

TRANSCRIPT

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

Inquiry into the handling of child abuse by religious and other organisations

Melbourne — 12 November 2012

Members

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Witnesses

Ms H. Last, director,
Ms P. Krstic, educational and child protection advisor, and
Ms C. Leaney, research assistant, In Good Faith and Associates.

The CHAIR — On behalf of the committee, I would like to welcome Ms Helen Last, director, In Good Faith and Associates. We also have with us Ms Pam Krstic, educational and child protection adviser, from In Good Faith and Associates, and Ms Clare Leaney, research assistant from In Good Faith and Associates.

Before I ask you to speak this afternoon I would like to note that we have only just received your submission,. There have been some notes we have given you to prepare your submission and this has been received by the committee just this afternoon, so it is extremely unlikely that the committee members can take any of this information and ensure its accuracy because they have not yet read the material contained in it. I think you will appreciate that. Nevertheless, I will be asking you to give a brief summary of the contents of this, if you would not mind, when I ask you to present. I would also remind members of the gallery to please turn off their mobile phones, and we will proceed.

This submission has not yet been formally received by the committee, as we have only just received it this afternoon. To those media reporting on the committee's work, it is timely to also remind you that only formal evidence and submissions received are covered by parliamentary privilege.

Just before we ask you to present this afternoon and give that brief summation of your submission, and we thank you for it, all evidence taken by this committee is taken under the provisions of the Parliamentary Committees Act, attracts parliamentary privilege and is protected from judicial review. Any comments made outside the precincts of the hearings are not protected by parliamentary privilege. Witnesses may be asked to return at a later date to give further evidence if required. All evidence given today is being recorded. Witnesses will be provided with proof versions of the transcript. Please note that these proceedings are not being broadcast.

Following the presentation committee members will ask questions relating to the inquiry, and I know that committee members have a number of questions to ask of you following your presentation. I will now call on you, Ms Last, if you would not mind, to give your presentation, and then the remainder of the hearing will be handed over to committee members. Thank you again for being before us this afternoon.

Ms LAST — Let me say to start with that the lateness of the submission is due to the level of work that we have been doing since the inquiry started, because we are getting unprecedented numbers of calls and scenarios presented to us that have never been disclosed before, and we are endeavouring to move these people through to the police, or to the media if that is their choice. But certainly what you have started has really taken off and is very important, so I just wanted to make that statement first.

We have a lot of material because In Good Faith has been operating for 16 years as an independent advocacy service and also works in the area of education and consultancy to other churches and bodies, so we are in a unique position. We are not just people who set up self-help victims groups. My own background is 26 years. I spent the first eight at the Royal Women's Hospital's sexual assault service responding to victims who were Christian and who had been raped. My second appointment was at the Archdiocese of Melbourne, where I was invited to set up a victims' response model within the Archdiocese of Melbourne, and the pastoral response office was set up. The third area of our work is In Good Faith, which is 16 years old, and it is a privately funded, totally independent service that looks, in the main, at clergy victims — religious victims — and their families and community.

I am fully aware of the questions from the committee, and I have actually made written submissions in response to them. But I first want to take you through some of the material that we have put together in a rather large document, and I fully take on board that the committee has not had time to go through it.

The large document looks, first of all, at the basis upon which we work, the reasons for founding In Good Faith in the first place, and the reasons for founding a collective, which is called the Melbourne Victims Collective. The collective itself was founded in 2006. It is a very important development, because leading up to its founding was a very high level of reporting of distress, trauma and confusion by people who had gone to the Melbourne Response and to the Towards Healing service across Victoria.

So from 1996, when the consultancy with the archdiocese under Frank Little finished, I set up In Good Faith and kept working with victims. The victims there were people who had been abused by the Melbourne archdiocese clergy. They were specifically that or within the Towards Healing framework or across other religious orders or some other churches. They were also victims of international situations; for example, some

victims have come here from Ireland who have been abused over there. They have moved to Melbourne and to Victoria. They are trying to get away from the trauma they have experienced as children in Ireland, but they find when they have arrived here that it basically is reignited and resurrected, and they have had to deal with their issues there. So I have travelled twice to Ireland to do casework there and twice to Britain to do casework in regard to the British response.

In regard to the numbers of the victims who have been responded to by In Good Faith, there is a paper here about our experiences of responding as advocates, and there are numbers on page 1. So from 1998 to 2006 we have responded to — and this is additional to the archdiocese numbers, which are given in the first paragraph. The archdiocese numbers of our response, under ‘Experiences of In Good Faith and Associates as advocates to church victims’ — —

The CHAIR — You are referring to which document?

Ms LAST — This one.

The CHAIR — This one?

Ms LAST — Yes. It should be in the set of papers there.

The CHAIR — On page 1?

Ms LAST — No.

Mr O’BRIEN — Show us the front cover.

Ms LAST — Okay. The first page is ‘Scenarios of terror’.

The CHAIR — Okay, yes. I have got that one.

Ms LAST — You have ‘Scenarios of terror’, then you have ‘Victims delay reporting because of’, and then you have ‘Experiences of In Good Faith’.

The CHAIR — That is what you are referring to?

Ms LAST — Yes. So the numbers worked on as a consultant in the archdiocese at a time when they had no formal process of response at all set up were 120 primary victims, 200 secondary victims and 800 professionals, parish community representatives and members. They are the statistics from the three and a half years of work that was done there. The next statistics are about the work that we have done since leaving the archdiocese. So that includes different victims, not the same ones: 140 300 secondary victims and 1000 professionals in Melbourne and the wider community and internationally.

The most important thing about doing this work is that we have seen, since leaving the archdiocese, the development of more and more complex health issues for the victims. When we were working prior to any structure it was a terrible time, but since the structures came in — in 1996 they were announced and released and functioning — both the Melbourne archdiocese response and the Towards Healing response have been very much responsible for causing further layers of harm.

The setting out of those harms is in the larger document, which you do not have; Georgie has a copy. But there are, within this document — and you will be getting a copy of that — —

The CHAIR — If you could just refer to the page, that would be very helpful, and I think members do have an unbound copy.

Ms LAST — Yes, sure. It is section 8, ‘Misdemeanours of the Melbourne Response’.

Ms LEANEY — That is section 2, page 8.

The CHAIR — Just speaking to it is probably best. If you could just refer to it so that we have that documented for the purposes of the Hansard transcript.

Ms LAST — There are seven pages here that we have collated since 2006, and they have been collated with lawyers who are advocates for the victims. They lay out the mismanagement of complaints, the neglect and mismanagement of investigations, the absence of promised pastoral supports, the obvious conflict of interest that exists between Towards Healing and particularly the Melbourne archdiocese structure and the victims, and the scarcity of information. Within each subsection there are probably about 15, 20 or 30 points. They are explicit examples, and we have been collating that because of our absolute concern for these people and what they have been experiencing.

They have already been primarily abused and assaulted. They have gone to these systems, and then that is an example, that misdemeanour section, of explicit details about what they have been put through and how it has come to affect them. You can read in the examples, when you think about it, what terrible impacts this secondary experience would be of going to the systems. This is called ‘the second wounding’ — when a victim goes to some place, some person, some organisation that they believe will really help them, that is set up for them, only to find that it is not set up for them; it is set up for another purpose, which is an institutionally based purpose.

Lots of issues have arisen about them being utterly confused in regard to the Melbourne Response because they are not given a proper briefing, and yet the commissioner is a QC. They do believe that he represents them. They do believe that the response is there based on the history of their needs, and yet no research has been done into the history of victims’ needs by the church, so the mental health issues have become enormous. We are looking at the development of complex post-trauma stress disorder, which is another level again, and it is to do with the breaches of trust, the confusions, the conflicts, the lack of safety that exists between relationships.

The scenarios that some of the victims have brought to us, which is on the first page of your handout sheets, are titled, ‘Scenarios of Terror’, and I have chosen that word purposely. I just want to take you through the first six. Melbourne archdiocese former priests and seminarians have disclosed an unhealthy culture and activities in the seminary. Two former seminarians have been sexually assaulted in the course of their seminary studies, with no moral, ethical, criminal or remedial follow-up provided by the seminary or anyone in the church to these men.

Priest sex offenders are known to be carrying weapons — knives and guns — or having weapons in their presbytery that can be accessed and viewed by schoolchildren, as these children have keys to the presbytery. In another instance, there is a pistol in the glove box of the priest offender’s car. Another parish priest sexual offender accesses schoolchildren for sexual assaults. Children also know that this priest has a pistol in the presbytery and carries his gun around the schoolyard with him.

