M. Clients experienced significant time delays before resolution was reached, in some cases, several years;

The majority of our clients complain about time delays. The longest time recorded between complaint and settlement was 13 years. We are aware of a number of clients whose cases are unresolved after more than 5 years.

N. The process became unnecessarily legalistic - the burden of proof in practice was 'beyond reasonable doubt';

The Melbourne Response in the first instance requires a victim to submit to a tape-recorded interview with a QC which is traumatising and inappropriate. Towards Healing requires victims to undergo an 'Assessment' usually conducted by two Catholic ex-police officers who are very forensic in their approach.

O. Clients were refused pastoral care and meetings when requested;

P. Clients were refused psychological care;

Q. Clients were refused reimbursement for medical expenses which arose as a result of their injuries;

Please see submission of [redacted]

R. Clients were refused the opportunity to meet with the Catholic Archbishop of Melbourne until they had signed a Deed of Release.

This has been consistently reported to us by many clients.

1.3 Outcomes

The outcomes of the church authority's investigations were at the very least unsatisfactory, and in some cases, caused further significant systemic damage to our clients, many of whom felt strongly that:

A. Their complaints were not properly investigated by the church authority, resulting in the alleged perpetrator remaining in ministry;

B. Requirements to make a finding that a client was a victim were not consistently applied; and
C. Clients felt re-traumatised as a result of going through the church authority's complaint process.

2. Long term impacts on victims

We take this opportunity to point out to the Committee members that sexual assaults perpetrated by a religious offender are devastating in terms of the impacts. Many of our clients' submissions demonstrate this.

The majority of victims battle with psychological illness (and in many cases so do their family members by association), they suffer the breakdown of family relationships, they encounter a significant financial toll in terms of lost opportunities for careers or career advancement and due to the cost of psychological support services. Many also develop addictive behaviours to cope with the pain. This is a particularly disadvantaged group.

When they approach the very institution that harmed them for assistance with their recovery usually they are hopeful of a compassionate response. Many are further damaged by the legalistic and uncompassionate response they receive.

3. Systemic practices that discourage reporting of criminal behaviours to State authorities

We have observed the following systemic practices, which directly or indirectly discouraged victims from reporting assaults to the State authorities:

A. Clients were not informed of their right to report to the police at the outset or part-way through their process; - see Case Study below

B. Clients were discouraged from making a police report;

C. Clients were told their complaint was not a crime;

D. Clients were not encouraged to seek independent legal advice;

E. Clients' reports to the church authority were used to try to discredit them in the criminal proceedings against the perpetrator;

F. Clients experienced bias when they were the first complainant with the apparent presumption that if there were no other reported victims of that offender then the first reporting victim was not believed unless the priest or brother confessed; and

G. Clients were effectively required to prove their complaint beyond reasonable doubt rather than on the balance of probabilities.
Case studies

Luke’s (not his real name) story is typical of the problems inherent in the Church’s reporting system.

When Luke reported his complaint of child abuse to the Church, he was referred to the Independent Commissioner. The Independent Commissioner did not inform him of his right to report to the police until after he had given his statement. Nor did he adequately explain the complaint process to Luke.

Luke subsequently contacted the police and pressed charges against the Priest who had sexually assaulted him. At trial, however, Luke was horrified to discover that the transcript of his initial statement to the Independent Commissioner was used against him by the defence in an attempt to discredit him:

“I had been told by Mr O'Callaghan that what we had discussed was to be kept confidential. You can imagine my utter surprise and distress when these very matters were used to try to trip me up during cross-examination.”

We also refer the Committee to our Submission to the Towards Healing Review in 2009 in the Supporting Documents section. In this document we point out a number of difficulties with both the Towards Healing protocol and the practice of the protocol.

4. Legal Technical Difficulties for Clergy Abuse clients

Many clients choose not to take civil court action against the church authority or the accused due to the fact that there is little chance of making a successful civil claim against the Catholic Church. The primary legislative impediments are the following:

A. The Statute of Limitations; - in practice this means that the victim must issue proceedings within three years of the events; at age 21 if the assaults occurred when the victim was under 18, or within three years of becoming aware of the impacts. This restrictive law is completely out of step with current psychological research which indicates that victims of sexual assault usually remain silent about the assaults for a decade or two before disclosing.
B. The church not being a legal entity; - in practice the church cannot be a defendant in civil proceedings, only the Archbishop at the time of the offences and only if they can be made vicariously liable.

