

From: Marilyn Stefanile
Sent: 8 Apr 2011 10:05:59 +1000
To: Richard Leder;peter@royce.com.au;barry@royce.com.au
Subject: Re: Response to Alan Howe 1

I set out hereunder my suggested answers to the questions made by Alan Howe without repeating the questions.

1. "Archbishop Hart has not had the opportunity to personally apologise to Mr or Mrs Foster. Archbishop Pell (as he then was) in 1999 when making an offer of compensation to Emma pursuant to the finding of the Independent Commissioner apologized to Emma and those around her for the wrongs she had suffered. Archbishop Hart made a sincere and unreserved apology to the Foster family in July 2008. In 2010 he publicly repeated his apology in an opinion piece in the Herald Sun following publication of an earlier interview of Mrs Foster by Alan Howe in the Herald Sun.
2. That Emma and Katie Foster were sexually abused by O'Donnell was never denied. Initially Emma made application to the Independent Commissioner who found that she had been sexually abused and the Compensation Panel recommended she be compensated. Initially Emma accepted the offer, but as was their right the Foster family then issued legal proceedings. In its defence the Church "did not admit" that the abuse took place in precisely the manner alleged in the Statement of Claim. The legal proceedings were settled upon the Archdiocese paying to the Foster family a very substantial amount.
3. If an enquiry is initiated, the Archdiocese will certainly fully participate in and cooperate with the enquiry.
4. (I agree with the answer proposed)
5. ..
6. To "defrock" or laicise a priest was until recently only able to be done voluntarily by the priest. But the important fact is that once a priest is charged with an offence or it is established that he has committed an offence, he is placed on administrative leave which means that he can no longer act as a priest within the Archdiocese of Melbourne.
7. See above
8. See above
9. At the time O'Donnell's gross depredations were discovered he had retired and was no longer acting as a priest. At that time Canon Law was such that without O'Donnell's consent, laicization was practically impossible.
10. See above
11. There was much publicity given to the establishment of the Melbourne Response including the appointment of the Independent Commissioner to whom victims of sexual abuse by O'Donnell or other priests can be brought forward. A large number of complainants have made complaints to the Independent Commissioner. Most of these complaints are in respect of abuse which occurred many years ago. Victims still come forward albeit that they have suffered in silence for many years.
12. It is only with the consent of the victim that the complaint would be reported to the police. This has happened on a few occasions. It is only if the victim reports the complaint to the police and desires that the police investigate and prosecute the offender that a conviction can be obtained. The Independent Commissioner always informs victims they have the right to go to the police and he encourages the exercise of that right. Notwithstanding a number of victims do not want to go to the police (which is their right) and unless they do no police action can be taken".

I am sending a second version, for consideration.

Kind regards.

Yours sincerely

P.J. O'Callaghan
Independent Commissioner

Telephone: 9225 7979

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