Victims disclose numbers of clergy in ‘ceremonies’ during the assaults of children. Also, a victim reports clerical offenders introducing dogs into the assaulting of children. An adult woman sexually assaulted by a priest with a knife — threatens to rearrange her face if anything is said about this assault.

Adult survivors speak of being assaulted in groups of children by male and female religious as the perpetrators doing the assaults. Also, adults tell us that they have been abused in groups of children over a number of locations by groups of clerical offenders. Also, as boys being at an altar boy training camp and assaulted for a week by clergy seminarians in charge of the camp.

A married woman sexually assaulted by the Catholic Church chaplain in her bed immediately after being admitted to a Catholic hospital for mental health care. The chaplain later instructs the nurse to leave the woman — the patient — in his quarters and he rapes her there and sends her back distressed and traumatised to her ward. The case has been managed by the Melbourne archdiocese, and no report has ever been made to the hospital authorities.

We have three examples here of women assaulted in hospitals by different priests, all in the role of chaplains. These women have had the most shocking time for the last seven to 10 years, trying to get the Melbourne archdiocese to respond appropriately to these assaults. They go on for approximately 15 points. These are just the worst examples of terrorisation, but there are hundreds and hundreds that we can access.

I just want to say quickly that there is no national Catholic Church mental health policy. It does not exist anywhere. They have not developed one. You cannot find it. The counselling that is outsourced is done on the basis of the victim saying who they would like to see if they already see someone, or the Towards Healing or the Melbourne Response will say, ‘Well, we have a list of our preferred people’, and we really have not had

good feedback about these preferred people. I do not believe that they are involved in best standards of practice, and around 10 complaints have gone to the psychology board by these clients, one to the medical board and one to the legal services commissioner. This has put these victims in direct conflict with the service that is there to be providing them with counselling outsourcing, support and care. And they have no way of making their complaints known back to the church, because there is no consumer advocate or complaints process.

Those who have tried to make these complaints have found that they have to give their complaints to the coordinator of the counselling service because the archbishop will not appoint anyone else to receive them. These complaints processes that have gone on for five to seven years result in the terrible debilitation of the victims themselves — another level.

The last piece I would like to talk about is why people do not report, because you specifically asked me about that. Victims delay reporting. I think I have probably said enough for you to understand why they might delay; however, I put this together for you. The terror of the assaults on children by more than one clerical offender. Weapons, bestiality and clerical rituals of abuse would stop them, wouldn't they? And they are stopped from coming forward at the present time. There is the horror of the assaults on vulnerable adults, the rapes and the threats with weapons in hospitals and parishes; focusing on their ill health after the assaults during their development from childhood to adulthood, which they have needed to do; coping with compounding impacts, such as PTSD and complex PTSD; and an enduring desire to bury the experience. The victim has dismissive attitudes to emotional and psychological needs and pain. There is no context of empathy and receptivity towards the victim disclosing in their own families, in the schools, in the church community or in the wider community. There is still no place of safety, truth and empowerment for a victim in the church and the church's communities. Little information to help clergy and religious victims find support and care exists in the church.

There is fear of going to the outside of the church to independent professionals, services or organisations. For example, there is fear of going to CASAs, the Victorian police services or victims of crime services. There is distrust of secular authorities even though church authorities are seen as questionable. There is no understanding of the crime and the rights of the victim of clergy and religious abuse. Fears of being stigmatised and bullied by others as a victim, and also continuing to be intimidated by the offender. There is perceiving a judgemental and hostile church community, keeping faith with the church community, its priest leaders and with God. Fearing being publicly singled out, identified and humiliated. Fear of losing jobs, social connections and friends. What you know is better than opening up to the unknown. And fear of an angry, punishing God. Do we wonder why it has taken this long for you to set up and run and now they are coming forward. I want to thank you very much for what you are doing.

Ms LEANEY — I would like to start by saying that the following information I am going to provide is not complete at the moment. It is largely available through various media reports and through accessing the Broken Rites website. MVC members and their experiences contain a wealth of information regarding the movement of serious and often serial sexual and physical clerical, religious and lay offenders. MVC members' experiences include information from locations outside of the Melbourne archdioceses and indicate the movement of known offenders throughout parishes, primary and secondary schools, hospitals, orphanages, other care institutions, church communities, welfare organisations, missions to Indigenous Australians, and sight and hearing-impaired education centres throughout Victoria, Australia and in fact overseas.

This continued movement and cover-up of the activities of paedophile cleric and religious offenders has been perceived by an entire community of survivors, their families and communities as a tacit approval of such behaviours, not only ignoring the grievous harm caused but also enabling the ongoing criminal offences against accessible children and vulnerable adults.

Further, the failure to report disclosures of clergy sexual and other assaults to legal authorities, particularly Victoria Police, has enabled potential reoffending and subverted the rehabilitation that victims, families and communities require. Some actionable criminal offences, and again this is not a complete list, include perverting the course of justice and impeding apprehension, as well as undue influence — that is, taking unfair or improper advantage of the weakness of another party to make them agree to something.

There is a common complaint amongst victims and by victims exemplified by members of the MVC that once complainants have been established as a victim of clergy or religious sexual assault through a finding by the commissioner of the Melbourne Response or through Towards Healing's processes, these internal church

complaint systems are enabling potential reoffending to occur as there is no engagement with state policing processes or any expertise.

I would like to quote here from *Kairos* magazine, dated the 28th of the 10th this year, and Father Shane Mackinlay acknowledging that the church did in fact underestimate the long-term, often devastating, harm and effect on victims, operated with a legalistic response rather than prioritising victims needs and believed offenders when they said that they would not offend again. Unfortunately the evidence you will hear following this suggests that not only did offenders known to the church reoffend after initial complaints but in certain cases have proceeded to reoffend repeatedly. Therefore the validity of believing an offender when they said that they would not reoffend needs to be seriously questioned.

I am just going to highlight three examples you will see in our submission. There are 18 examples in total, but 3 of the most significant I will highlight currently; the first being Father Frank Klep, Salesian. The first complaints of sexual assault against Father Klep were made to the Salesians in 1986. Unfortunately after that Klep was transferred to and made head of the Don Bosco youth centre in Brunswick in 1992. He was then moved to Moamoa Theological College in Samoa in 1998, where, despite assurances given by authorities, he was again in contact with young children.

Father Gerald Ridsdale is my second example. The first complaints made against Father Gerald Ridsdale were made to a Father Thomas Brophy in the 1970s. He was then transferred to Mortlake in 1981, where parents complained repeatedly to the diocese and office about Ridsdale's behaviour. Parents of one particularly badly injured victim complained to Monsignor Fiscalini but were urged to, and I quote directly here from Broken Rites, 'remain quiet for the church's sake'. Complaints were made from Horsham in 1987 and again in 1990, and then Ridsdale was transferred to the United States. Evidence that can be seen from various media reports and from the Broken Rites website suggests that this pattern of offending by Ridsdale stopped only after his 1994 sentence.

Perhaps most recently there is Father Barry Robinson. He admitted to sexually assaulting a teenager in Boston in the United States in 1994. Despite admitting knowledge of this, the Melbourne archdiocese then accepted him into ministry in Melbourne. He was placed in Williamstown and East Melbourne and as a hospital chaplain and relieving priest at later dates. In 2011 there was an attempt to place him as a parish priest of Healesville, which has had several other known offenders there. Thankfully, due to the action of In Good Faith and Associates and Pam Krstic at the end there, his appointment did not go ahead.

Serious consideration should be given to the fact that church officials in this instance obstructed justice when facilitating Father Robinson's sudden departure from the United States whilst under police investigation.

Attention should also be paid to the fact that during sentencing clergy have often received a far lighter sentence than other known paedophile offenders. I can provide information on that at a later stage if you would like.

I would just like to finish quoting from a survivor. This is available online, and if you look at the handout 'Perpetrating clerical offences', you will find the web address that was accessed on the weekend. This survivor says that:

For decades, thousands of Australians have suffered immeasurable mental, emotional and psychological trauma because of rape and abuse committed by members of the Catholic clergy. For decades, the church has covered up, hushed up and hidden those abusers. The survivors, or victims, if they had not taken their own life or suffered through incredible amounts of mental anguish have been mostly forgotten and forced to pick up the pieces on their own. The perpetrators were allowed to move on and be hidden by the organisation that should have been protecting its flock.

If this was another organisation ... there would have been a royal commission well before now. There would be thousands of these criminals imprisoned rather than simply being moved on to another parish where they can continue to abuse other children, or collude or cover up with their colleagues, the abuse of women and children in the church.

I know because I survived.

The CHAIR — Thank you, Ms Leaney. Would you like to add some comments, Ms Krstic?