C. The church’s assets being protected by property trusts; in practice this prevents victims from seeking compensation.

D. Church personnel not being considered employees; - in practice, this means that bishops and archbishops cannot be held accountable for the actions of offending priests, or for moving offending priests from parish to parish,

E. The accused often having no assets due to a vow of poverty; - in practice this prevents victims from seeking compensation.

For a detailed examination of the key legal issues, we refer the Committee to an article we wrote for the Law Institute Journal in Victoria – a copy is attached as Appendix 1.

We also take the opportunity to endorse the various legal submissions of COIN (Commission of Inquiry Now) who have addressed many of the legal technical difficulties for victims of religious sexual assault in detail.

5. Consistent Issues as Reported by Clients:

5.1 Lack of Independence

Many clients experienced significant confusion about the role of the Independent Commissioner in the complaint process. Some clients, for example, felt that the Independent Commissioner was meant to be working for them as victims:

“My experience of the Independent Commissioner was such that I formed the impression that he worked for me. I was shocked and confused to discover that he actually worked for the church authority, even though he claims that he was truly independent. I thought that he was like a Royal Commissioner and had no idea that he was the church’s barrister. If I had known that he was the church’s barrister I would never have spoken with him. When I realised that he was not an Independent Royal Commissioner, I was enormously distressed that I had spoken with him.”

By contrast, others stated that they had formed the impression that he was working for the Church. Neither of these impressions supports a view of the Commissioner as an independent third party.

A number of clients reported calling the Catholic Cathedral for help and being referred straight to the Independent Commissioner.
5.2 Inadequate skills and training

The Director for 'Towards Healing' is based in Mildura, which has given rise to many difficulties to our clients when trying to seek support. In one instance, a client described arranging to meet with the Director in Melbourne, but that the meeting occurred in a café at Southern Cross Railway Station. This was very traumatising for our client, who describes having broken down and having to walk away during this meeting while his wife continued to explain the situation to the counsellor.

These sorts of occurrences clearly point to a lack of sufficient skills, training and understanding on the part of the personnel employed by 'Towards Healing', they fail to appreciate the trauma suffered by victims of sexual abuse.

Many clients also felt that some of the 'Towards Healing' staff, such as mediators and counsellors, were chosen for these positions due to their connection with the Church, not their particular qualifications. As one client observed:

"I found that the TH staff failed to follow the protocol correctly and while mostly well-meaning, they were simply not adequately trained, not adequately aware of the need for a positive victim-mentor dynamic, and are operating on a religious framework (many of the TH staff are religious personnel or were once religious personnel) and support the church first and foremost – as a result they were highly defensive of each other and the church."

5.3 Inadequate support

From our experience, victims experience the trauma of abuse differently. While some victims want to completely cut themselves off from the Church, others desire to remain part of their religious community. For those who wish to maintain a relationship with the Church, the availability of pastoral care is very important to them. However, this support has often not been forthcoming. Indeed, some of our clients have reported feeling deliberately excluded from the Church.

Furthermore, many of our clients have been denied their requests for healing services; a measure that in our experience can be a very important step in a victim's ability to move forward in their lives. Many of our clients have also voiced an interest in meeting with the Archbishop; however, this has been mostly refused.
Another client had the horrific experience of being wrongly placed in Encompass, a Catholic organisation established to treat paedophile priests. The trauma and damage caused to this person was so significant that he became suicidal. This was professional negligence at its worst.

Clients have also expressed deep dissatisfaction with the system of Carelink. For example, one of our clients reports feeling continually anxious that the provision of free counselling may be withdrawn. This sort of uncertainty can greatly add to the distress of victims.

Clients have also reported that Carelink was withdrawn from them while the police were conducting an investigation into their case. There have also been concerns about the level of control shown by the Church over the victim’s choice of counsellor (please see ‘invasion of privacy’ below).

Beyond counselling help, victims have been hard pressed to get assistance from the Church in relation to their other areas of need. Many clients have noted that they have not been provided with any childcare or cleaning assistance, which would be of particular assistance to victims suffering from psychological illnesses as a result of the abuse.

5.4 Power imbalance

Almost all of our clients reported not having been advised to seek legal advice. Many clients related that during meetings with the Church authority, they were not allowed to have a support person accompany them, although the Church had brought a Lawyer. This clearly creates a vast power imbalance, one which some clients compared to the dynamic of being a victim of an authoritative religious figure.

The power imbalance was exacerbated for many victims by the religious character of the panel.

