

UPDATE 53

Royal Commission – The Melbourne Response

Melbourne



Wednesday 20 August 2014 – Day 3

Mr Peter O’Callaghan QC, continued giving evidence on day three of the Melbourne Response Royal Commission hearing today.

Mr O’Callaghan is the Independent Commissioner of the Melbourne Response which is the protocol used in the Archdiocese of Melbourne to assess cases of sexual abuse by its clerics and lay people.

Today’s evidence from Mr O’Callaghan focused on his role and whether the advice he provided to the Archdiocese and to victims went beyond what was expected of the Independent Commissioner.

Questions went to Mr O’Callaghan’s dealing with victims Mr Paul Hersbach, AFA and others and his advice regarding their prospects should they choose to report abuse to the police. It was noted that part of the role of the Independent Commissioner was to encourage victims to report to police which Mr O’Callaghan maintained he did.

Senior Counsel Assisting also asked questions about opportunities to review decisions made under the Melbourne Response. Mr O’Callaghan said there are no formal processes in this regard.

Mr O’Callaghan said he wanted to reject any perception that he discouraged people from going to police, that he has a complete anathema to the abuse of children and that child abusers should be brought to justice.

Mr Richard Leder, Partner in the legal firm, Corrs Chambers Westgarth since 1997 took the stand before lunch.

Mr Leder has provided legal service to the Archdiocese since 1992 and was involved in the establishment of the Melbourne Response and its continued operation.

Mr Leder was asked by Commissioner McClellan about the adequacy of the cap in the Melbourne Response. He accepted as part of the Melbourne Response, money should and had been paid even though it was agreed there was no legal liability. He said if a cap on the scheme was established using common law rights then the original \$50,000 limit on payments would fall well short of what might be awarded to victims.

Mr Leder said he thought that the signing of a deed of release by victims going through the Melbourne Response could be seen as a mechanism to protect the Church but it was not a view that he held. He told the Commission he thought claims being settled through the Melbourne Response where claims that would have no legal prospects of success in Court and that, victims were in fact not giving up any options by signing a release.

Mr Leder gave extensive evidence about the Archdiocese of Melbourne’s ‘four point plan’ which was the pre-Melbourne Response which guided the way in which the Archdiocese engaged with victims of abuse.

Mr Leder agreed recent policy changes agreed to by Church leaders such as ensuring a victim had an entity to sue where brought about by the pressure applied over recent years by victims groups and the scrutiny of the Royal Commission.

He said he also thought those changes were brought about by the 20-year experience of the Church dealing with sexual abuse which had led to a much greater understanding of the issues involved.

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