Ms KRSTIC — Did you want me to go ahead, or do you want to ask questions first?

The CHAIR — No, please go ahead.

Ms KRSTIC — I am a member of the Melbourne Victims Collective (MVC), and since 2006, when I lost my job as a teacher in a Catholic school over my concerns about a priest, I have been consumed with finding what a better response might look like.

The CHAIR — Please take your time.

Ms KRSTIC — So I would like to thank you for the opportunity to speak today. I am still horrified at the archdiocese's total disregard for the ongoing wellbeing of the many students placed at risk by the two paedophile priests in my parish. In 2000, when the first of the two parish priests was convicted, there was no outreach. In fact he had disappeared in 1994, and I was deputy principal at the time and was not told. We did not find out about it until 2000 when the newspapers reported his conviction.

So the question I have asked myself over and over since then — arguing with the archdiocese and officials about the lack of outreach to families of affected students — is what might best practice response look like? The research that has led me to the suggestions I make today has been extensive, and I have got a precis of it here. You are welcome to have it if you wish, but you may prefer just to work from the recommendations.

I believe the necessary elements of a best practice response are that there must be crisis intervention following an allegation and on the conviction of an offender. That is completely non-existent now. A lot of reports coming in now are historical cases, but I am talking about when there is an offender in a parish now. We need child protection policies, programs and procedures. We need standardised, state-approved policies, programs and procedures with very clear pathways for mandatory reporting.

We need ongoing training of staff, volunteers, families, children and parishioners. And there needs to be a long-term public education program. Ideally this would be implemented by the federal government for the entire Australian community. All of the above elements need to be under constant review and revision, as is being done in the UK. They should be audited by an independent authority appointed by the state. There are examples overseas of this.

To qualify as best practice, any response needs to be the result of ongoing research. There need to be measurements. We need to know how many people are offending. We need to know what the results of the training are. We want to know that we are actually making a difference.

Today I am going to focus on two of these elements, because the MVC experience shows that they are urgent problems and my research has shown that even overseas in places where safe environments, structures and policies are in place, they are still not being done well, and these are particularly the reporting and crisis response.

What are the impediments to reporting? I am talking particularly about Catholic schools, but I am sure it would be true in many other organisations. Despite mandatory reporting for teachers, there are still many impediments to reporting in Victorian parish schools. These include: the Victorian mandatory reporting laws lack the depth of those in New South Wales. In New South Wales they include grooming as reportable behaviour. Victoria lacks the clearer structures for complaints that are in place in New South Wales through an ombudsman, and in Queensland where each organisation is required to have a nominated and trained child protection officer who is responsible for helping to report to statutory authorities.

The priest is in sole charge of the school — many people do not realise that. Catholic schools are not just part of one big system. Each school stands alone and the priest is in total charge. In some schools the priest delegates to a board and to the principal, but in some schools the priest takes the total power and the others have no power over things at all. In fact our experience has been that priests who are likely to be offenders are the ones most likely to use their power in that way, which means that teachers and principals are not able to report them as easily as they might a priest that would not be an offender.

If you have concerns about your employer, the pathways for reporting concerns for him are not clear, and they are fraught with difficulty. If it is a cut-and-dried case where you know a child has been sexually abused, you should go straight to the authorities. But sometimes your concerns are not that cut and dried. You see behaviours, you know that they are a worry, but you cannot say categorically that you have formed a belief that abuse has occurred, and that is what is required for mandatory reporting in Victorian legislation. So if you turn up to your principal and you say you are concerned, they will take you through the mandatory reporting booklet

and say, 'Well, have you formed a belief that sexual abuse has occurred?'. And you cannot say that. You were not present. You have just seen these worrying grooming behaviours, which you have already seen before.

The chain of command for reporting concerns is not clear, and unfortunately sometimes the information as it is passed up the line can be changed. There is a case of that within the MVC where as it was passed on to the principal and then up to the CEO and then across to Melbourne Response, it was precised.

Another big problem in schools is cultural denial. Many adults, despite mandatory reporting training, still believe that they would recognise an offender if they saw one. Then there are those people who say, 'Well, I like and respect this person and I have never seen any signs of any odd behaviour, so I can't believe this allegation; it can't possibly be true'. These mistaken beliefs must be addressed by public education and by effective mandatory reporting training for teachers.

In the case of Healesville, personnel did observe concerning behaviours. Since the priest has been convicted there have been other people from the parish say, 'Well, I did notice this, and I was a bit concerned'. But we are inclined to rationalise and think, 'There must be another reason for that. I can think of a reason why that might have happened. There might be another reason apart from the fact that the man is an offender'. It is human to do these things, to rationalise rather than have to face the awfulness that something might be going on like that. We need resources for better and more widespread training and materials. We need clearer structures and stronger laws, and we need them urgently, because I am not talking about historical abuse here.

On mandatory reporting and training, it takes a village to raise a child, and it is the responsibility of all to maintain child-safe environments. The MVC believes that all adults in the community should be provided with adequate training and be required to report all concerns about possible abuse. For this to be effective, the training or the public education must ensure that adults clearly understand the dynamics of abuse and how it happens — the grooming behaviours are particularly important — and the lasting effects of trauma. There are some people who really do not realise the devastating effect it has on their lives.

One very important thing that is not often talked about is the dynamics of disclosure. I spoke to one of the victims who had actually answered his parents when they first asked, 'Did it happen to you?'. He said, 'No'. Later on I said to him, 'Why did you say no when they asked you?'. He said, 'I have had this terrible secret, and it has been making me ill for so long. Suddenly, out of the blue, Mum says, "Did this man do something to you?", and it shocked me. I wasn't ready to tell, so I said no. But for the next 12 to 24 hours after that I thought and thought how I might have answered that — how I might have told her the truth. If she had asked again in that 12 to 24 hours, I would have told her, but she didn't. She asked again six months later, and the same thing happened again'.

This information is vital to be given to parents of children who have been exposed to a paedophile. It could be the difference between life and death, because early intervention for these kids is so important. We need to all understand the community attitudes and behaviours that perpetuate the silencing of victims, and one of those is the fact that we are horrified and we do not like to talk about these things. If we were more eager to talk about these things openly, there would not be the shame attached. The fact that we dance around things, that we do not want to have a royal commission — the message to victims is, 'This is really something we do not really want to grapple with'. This is why it is very important that you are doing what you are doing, because it is sending a very powerful message to the victims out there that have not disclosed yet.

There are many training programs for different purposes available as models here and overseas. A multidisciplinary working party should be established to examine different resources and ascertain what might constitute best practice for Victoria. In the Catholic Church particularly, targeted training would need to be provided for priests, employees, volunteers, parents, youth, children and other parishioners, and it would be different for each one. There are examples of that operating well overseas.

The Melbourne archdiocese policy, 'May our children flourish', which appeared on the archdiocese website midyear, simply formally records what has been the reporting practice since 1996, and it is being offered as the policy for the future. There, in the flowchart for reporting, you will see that if concerns are of sexual abuse, the report should go to the independent commissioner to make the decision whether the matter should be referred to the statutory authorities. The independent commissioner has not made a report to the police in the whole 16 years he has been operating. Why is the policy still that any allegations of sexual abuse should go to him to

decide whether it should be referred to statutory authorities? If matters are of sexual abuse, if there is a suspicion of sexual assault or even if there are patterns of grooming behaviours, the statutory authorities should be informed immediately.

Why is there this failure to immediately report all suspected sexual abuse to the police? I believe scrutiny of an insurance company's safety tips might give you a clue. This is taken from the Church Mutual safety tips brochure in the United States. I have not found an Australian example, but I suspect they might be similar. It says to the employees, to the employers, to the schools and to the organisations:

1. Inform your employee or volunteer of the accusations, and discuss them with him or her.

So you have seen grooming behaviours. You are worried about the person's relationship with a student or a child. Are you going to have a chat with him about it so he can think, 'I better go and remove all that child porn off my computer'? This is what happened in Healesville. Then it says you should suspend them from duties with pay. Then you consult your attorney regarding compliance with reporting, and then you report just what is required in that jurisdiction. It is not saying, 'What is your moral obligation?', it is, 'What is your legal obligation?'. If that is the case, then our legal obligations have to be absolutely stringent and very strong, with no room to move. This is why law reform is really needed.

What should Victorian child protection structures, policies, programs and procedures look like? There are examples in the US, UK, Ireland and Canada — working examples — of quite widespread child protection measures, and these should be examined as possible models. They do have strengths and weaknesses in each jurisdiction, but they all have one common problem. Critical evaluation by those involved in the responses identifies that the power of non-compliant bishops in their implementation is the main impediment to their success. In all of those jurisdictions well-meaning state authorities have set up structures, and they believed that the bishops would use the moral authority to implement well the structures that were in place, but unfortunately in all these jurisdictions there are terrible examples of choosing people who will not follow the structures, of keeping things away from the structures.