5.5 Invasion of privacy

As we have discussed above, many of our clients were confused about the role and the powers of the Independent Commissioner. Some of them reported feeling upset about the Independent Commissioner’s intervention into their personal lives. For example, one of our clients described the shock that he felt when the Independent Commissioner made unsolicited inquiries of his new pastoral priest, and also when
he received a "cold call" from another victim, who had been given his contact details by Mr O'Callaghan.

Many clients were also upset about the lack of privacy received by them in counselling from Carelink. The 'Consent to Carelink Form' clearly states that victims may "authorise Carelink and anyone to whom Carelink has referred you to provide information about you to the Compensation Panel to assist the Panel in formulating its recommendations about the ex gratia compensation you receive" and that "Carelink will not disclose any information about you to the panel unless you consent". However, in practice, there has been a large amount of confusion amongst victims about this.

There are serious questions around the disclosure of information by a counsellor in this way, whether the victim has consented or not. Further, the linking of ex gratia compensation with the victim's consent to disclose in the Carelink form places covert pressure on victims to consent to this practice.

As a firm, we would therefore call for specialist funding to be provided to ensure that the counselling received by victims of clergy abuse is independent of the Church Authority. It is our view that the provision of counselling by an in-house organisation such as Carelink has compromised the quality of support given and has led to a blurring of the boundaries between the counsellor and the Church Authority. This situation has led to a level of distrust on the part of the victim towards their counsellor, which may have detrimental affects on their mental health.

There has also been a case of sharing of material between the Melbourne Response and Towards Healing, which led to one of our clients making a complaint to the Privacy Commissioner.

5.6 Lack of accountability

For many victims, the most compelling reason for coming forward about their abuse is to have the offender removed from a position of power within the Church. However, as is apparent from a large number of our clients' submissions, this all too commonly does not happen. Not only have offenders not been 'stood down' after a complaint is made, but bafflingly, they have often been allowed to continue to conduct public functions.
Another client has reported to us that he has firsthand knowledge of the church hierarchy exposing parishioners to risk of significant harm by moving priests who they knew to be offenders into parishes and failing to either warn families or to closely monitor those priests. As a result more catholic children were sexually assaulted.

5.7 Lack of transparency

In our opinion, the privilege that is afforded to priests in confession is out of step with requirements for transparency in almost all other modern professions where criminal activity has been divulged. Some of our clients reported feeling shocked that offenders had been permitted this privilege.

In particular, clients were critical of the effect of such a privilege on the conduct of the Church's response. For example, in relation to the 'Towards Healing' response, a client stated:

"In [a] meeting I was astounded to be told by [redacted] that the offender ...had been to confession with him and that therefore [redacted] couldn't discuss any crimes [redacted] had committed prior to that confession, which was the period he had sexually assaulted [my husband]."

There is also no appeal or review:

Another client comments: "I think the Panel system is unjust because it treats victims very differently and there is no right of appeal. In my case I tried to have the offer reviewed and the Panel would not disclose the 'extenuating circumstances' in which a victim may ask for a review. Also the Panel do not publish their findings and it is impossible to know on what basis one victim may get a better payment than another"

Many clients also voiced their frustration about not knowing the criteria used by the Church to determine the amount of compensation (really just an ex-gratia payment) that is offered to victims. This often compounded their sense that the compensation offered was "hush money", rather than an amount assessed according to the particular damage suffered by the victim or in view of the victim's ongoing support needs.
6. Recommendations

6.1 Recommendations for Systemic Change

It is our considered view that the current protocols are flawed and damaging to victims.

We make the following recommendations for change to improve the church complaints processes:

A. The church authority's response organisations should be locally based and have a public profile such that they are approachable to the public and professionals. At present, the Victorian office of Towards Healing is situated in Mildura and is staffed part-time. There is no provision for crisis response which is more often than not required when a victim finally takes the step to make a report.

B. The church authority's organisations should include complainant representatives to ensure that their services appropriately target the needs of complainants. Victims have complex and multiple needs and would be well served by having victim representatives on the Boards of any response organisation.

C. Recognition and Inclusion of spiritual damage as a critical element in the harm caused. Neither protocol allows for an ongoing pastoral relationship with victims after the claim has been settled, yet many clients report to us that they desperately require this to continue their healing journey.

D. Recognition and practical response and support to family members of the complainant - the secondary victims. At present the families of victims face an uphill battle to have their needs recognised and attended to by either protocol. Settlement figures fail to address the needs of a victim's family when s/he is unable to work due to the impacts of the abuse.

