DOCUMENT THREE – MY CONTINUING PROBLEM
WITH THE INDEPENDENT COMMISSIONER,
THE MELBOURNE RESPONSE, AND
THE ARCHDIOCESE OF MELBOURNE.

INTRODUCTION.

This is my third companion document in my general submission to the Victorian Inquiry.

This document records and documents my long running personal struggle with the Independent Commissioner, the Melbourne Response and the Archdiocese of Melbourne - particularly in the last three years.

It is relevant insofar as it indicates that there are continuing problems of attitude, structure and process on this matter within the Archdiocese of Melbourne that need to be addressed and resolved.

NOTE

This third companion document has two sections.

Section two of this part of the submission is more to do with my understanding of the continuing legal problem I have with the archdiocese of Melbourne. This material can be public if deemed appropriate by the Victorian Inquiry.
This section has been added to the previous document and was written on 22 July 2012, and edited on 27 August 2012.

As mentioned many times, I do not presume everything I have written is 100% accurate. There may be some unknown factual errors or assumptions. However, I maintain that my document is substantially correct and reflects in a reasonable way my frustrating experience with Mr O'Callaghan and the Archdiocese of Melbourne.

I reasonably argued that my alternate position to that of Mr O'Callaghan had some merit worthy of further consideration and review. My rule of thumb is the belief that a person, with no vested interest in this matter, could find that there may be some substance in my position that merits further consideration.

I have argued that it is inappropriate for the original investigator/adjudicator to be the final word.

I was simply requesting a review of my file by another "independent" person with the competence to understand and assess the complexities and legalities of this particular problem. It has been a matter of considerable concern that, in the Melbourne Response, there is no structure for a Right of Appeal against any adverse finding that Mr O'Callaghan has determined.

This means that anyone with any continuing misgivings on how they have been treated, or questions of process, or ultimate outcomes has nowhere to go to address and resolve outstanding matters of concern.

There is a definite question of natural justice when the Archdiocese appoints the same person to be the first point of contact, the investigator and the adjudicator. This is further compounded if a person receives an adverse finding from Mr O'Callaghan.

As Catholics, we understand that the Pope enjoys the rarely enacted authority of infallibility, but I do not think this position of absolute truth extends to the Independent Commissioner of the Melbourne Response.
I argue that the officers and agencies of the Archdiocese of Melbourne must become far more accountable than is the present reality.

FURTHER COMMENTS PARTICULARLY FOR THE PARLIAMENTARY INQUIRY

PERSONAL COMMENTS AND EXPERIENCE.

If there was not a Victorian Parliamentary Inquiry, I would probably have just given up on this matter. The Victorian Inquiry will be able to hold the Catholic Church accountable as no-one has ever been able to do previously. It will allow many people to have the opportunity to tell our story and receive a fair hearing.

I wish to put my specific three year struggle with Mr O’Callaghan/the Archdiocese of Melbourne before the Victorian Parliamentary Inquiry as a documented story challenging the less than satisfactory structures and strategies of the Archdiocese of Melbourne that have been, and continue to be, employed in relation to this most serious matter of clergy child sexual abuse.

Prior to this three year dispute I had been a relatively positive supporter of Mr O’Callaghan and the Melbourne Response. However, if others have been treated in the same manner as me, I can now understand why so many people are so embittered with the Melbourne Process.

I was active in the Archdiocese from 1969 to 1999. From 1969-1975 I was training to be a priest in the Seminary, and from 1976 to 1999 I was active in parish ministry throughout many Melbourne parishes as a Catholic Priest. For 6 of these first 8 years as a priest I lived and worked with two paedophile priests.

From 1978 to 1998 I worked actively offering support to a large number of victims of clergy child sexual abuse. Over these two decades I heard the stories of pain and abuse inflicted on a significantly large number of people by clergy. This led to me being involved in varying degrees with victims in a large number of criminal investigations – all of which resulted in convictions.
As I received much specific information of abuse, I co-operated extensively with police, lawyers and journalists over this period. I also communicated my known information to the officials of the Archdiocese of Melbourne.

A Vicar General, Mgr. Gerry Cudmore, in response to my detailed and direct letter challenging how the two paedophiles I had lived with in 1976-78 and 1981-83 were still on active appointment in 1996, resulted in him inviting me to his Cathedral office. It was in his office that he lamented that he was overwhelmed insofar as he had inherited a “poison chalice” and he freely discussed multiple cases. Much to my surprise, he then opened his files and gave them to me to read.

Later, this same Vicar General, along with the Archdiocesan psychologist came to meet with about a dozen representative victims of Fr. Kevin O'Donnell at the Belgrave Presbytery. While the psychologist held a lengthy meeting with the victims in the lounge, Mgr. Cudmore stayed with me in my study where, once again, we had a full, frank and open discussion on the problem and we shared information on known and suspected clergy perpetrators.

In response to the written request of the Independent Commissioner of the Archdiocese of Melbourne, Mr Peter O'Callaghan Q.C., I also co-operated fully with him by providing him with specific information known to me. It was because of our mutually trusting relationship that I held Mr O'Callaghan in such high esteem. Although now disillusioned with the Melbourne Response, and with my relationship with Mr O'Callaghan significantly damaged over these past three years, I still hold that he acted without fear or favour trying to do what was ultimately an unachievable task in the circumstances of his appointment.