A more detailed analysis of these overseas responses is available on request. Again, we believe a multidisciplinary working party should be established to examine models of practice to ascertain what might constitute best practice in Victoria, learning from the successes and mistakes in other jurisdictions.

Crisis response — I am talking here about crisis response from 2006 to 2009, so this is not historical abuse. This is about now — well, not so long ago. The priest was stood down and parishioners were told that the priest was on sick leave. This is what happened in 1994 when the other priest was stood down, so it was exactly the same — 1994, 2006, no change to the response. No information was sent to parents of children in the school or parish until gossip arose in the playground two years later when there was a newspaper article about it. At that time the only letter ever sent home to parents was to warn parents to stop their children gossiping. There was no general meeting with trained crisis support personnel.

This current crisis response keeps everything shut down and secret. It prevents any discussion of the past. In fact the parish was instructed that they were to have no meetings with any of the victims' families or me to discuss anything that had happened in the past. They could meet with us, but not on parish property. We were allowed to go there for a healing mass, but there was to be no discussion of anything that had happened in the past. This alienates victims and their families. It sends the message to victims that they should be ashamed of what has happened and that any disclosure that was to come from any of the other victims would be met with distaste and alarm and secrecy.

Most importantly, this current crisis response fails to equip parents of other victims with the information they need to support their child in early disclosure. The church currently explains that this is necessary for the wellbeing of victims. The MVC experience shows that this is not the case. Victims are best served when they are listened to, when they have their welfare and therapeutic needs met, when they hear our outrage at what has been done to them and when they see we are not frightened by their stories, that we can handle them and that we are galvanised for action — that we will examine what went wrong, we will implement changes and we will continually check that children are safe today.

I did believe the church propaganda that it would harm victims if we talked about these things. When an article was published about what had happened in Healesville, I took the newspaper report to the family of the boy

who had been abused. He ran up to me, met me and said, 'Have you seen online? Have you seen the letters of hope?'. It was the first time he had heard any outrage about what had happened to him.

The CHAIR — Please take your time.

Ms KRSTIC — A best practice crisis response needs to be formulated by a working party of professionals in consultation with victims. Listen to victims about how to get disclosures early. Listen to victims telling you what we need, and then go out there and put it in place so children are safe.

It is possible to create a safe environment for discussion when there is an allegation made. It does not have to interfere with the judicial process. You can talk in general terms, but you can explain to parents how to create an environment so that their child will feel safe enough to disclose if anything has happened to them. You can encourage people not to gossip; they do not need to know who the victim is. These things can be done.

The current lack of adequate crisis response means that other child victims are left without the critical therapeutic intervention which would counteract the lasting damage done by abuse. We do know the disastrous level of clergy sexual assault-related suicides. This kind of intervention will save lives. There are many victims in Healesville who have not yet disclosed. If there had been outreach to them at the time, that might not be the case. This abuse happened in the 1990s with David Daniel, so statistically these victims might start to disclose now. Let us hope they do feel safe to disclose and they do not choose the other option. I do not want Healesville to be another Ballarat.

A crisis response team should include welfare professionals, independent trauma specialists and psychologists, police and only suitably trained representatives of the organisation. You do not send the financial adviser. You have people trained in your organisation who will be able to adequately respond to people in a crisis response team.

At the last page I have given you what a better response might look like. Victoria-wide, mandated child protection policies and practices with the four elements that I mentioned. These would then be developed at the diocesan level in conjunction with child protection professionals in their area, and then tailored in the parish level, also in cooperation with the local state authorities like Anglicare or the local agencies. And then these would be audited and reviewed regularly by independent, government-appointed experts. These should be backed up by a state ombudsman with real powers to act upon concerns about complaints of the response.

Twelve years ago one of my students bravely went to court and had David Daniel convicted for abuse. Unfortunately he was not the only student harmed. It is a tragedy that there was never any outreach to them. David Daniel was known to the diocese as an offender before he was sent to Healesville. They cannot say that when the allegation was made they did not believe it and they were waiting to see whether it was true.

Mindful of the terrible toll of abuse in the Ballarat region, I worry about the wellbeing of those boys I remember who were so eager to be altar servers. Is it too late for outreach now? After years of secrecy, embarrassment and shame, would it be right to do outreach now? The Jesuits in the US and Germany have done it. They recently conducted outreach to all alumni of their schools where they knew an offender had been present and encouraged them to seek support and assistance, and gave information to their families.

The time for outreach was really back when the allegations were first made. Therapy and early intervention are essential for full recovery. Remember, the response in 2006 was the same as 1996. This must change. When you hear church personnel say that abuse is 'historical' and that responses have changed and are now adequate, remember the church's recent response in Healesville and ask them how can they have so little understanding of what a best practice response would be.

The CHAIR — Thank you, Ms Krstic. Are there any final comments you would like to make before I ask members of the committee to ask questions of you?

Ms LAST — Yes, I would like to talk about *societas perfecta*. *Societas perfecta* is what the Roman Catholic Church talks about in regard to its structure as a perfect society, or a perfect community. The doctrine teaches that the church is a self-sufficient or independent group which already has all the necessary resources and conditions to achieve its overall goal of universal salvation of mankind. It has historically been used in order to best define church-state relations.

The church is a perfect society of its own kind and their own right since it has everything for its own existence and the effectiveness of that as necessary in accordance with the will and power of the grace of their founder and in and of itself. As the goal of the church is more sublime than the state, its power is always far superior, and it can therefore not be considered less than a state as it is not in a state of subordination.

Each area, the two societies, the church and the state, one is responsible for the care of the divine dimension and the other for the human. Each one is the highest of its kind. Each has certain limits and borders that emerged from the nature and purpose of each of the two forces. The church and the state are two separate societies. That means they have their own legal system and all necessary responses. They are also, within their respective jurisdiction, entitled to apply laws. On the other hand it must not be overlooked that they are both aiming at welfare — namely, that the people of God is to obtain eternal salvation. This is a commonly understood doctrine in regard to clergy, and in fact it was a clergyman who drew this document to my attention recently.

Ms KRSTIC — Can I just interrupt there, because that is very pertinent to what I was just saying. When the lack of crisis response happened in Healesville, my question was, ‘Why don’t we do what would happen in a state school? Why don’t you have a crisis response team that comes out?’. ‘Because we are a Catholic school and we do things differently’. There is this belief that they should not use any outside experts, and that has got to stop.

Ms LAST — Yes. We have recommendations, but I would like to suggest that we have a break, or we can go on.

The CHAIR — I am happy to get your recommendations. Have you provided those in your submission? Are they there?

Ms LEANEY — Yes.

The CHAIR — Perhaps you would like to speak to those a bit later. If you would like to adjourn for a minute or two, we are happy to do that.

Ms LAST — That would be lovely, thank you.

The CHAIR — We will resume in 5 minutes, at 4.20 p.m.

Ms LAST — Georgie and the committee, there is one section left that we want to present, and that is more generalised recommendations regarding the government’s relationship to the church, but we are very happy to go through questions if you could just leave us 5 or 10 minutes at the end.

The CHAIR — Thank you. We will try to accommodate that, Helen, but I know that committee members are keen to ask questions of you. There has been a significant amount of material received by the committee which suggests that the church processes have let the victims down and justice has not been achieved. In your view, what does justice look like for victims?

Ms LAST — It is multifaceted, it is comprehensive. It is to do with their own health, their own welfare, some equity about what they receive in that regard from Towards Healing and the Melbourne Response. There are incredible differences from victim to victim in regard to how the commissioner assists people, how the Carelink service coordinator assists people. For example, one woman may receive over \$14 000 to attend a retreat place for a period of time, and then another woman, who is actually present here today, cannot even get a taxi fare to get to a psychiatrist that she desperately needs. That is an example of the lack of equity and the disparities. With Mr O’Callaghan there are issues going on in regard to his personal payments, and everyone is aware of that from the *Age* article, and we also have other awareness from our work with victims that a woman has been paid over \$90 000.

The CHAIR — So are you saying that the church has a major responsibility in addressing these inequity concerns?

Ms LAST — These inequities must be examined, investigated, and that a proper policy for the welfare of the victims and the assistance to them — if the church is going to be giving what they call compassionate assistance, that that be available to all victims in a schedule and that that is transparent. At the moment it certainly is not. That is part of justice.

The CHAIR — Would they administer that?

Ms KRSTIC — Actually the recommendation that you were going to go through with them actually did set out what a response would look like.

