ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE AT SYDNEY

COMMONWEALTH OF AUSTRALIA

Royal Commissions Act 1902

PUBLIC INQUIRY INTO THE RESPONSE OF TOWARDS HEALING

REVISED SUBMISSIONS OF COUNSEL ASSISTING THE ROYAL COMMISSION IN RELATION TO JENNIFER INGHAM

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INTRODUCTION TO CASE STUDY 4

1. The fourth public hearing by the Royal Commission examined *Towards Healing* which is a set of principles and procedures established by the Catholic Church for a person who has been, relevantly for this Royal Commission, sexually abused by a priest, religious or other Catholic Church personnel.

2. The issue of redress for child sexual abuse victims will be considered during a number of case studies, in issues papers and public forums. This public hearing on *Towards Healing* is a component of this.

3. The public hearing was held from 9 December to 19 December 2013 and 22 to 24 January 2014. The Royal Commission heard evidence from four victims who had participated in the *Towards Healing* process, two legal representatives who had acted during the process, personnel who worked for the Professional Standards Offices and Catholic Church Insurances, and members of the relevant Church authorities who had engaged with the victims during their *Towards Healing* processes.

4. The following systemic issues arise from this case study and will be the subject of further consideration by the Royal Commission:
   a. The separation of the pastoral response by the responsible Church Authority from the payment of reparation and the payment of or for services (ie counselling)
   b. The separation of the responsible Church Authority from investigation/assessment of a complaint
   c. Criteria for determining amount of reparation
   d. The involvement of the responsible Church Authority in decisions as to amount of reparation paid
e. The role of legal and insurance advisers in negotiations and decisions as to amount of reparation paid
f. The role of apologies from the responsible Church Authority in healing for survivors
g. Consultation about facilitators/mediators in a redress scheme
h. The independence of decision makers in a redress scheme (ie their independence from the institution where the abuse is alleged to have occurred)
i. The independence of facilitators/mediators makers in a redress scheme (ie their independence from the institution where the abuse is alleged to have occurred)
j. Legal representation of complainants in a redress scheme
k. Funding for legal representation of complainants in a redress scheme
l. Disciplinary action against accused.

Submissions made in relation to Case Study 4

5. Following the public hearing, Counsel Assisting made written submissions which were provided to parties with leave to appear. Many of these parties made written submissions in reply.
6. Counsel Assisting have considered all written submissions in reply, and have revised their submissions having carried out that task. These revised submissions in relation to Mrs Jennifer Ingham are below.
7. In the event that any party with leave wishes to make revised written submissions, they should do so by 22 August. They should clearly indicate which, if any, aspects of their initial submissions should be considered by the Royal Commissioners and which, if any, new submissions they wish the Royal Commissioners to consider.
8. Parties should also advise whether they wish to make oral submissions. A date will be advised if oral submissions are to be made. Any oral submissions should respond to counsel assisting’s revised submissions.
9. Aside from some general issues raised in the submissions of the Church parties, which are responded to in the section immediately below, these submissions do not refer specifically to the submissions made by other parties.

Response to general issues raised by the Church parties

10. The submissions on behalf of the Church parties begin by making some general comments/submissions. In that regard, the Church parties (at [16]) say that the Towards Healing protocol is a statement of the Church’s “position” and (at [18]) that it puts forward a series of “possible steps” in a process “which is, and is intended to be, inherently flexible”. That approach to the interpretation and implementation of Towards Healing serves in the Church parties’ submissions to excuse and justify departures from, or actions inconsistent with, the Towards Healing protocol.
11. While it is accepted that the *Towards Healing* protocol is not “a legislative instrument or a commercial contract” (cf. Church parties [16]), it is a “document [which] … states public criteria according to which the community may judge the resolve of Church leaders to address issues of abuse within the Church”. Moreover, the document acknowledges the following:

   *If we do not follow the principles and procedures of this document, we will have failed according to our own criteria.*

12. Having publically committed itself to the principles and procedures set out in *Towards Healing*, and having invited public judgement on whether it has followed those principles and procedures, it is surprising that the Catholic Church in Australia now says that those principles and procedures are in effect optional, and that it is only compliance with “a substantive or essential principle of the protocol” (Church parties [19]) which is required.

