

UPDATE 54

Royal Commission – The Melbourne Response

Melbourne



Thursday 21 August 2014 – Day 4

Mr Richard Leder, Partner in the legal firm, Corrs Chambers Westgarth and advisor to the Archdiocese of Melbourne, continued giving evidence today about Mr and Mrs Foster's experiences of the Melbourne Response and their subsequent litigation against the Melbourne Archdiocese.

Mr Leder was also questioned about confidentiality obligations imposed on victims going through the Melbourne response. Mr Leder said that the letters to the Fosters were not intended to restrict a victim's ability to disclose their abuse.

He said the wording of letters to victims was later changed to clarify that there were no restrictions on them discussing the abuse they had suffered.

Mr Leder said there were a number of factors which made Emma Foster's claim complex and unique. He said it was unusual for someone as young as Emma to come forward so soon after the abuse and while still a child. He also said the effects on Emma of the abuse were profound and that Emma's case was one of the earliest which the Independent Commissioner and Carelink had dealt with.

Mr Leder was asked about a number of other issues including mandatory reporting requirements and confidentiality.

While giving evidence about the abuse suffered by Emma and Katie Foster in the 1990s by Kevin O'Donnell Mr Leder said that he had been wrong to write in a 1998 letter that the abuse suffered by Emma was relatively minor. He told the Commission if he knew then what he knows now he would not have held that view.

Mr Leder told the Commission that Catholic Church Insurance (CCI) had not initially welcomed the model of the Melbourne Response but that CCI did accept the new process.

Mr Leder again apologised to the Fosters for the language used in a legal letter to them which said that if they proceeded with civil action rather than accept an offer from the Melbourne Response their claim would be 'strenuously' defended.

He said these words were part of the standard letter in 1996, but that once the Archdiocese realised they were of concern, the wording was changed. He said that he had apologised to the Fosters yesterday and that he "certainly apologises now."

Cardinal George Pell, who appeared by video link from Rome, was also asked about the use of the word 'strenuously' in the letter of offer to the Fosters. The Cardinal said that it was an unfortunate phrase and the use of that language had stopped in 2002.

Cardinal Pell was asked by Council Assisting, Gail Furness, about the cap that was part of the Melbourne Response. The Cardinal said he had not been comfortable with putting a cap on ex-gratia payments but there needed to be standards for measuring comparable levels of suffering in the scheme.

Cardinal Pell said he doesn't agree that victims should have to sign a deed of release.

He said that the money was never his primary concern when establishing the Melbourne response rather the imperative to help victims of abuse.

When questioned about redress schemes by Commissioner McClellan Cardinal Pell said he had been dealing with sexual abuse in the Church for more than 18 years and that over that time his understanding of the suffering and long-term impact of abuse had deepened.

Cardinal Pell was also asked about the suitability of appointing Professor Bell, who had previously had a role counseling offending priests, as the inaugural head of the Melbourne Response's pastoral and counseling arm Carelink. He said that while there had not been overwhelming support for Professor Bell, particularly from some victims and their advocates to take up the position the decision, the Archdiocese had considered him to be the best person for the job.

Cardinal Pell also gave evidence to the Commission about its request to the Holy See for documents it held relating to all claims of abuse in Australia saying that overwhelmingly all documents held in Rome were already here in Australia.

He said that when he had previously given the assurance that the Vatican would provide all documents to the Royal Commission he had not considered this to include internal Vatican working documents. Cardinal Pell said this position was consistent with international protocols between sovereign states. Cardinal Pell said he was strongly supportive of the Royal Commission's request for specific documents to be provided by the Vatican.

The hearing continues tomorrow.

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