The CHAIR — Would you like to speak to that now then, Ms Krstic?

Ms KRSTIC — We have been talking about if you could establish an independent structure to oversee the safe environments I was talking about and independent processes for victims, determine a schedule for just compensation, and then the provision of comprehensive services for victims, funded by grants from the church but managed by a government structure. These would include therapeutic care, pastoral care, advocacy, welfare support, job search services, training and access to holistic health care. Such a response could be under a caseworker or advocate to liaise with their families, the police, mental health professionals, welfare agencies and Centrelink if a victim/survivor so wished. That is our vision of how a holistic approach would be, and that could provide some justice. There are obviously other things, as Helen was talking about, but if you are looking at a vision of how it might look different, that is what we have been talking about at the MVC.

Ms LAST — Also, the issue of victims getting to the police is absolutely critical. At the moment there is not information available to them in printed form or given verbally. There is no advocacy for them to go there.

The CHAIR — Can you just clarify that a little more, ‘getting to the police’?

Ms LAST — Getting to the police. As I described, victims find it very hard to move outside the bubble of the *societas perfecta* and to actually go against how they have been raised, which is to keep everything inside. I describe that with the difficulties for victims coming forward and why it takes such a long time for them to do that. So for them to go to the police, they see it as a betrayal of their families, of their educational places, which have been Catholic or other denominations — most people come from educations that are very powerful. The police have been fantastic, I must say, in upgrading their responses, and we have seen that since 2006 they certainly have changed with all their models of response and the setting up of the SOCIT squads, but there is still a huge gap for victims to cross to go and liaise with a police person.

Getting to the police is basically only the first step, and getting to them means just having a consultation with them. That is what we want: just a chat with them to start with. But that is not supported, encouraged or facilitated by the church systems because they do not set up relationships to do with police that are transparent, trusting, educative, working, collaborative, fostering — they do not do that. This is part of this perfect society concept.

So victims have to walk a long way and work very, very hard against whatever is operating in them to get there. And the church, even though it says, ‘You have an unfettered right to go to the police’, does not actually put in place any practical systems to actually make that a reality. It would be so simple. We do it every day.

Mr McGUIRE — Thank you very much for the detail and the effort that has obviously gone into your submissions. Also, I would just like to acknowledge the strength that you have had to bring to deliver it today. Just on a personal basis, I think it is important that you have been able to testify today. Just to go on, straight off what the Chair was raising, just so we put this on the record, have all of these scenarios that you have detailed here been brought to the attention of Victoria Police?

Ms LAST — No.

Mr McGUIRE — Will you be doing that?

Ms LAST — I will do my best, as I do every day, to make sure it gets to the police liaison officers, with whom we have built tremendous relationships and are highly respecting. As bridges, we are building bridges all the time for victims to walk across. That is what our advocacy is about. When victims are terrorised — and I chose that word specifically — they have less ability to go. If you are looking at the softer end — and I hate that expression — of abuse or assault, it could be easier, but when it has been with groups of clergy, with weapons et cetera, then they have less ability; their mental health is actually quite shattered. If you could only just imagine yourselves if you had been through that as a child and that became part of the reality of your development, that you had to put in some sort of compartment or attic and store it away. It is not the sort of stuff

that children will speak about with each other or parents, and then it is not the sort of stuff that they easily raise, even with the most caring police representative.

The police are ready to hear this, but the challenge is to get the victims to walk the steps. Now, you are doing a lot to encourage them. We have been hearing more in the last four months than we have heard before about these horrors. You are getting to the core of the perpetrations. It is a matter of advocates out there, counsellors out there, psychologists — whoever is working with people — that they continue to encourage them to work with people to do submissions, which you have done. And I understand people can try and still put something in, because we are getting disclosures all the time. We had one this morning that was horrific, the day of presenting to you. The whole family from Ireland, abused there by priests, come to Victoria, live in Ballarat, and they get sexually abused again. Their children are abused at St Patrick's College. Every child in the family is abused. They rang for help this morning. They want to be involved with your inquiry. So it is a living thing. I do not know if I have answered your question.

Mr McGuire — No, that is okay.

Ms Krstic — Can I just add something to that? There was one case with the MVC where it was a group of perpetrators. Sometimes the victims are not willing to talk about it. They have disclosed to their families and they are not willing to talk about it, but the families are willing to talk about it because they can corroborate the time and those sorts of things. We know that when those people go to the independent commissioner the answer is that unless the victim is willing to come and make a formal statement, they do not even want to know your name or where it took place, so there is no information gathering, if you like.

But we believe now the police are very keen to gather information. Even if it will never go to court, they are wanting to get the intelligence of these things and where they were operating. Many children abused in those sorts of circumstances developed dissociative disorders which make testimony in court very difficult. I do not know whether you have had anyone talk to you about that yet, but with the more horrific types of abuse you are likely to have less likelihood of them being able to testify. But the police tell us that does not in any way prevent you going to the police and giving that intelligence. That might help someone who is able to testify, because it can corroborate. That is really important.

Ms Last — We are working with these sorts of incredibly harmed people to suggest to them that they could do it in stages. Maybe they could just have a chat with this person from this level of profession and maybe then a chat with a police representative, but there is lots of chatting going on before we can actually get them to reiterate what has actually happened. The shame is enormous, and as soon as they start talking about it the pain of what happened is revived and the distress comes on, so they have got to have a lot of professional care to be able to talk about those things. But they have allowed me to talk about them and to bring them to your attention.

Mr McGuire — I will just make a suggestion. What you have described are horrific crimes, and even the way that you have had to try to describe them to us has clearly been harrowing. What you are saying is that people are living this, it is ongoing, and you are getting even more reports right up until today. I would just like to put it to you that there might be a way that you could give us more advice on how we can actually track down the details of these case studies in a way that best works to your knowledge and to our powers and duties. Clearly they are criminal matters, so it would become a policing issue, but what might be a way that we could actually address these issues and look at some remedy and what that should be. You can also take that on notice.

Ms Last — You have got a very interesting way of tracking it down: you just have to collect the files from the commissioner's office. A lot of this material is in the 'independent' commissioner's office. Many of these victims have already been to him. For example, one went 10 years ago, and that material that he received is still sitting there without being actioned in any shape or form.

Mr McGuire — Just so you are aware, action has been taken by this inquiry to address precisely this issue, so we will report back at a later date on progress on those.

The Chair — Thank you. We understand that this inquiry is causing difficulty for many people. We are very aware of that, but it is important, and we do thank you for coming before us and telling those stories. I will ask Mrs Coote to ask a question of you now.

Mrs COOTE — Thank you, Ms Last, for all the information you have given us; I look forward to reading through it all. I would particularly like to commend Ms Krstic and Ms Leaney for coming here today and sharing their stories with us and for the courage they have shown. It is, in some respects, a daunting prospect coming here into the Parliament, but we really appreciate it because if we are going to do good work, it is your sorts of examples that are going to help us to do that. Thank you very much indeed for being here with us today.

I am particularly interested in the trends. We have heard some examples you gave in this document that talks about the delay of victims. In the ‘Scenarios of terror’ document you talked about the weapons and the knives and pistols. Given that I know our legislation has changed so much in respect to carrying of knives and pistols, could you tell me how long ago that was, or is that something that is still happening? I was very concerned.

Ms LAST — The knife incident happened in about 1995. The pistol incidents happened about the same time — 97, 98. The issue with the priest carrying the gun around the school yard, with that particular priest, Peter Searson, who is deceased, it took the church 15 years to do something about him. Clare Leaney has tracked his movements, and I apologise that you do not have her table; you will be shocked when you see it. Peter Searson was moved to, Clare, how many parishes?

Ms LEANEY — Sorry, just give me a moment to count.

Ms LAST — There are 15 years of files — actually there are more than that now; there are probably about 18 years of files in the Catholic Education Office.

Ms LEANEY — Father Peter Searson, that I know of, that I can find in publicly accessible records, was moved 10 times.

Mrs COOTE — Have we got that in this information here?

Ms LAST — You have in the big submission, yes.

Mrs COOTE — I have a couple more questions, and I know my colleagues will be very angry with me if I do not hurry up. I thank you for that; we could have a look at that later. In this information that you have given us I am interested to know what is the most recent. We have had the Healesville emotion, and you are a young woman, so that is a relatively recent event as well I would imagine. Could you tell us what the trends are that are emerging now, given that the Melbourne Response and Towards Hearing have both been around since the middle 90s? Could you tell us what the trends are now in what is happening? I am hoping that there is not bestiality, but could you tell us if there are trends that are coming through that are more violent or widespread? Could you give some indication?