13. Further, the Church parties (at [48]) say that no accepted or objective meaning of either “justice” or “compassion” was proposed or established and (at [51]) it was necessary to establish, “by evidence”, what is meant by and required by “justice” and “compassion” before any adverse finding could be made that there was a failure to meet those standards. That approach is contested. Even in a court of law applying the rules of evidence, evidence of the meaning of a word is neither necessary nor admissible save in respect of specialised technical meanings — an exception that does not apply in this case. Moreover, none of the witnesses expressed any difficulty with regard to the meaning of “justice” or “compassion” and no objection was made with regard to the use of those words in questioning the witnesses.

14. It is the ordinary meanings of those words in the context in which they appear in the *Towards Healing* protocol that is relied on. *Towards Healing* commits the Catholic Church in Australia, and its various formations, to a “just and compassionate” response to victims of child sexual abuse. It is the ordinary way in which readers of that public commitment will understand it that matters. That is the standard to which the formations of the Catholic Church in Australia and its personnel are accountable.

15. It is accepted that minor departures from the *Towards Healing* protocol should not be visited with specific critical findings of the Royal Commission. The available findings are intended to identify sufficiently significant failures to warrant critical findings of the Royal Commission.

16. It is accepted that the simple syllogism set out by Church parties (at [50]) is not, on its own, an acceptable basis of reasoning. Failures to follow *Towards Healing* might arise from a failure to act in accordance with the principles of *Towards Healing*, including justice and compassion for victims, or a failure to follow the procedures of *Towards Healing*. It may be that a failure to follow the procedures is also a failure to act in accordance with the principles, but that is not necessarily so. It is not accepted that the submissions of Senior Counsel Assisting adopt the identified syllogism without more.

17. It is not accepted that the actions of a Church Authority in respect to disciplining an offender do not properly fall within the parameters of a study on *Towards Healing* [15]. Clause 42 of *Towards Healing* (2010) clearly requires the future ministry of the person accused to be considered, and that such decisions are consistent with Church law.

18. The Church parties submit that an adverse finding in relation to an individual should only be proposed or made if the relevant assertion has been put to the individual directly and fully [1.4].

19. This submission is not accepted.
20. First, the rule of evidence in \textit{Browne v Dunn} does not apply to proceedings before the Royal Commission which are inquisitorial in nature and not adversarial. Secondly, the Royal Commission’s Practice Guideline 1 (2013) provides that “\textit{If the Royal Commission is to be invited to disbelieve a witness, the material grounds upon which it is said that the evidence should be disbelieved should be put to the witness so that the witness may have an opportunity to offer an explanation}” [67].

21. Finally, there is no doubt that the Royal Commission cannot report adversely without first giving a person an opportunity to answer the matters put against them and to put submissions as to findings or recommendations that might be made (\textit{Ainsworth v Criminal Justice Commission} (1991-1992) 175 CLR 564 at 581, see also \textit{Annetts v McCann} (1990) 170 CLR 596 at 601).

22. It is accepted that the factual foundation for the submission as to an adverse finding should be put to the witness. It is not accepted that the adverse finding itself must be so put. It is through the process of submissions that individuals are provided with the opportunity to respond to any adverse findings submitted to be available on the evidence by counsel assisting (see \textit{Bond v Australian Broadcasting Tribunal} (1988) 19 FCR 494 at 512). It is always open to any person or institution with leave to seek a further opportunity to put evidence before the Royal Commission, prior to the conclusion of the submission process.

