

Compensation Panel

The Compensation Panel arranges for the provision of ex gratia compensation for people who have been found to have been abused by priests, religious and lay people who are, or were, under the control of the Archbishop of Melbourne.

The Panel, like the Independent Commissioner, operates independently from the Archbishop and the Archdiocese.

The Panel provides an alternative to civil legal proceedings. It operates in an informal way and, by design, is not legalistic but provides a forum for the settlement of claims.

In order to apply to the Panel for compensation, an applicant's claim must first be investigated and upheld by the Independent Commissioner who reports his findings to the Panel.

Applicants are also encouraged to provide the Panel with a report from **Carelink** or from other treatment providers.

Compensation payments, binding on the Archbishop, are recommended at the discretion of the Panel, currently up to a maximum of \$75,000 per person. This maximum is capped at an amount that exceeds the Victorian Government's victims of crimes compensation system. If the person making a complaint accepts the recommended payment, the amount will be paid in full settlement of all legal claims against the Archbishop and the Archdiocese in relation to the Independent Commissioner's findings. **Carelink** services will, however, remain available. Whilst the Panel keeps strict confidentiality in relation to the hearings claimants are asked not to reveal offers made to them that are not accepted to protect the legal rights of all parties. Victims are always allowed to otherwise disclose what happened at the hearing and the circumstances of the abuse.

If the recommended payment is not accepted, a person making a complaint is free to use the normal court processes.

The Compensation Panel has four members comprising a psychiatrist, a solicitor and a community representative. The Panel is chaired by Mr David Curtain QC.

Applications for compensation forms are available from the Independent Commissioner.

Parish Pastoral Response

The Archdiocese offers spiritual support and pastoral counselling and provides a forum for pastoral healing.

The parish pastoral response is an essential part of the healing process for the wider Church community.

The Parish Pastoral Response can be contacted through the office of the Vicar General on (03) 9926 5677.

Victoria Police

The **Melbourne Response** does not restrict the role of the police to investigate and prosecute allegations of criminal conduct. All victims of abuse remain free to, and are encouraged to, report allegations of criminal conduct to Victoria Police.

The police have powers which the Independent Commissioner does not have, including the power to issue search warrants and to make arrests, and it is only through the police that a person can be brought before a court to answer allegations of criminal conduct.

Contact Telephone Numbers

- **Independent Commissioner**
(03) 9225 7979
- **Carelink**
(03) 9663 5744
- **Archdiocese of Melbourne**
(03) 9926 5677
- **Towards Healing**
1800 816 030



Reprinted September 2012

Sexual and Other Abuse The Melbourne Response



CATHOLIC ARCHDIOCESE
OF MELBOURNE

This is a terrible time of suffering and self-examination as the full extent of sexual abuse by Catholic priests, religious and lay workers continues to emerge, not only here in Australia, but throughout the world.

I again, therefore, express my deep sorrow and offer a sincere and unreserved apology to all those who have suffered the pain and humiliation of sexual abuse and to their families.

The scourge of sexual abuse continues to cause great damage and in many cases a crisis of faith amongst Catholics. As Catholic Archbishop of Melbourne, I share this desolation and sense of betrayal. The criminal offences and breaches of vows committed by some priests, religious and lay workers bring shame upon the entire Church.

With great humility, I acknowledge that the crimes of the perpetrators have done great harm. For me, personally, this is one of my saddest times as a Catholic priest.

Sexual abuse in any form, and any attempt to conceal it, is a grave evil and is totally unacceptable. We must face up to the truth and not attempt to disguise, diminish or avoid in any way, the actions of those who have betrayed their sacred trust.

The process for dealing with sexual and other abuse by priests, religious and lay people, who are, or were, under the control of the Archbishop of Melbourne within the Melbourne Archdiocese, was introduced in 1996 and is known as the **Melbourne Response**.



A short time later the national *Towards Healing* protocol, which is a separate process for dealing with complaints, was also established. The **Melbourne Response** reflects the principles that are set out in the *Towards Healing* and *Integrity in Ministry* documents which all of the Bishops and leaders of Religious Institutes of the Catholic Church in Australia have adopted.

The **Melbourne Response**, with the help of those who have courageously brought their complaints forward, has led to compensation and support being provided to approximately 300 victims of abuse. I acknowledge that not all who have been affected have yet come forward, and I encourage them to do so.

We must continue to work to ensure that we have appropriate procedures in place aimed at preventing any recurrence of abuse and to deal with offending clergy. Since 1996, we have introduced procedures to protect parishioners and children against sexual abuse, and processes have been developed and applied to deal with offending clergy.