Ms KRSTIC — I was just going to make the point that I think it was someone who has spoken to you recently — Patrick Parkinson, Chris Goddard or somebody — who said that the average time for disclosure at present is 21 years. If you think about the children abused in Healesville, they are just starting to be ready to disclose, but then they might take until they are 40. So we cannot know that abuse is not happening now, because there is a lag. I think Graham Ashton made that point very clear. It is very hard. We are not necessarily hearing about what is happening now, if you know what I mean. The fact that in Healesville there was a young boy who disclosed when it was still happening, that is really recent — —

Ms LAST — Yes, and I can talk about more recent cases.

Mrs COOTE — We are also told that the priests are not actually in the schools as they were; there are more lay staff. So the priests with the power that you described in Healesville are not around. Is that a trend that you are seeing too?

Ms KRSTIC — There is still power in the schools. I mean, there were children being taken out of the class without the principal knowing. I mean, they are not allowed to do that, but it was happening. You cannot say it is not happening. Obviously the rules are there that it should not be happening, which there were not 20 years ago, but if an offender wants to offend, it still can happen. It is a bit hard because you do not know until those reports come in, and we would not expect them to come in just yet, unless we set up the kind of culture where people feel they can disclose a lot earlier.

Mrs COOTE — I had better give my colleagues a go; I could have you here all day.

Ms LAST — I was going to give two examples to that.

The CHAIR — Recent examples?

Ms LAST — Yes, current.

The CHAIR — Current examples?

Ms LAST — Yes. The priest at Jordanville was pulled out of his parish five weeks ago, roughly.

Mrs COOTE — Is there a name for him?

Ms LAST — Yes, Grasby — Father Grasby. He was pulled out five or six weeks ago, I guess by the vicar-general, because what we have is — there is just so much to tell you — but the vicar-general is in charge of the maintenance, the monitoring and the handling of sex offenders. Now all vicars-general do not receive treatment — sorry, that is Freudian — they do not receive training in managing sex offenders. They receive training in administration of the archdiocese, because they are the working room for the archbishop.

Their priority is the provision of sacraments to the people. In my experience with two vicars-general — closely working — they had no idea what was going on in regard to working in response to allegations of offences, how to be interventionary. They were confused about their loyalty to the offender. They are very loyal to the priests. They see themselves as brothers. They are an army, and many good papers have been written on that. The chain of command is from top down. So they are more keen to go lightly on the offending priest than ever putting in barriers to support the children.

The priest at Jordanville was pulled out five weeks ago. The archbishop put a letter out to the parishioners — which was very good, because often that does not happen either — about the removal of the priest. This happened because someone made a disclosure about an incident that happened 10 years ago. Ten years ago this priest was actually in North Melbourne where I live, and he was the priest of the church four doors up from me. I had people coming to me, telling me — knocking on my door and telling me — that he had too many young men coming in and out of the presbytery and actually sleeping there — and other things. Whilst I was being told that, he was suddenly removed from North Melbourne and put in the St Patrick's Cathedral presbytery, where many men who are not behaving well spend quite a lot of time because it is very close to the administration systems, and they can be closely watched.

He has been put recently back out to — well, not recently, but a number of years ago put back out to — Jordanville, and the parishioners are saying that so many Vietnamese boys have been surrounding him and coming in and out. We are receiving information right now. Nothing else has been done for that parish.

Mrs COOTE — Just a comment you made in an answer before, which was about the Irish family that had come to Ballarat — where the children had been abused in Ireland — and you said that they are, I think the tense is right, being abused at St Patrick's College, Ballarat.

Ms LAST — No, they had been.

Mrs COOTE — How long ago are we talking about?

Ms LEANEY — There was not a precise date given unfortunately, but I understand it was probably quite some time ago.

Ms HALFPENNY — What you have been saying is just awful. Just going back to Towards Healing, Melbourne Response and the police, when you are talking about, I suppose, the barriers or that there is not any sort of working with the police when people come to the internal processes, we — in submissions and in people presenting to the hearings — have seen letters that the independent commissioner has sent to victims. Have you got any copies of those letters in reference to, you know, reporting things to police?

Ms LAST — Yes.

Ms HALFPENNY — The letters that we saw were ones that could be seen as discouraging people from making reports. You have got those?

Ms LAST — Yes. There is a lawyer here today in the gallery who has got lots of files, because he has worked with well over 100, and probably 150, victims cases in regard to Towards Healing and the Melbourne archdiocese — and that is Paul Holdway, who I see here. Now his files would contain more of those letters regarding deflecting the police involvement.

Ms HALFPENNY — Also, I think the church has said that people do not have to treat any settlements confidentially, that they can speak out. What is the view of victims about that, because they have been through the independent commissioner processes?

Ms LAST — Just a quick picture for you: the Melbourne Response is not the only door through which victims can go to get settlements and have processes done. There is a door that Mr O'Callaghan himself personally opens and closes. There is the public door of the Melbourne Response that he opens and closes. There are lawyers and barristers who relate to him, who are doing lawyer-to-lawyer settlements with the archdiocese. They may go to Corrs Chambers Westgarth, who are the lawyers for the archdiocese and the archbishop, and do them there. They possibly have tried to issue a civil writ — it is difficult to do so, but they might have done it as a big stick — but then the settlements are done on the steps of courts. You have lawyers in Melbourne — Tim Seckel is one of them; he has done over 300 settlements with the archdiocese. These are outside the Melbourne Response process.

There are also doors that open to the business manager of the Melbourne archdiocese, and the business manager is involved in doing settlements directly with complainants in regard to offences. There is a door to there as well that people do not know about, but if you know how to open the door, then you can go in there and do your process and get a good settlement that is above what the ceiling is for the public Melbourne Response. You can get more than \$75 000. This is a truly shocking situation for victims.

We formed the Melbourne Victims Collective to give some cohesion and solidarity to all this knowledge, because the stuff that we know and work with every day is so wrong that we had to make an intentional community so that we could survive for the last six years with all this knowledge.

Ms HALFPENNY — In the Catholic Church's submission it talks about, from memory, that it has 600-something complaints that have been dealt with through their formal processes, which is Toward Healing or Melbourne Response. So are you saying that there could be ones well above that?

Ms LAST — We think it is 2000 people who have been through these different portals — I call them portals. It is all about who you know to get through the portals and whether you have made a complaint to a statutory body about one part of the counselling service, for example. This has to be made equal. It has to be looked at as to what it is doing to people in its inequity, in its dysfunction.

Ms HALFPENNY — Just one other quick one. If I am right, in what you have presented today you were saying that prior to these processes people were treated better than they were during the processes?

Ms LAST — I think it was the time prior to these processes being set up. In October 1996 they were launched. Even with the chaos that was there at the time and the struggle to put ethics pages together and codes of practice, I found that much better than the huge systemic betrayal and the misdemeanours that are going on now. This is a whole other level for everyone to bear, and this is why we put this group of people together to support each other, to help them with their health issues, to help them find their voice, to keep evaluating what is going on. It is a body of intelligence that we have; it is a body of evidence that we have from the last six years.

Mr WAKELING — To the representatives of In Good Faith, thank you very much today for not only your submission but your very personal stories. Clearly you are representing a significant number of people, and you should be proud of the work you have done. I would just like to make that comment.

I am interested in your feedback with respect to Towards Healing and Melbourne Response, and we have touched on that. I am interested to know not only the views of your organisation but of those people you represent who have been through that process. What is the view of victims who have been through the process — the way in which that is managed, the way in which the independent commissioner has operated within that process, whether or not they believe that justice was afforded to them and whether or not they felt supported through the process through both of those mechanisms?

Ms LAST — The former Archbishop of Melbourne, Cardinal Pell, keeps saying that justice has been attended to in a compassionate way and that people are happy, and Archbishop Hart does the same. However, they have not produced one person who can testify to that. Throughout all this time of you all working with us and everyone to bring it all out, where is the person who can testify to the peace and joy and whatever — the restoration, the recovery, the rehabilitation? Where are they? Why are they not storming your doors now? Why are they not out in the press? They do not exist.

Mr WAKELING — So on that, then, do you see alternative dispute resolution processes like this as processes that should be potentially considered, perhaps in a different format and a different structure? Others have testified on this issue, but do you see that as being an alternative as part of this process in addition to just going through a criminal system through the police?