23. Matters of policy are not the subject of submissions by Counsel Assisting. As is stated below, systemic issues will be identified and addressed further in the Royal Commission’s work [cf section 1.6]

24. The Church parties also said that they offered to adduce evidence from witnesses on the \textit{Towards Healing} process generally, but that that proposal was not accepted by the Commission (Church parties at [77]). This is not accepted. The solicitors for the Church parties offered to provide a presentation to the Commissioners in its boardroom as to the operation of \textit{Towards Healing}. For obvious reasons, that was declined.

25. At no time did the Church parties propose additional witnesses which were declined to be called by Counsel Assisting in relation to the general operation of \textit{Towards Healing}.

26. As to section 1.8 of the Church parties’ submissions, it is not accepted that analysis of the four sub-studies within the present case study is not possible or appropriate in the absence of “\textit{evidence from witnesses on the Towards Healing process generally}” (Church parties at [77]). The development of the \textit{Towards Healing} process over the years is apparent from the different revised versions from 1996 to 2010 as well as the reviews which preceded each version. It is the protocols themselves that were held out by the Catholic Church in Australia as applying at the different times and therefore to the different sub-studies.

\textbf{OVERVIEW OF JENNIFER INGHAM’S \textit{TOWARDS HEALING PROCESS}}

\textbf{Jennifer Ingham’s Evidence about the Abuse}

27. Jennifer Ingham gave evidence that she was sexually abused by Father Paul Rex Brown in the Diocese of Lismore between 1978 and 1982.\footnote{Ex 4-18 Ingham [4]} She was 16 years old at the time of the onset of abuse and it continued into her early adult years. In 1980, at the age of 17 and during her final
year at school, Mrs Ingham was hospitalised because of Bulimia and also received psychiatric treatment. As a result she did not sit her final high school exams.2

28. Following Mrs Ingham’s schooling, Father Brown arranged for her to meet him regularly at the Sydney University Motel in Glebe where he continued to sexually abuse her, throughout which time she continued to suffer from Bulimia and receive psychiatric treatment.3

29. Father Brown arranged for Mrs Ingham to attend a specialist psychiatrist and assisted in her admission to two private psychiatric clinics. Mrs Ingham was isolated from her parents as part of her “treatment plan” and lived in the clinics for a substantial time.4 The costs of this treatment was never invoiced to Mrs Ingham or her family. It is her assumption that Father Brown paid for the psychiatric treatment she received.5

30. From 1981 to 1982, Father Brown arranged a waitressing job for Mrs Ingham in Sydney and on occasion arranged and paid for her to fly from Sydney to stay at his then residence at St Joseph’s Parish Church, Tweed Heads.6 She said that she was sexually abused on each of the occasions she stayed at his residence. During the years that Mrs Ingham was sexually abused by Father Brown, she attempted to commit suicide a number of times.7 On two occasions, she almost died.8

31. Mrs Ingham described the abuse she suffered as a “horrendous black secret” which she held for “far too many years”. She said she was “full of despicable self-loathing” and “petrified I would be found out for my sins”.9

32. Mrs Ingham remained in contact with Father Brown after the abuse ended and was “so frightened that her acts of betrayal would be found out”. This was because he disclosed the name of someone else he had abused to her. She kept up the “façade of a pleasant friendship” and asked him to marry her first husband, Colin Riches and herself. Father Brown did so in Lismore in November 1985.10

33. Mrs Ingham has had several operations on her face and mouth as a consequence of the Bulimia and continues to suffer from severe facial pain as a result of those procedures.11 She commenced a treatment program for her Bulimia in 1989 at Queensland University, St Lucia and continues to receive private treatment under the care of Professor Roger Dooley.12

Father Brown

34. Father Brown ministered in Lismore from 1960 to October 1981. He went on leave from October 1981 to April 1982. In April 1982, he was appointed Parish Priest of Kyogle for a period of two days before being appointed as Parish Priest to Tweed Heads on 3 April 1982. Father

