

UPDATE 52

Royal Commission – The Melbourne Response

Melbourne



Tuesday 19 August 2014 – Day 2

The Royal Commission into Institutional Responses to Child Sexual Abuse continued its hearing today into the Melbourne Response with the Independent Commissioner, Mr Peter O’Callaghan QC, giving evidence about the way in which he determines and investigates claims of sexual abuse by people within the Archdiocese of Melbourne.

Mr O’Callaghan gave evidence across a range of issues including reporting to police, interaction with Canon Law, procedural fairness for claimants and his independence from the Archdiocese.

He also gave evidence about the payment of legal counsel by the Archdiocese in the case of contested hearings and the process of a contested hearing.

Mr O’Callaghan told the Commission he had encouraged victims to go to the police, with some following his advice others not. He said if the police started to investigate a complaint he was looking into then he would stop his investigation, saying running two investigations at the same time would be inappropriate.

Mr O’Callaghan said that in his many years in the role of Commissioner there had only been a handful of cases in which the credibility of a complainant had come into question. He said he had found that people ‘don’t fake stories about sexual abuse’ with 97 per cent of the complaints he received being substantiated.

Mr O’Callaghan said when he took up the role of Commissioner in 1996 he originally had a “Utopian” view that his work would only take six months. “(But) there has never been a diminishing in the flow of applications,” he said.

He told the commission 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.”

He said he had made adverse findings against 65 priests out of 330 complaints with around 20 of these findings against priests who were alive and active at the time. Some of these priests had been investigated by the police and others were placed on administrative leave having no parish involvement.

In the afternoon session, Counsel Assisting the Commission asked questions about Peter O’Callaghan QC’s involvement as Independent Commissioner in the investigation of complaints of abuse by O’Donnell in relation to Emma Foster and Katie Foster.

He was also questioned about a number of aspects of his role, including his relationship with Carelink, and whether providing advice to Carelink about the provision of treatment was appropriate given his role as a fact finder. His relationship with the solicitors for the Archdiocese, Corrs, and their involvement in providing advice on his dealings and correspondence with the Fosters, was also explored.

The issue of Katie Foster’s case not progressing to a finding by Mr O’Callaghan was also a focus. Mr O’Callaghan was taken to correspondence which suggested that he refused to provide a finding in circumstances where there was a possibility that such a finding could be used in civil litigation.

His findings that Anthony and Christine Foster were not primary victims of abuse was also criticised, and he was asked to provide an opinion on whether it would be appropriate for parents to also be given recognition as victims.

Mr O'Callaghan will continue giving evidence on Wednesday.

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