Ms LAST — The first point of response from the church has to be, ‘Is this a criminal disclosure or not?’. Then it has to go to the police. Then, after that, they can look at what they want to provide, which is in the areas of pastoral care, counselling, but I talked about there being no national policy for mental health. They have not researched trauma at all. They do not understand it. Those sorts of areas also need picking up and working on. I do not think dispute resolution is suitable at all for this, but restorative justice has a potential for working with families — not with victims with offenders but working within the family to restore and open up some of the discussion when the victim is in a family, to work within communities. We have been doing restorative justice processes for two years now in different settings, and they have worked magnificently. We have put the values of restorative justice and some of the practices in our submission to you, but these are not to be used in regard to criminal matters — not at all.

Mr O’BRIEN — Thank you again. I join my colleagues in thanking you for the work you have done, and I am serious about that. It is very difficult what you have had to go through today and what you continue to go through, but I want to give you every assurance from our part that this is a serious process. The powers have been outlined by the chair in relation to handling our terms of reference on to ways forward. We do appreciate your words of encouragement for our work. We know that others have sought to criticise this committee before it has really begun. I only make those comments for the victims out there who have somehow maybe lost a bit of faith with this process, and your words of encouragement — that there is a parallel process for people to report their claims to the police and for people to bring the evidence they wish to bring, if they wish bring it, in relation to our terms of reference, specifically looking at the process of handling it.

The stories you have given, the questions I would like to ask you to follow up on, particularly in relation to these instances where the church has either moved priests or left them in place where further abuses have occurred after it was reported, are of particular concern to the committee, because they show up instances of — initially alleged and then ultimately proven, if that be the case, or admitted — failure in the system to prevent further abuse from occurring. That is what this parliamentary committee is particularly concerned about — to make sure it is stopping, and to investigate it in the past.

I have gone through your submission in the time since we have received it, which is only since you have been here, effectively — and I am conscious of the *Age* article. Firstly, I have counted 19 matters. You said 18, but you have actually listed 19. I am not sure whether you count one of them as not quite a category. Maybe to have that clarification first — —

Ms LEANEY — Apologies. That was my miscounting.

Mr O’BRIEN — I am a lawyer; I like to be detailed, so — —

The CHAIR — Could you get to your question, please, Mr O’Brien?

Mr O’BRIEN — Yes I will, Chair. It is important that I first establish that it is 19.

Ms LEANEY — It is 19.

Mr O’BRIEN — Because I have then correlated with the other evidence we have received only last Friday from Broken Rites, and they have identified additional cases, but you have to go through each of those cases to identify whether if it is an instance of a transferee or a non-transferee. Have you gone through those additional Broken Rites cases since that submission was received by this committee?

Ms LEANEY — No, I have not. All I can say — and I said this earlier — is that the information provided here is a mixture of what I have gathered from Broken Rites websites and through various media reports, but due to time constraints and — as Helen pointed out, we are an independently funded advocacy group so lacked the funding to continue this research any further than what I have just at this moment.

Mr O'BRIEN — I was not making any criticism of you, I just wanted to clarify so I could be as expeditious as possible. Because I have gone through in the time you have and I have identified at least 10 instances in the Broken Rites submission we received on Friday alone where priests have been transferred after complaint. Some of them are quite notorious examples: Father O'Donnell; Father Ryan; Father Pickering, who was involved in the mentoring of Father Ryan; Monsignor Day; Father Rubeo; Father Baker; Fasciale, Coffey — two Coffeys — Keating, Best. Then you have identified also the more recent examples about priests passing through, which were another two instances that have only occurred in the last five years which were identified in the Broken Rites submission only on Friday as Father S from India and Father K from Hungary, none of which has been, I should say, more recently independently validated.

This committee is engaging in a process of very close cooperation with the police and the Catholic Church where appropriate, and most importantly victims, to identify which victims wish to come forward. So I just wanted to give you that reassurance and to let you know also that this is only the beginning of the work that this committee has embarked upon. We just encourage you to have faith in us and the work we have to do. It is a big task, but the cataloguing will occur largely behind the scenes and obviously in the evidence that comes forward. If you receive any more complaints from victims, if you could ask them to have faith and forward them to the inquiry, I for one — and I am sure I can speak on behalf of my committee members — would be most obliged.

Ms LAST — Yes, okay.

Ms KRSTIC — We were just talking yesterday about how it would really be a valuable thing to research all the parishes in Melbourne and actually look at where the offenders were, because each parish needs to do something about repairing what has been done to that parish.

I just want to mention to you that this was published last week. It is a Canadian resource, and it is actually for parishes. It makes the point that Catholic culture needs to be looked at and one of the things that needs to happen is that in each parish you need to look at the past and look and see whether there are any people who are hurting who still need help, but also look at moving forward — admitting what has happened. If you look at what has happened in America, that is not happening. They just went to child protection from here on; do not talk about the past. Canada has some examples of restorative justice and models of how parishes can rebuild and regenerate. We are not just negative; we think positively about how things could be in the future.

Mr O'BRIEN — But it has to be done carefully, and that is what I wanted to reinforce, because many of the victims do not want to come forward. We all know of those examples, Catholic and others. We are all dealing with this very carefully, and so it is a process that is in play. If there are lawyers there with documents and others, we are more than happy to receive them through you. We will process them. Obviously where we can work expeditiously we will, but we need to also work carefully.

Ms LAST — You have opened a Pandora's box.

Mr O'BRIEN — It needs to be walked through to get to where we are starting to get to.

Ms LAST — That is right.

The CHAIR — Do you have another question?

Mr O'BRIEN — I just wanted you to continue that process of tracking particularly priests who have been relocated and where offences could have been stopped so that we can follow up where those processes in the church have not worked and might not still be working.

Ms LEANEY — What I have started doing is dividing it by region, so you would be looking at regions like the Melbourne archdiocese itself, Healesville, Geelong, out towards Ballarat and up towards Bendigo as well, as well as Frankston and things like that.

Mr O'BRIEN — That would be much appreciated. Thank you.

The CHAIR — You said that you would like to go through the recommendations, which I was just struggling to find, in reference to your submission.

Ms LAST — I do not think you have them.

The CHAIR — That is why then. But if you would like to go through those.

Ms LAST — Yes.

Mr O'BRIEN — Just to clarify, my correlations went from pages — it is in your United in Truth lists that I think you prepared with Broken Rites, for those trying to track it in the wider audience and also for our secretariat. Mrs Coote has identified another correlation in your submission on page 30, which may help us.

Ms KRSTIC — The first thing we would like to encourage is the establishment of a multidisciplinary working party to look at world's best practice for handling and responses.

Mr WAKELING — Do we have this document?

Ms KRSTIC — It is in the big document, at the back.

The CHAIR — Thank you. It is on page 43.

Ms KRSTIC — We would like to make the point that any response or whatever we set up as best practice needs to be well researched so we learn from the mistakes of the past. There are many stakeholders that need to be involved in making those decisions. There are state authorities — sorry, I am not going to go through them all because there are so many, but we just wanted to make the point that there are state authorities that need to be involved in decision making about crisis response, about mandatory response reporting procedures, about policies and practices, about care for victims and about victims receiving justice. The state authorities might include the police, the judiciary, community services, the Office of the Child Safety Commissioner, the Office for Youth, the department of education and training, registered schools board, victims support agencies, CASAs, Centrelink and office of safety.

Then there needs to be independent professionals such as you have had speaking to you — child welfare experts, victims' advocates, psychologists, trauma response specialists and lawyers. Then there needs to be victims, and they would include secondary and tertiary victims, family members, whistleblowers and employees with vicarious trauma. If all of these people work together to look at best practice and see how it can be made to fit here in Victoria, this could be a model for all organisations. We are looking particularly at the Catholic Church. We are saying a working party to look at what might constitute best practice would be a way to go and that would not have to wait until the end of the inquiry.

We have already talked about the need for an independent structure set up by government to oversee those four aspects: safe environments, independent processes for victims, determining a schedule for just compensation, and providing of comprehensive services for victims.

We also believe that the church needs to nominate a legal church entity for civil litigation. I have already spoken about child welfare, so I will skip that.

The CHAIR — Yes.

Ms KRSTIC — The church needs to nominate a legal church entity for civil litigation — these victims deserve the right to be able to sue. And they should agree to be a model litigant, as the Victorian state government has agreed in cases of sexual abuse in government institutions. The current protocols for dealing with complaints and the management of sexual offenders must be reviewed by independent forensic experts. We have not done a lot of talking about these things, but they are moving offenders around and they are caring for offenders who have come out of jail.

If there are 618 cases that have been through the independent commissioner and they have not been to the police, then where are they now, and how do we know that they are not working with children? They would not appear on a working-with-children check because their files have not been handed to the justice department.

We recommend that each diocese should set up an information and resources centre and a comprehensive website covering processes, practices and policies, and clear reporting pathways. The Newcastle Maitland diocese has got a pretty comprehensive website. Obviously they have had great difficulties in the past, and they are working to try to improve them. There are other examples of dioceses overseas that also have good websites, and the two UK websites are very comprehensive.

