

2011 MEDIA RELEASES

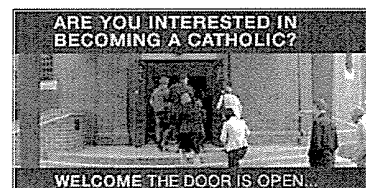
Changes to the Melbourne Response process

Tuesday 15 February 2011

The Catholic Archbishop of Melbourne Denis Hart has announced changes to the Melbourne Response, the Archdiocese's response to victims of sexual abuse.

THE ARCHBISHOP'S STATEMENT FOLLOWS:

1. I am pleased to announce that changes have been made to the Melbourne Response by supplementing the Terms of Appointment of the Independent Commissioner Peter O'Callaghan Q.C.
2. The original Terms of his Appointment in 1996 were formulated in consultation with Victoria Police.
3. The supplementary changes have followed lengthy discussions over many months between my representatives, the Independent Commissioner and Victoria Police. All parties support the changes made.
4. The Archdiocese continues to maintain that there can be no substitute for the Police in the investigation of sexual abuse complaints. Complainants have always been told by the Archdiocese and the Independent Commissioner of their right to report their complaint to the Police, and have always been encouraged to do so. The changes enhance the way in which the Independent Commissioner informs and encourages complainants to take their complaints to the police.
5. Over the years, the Independent Commissioner has fully co-operated with and assisted Police investigations. It has been agreed with the Police that the Independent Commissioner and my representatives will meet regularly with the Head of the Sexual Crime Squad of Victoria Police to discuss matters of mutual interest and concern.
6. It should be recognised that some complainants do not wish to go to the police. They are under no legal obligation to go to the police, and if they decide not to do so, that decision is recognised and respected by the Melbourne Response.
7. Previously, if a complainant had said they did not wish to go to the Police, but then subsequently decided to do so, the Independent Commissioner would immediately inform solicitors for both the complainant and the alleged offender that because the complaint had been referred to the Police, he would be taking no further step, until the Police investigation and any resulting proceedings were completed.
8. This was because both the Independent Commissioner's current Terms of Reference and Victorian law required the Independent Commissioner to comply with the rules of natural justice, which include acting fairly, without bias, in an even handed way, towards both parties, and keeping both parties informed of what the other has told him, while respecting the presumption of innocence.
9. The supplementary changes provide that: the Independent Commissioner, when informing an alleged offender of a complaint, will advise that if a complainant changes their mind and refers their complaint to the Police, the Independent Commissioner will take no further steps in his inquiry, and if the Independent Commissioner becomes aware that the complaint has been referred to the Police, he will not inform the alleged offender of this for at least four weeks, or such further period as is agreed with the Police. Because the alleged offender is so advised at the outset, there is no denial of natural justice.
10. It is important to note that a complainant changing their mind has occurred on only two occasions in the 15 years that the Melbourne Response has functioned.
11. One of these cases generated front-page articles in The Age newspaper, which characterised the Independent Commissioner's actions as a "tip off" - thereby implying misconduct when there was none.
12. The Age also asserted that the actions of the Independent Commissioner resulted in the alleged offender wiping his computer.
13. This was wrong because subsequently, the Independent Commissioner was informed by the prosecuting Police officer that the last occasion on which the computer had been accessed for wiping, was 18 days before the Independent Commissioner advised the solicitors for both parties he would be taking no further steps, because the complaint had been referred to the Police.
14. In the second case, The Age characterised the Independent Commissioner's actions as a tip off, again implying misconduct on his part when there was none.
15. I have complete confidence in the workings of the Melbourne Response process and the Independent Commissioner, and believe that the Melbourne Response - through the Independent Commissioner, the Compensation Panel and the Carelink service - has treated victims in more than 300 cases of abuse fairly, compassionately and with respect.
16. I do recognise, however, that in many cases nothing can eradicate the memory of the abuse and its effects, for which I have repeatedly apologised personally, and in public, to victims of sexual abuse.



17. The full text of the changes appear on the Archdiocese's website www.cam.org.au

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