I believe I have a fair and informed understanding of the problem insofar as, over an extended period of time, I received specific information from such diverse sources - the victims, their families, police, lawyers, journalists, Mr O'Callaghan, the Vicar General of the Archdiocese, the insurance official, and certain clergy.

Most of the information I received in the years from 1978-1998 is now on the public record following the convictions, or removal from public ministry, of the offenders. I have little or no new information that would be relevant to the police or the Victorian Inquiry.

What I can offer the Inquiry is an insider's definite, specific knowledge and documents of how the Archdiocese of Melbourne dealt with this criminal behaviour of abusing priests. Unfortunately, the Archdiocese was completely derelict in its duty of care to children. The Archdiocese had definite knowledge, and consequently definite responsibility. Sadly, when faced with a dilemma, it chose the protection of the institutional Church over the protection of so many Victorian children.

Another offer I can contribute to the Victorian Inquiry is my knowledge and understanding of the culture, structures, clergy, and hierarchy involved in this scandal. From my seven years in the seminary, to another 23 years in parish ministry throughout Melbourne, I had a lived experience of
I know a significant amount of what happened and I know those involved—most importantly the offending priests and the Archdiocesan officials.

It may sound strange, but my final offer to the six parliamentarians entrusted with this onerous duty of investigating this major scandal is personal support. I am aware of how emotionally distressing has been my involvement in this ugly scene for more than the past 30 years. It really is overwhelming to deal with clergy sexual abuse of children. I fear the members of the Inquiry are going to be inundated with volumes of material that will come from the public. This exposure to abuse takes a toll on all involved. I fervently hope that all members of the Inquiry have professional support to debrief and emotionally deal with the ugliness of this scandal. If in any way, I can assist the Inquiry to understand the context and complexity of this criminal activity, I am available to assist and support in any way.

Now to a few more general points...

I was hoping for a Royal Commission or a Judicial Inquiry. It appears so obvious that Justice Philip Cummins has the knowledge and experience to be appointed in such a capacity.

However, that been said, I had little or no hope over the many years we have collectively struggled for justice that any Government would have the political will to investigate the Catholic Church. I was delighted to hear the news of this Inquiry. It may not be ideal, but it is a great start.

And ultimately, it just may be that the members of the Inquiry recommend to the Parliament that this issue is too large and complex to investigate with the current personnel, terms of reference and time-line. As such, a priority recommendation could well be a Royal Commission or Judicial Inquiry.

One benefit of a Parliamentary Inquiry is that it is not an inquiry conducted by lawyers! Why is it that this very significant scandal has been, almost totally, the lawyers’ domain?

I can understand the Church choosing this narrow, protective and adversarial legal strategy to do everything possible to limit community conversation and to protect its own reputation and assets.

There is nothing like a direct or implied threat of litigation to stop most people in their tracks.

The power imbalance between an institution with unlimited financial resources and its firm of lawyers, against individuals trying to identify a serious failure in duty of care to children of that institution appears, to me, as so obvious and unfair.

It is well over-due and so good that elements, other than legal, can now be considered, discussed and evaluated in the public forum.

I have always stated that The Melbourne Response is much better than what preceded it. However, this is not particularly difficult as, up until 1996, there had been no structural response of the Melbourne Catholic Church to multiple allegations of criminal sexual assault by priests against children in their care. In fact, there had been a collective failure of the hierarchy to respond to this scandal over many decades.
And even then, instead of joining the national program, “Towards Healing”, the Melbourne Archbishop decided to have its own internal investigation officer and structure. By setting up its own “process” it kept control. This internal control ensured information did not enter the public domain.

And why did the Church appoint a Catholic lawyer to be the person of contact for victims, as well as the adjudicator of their case?

If the Church really wanted an Independent Commissioner, it must be asked why it did not appoint as the first point of contact someone who would be perceived as being truly independent - preferably a “non-Catholic”, female, social worker. This first point of contact could then have established a trusting relationship with those who were abused. This first point of contact could then have referred those who were abused to the police, lawyers and professional counselling and support services.
Pages 7-21 have been redacted.
FINAL COMMENT – IT’S ALL ABOUT ACCOUNTABILITY.

I am aware that my submissions to the Inquiry total more than 70,000 words. This is even after editing 17,000!

And yet, I think I could summarise the entire submission in one word – accountability.

Predatory clergy got away with long term child sexual assault because they had unlimited, unaccountable access to Catholic children in their care.

The Catholic hierarchy got away with their long term avoidance and denial, or “cover up”, because they saw themselves ultimately only accountable to the Pope.

The solution to this long running problem that has caused untold damage to so many people, because of offenders and their superiors being unaccountable, is to employ independent personnel and create clear public structures and processes of accountability.

TO THE MEMBERS OF THE INQUIRY

I offer this major document to the Victorian Parliamentary Inquiry to assist you in understanding the way the Archdiocese responds to claims of clergy child sexual abuse.

I offer this substantial submission to tell my story of my experiences with clergy child sexual abuse in Melbourne, to give my account of how the Archdiocese has failed and continues to fail in response to this problem, to suggest underlying matters that contribute to past, present and potentially future clergy sexual abuse of children, and to make recommendations for an accountable and safer future.

I am available to assist you in any way.

I thank you for your efforts on behalf of our community, and wish you well in the onerous task placed before you.

Yours sincerely,

Phil O’Donnell