We believe that it is very important that those who have endangered children need to be prosecuted. Only by knowing that they may face jail will priests and other staff disobey the bishop. They will do what the bishop tells them unless they know that they can say to that bishop, 'If I do that, I could go to jail'. It is very important that there are prosecutions of people who have done what the bishop said, and this has happened in the US this year.

We need to abolish the statute of limitations for child sexual abuse for all Victorian law, both criminal and civil litigation.

Whistleblowers who are church employees need legal redress for a lost career and financial security. WorkCare is not an adequate response for the problems associated with whistleblowing. There needs to be an overhaul of the victims' past deeds of settlement, including amounts of ex gratia payments in the last 16 years. It will show great anomalies, and you will see that it has certainly not been very just at all.

I think we have covered most of the others, and we have probably given you far too much to deal with.

Ms LAST — Maybe just the last word for families, Pam.

Ms KRSTIC — Right; this is my baby. I have a great vision of a safe Victoria, and I believe there needs to be government action towards families. Our overarching recommendation is that all Victorian families be given training in recognising healthy and unhealthy adult-child relationships, grooming, signs of abuse and the dynamics of disclosure through a broadbased public education program.

We suggest that for parents of young children this could be just one part of a comprehensive parenting education package. It could be delivered through child welfare community hubs, and you could ensure they are well attended by linking it with family tax payments.

All kinder and school children should participate in funded, age-appropriate empowerment programs, which could include bullying and abuse by adults. The cost of these things, we are suggesting, will be recovered over time, because the huge cost to the community once children have been abused has been well established.

Ms LAST — Put the bill to the church.

Mr McGUIRE — I just want to go to a couple of points that you have raised in your submission that are current, and we are talking about the issue of closed communities. You are saying that you had a suspicion that where there are parishes where it is still in a hierarchy and where there is no independent board or parents committee or that sort of thing, you have a huge worry about that. I would like to ask you to comment on that.

The second thing is: even when there has been a finding of guilt, you are saying that clergy often receive a lighter sentence than other known paedophile offenders. I would like you to refer to that and why, and that comes in response to the proposition put about Father Barry Robinson who admitted sexually assaulting a teenager in Boston and then came here. That goes to the fly-in question, an issue that has also been raised with us. If you could each address those three points.

Ms KRSTIC — Can I mention Barry Robinson's case, because I remember it from when I was doing research at the time. Barry Robinson was being pursued by the district attorney in Boston. There was a phone call to Melbourne and they decided to whisk him away, so he actually never faced that questioning; he has never actually been found guilty and the district attorney in Boston decided not to pursue it here in Australia. So the church says, 'He has never been formally found guilty of anything'.

Mr McGUIRE — So there was an admission of guilt but no finding of guilt?

Ms KRSTIC — It was a disclosure of a sexual relationship with a child under 16. He did not say it was abuse; he believed it was a relationship.

Ms LAST — He was brought back to the Melbourne Archdiocese by the then Vicar-General Les Tomlinson. He got him back from America.

Ms KRSTIC — He had been sent to Boston because there had been questions about his relationships with children in South America where he had been working. He was sent to Boston for treatment, I think.

Ms KRSTIC — Yes.

Ms LAST — And then during that treatment he admitted that he had had a relationship with an underage boy.

Mr McGUIRE — Just if you want to comment on the proposition that you raised that there are still closed parishes, parishes that are not open; you obviously have suspicions about that? Describe what you believe the issue is there and what you think needs to be done now.

Ms LAST — The issue is the maintenance of secrecy, and it is the maintenance of the chain of command. No rational person today lives in those situations anymore. We have in the past as Catholics, but not now.

Ms KRSTIC — We should not now.

Ms LAST — And there is no work being undertaken anywhere in the Archdiocese of Melbourne parishes to educate parish councils. I can sit here today and say with great surety that there is no travelling educational program or seminar or ‘Let’s get together to talk about social justice as Catholics’ and ‘Let’s talk about clergy abuse with the pastoral council or the parishioners’. It is not happening at all. It has not happened since I left work there in 1997. I was instigating those programs for three and half years prior to that. But it has been shut down ever since.

Ms LEANEY — If I might just add a little bit more detail, when I said that the sentencing for paedophile clerical offenders is lighter than that given to, say, a paedophile who is not a clerical offender, shall we say, the comparison I am using is the fact that Father Vincent Kiss was sentenced to 10½ years jail — eligible for parole after seven years — for sexual crimes against four teenage boys, to which he pleaded guilty to 3 charges of buggery and 10 of indecent assault. If you compare that to a separate case where a judge was found guilty, he was sentenced to 25 years jail — 18 of which were non-parole — for 6 counts of unlawful sexual intercourse and 3 counts of indecent assault.

Ms LAST — Mr McGuire, this is the latest document that has been put out for use in parishes — —

Ms KRSTIC — It is an appalling document.

Ms LAST — To guide parents in parishes — and schools to a degree.

The CHAIR — Is a copy of that in our submission?

Ms LAST — No. We believe that you may already have received this.

The CHAIR — Quite possibly.

Ms LAST — No? Okay, we will make sure that you do receive this because we have actually written a complete criticism of it, page by page. So we would be very happy to provide that.

The CHAIR — I will check with the secretariat and if we have not received it, we would appreciate a copy.

Ms LAST — The major point is that any reporting that needs to be made since this came out, which was probably about four months ago, five months ago — —

Ms KRSTIC — July.

Ms LAST — All reports have to go to Mr O’Callaghan, QC, by parents, parishioners — it is all going back to him, to the same person who does not report anything to the police.

Mrs COOTE — One question, just as a follow-up from Mr McGuire's question, we have been told at this inquiry about the fly-in, fly-out priests who are coming here from other countries without any suitable checks; that is our understanding. Is that something that you are seeing as well — people who are brought here from other countries for short terms or to work here in Victoria?

Ms LAST — I have to say that is not an issue that I am experientially sitting across at the present time, but certainly in the past I am aware that has been happening.

The CHAIR — Mr O'Brien, I think you have one very brief final question.

Mr O'BRIEN — Yes, these are further important follow-ups. On the relocation, and this follows on from Mrs Coote's question, those two examples are in the Broken Rites submission — not in the case studies, but in the submission to this inquiry, Father K and Father S — so we would be happy for you to investigate. My question is: in relation to this relocation practice, is there evidence either in the past or the present that this is part of the policy of the church, in terms of relocation, official or unofficial? Have you had any evidence of witnesses or anyone coming forward saying, 'So and so said they were relocated for these reasons', or is it based on inference?

Ms LAST — No, it is not overt. It is in regard to commission. It is called 'commission' and 'omission' in process.

Mr O'BRIEN — That is from what you have received. The other one I would — —

Ms LAST — That is what I understand, yes.

Mr O'BRIEN — The other one is: is there evidence that the documented shortage of priests — and this ties into the fly-in, fly-out issue, has led in economic terms to what might be called a scarcity problem, where the church has been forced to apply priests of bad character in situations where they should not have?

Ms LAST — Yes, I believe that is absolutely what is going on. I think there is a fear there that they will not engage women in ministry. I was trained to be a woman minister and they have put us all to rest — from the last two archbishops. So without women being there with communities, as pastoral associates — they have been disbanded — and the need to return to clericalism, which is a very strong thrust from the current hierarchical church, they are running very short of church leaders. They are in fact desperate to keep them and hang on to them. So we are looking at a need for very big assessment and change here to the structure of that church, to assist the non-development again — ever again — of the level of sexual abuse that we are now testifying to.

Mr O'BRIEN — Yes. And just on that last point, some of the recommendations from, say, an ex-priest, Professor Cahill, related to the actions that can be taken by church members themselves in terms of synods and other matters, whereby Catholics in the community can engage in this continuing dialogue that is now in a sense occurring across the country presently, because some of the matters obviously are for Catholics to consider, and that would be something that in your comments I would also ask you to bear in mind.

Just to clarify the numbers, for your continuing investigations, you have identified 19? I have identified potentially 50 by correlating with Broken Rites, but I cannot identify all those as relocations. Of the ones stated in Broken Rites as relocations there are between about 10 to 13 additional to your 19 — as part of this relocation problem. I obviously appreciate your continued work. Thank you for your efforts today.

Ms LAST — Thank you.

The CHAIR — Thank you, and on behalf of the committee, I thank the three of you very much indeed for coming in this afternoon and presenting to us. We appreciate it, and your evidence has been most helpful.

Committee adjourned.