

1. Has Archbishop Denis Hart ever made a personal verbal or written apology to Mrs Chrissie Foster or Mr Anthony Foster for what happened to their family following the rape of two of their daughters by Father Kevin O'Donnell?

Answer:

To the best of the Archbishop's knowledge they have not sought to see him or contact him since his appointment as Archbishop. He is aware that when Archbishop of Melbourne, Cardinal Pell made a personal written apology to Emma Foster and her family for the abuse she endured. Some years earlier, Cardinal Pell had met with Mr and Mrs Foster for the purpose of hearing their story and apologising to them.

The Fosters have engaged with the Archdiocese in the public forum and manner, as is their right. Archbishop Hart offered a sincere and unreserved apology public to the Foster family in July 2008. In 2010 he publicly repeated his apology in an Opinion Piece in the Herald Sun.

He would welcome the opportunity to meet with them personally if they sought such a meeting.

2. Why did the Catholic Church deny the attacks on the Foster girls had taken place?

Answer:

That Emma and Katie Foster were sexually abused by O'Donnell was never denied. Initially Emma took her complaint to the Independent Commissioner who found that she was abused. She went to the *Melbourne Response's* Compensation Panel and was awarded the maximum, which she initially accepted. Cardinal Pell acknowledged the abuse in a personal letter he wrote to Emma, in which he apologised for the abuse. Subsequently the Fosters issued legal proceedings. In the writ they made allegations that differed from what they had told the Independent Commissioner. In the defence the Church "did not admit" that the abuse took place in precisely the manner alleged in the statement of claim. This was not a denial that the girls had been attacked. The legal proceedings were settled upon the Fosters accepting a substantial amount.

3. Will the Catholic Church co-operate fully with any independent inquiry instigated by the Victorian Parliament, calls for which were made on Tuesday?

Answer:

Let's wait and see if any inquiry is initiated. The Archbishop will certainly continue to comply fully with the law.

4. Does the Archbishop believe such an inquiry is warranted?

Answer:

No. The Archbishop does not believe an inquiry is warranted. Since 1996 the *Melbourne Response* has been in place and provided an independent process to investigate allegations of abuse and to respond to them. Over 300 victims have come forward, had their complaint upheld, accepted compensation and an apology and been offered free counselling, treatment and support.

The Archbishop acknowledges that some victims have not, and never will, achieve a sense of closure for reasons that are real but personal to them, but he is confident that the great majority find justice and a sense of closure.

While a small number are vocal, there is a majority that is largely silent. One exception is a victim who recently took the trouble to write: *“This is simply to say thank you for the compassionate and dignified manner my case, as I am sure all others, was dealt with. It has helped me cope with an extremely difficult time.”*

While the Archbishop acknowledges calls for a public inquiry he believes that this would infringe the privacy of the many victims who, while being aware of their right to go to the Police or have the matter dealt with by the courts, elect not to because they prefer to have their case considered independently but out of the public spotlight.

The Archdiocese has been transparent in the procedures that it has in place and in the many public statements that the Archbishop has made over many years including in his 2010 Pastoral Letter and in numerous media responses. Details about the *Melbourne Response* have been publicised in a brochure which has been widely distributed, including to every Parish of the Archdiocese, and can be found on the Archdiocese’s website.

The Archbishop continues to express his complete confidence in the workings of the *Melbourne Response* process and its Independent Commissioner, and he has repeatedly apologised to victims of sexual abuse.

He believes that for 15 years the *Melbourne Response* – through the Independent Commissioner, the Compensation Panel, the Carelink service and the pastoral response initiatives – has treated victims in more than 300 cases of abuse fairly, compassionately and with respect.

Arising from his investigations the Independent Commissioner has made many recommendations to the Archbishop about the removal of priests from ministry. The Archbishop has followed the recommendations of the Independent Commissioner in every case. The Archbishop reiterates his commitment that priests who are found to have committed serious offences against children will not be returned to ministry.

Notwithstanding, the Archbishop recognises that in many cases nothing can eradicate the memory of the abuse, for which he apologises personally, and in public, to all of the victims .

