

DRAFT

New evidence supports Menses, raises doubts about Inquiry

Inquiry criticisms are 'plain wrong', and damaging

New evidence, and fresh doubts, mean the Board must withdraw its criticisms and make an immediate positive finding about the response of Gerard Menses to the allegations made against Brandenburg.

In its report, the Board of Inquiry claimed Gerard Menses, then CEO Anglicare SA, had not responded adequately to three separate allegations of sexual abuse made against Brandenburg.

Menses continues to strongly reject this criticism, which has caused him serious and on-going personal and professional, harm.

Significant new evidence now confirms that Menses acted promptly, acted on advice and at all times met the professional, legal and ethical obligations of his position.

The new evidence, detailed in the attached document, also raises disturbing questions about the conduct of the Inquiry itself. Particularly, about the thoroughness of its research and the use of that research to meet appropriate standards of proof.

Legal adviser has now provided supportive documentation

The strongest criticism made by the Board relates to the handling of the second allegation, that made by McGlennan.

The Board claimed that Menses did not take this allegation seriously.

On the contrary, Menses argued that his behaviour, particularly in seeking and acting on external legal advice, demonstrated that he took the allegations very seriously and was determined to respond to them in a manner that was fully appropriate.

The Board claimed that the lawyer (Michael Mills), when questioned by Inquiry staff, said he knew nothing about Brandenburg and could not recall advising Menses on how to handle the allegations.

Mills disputes this account of his response and his firm has supplied his notes taken at the time (copies attached).

These notes show that Menses sought, received and acted on detailed and specific legal advice.

The fact that Mills disputes the interpretation put on his response to the Inquiry's questions, and the existence of this documentary evidence, is a damning indictment of the thoroughness and fairness of the Inquiry's investigations.

Unless the Inquiry now reverses its criticisms of Menses, he will continue to be a victim of the Inquiry's substantial failings.

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Menses took the allegations seriously and acted accordingly

Menses acted appropriately on each occasion, and he acted in a manner which fully met the professional, legal and ethical obligations of his position:

- *He acted on the best advice available to him*
- *He took the allegations seriously and acted appropriately*

Menses took these actions even though each allegation was vague and at no time was he in possession of specific allegations, or substantive evidence, of abuse by Brandenburg.

The first allegation was made to the Archbishop by a concerned mother; who thought the behaviour (nudity in a Spa with her son) of Brandenburg was inappropriate. At the Archbishop's direction, and consistent with the mother's wishes, Menses warned Brandenburg against such behaviour. Brandenburg's manager was present for this discussion.

On the second occasion, the McGlennan allegation about Brandenburg being at a campsite with a young man, Menses sought and acted on Mills' advice. Part of that advice was an acknowledgement to Brandenburg that the allegations made by McGlennan were unsubstantiated.

Menses also sought Mills' advice after a Burnie newspaper report identified Brandenburg as being involved in paedophile activity. Acting on this advice Menses again confronted Brandenburg and told him that there was to be a police inquiry into this matter and for that reason an internal Church inquiry was not required. Brandenburg left the organisation several weeks later.