

## **Melbourne Response Hearing Begins**

The Royal Commission's 16<sup>th</sup> public hearing began in Melbourne this week focusing on the Melbourne Response, the protocol established by the Catholic Archdiocese of Melbourne in 1996 to respond to allegations of clerical sex abuse against people under the control of the Archbishop of Melbourne.

This is a chance for the Melbourne Archdiocese and the protocol's Independent Commissioner and others involved to explain the principals, practices and procedures of this scheme.

The packed hearing room was silenced when Mrs Christine Foster and her husband Anthony retold the horrifying story of their two daughters' abuse by their parish priest during the 1990s.

I have spoken with Chrissie and Anthony many times, but seeing their raw emotion and hearing the full details of their tragedy on Monday morning was a harrowing experience, I'm sure, for everyone in the hearing room.

Chrissie and Anthony have fought long and hard for justice for their family and other survivors of clerical sex abuse. I am certain their dedication and persistence was one of the driving factors in persuading the Government to establish this Royal Commission.

Equally distressing was the evidence by Mr Paul Hersbach about the abuse suffered by his father, uncle and eventually, a generation later, himself.

After listening to these tragic stories, along with another story about a 15-year-old boy, the evidence suggested survivors and their families were further disappointed and their grief compounded after dealing with the Melbourne Response.

During the second day of the hearing Chair of the Independent Commission, Mr Peter O'Callaghan QC gave evidence about the way in which he determines and investigates claims of sexual abuse by people within the Archdiocese of Melbourne. It was interesting to see the mechanics and understand how a separate, no-fault compensation scheme runs.

Mr O'Callaghan said he encouraged survivors to go to police and said he believed himself to be independent from the Archdiocese. "So far as I'm concerned, I make the decisions without fear or favour and without any influence from other persons," Mr O'Callaghan said.

Cardinal Pell will give evidence to the hearing via a video link from the Vatican on Thursday afternoon. Current Archbishop of Melbourne Denis Hart will also give evidence before the hearing concludes at the end of next week.

The submission we put forward to the Royal Commission last week calling for a national statutory victims redress scheme has attracted some attention. This is mainly because the system we are proposing has a cap, and I have been on the record for some time now calling for an uncapped scheme.

As I said in last week's blog, government agencies will never be part of a scheme that doesn't provide some understanding of what their liability is likely to be. Whether we agree or not it is the brutal reality.

# Blog

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The Royal Commission asked for proposals that all institutions, whether they are major institutions like the Catholic Church, or small groups like sporting clubs, could be part of. The Church put forward a proposal for a statutory scheme run by the government but funded by the institutions responsible for the abuse.

Commissioner McClellan was quite adamant that proposals needed to be practical and possible to be implemented by governments. Our decision to include a cap meets these criteria.

Another criticism of our proposal has come from some lawyers who are concerned we are saying there is no place for them in the process. This is not the case.

In fact we make it clear that legal advice and assistance is one of the fundamental requirements for victims going through a national scheme, this includes free legal advice in some cases.

Where a claimant does have their own representation, we advocate for these fees to be capped so as much of any compensation paid goes to the victim.

Working in parallel with a national independent redress scheme we will and must continue to provide victims of child sexual abuse with pastoral and spiritual assistance.

The job of the Church in assisting victims isn't finished when a payment is made. We have a lifelong responsibility and commitment to care for the people who have been abused in our institutions.

If this means providing, for example, ongoing counselling services, help finding work or accommodation or assistance with meeting day to day activities then that is what we will continue to offer.

I was pleased to hear it looks likely the Government will support the extension of the Royal Commission. In the June Interim Report, Commissioner McClellan called on the Government for an extension to the end of 2017.

Over the past 18 months the Royal Commission has been instrumental in drawing attention to the abuse inflicted on our children in Institutions. Well over 2,000 survivors have been in private sessions with the Royal Commission.

The Royal Commission must have all the necessary backing and support to continue its work in defining best practice for the safety of children in our institutions.

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[www.tjhcouncil.org.au](http://www.tjhcouncil.org.au)