5. Is the Archbishop aware of how many Victorian priests have been convicted of sexual abuse of children?

Answer:

The Archbishop is aware of 14 priests of the Melbourne Archdiocese who have been convicted of sexual abuse of children. The Archbishop can only answer in respect of priests of the Archdiocese of Melbourne.

6. Of those who have been charged and convicted, how many have been defrocked?

Answer:

All those who are alive have been laicised or will be the subject of an application for laicisation. Of the 14 priests charged and convicted, four have been laicised for sexual misconduct. Three are dead. A further three cases have been submitted to the Vatican and are currently under consideration in Rome. In relation to each of the remaining four priests who have been convicted and are still living, the Archbishop intends to seek their laicisation, be it voluntary or involuntary. These cases are in the process of being prepared for submission to Rome.

It must be understood that while laicisation, or “defrocking”, is a significant step for clergy under Canon law and may be important for victims as indicating closure of the formal

involvement of the perpetrator in the Church, it is largely symbolic in a broader context. The essential question is whether priests convicted of sexual offences against children, or found by the Independent Commissioner to have offended against children, have been allowed to continue in Ministry. The answer to that is no. It has been the invariable practice of the Independent Commissioner to recommend that a priest's faculties to act as a priest be withdrawn when allegations are made. Archbishop Hart, and Archbishop Pell before him, have accepted the Commissioner's recommendation on every occasion. No priests of the Melbourne Archdiocese who have been found to have offended against children will be allowed to continue practicing as a priest.

7. Have any been defrocked?

Answer:

(See above.)

8. If not, why not?

Answer:

(See above.)

9. Did the Catholic Church consider defrocking Father Kevin O'Donnell when he admitted to forced sex with young children?

At the time that O'Donnell's despicable conduct was discovered, he had already retired and was no longer acting as priest. He was never able to function as a priest again. At the time of O'Donnell's conviction, Canon law was such that without O'Donnell's consent, laicization would have been protracted and would not have been achieved before his death. Recent changes to Canon law have made it considerably easier to laicise priests convicted of paedophile offences and were O'Donnell still alive, he would be laicised. The Archbishop welcomes the Canon law changes and is taking up the opportunity to seek laicisation of convicted priests.

10. If not why not?

Answer:

(See above.)

11. Did the Catholic Church, knowing Father Kevin O'Donnell's crimes dated back to the 1940s, investigate his history in schools around the state to discoverer what other victims he may have attacked?

Answer:

O'Donnell did not have a particular history in schools. Most of his victims were attacked in the presbytery or church. The Independent Commissioner's investigations identified a number of victims.

The Archbishop does not believe that it is appropriate to proactively contact potential victims as this would infringe their right to privacy. Similarly, Victoria Police would not ordinarily initiate contact with a person to ask them if they had been sexually abused. The Archbishop thinks that most people who are the victim of a crime are aware that they can report it to the

Police. The Archbishop thinks it is more appropriate to publicise the existence of the *Melbourne Response* and to respect the right of the individual to make a complaint if they want to.

At the time the *Melbourne Response* was established there was much publicity given to it, including the appointment of the Independent Commissioner to whom victims of abuse can complain. A large number of complainants have made complaints. Most of these complaints relate to abuse which occurred many years ago. The Archdiocese continues to publicise how the *Melbourne Response* operates and victims continue to come forward, many having suffered in silence for many years.

12. How many times has the Catholic Church alerted the Victoria Police to serious allegations of the sexual abuse by its clergy?

Answer:

The Archbishop thinks it is for each individual victim to decide whether to report their complaint to the Police. The Independent Commissioner informs each complainant who contacts him of their right to go to the Police and he encourages the exercise of that right. He emphasises that there is no substitute for a Police investigation. The Archbishop has publicly made this point repeatedly including in the brochure outlining the operation of the *Melbourne Response*.

It is only with the consent of the victim that a complaint would be reported to the police. This has happened on a number of occasions.

If the complaint is taken to the Police, the Independent Commissioner takes no further action until the Police investigation and any resultant proceedings are completed. But some complainants do not want to go to the Police and go through the court process, preferring the *Melbourne Response* process.

Through the Independent Commissioner, the Archdiocese has established a process for liaising with Victoria Police. This process has been enhanced following extensive discussions with Victoria Police.