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2 Ex 4-18 Ingham [5]
3 Ex 4-18 Ingham[6]
4 Ex 4-17 Tab 18
5 Ex 4-18 Ingham [6]
6 Ex 4-18 Ingham [7]
7 Ex 4-18 Ingham [7]
8 Ex 4-17 Tab 18
9 Ex 4-17 Tab 18
10 Ex 4-17 Tab 18
11 Ex 4-18 Ingham [8]
12 Ex 4-18 Ingham [9]
Brown remained at Tweed Heads until he was removed from his appointment by the then Bishop of Lismore, Bishop Satterthwaite on 20 June 1986.13

35. Father Brown took legal action in Australia in respect of Bishop Satterthwaite’s actions and appealed to the Vatican.14 On 26 June 1986, the Supreme Court of NSW dismissed Father Brown’s application for an injunction against the Decree of Removal.15 On 8 August 1987, the Sacred Congregation of the Clergy in Rome confirmed the Decree of Removal by Bishop Satterthwaite.16 On 26 October 1987, Bishop Satterthwaite issued a Decree to Father Brown withdrawing his faculties as a priest in the Diocese of Lismore.17

36. A document that was prepared as part of the process of removal of Father Brown’s faculties recorded in part the following allegations of child sexual assault against him:

   Permanent illness of mind and body which makes the parish priest unequal to the task of fulfilling his duties satisfactorily...

   (o) When we were drunk Father Brown asked REDACTED to sit on his knee. We were in the room with the television. REDACTED said he was getting too old to sit on Father Brown’s knee. After that Father Brown asked me to come into another room on my own. He rubbed his hand on the inside of the top of my leg...

   (p) The other bag (we stole) contained magazines... they had photographs of boys aged fourteen years and less who were naked and involved in sexual acts... The names of the children known to REDACTED and I, and who stayed at the Youth Refuge at Tweed Heads, were written in handwriting (Father Brown’s) on these magazines... Before visiting us Father Brown we did not know that he would want physical contact with us...

   (a) Rex had his head buried beneath the sheets on my side of the bed and was practicing fellatio, with his mouth on my penis... I was deeply shocked... Since then he has invited me to share his bed on several occasions... he would attempt to kiss me with his mouth on mine, trying to get his tongue into my mouth...18

37. Despite these allegations, the principal reason given for Father Brown’s removal from ministry was his problem with alcohol and the subsequent effect that had on his “pastoral responsibilities”.19

38. Bishop Jarrett explained that by the removal of his faculties, Father Brown was removed from ministry, he had returned to private life and could not present himself as a priest.20

39. Father Brown was convicted of possession of child pornography on 27 March 1996.21 Father Brown died on 30 June 2005.22

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13 Ex 4-36 Jarrett [96]
14 Ex 4-17 Tabs 5, 7 and 9
15 Ex 4-17 Tab 8
16 Ex 4-17 Tab 10
17 Ex 4-17 Tab 12
18 Ex 4-28
19 Ex 4-17 Tab 3 and 4.
20 Jarrett T3047: 9 - 39
21 Ex 4-17 Tab 35; Ex 4-18 Ingham [4]
22 Ex 4-17 Tab 13
40. Bishop Jarrett was asked whether there was anything further that could have been done after Father Brown had been removed from ministry in 1986 when his criminal conduct subsequently came to light. Bishop Jarrett said:

    I didn’t consider that any action was needed from me in regard to this. Father Brown, I suppose, was a back number, too… in the sense that his case had already been dealt with; he was out of ministry; he was living in retirement; and I don’t think he was in contact with many of the priests.

Jennifer Ingham’s *Towards Healing* Process

**Towards Healing** Process under the direction of Mr Mullins

41. On 1 August 2012, Mrs Ingham telephoned the Director of Professional Standards in Queensland, Patrick Mullins after reading media clippings in relation to child sexual abuse. Mr Mullins provided Mrs Ingham with information about the *Towards Healing* process. She found Mr Mullins “very compassionate”. She understood that *Towards Healing* was an opportunity to tell her story, be offered pastoral care, to receive financial support for counseling and in some cases, compensation.