In addition, there is rigorous screening of all people who aspire to the priesthood and seminarians are required to undertake study of the *Church's Code of Conduct for Priests and Religious on Integrity in Ministry*.

I again encourage anyone, who has been abused by a person under my control in the Archdiocese of Melbourne, to come forward so we are made aware of it and can respond as quickly as possible.

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Denis Hart, Archbishop of Melbourne 

The Help Available

The **Melbourne Response** assists people who have been abused sexually, physically or emotionally by priests and others under the control of the Catholic Archbishop of Melbourne.

Complaints

Complaints of sexual and other abuse by priests, religious and lay persons under the control of the Archbishop of Melbourne are made to and investigated by an Independent Commissioner. Mr Peter O'Callaghan QC and Mr Jeff Gleeson SC are the Independent Commissioners.

Counselling and Support

Free counselling and professional support for those who have been abused is available through **Carelink** led by the Carelink Coordinator, Ms Susan Sharkey.

Compensation

Ex gratia compensation of up to \$75,000 is currently available through the Compensation Panel chaired by Mr David Curtain QC.

Pastoral Support

Spiritual support and guidance is available to individuals and at a parish level by contacting the Vicar General's office on (03) 9926 5677.

Anyone with complaints relating to other parts of the Church should contact *Towards Healing* on 1800 816 030.

Accessing The Melbourne Response

Independent Commissioner

The Office of the Independent Commissioner is the first point of contact for people wishing to make allegations or complaints, or to seek counselling services, or to obtain information about compensation.

An Independent Commissioner receives complaints and enquires into allegations of sexual abuse by priests, lay people and religious who are, or were, under the auspices of the Catholic Archbishop of Melbourne. The Independent Commissioner then makes a determination on the basis of the evidence. When the Commissioner is satisfied that the abuse occurred, the Commissioner notifies the Archbishop about the offender and refers the victim to Carelink.

The Independent Commissioner is there to make an appraisal of all of the circumstances of the situation and help complainants deal with their very personal issues in a compassionate and understanding way.

The Independent Commissioner can refer the complainant to Carelink at any time for the provision of free counselling and psychological support. If the Independent Commissioner finds that a complaint has been established, the Independent Commissioner will refer the complainant to the Compensation Panel.

The Office of Independent Commissioner is funded by but acts independently of the Archdiocese, in accordance with Terms and Conditions of Appointment formulated in consultation with Victoria Police, the principles of natural justice and relevant provisions of Canon Law.

An Independent Commissioner meets with complainants to hear their personal recollections of abuse and to conduct an investigation. The Independent Commissioner recognizes how difficult it might be for them to talk about their own situation but experience has shown that going through this process has brought a sense of closure and relief to many. From the initial contact with the Independent Commissioner, the **Melbourne Response** respects the individual's privacy.

All complainants have a continuing and unfettered right to go to the police and the Independent Commissioner encourages them to do so if the conduct complained of may constitute criminal conduct. The Independent Commissioner also explains that the police have greater powers of investigation than the Independent Commissioner.

The Independent Commissioner will assist any complainant wishing to go to the police and will take no further steps until

the police investigation and any resulting proceedings are completed. Support from Carelink and the Pastoral Support Office will be available.

The **Melbourne Response** also recognizes, however, that some complaints will not be dealt with by the police, based on the wishes of the complainant, or because the alleged offender is deceased or the complaint has been previously reported to the police and police action has been finalized.

The Archbishop has given the Independent Commissioners the power to bring priests before them to properly investigate claims. When necessary, the Independent Commissioner conducts confidential hearings at which the relevant parties and their legal representatives can be present.

The Independent Commissioner also makes recommendations to the Archbishop on how to deal with the offender.

Anyone with complaints of abuse by priests, religious and lay persons under the control of the Archbishop of Melbourne is asked to call (03) 9225 7979 and you will be referred to an Independent Commissioner.

Carelink

Carelink is a key element of the **Melbourne Response** and co-ordinates the provision of counselling and other professional support to clients.

Carelink refers clients to psychiatrists, psychologists and other health care providers who have the appropriate background and expertise to address sexual and other abuse and related problems.

Treatment and counselling through **Carelink** is provided at no cost to **Carelink's** clients.

Initially, each client is interviewed and assessed by **Carelink** so that their needs can be identified. The detailed history that **Carelink** takes from each client helps **Carelink** understand how the abuse has impacted on various aspects of the client's life.

Carelink asks treating therapists to provide regular progress reports so that a client's treatment can be monitored.

The **Carelink** Coordinator is a consulting psychologist, Ms Susan Sharkey.

Carelink is located at 25 Lansdowne Street, East Melbourne, Vic 3002

Telephone: (03) 9663 5744