

**INDEPENDENT COMMISSION OF INQUIRY
MEETING WITH VICTORIA POLICE**

In attendance: Peter O'Callaghan QC

Jeff Gleeson SC

Detective Inspector Paul Binyon

Senior Sergeant Michael Dwyer

FILE NOTE

1. On Wednesday 12 September 2012, Peter O'Callaghan QC and I met with Detective Inspector Paul Binyon and Senior Sergeant Michael Dwyer at the Laurent coffee shop in William Street, Melbourne.

2. The matters discussed were as follows:
 - Paul Binyon mentioned the Parliamentary Inquiry and said that he assumed that both the church and the Victoria Police, along with other entities, would be looked at very closely during the Parliamentary Inquiry and indicated that he was conscious of the fact that some of the past approaches of Victoria Police to handling complaints about sexual abuse of minors could be the subject of criticism.

 - Paul Binyon said that the Sexual Crimes Squad operates through 27 SOCITs (an acronym for something like Sexual Offence Complaints Investigation Team). These SOCITs are spread across Victoria and are specialised teams dealing with complaints of sexual abuse. Paul Binyon said that when a member of the public makes a complaint of sexual abuse, an assessment is made as to whether it is appropriate to be dealt with by a SOCIT or by the local CIB. One of the most important factors in making this determination is whether the complainant is able to identify the offender against whom the complaint is made. He said that the Sexual Crimes Squad and SOCITs generally deal with complaints where the identify of the offender is unknown. I said that it would probably follow from this that most of the complaints against church personnel would not be dealt with by the Sexual Crimes Squad because typically the identity of the offender is known. He said that this was the case.

- Peter explained that he had always advised the complainants of their continuing and unfettered right to report allegations of sexual abuse to the police and that it has always been his practice to urge them to do so. We discussed the practical issues that arise in relation to somebody processing their complaint with the Commission first and then going to the police, such as the prospect of the Commission's files being subpoenaed on behalf of the accused.
- Peter O'Callaghan spoke about the types of complaints that are typically made and referred to the fact that many of the complaints are made against religious who are either dead or perhaps have been imprisoned for the offences. Peter was asked for the approximate total number of complaints he had dealt with and he mentioned a figure (in excess of 300).
- The issue of reporting the complaints to the police was raised and I mentioned that one suggestion that had been put forward was that the Independent Commission could inform the police of the fact that a complaint of sexual abuse had been made against an identified priest and to provide the details of that priest to the Victoria Police without necessarily disclosing the identity of the complainant. I said that it seemed to me that there was little the police could do with that in the absence of the identity of the complainant, as if the allegation was put to the accused the accused would inevitably ask who was raising the allegation and the police would not be able to answer. Michael Dwyer said he intended to agree with that. He said that he was conscious of the moral dilemma that arose generally in relation to allegations of sexual abuse if a complainant said that they did not want their family to find out, the police were placed in a difficult position and had to be sensitive to the wishes of a complainant.
- I said that, if it were the case that, upon reporting only the identity of the accused to the police, the police then made a lawful request of the Independent Commission for its file in relation to the matter and the police then ascertained the identity of the complainant and contacted the complainant, this raised issues for the Independent Commission. I said that it may be that, if this was the inevitable outcome of such a report to the police, the Independent Commission would have to inform any complainant that, if they provided the identity of the accused, it was possible that the Victoria Police would contact them because they may discover their identity, notwithstanding the fact that we would not wish to disclose it to the police. I said that this could be seen as an inhibition on people making

complaints to the church about sexual abuse. Michael Dwyer appeared quite sympathetic to this dilemma. Paul Binyon's approach was somewhat more robust and he put the example of the church becoming aware of multiple serious allegations of sexual abuse against a priest and said that, unless and until the Victoria Police were informed by the church, it might be that this person continued to be in a position to offend.

- Peter and I acknowledged the difficulties that arose in such circumstances but said that it was an extreme scenario and Peter explained the process of placing religious on administrative leave in circumstances where there was any prospect of the accused being in contact with children as a result of their religious duties.
 - It was apparent that Paul Binyon was quite familiar with the correspondence between the Chief Commissioner, Ken Lay, and the Archbishop and was aware of the history in relation to the negotiation regarding the protocol between the Independent Commission and the Victoria Police and the reason for the cessation of negotiations regarding that protocol.
3. The meeting was at all times cordial and pleasant and we agreed that it was helpful to keep the lines of communication open. I said that I would make email contact with Paul Binyon at the conclusion of the meeting so they had my contact details and I have done so.

Jeff Gleeson
Independent Commissioner
17 September 2012