42. On 30 August 2012, Mrs Ingham sent an email to Mr Mullins thanking him for his, “compassion and the way you explained the process of Towards Healing… That made the phone call so much easier. It was a nervous call to make. Having as much detail and knowledge is very important to me.” She also expressed her anger and provided details in relation to previously informing church leaders of the abuse. She wrote:

    I now want to add my name to the list of those abused by a senior priest in the church, but MOST OF ALL want to express my anger for the manner the then leaders of the church personally swept this knowledge under the table. I ABSOLUTELY DESERVE that apology and so much more.

    I have the total support of my daughter’s father. He is still a very dear friend. He attended at the meeting in the early nineties when we met with the then Bishop and another priest to tell them of my abuse. Fr Mulcahy cried… no sobbed… and said he already knew. After this meeting there was no further communication...

    I met with a senior Priest at Dutton Park Catholic Head office for guidance. I told him of my abuse and struggle. He was compassionate, but there was no further communication.

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23 Jarrett T3047:2-13
24 Jarrett T3047:20-28
25 Ex 4-18 Ingham [12]
26 Ex 4-18 Ingham [14]
27 Ex 4-18 Ingham [14] and Ex 4-17 Tab 15
28 Ex 4-18 Ingham [15]
29 Ex 4-17 Tab 15
Not long before my father passed away in 2008 I met with a local priest. I wanted to make peace with the church for my Dad’s sake. I told him of my abuse and struggle with the church. (I had a friend with me). He just got really angry. I left and had no further communication.  

Mr Mullins responded on the same day. He advised Mrs Ingham that, “the Church’s position in these matters is that victims should take the matter to police”. He also explained what the next steps in the process would be, after she sent him a signed letter of complaint. After further assistance from Mr Mullins, Mrs Ingham reported her abuse to the police, however, as Father Brown was dead, nothing could be done by the police.

A signed copy of the letter of complaint was received by the Professional Standards Office (QLD) (“PSO”) on 4 October 2012 and on the same day Mr Mullins organized a copy to be sent to Bishop Geoffrey Jarrett who was the Bishop of Lismore. Bishop Jarrett was overseas at the time but the Chancellor of the Diocese, Deacon Christopher Wallace on his behalf, accepted Mr Mullins’ recommendation which accompanied the letter of complaint that Peter Scanlan, a retired Police Officer, be appointed the contact person. Since his appointment as Chancellor of the Diocese in 2005, Deacon Wallace has primarily managed the response of the Diocese to any Towards Healing complaints.

On 18 October 2012, Peter Scanlan visited Mrs Ingham’s home to prepare a contact report. Mrs Ingham’s husband and best friend, Alison Reichert were also present. Mrs Ingham said that Mr Scanlan was “very professional, gentle and took a lot of care in asking questions”.

On 25 October 2012, Mrs Ingham received a draft copy of the contact report. Mrs Ingham said that Mr Scanlan informed her that there may be “significant time” between the submission of the contact report and a determination by Bishop Jarrett as to whether an investigation was required.

Mrs Ingham sent the signed contact report to Mr Scanlan on 5 November 2012. Mr Scanlan forwarded it to Mr Mullins on 8 November 2012, who subsequently sent it to Deacon Wallace on 13 November 2012. The contact report identified three things that Mrs Ingham wanted to achieve through the Towards Healing process:

Primarily Jennifer would like an audience with Father Mulcahy. She would like to confront him and ask him why he did not take any action to stop this priest as soon as he became aware of what was happening.
Secondly she would also like a compensation package. Over the years she has spent thousands of dollars on medical and psychiatric treatment. She is still being treated at the present time.

