

Independent Commissioner
Peter O'Callaghan Q.C

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Mr Tony Giugni
Royal Commission into Institutional Response to
Child Sexual Abuse
Owen Dixon Commonwealth Law Courts Building
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Dear Mr Giugni

Request for further information

I refer to the requests made by the Royal Commission into Institutional Responses to Child Sexual Abuse during the course of giving my evidence before the Commission on 19 August 2014.

I set out below a summary of the requests for information put to me, and my response.

1 Priests against whom I have made an adverse finding who have never been prosecuted under the criminal law

There are only 24 living clergy and religious offenders against whom I have made an adverse finding. Of these:

- At least 16 offenders have been reported to the police of whom:
 - 7 have been convicted;
 - 1 was prosecuted (with charges later withdrawn); an
 - 8 were not, as far as we know, prosecuted.
- None of the remaining 8 offenders, who to the best of our knowledge have not been reported to the police, remain in active ministry. Further, the Church took the following action:
 - 2 were laicised;
 - 3 are the subject of penal precepts (and have had their faculties withdrawn);
 - 1 is the subject of a notification to Rome (and has retired from active ministry); and
 - 2 have retired from active ministry (1 of whom has lived overseas since 1991).

2 Circumstances in which I was compelled to produce material for a complainant in respect of either a private prosecution or a civil matter

I was subpoenaed in some instances by the prosecution and in other cases by the alleged offender in the context of criminal proceedings. I did not receive any summonses or subpoenas in respect of civil matters.

3 Details of the “small number of cases” in which I considered it necessary to advise a complainant to seek independent legal advice as to their legal position

I recommended on 3 occasions that a complainant seek independent legal advice.

4 Recent amendment to the Crimes Act containing an obligation upon persons to report to the police

These amendments are contained in the *Crimes Amendment (Protection of Children) Act 2014 (Vic) (Act)*, a copy of which is **attached**. The Act was assented to on 3 June 2014.

While sections 1 and 2 of the Act have commenced, the balance of the Act will commence upon proclamation, or in the case of sections 3 to 6 and 9, on 1 July 2015 if not proclaimed earlier.

5 Details of the transfer of William Baker from Gladstone Park to Eltham

William Baker was transferred from Gladstone Park to Eltham on 17 June 1978 and remained in Eltham until 1992.

6 In respect of contested hearings, the percentage of those who appeared with representatives who you paid and didn't pay

There were 8 contested hearings before me as Independent Commissioner in relation to child sexual abuse. Of these:

- the complainants were legally represented in 4 of the hearings (50%); and
- the offenders were legally represented in 5 of the hearings (62.5%).

Of the 4 hearings where the complainants were legally represented, 50% (2 complainants) had that representation paid for by the Archdiocese.

Of the 5 hearings where the respondents were legally represented, 40% (2 respondents) had that legal representation paid for by the Archdiocese.

Yours sincerely


Peter J O'Callaghan QC
Independent Commissioner