

## CATHOLIC ARCHDIOCESE OF MELBOURNE

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# Memorandum

**To:** Archbishop Hart  
**From:** Francis Moore  
**Date:** 14 February 2011  
**Subject:** Terms of Appointment for the Independent Commissioner

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Your Grace

I confirm that the Police have now agreed with the Terms of the Statement to be issued on Tuesday, 15 February advising of the changes to the Terms of Appointment of the Independent Commissioner.

The development of these changes has involved discussions over the past 12 to 14 months with the Independent Commissioner, Richard Leder and senior representatives of the Victoria Police, including Deputy Commissioner Sir Ken Jones and the former Head of the Sexual Crimes Squad, Detective Inspector Glenn Davies.

I now provide the following documents:-

- (1) Current Terms of Appointment as issued by Archbishop Pell in 1996.
- (2) Terms of Appointment (Word Format) incorporating the original and supplementary terms following our discussions with the Police.
- (3) Terms of Appointment (in PDF Format) for publication on the Website.
- (4) Letter to Peter O'Callaghan QC.

I draw your attention to the following changes made to the Terms originally approved by Archbishop Pell:-

- (1) The inclusion in the second paragraph of the Background section of an explanation for the inclusion of Clauses 4 to 6 to continue the co-operation and assistance between the Archdiocese, the Commissioner and Victoria Police.

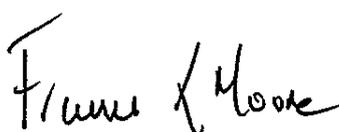
- (2) The addition of Clause 4 requiring for the Commissioner to endeavour to meet regularly with the Head of the Sexual Crimes Squad or their delegate as the Police Liaison Officer to discuss issues of mutual interest and concern and for the Commissioner to refer any complainant to the Liaison Officer who informs the Commissioner of their desire to have their complaint referred to the Police. In these circumstances, the Commissioner is to take no further steps in relation to the complaint until the Police investigation and any resulting proceedings are completed except that the Commissioner may if the complainant wishes refer the complainant to Carelink for the provision of free counselling and physiological support. The Commissioner may also make recommendations to you in respect of the alleged offender.
- (3) New Clause 5 details the contents of the notice which the Commissioner is required to provide a complainant except in the circumstances set out in sub-clauses (i), (ii), (iii) explaining that if the complaint is referred to the Police at any time, that the Commissioner will take no further steps in relation to the complaint until the Police investigation and any resulting proceedings have been completed.
- (4) New Clause 6 details the written information to be provided by the Commissioner to an alleged offender noting that if a complaint is referred to the Police, no further step will be taken in dealing with the complaint and that the offender will not be advised that the complaint has been referred to the Police for at least 4 weeks, or if requested by the Police, such further period as is agreed.
- (5) Headings have been added, clause numbering changed and formatting altered to facilitate publication.

#### Recommendation

I recommend that you sign the Terms of Appointment (Word Format) containing the supplemented terms and authorise their publication on the Archdiocese Website.

When the Terms of Appointment are signed, please also sign the letter to Peter O'Callaghan QC so that terms of appointment as supplemented can be sent to him.

Yours sincerely



**Francis Moore**  
Business Manager

Encl.