Thirdly she is seeking a Letter of Apology from the Catholic Church.43

48. On 15 November 2012, Mrs Ingham emailed Mr Mullins detailing her experience with Mr Scanlan. She commented that he “was very professional, patient and empathetic” throughout the contact report interview.44

49. During the period prior to Bishop Jarrett making a determination as to whether an investigation would be required, Mr Mullins was prompt to respond to Mrs Ingham’s queries and emailed Deacon Wallace to follow up on the progress of the matter, pointing out the reasonable anxieties and apprehensions Mrs Ingham was experiencing.45

50. On 13 December 2012, Deacon Wallace emailed Ms Fenby and informed her of Mrs Ingham’s Towards Healing complaint.46 Ms Fenby was at the time a lawyer employed by Catholic Church Insurances (“CCI”). He enquired as to what stage of the complaint CCI would like to get involved. Ms Fenby responded that day saying that “now” would be a good time. Ms Fenby was subsequently actively involved in many aspects of Mrs Ingham’s case, including making a suggestion of who to appoint as the facilitator,47 being involved in the practical arrangements for the facilitation48 and also the meeting between Bishop Jarrett and Mrs Ingham.49 Ms Fenby also attended the facilitation meeting. Ms Fenby’s role is further considered below.

51. On 18 December 2012, after the Diocese made a decision that they accepted Mrs Ingham’s claim, Mr Mullins advised Mrs Ingham that the complaint could proceed straight to facilitation. Mr Mullins also advised of the need for a psychologist’s report and suggested that if Mrs Ingham was presently receiving treatment, her treating practitioner was the best person to provide such a report. Mr Mullins said that the Diocese would meet the cost of the report and that once the report was received, a date could be set for the facilitation.50 Mr Mullins subsequently made arrangements for the psychologist’s report.51 Mr Mullins also provided an overview of the process and advised Mrs Ingham that she should bring a support person to the facilitation meeting.52

52. On 13 February 2013, Mrs Ingham emailed Mr Mullins to request a meeting with him prior to the facilitation as she had “a few questions”.53 Mr Mullins replied that day and said, “We can arrange this. I will contact you when I have Professor Dooley’s report.”54
53. On 5 April 2013, Professor Dooley responded to the Professional Standards Office in relation to an enquiry about the progress of Mrs Ingham’s report. He explained that he expected to provide the report within a month.\(^{55}\)

**Transition of the Role of Director from Mr Mullins to Ms Rogers**

54. Mr Mullins left the position of Director on 7 April 2013 and Ms Bernadette Rogers took over as the new Director of Professional Standards, Queensland.\(^{56}\)

55. On or about 5 April 2013, Ms Rogers and Mr Mullins had a handover meeting to discuss the *Towards Healing* cases that were current at the time.\(^{57}\) Mr Mullins had prepared a file note dated 2 April 2013 in relation to Mrs Ingham’s complaint. He recorded the involvement of CCI and that the Diocese of Lismore had determined that the matter would proceed to a facilitation without an assessment, pending a psychologist’s report from Professor Dooley.\(^{58}\) He wrote:

> The Diocese has reported the matter to Catholic Church Insurances Limited and they (Emma Fenby) are actively involved in the matter. They are awaiting receipt of the psychologist report from Professor Roger Dooley. When that come to hand, my understanding is that they are agreed to proceed to Facilitation/Mediation so that the matter can be resolved. You will note that there is a completed Contact Report which was completed in November 2012.

> The important thing is that the Diocese has determined that the matter can proceed direct to Facilitation and that no Assessment is necessary. Accordingly, as soon as Professor Dooley’s report is obtained, that should go to both the Diocese and the CCI and arrangements can be made with CCI and the Diocese and the complainant for the appointment of a Facilitator so that the Facilitation can proceed.\(^{59}\)

56. Mr Mullins agreed that the file note did not outline Mrs Ingham’s needs nor her goals for the facilitation.\(^{60}\) He said that those issues were addressed in the contact report on the file.\(^{61}\) Ms Rogers said that at the meeting Mr Mullins also told her that “there was a need to move quickly to facilitation as Mrs Ingham was seeking a speedy resolution of her complaint.”\(^{62}\)

57. At the date of Mrs Ingham’s statement to the Royal Commission (23 October 2013), Mrs Ingham said that the last contact she had with Mr Mullins was in the first week of May 2013 and that she had not heard from him since.\(^{63}\) She complained that she did not receive any type of communication nor was she advised why he was no longer in the role of Director.\(^{64}\)