E. 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. We do not know of any other organisation which has permission to conduct its own investigations according to its own laws into allegations of criminal behaviour by its own staff. While we acknowledge that Canon law is important to the Catholic church, we consider that it has been invoked to avoid taking responsibility for criminal behaviour of paedophile priests and has allowed crimes against children to continue to be perpetrated with minimal consequences for the offenders.

F. There should be psychiatric screening of all current church personnel including those currently in training for religious life to minimise risk to children.

G. There should be funding for complainants who seek a holistic casework approach, (spiritual/medical/legal/psychological). In our experience the majority of clients failed to finish school or obtain a tertiary qualification. Many have developed addictions
and have suffered from long term unemployment and fractured family relationships. They simply are unable to afford to access the assistance they need.

H. 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 the complainants. It is sadly the case in our experience that the professionals involved have acted defensively of the church to the detriment of our clients and have failed to grasp the enormity of the impacts, such that, albeit perhaps unintentionally, they have created a further level of systemic harm to clients. Some of our clients have described their experience of the protocols as being worse than the actual assaults.

6.2 Recommendations for Legal Changes

In our view the following changes to the law would improve access to justice for victims:

A. Amendment to the Statute of Limitations to allow for historical abuse claims;

B. Amendment to the corporations law so that the church authority is legally a corporation (e.g. making the Archbishop of Melbourne a Corporation Sole) and capable of being sued over time;

C. Amendment to the property trust legislation in each state to prevent the church authority from protecting its assets from civil suits by making the property trust liable for claims arising from activities of the Archdiocese; and

D. Amendment to the law on vicarious liability so that priests and religious are treated as employees and therefore church authorities can be held responsible for breaches committed by church personnel.

E. Clarification of aiding and abetting offences for those concealing child sexual assaults by clergy, perhaps by the introduction of a child endangerment offence or such like.

Many of our clients have expressed support for these changes, as can be seen from their individual submissions.

6.3 General Recommendations

Other matters which we consider will assist victims to have better access to just outcomes include:

A. Unfettered access to church records
At present, unless a civil case is on foot (which is unusual given the legal impediments in this area of law) church records are unavailable to victims and their lawyers. This is a significant disadvantage for victims.

We also believe that all of Mr O'Callaghan's (the Commissioner of the Melbourne Response) records and the records of the Archdiocese should be made available to the Committee and the police for perusal so that if there is any intentional cover-up of either offending priests, or their superiors failing to remove them or reassigning them, then this can be identified and addressed.

B. Inconsistent settlement amounts must cease

Settlement figures appear to be inconsistent across the cases and some cases are dealt with outside the protocols while other complaints are simply ignored.

Also, the maximum payment available to victims by the Compensation Panel is $75,000. We call for this cap to be lifted and appropriate compensation levels granted based on the long term and ongoing impacts suffered by victims.

C. Unspeakable silence - the suicides

The crimes of priests and religious are often referred to as “unspeakable”. We know of a number of victims who cannot bring themselves to speak of the terrible assaults they have suffered at the hands of trusted religious figures in their lives. They continue to live and suffer in silence.

We are aware of many of our clients who have made multiple suicide attempts and are also aware that in general, many victims have taken their own lives. We call for an investigation into the multiple suicides of clergy abuse victims.

D. All Deeds of Release should now be reviewed.

We are aware of many clients who have settled for low settlement sums, which fail to effectively assist them to recover from the impacts of the assaults. After they have signed Deeds of Release they are barred from issuing civil proceedings.

We believe that these cases should be reviewed and where appropriate the Deeds overturned such that victims are able to seek and obtain proper compensation.
E. Serial Paedophile priests

We are aware that in some Victorian Catholic parishes there have been a 'series' of paedophile priests in succession. Such parish communities require significant intervention and support, which has not been forthcoming to date. These include Doveton, Healesville and Ballarat.

Some clients have also reported to us their concerns that in some cases a paedophile ring of priests may have been operating in some parishes. We ask the Committee to obtain Catholic Church records to identify any such activities and call for resources to be provided to appropriately address these serious matters.

Final Comments

We are grateful for this opportunity to inform the Committee of the issues we have identified in our legal practice with victims and in our dealings with church protocols.

We wish to acknowledge the courage and tenacity of our clients in making their own submissions, some of whom have become psychologically unwell when re-visiting these experiences.

We would welcome the opportunity to speak in person to the Committee.

Supporting Documents


January 2009 Submission to Towards Healing review by Lewis Holdway Lawyers.

Witnesses
Paul Holdway
Ruth Baker

Signed: 

Dated: 21 September 2012