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\(^{55}\) Ex 4-17 Tab 74

\(^{56}\) Ex 4-21 Mullins [67]

\(^{57}\) Ex 4-26 Rogers [39]

\(^{58}\) Ex 4-17 Tab 72

\(^{59}\) Ex 4-17 Tab 72

\(^{60}\) Mullins T2898:5-7

\(^{61}\) Mullins T2898: 11 – 12

\(^{62}\) Ex 4-26 Rogers [40]

\(^{63}\) Ex 4-18 Ingham [26]

\(^{64}\) Ex 4-18 Ingham [26]
Rogers’ evidence confirmed that at the time of change over, there was no discussion between Mrs Ingham and herself or Mr Mullins as to why he had left the position of Director.  

58. Mr Mullins considered that it was not his role to inform claimants that he would be ceasing in that role but accepted “that claimants ought to have been made aware” either by him or Ms Rogers of the change of personnel. Mr Mullins agreed that he should have discussed with Mrs Ingham his leaving the role of Director and the commencement of Ms Rogers and stated that he regretted not having spoken with her.  

59. Ms Rogers agreed that a “more just and compassionate approach to Mrs Ingham would have been for there to be a discussion either by Mr Mullins, preferably or by her explaining that he was leaving.” Ms Rogers further said:

> With the benefit of hindsight, I can see that by just passing Mrs Ingham’s management of a file, if you like from Mr Mullins to me, she did not have any opportunity to get to know me, to build up trust, to understand how I worked, to understand how I communicated, to understand how I worked, to understand the language I used. All of that is quite important.

60. Ms Rogers explained that this will be the practice when she leaves her position in January 2014 either by writing to each Towards Healing participant or speaking to them on the phone. Submissions in relation to the transition of the role of Director are set out below.

**Towards Healing process under the Direction of Ms Rogers**

61. On 19 April 2013, Ms Fenby emailed Ms Rogers and suggested that Michael Salmon would be the appropriate choice of a facilitator for Mrs Ingham. She wrote:

> I confirm that we are awaiting on the report from her treating psychologist. In the interim, could I suggest considering Michael Salmon (Director of the NSW Professional Standards Office) as the facilitator. Michael is very experienced and has done some recent facilitation work in Victoria.

62. Ms Rogers received Professor Dooley’s report between 3 and 6 May 2013. Mrs Ingham said that it was around this time that the Towards Healing process “got murky”. She found the two weeks that followed, “very stressful”. On 9 May 2013, Ms Rogers wrote to Mrs Ingham advising that Mr Mullins was no longer the Director of Professional Standards and that she was now in the role. She said that she would like to speak to Mrs Ingham “to talk about the next stages and identify what support [she] will need” and explained that the next step in the
process would be a facilitation meeting with a representative from the Diocese of Lismore. She further wrote:

Michael Salmon, my counterpart in Sydney and an extremely experienced facilitator has agreed to make himself available for this process. He is available either 23 or 24 May with a preference for the 24th. These dates might not be convenient for the people you would like to bring with you. If these dates are too soon can you tell me some dates that might work for you in June or July.

I hope to speak with you shortly but wanted to give you information about possible dates as soon as possible.74

63. This email was the first contact between Ms Rogers and Mrs Ingham. Ms Rogers said that she “considered it was preferable in the first instance to send an email rather than telephone Mrs Ingham without notice of my call, and to invite Mrs Ingham in the email to speak to me at a time convenient to her”.75 Mrs Ingham replied that day indicating a suitable date for the facilitation. She also wrote, “I am keen to move forward as this has been a difficult process, however I have appreciated all the support during the process. Bernadette I can be contacted anytime if required.”76

64. Later that day, Ms Rogers and Mrs Ingham had a telephone discussion in which some of the details of the facilitation were discussed.77 The words attributed to Ms Rogers by Mrs Ingham during this conversation will be considered below.

65. On 11 April and 8 May 2013, Mrs Ingham emailed Mr Mullins and on both occasions mentioned that she was keen to meet with him. Mr Mullins forwarded the respective emails to Ms Rogers promptly after receiving them.78 On 9 May 2013, Ms Rogers sought Mr Mullins’ advice as to whether he would have met with Mrs Ingham in person prior to the facilitation.79 Ms Rogers said that before she accepted her position as Director, Mr Mullins had told her that the Director would not typically meet with a victim and she wanted to confirm that approach in this situation.80 Mr Mullins replied and told her that it was not his practice to meet with complainants during the process.81 He wrote:

I would not have met with her in person except perhaps to just introduce myself and welcome her at the time of the Facilitation (eg if it was held here). I wouldn’t have had a formal meeting with her. That’s not the Director’s role. You can talk to her per phone as I had been doing and give her information about the process.82

66. On 10 May 2013, Mrs Ingham emailed Ms Rogers and confirmed that 24 May 2013 would be a suitable facilitation date. She requested that they have a meeting prior to the facilitation as she had a number of questions and she wanted to “ensure that [she had] a thorough

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74 Ex 4-17 Tab 93
75 Ex 4-26 Rogers [47]
76 Ex 4-17 Tab 99
78 Ex 4-17 Tabs 75 and 98
79 Ex 4-17 Tab 98
80 Ex 4-26 Rogers [50]
81 Ex 4-17 Tab 98
82 Ex 4-17 Tab 98
understanding the intent/outcome of the facilitation”. She also wanted to request that Bishop Jarrett attend the facilitation. 83

67. Ms Rogers subsequently exchanged a number of emails with Ms Fenby in relation to the possibility of Bishop Jarrett attending the facilitation. When it was apparent that he could not, it was arranged for him to meet Mrs Ingham separately on 24 June 2013, after the facilitation meeting. 84 That Bishop Jarrett did not attend the facilitation will be further considered below.

68. Mrs Ingham emailed Ms Rogers again on 13 May 2012 referring to her expectation that she would meet Mr Mullins prior to the facilitation. 85 Mrs Ingham also asked for clarification as to who would be in attendance, and confirmation of Bishop Jarrett’s attendance. 86

69. On 14 May 2013, Ms Rogers telephoned Mrs Ingham and said that it was not her practice or Mr Mullins’ to have a preliminary meeting before the facilitation. 87 She advised that it was the role of the facilitator to discuss the process and that she could arrange for him to call Mrs Ingham. She also said that it was normal practice for the facilitator to meet with the complainant an hour before the facilitation. Mrs Ingham was “really upset” that Ms Rogers would not meet with her face to face to discuss the facilitation. 88 This issue will be considered below.

70. In their telephone conversation that day, Ms Rogers also advised Mrs Ingham that Bishop Jarrett would not be in attendance at the facilitation. 89 Bishop Jarrett’s calendar prevented his availability until the end of June 2013 and instead Deacon Wallace would be present. On 24 May 2013, Ms Rogers advised that Mrs Ingham could meet with Bishop Jarrett on 24 June 2013. 90

71. During the conversation on 14 May 2013, Ms Rogers also informed Mrs Ingham that CCI were willing to pay for the attendance of Professor Dooley, as well as her lawyer at the facilitation – Mrs Ingham was satisfied with just her lawyer and support persons attending. 91

72. On 17 May 2013, Ms Rogers emailed Mrs Ingham’s solicitor and confirmed that Deacon Wallace would attend the facilaition for the Diocese and there would also be representative from CCI in attendance. 92

Contact between the Church Authority and Father Mulcahy prior to the Facilitation

73. “At some point” prior to the facilitation, Bishop Jarrett and Deacon Wallace had a conversation about the complaint recorded in Mrs Ingham’s contact report that she had told Father Frank Mulcahy about her abuse. 93 Bishop Jarrett said that this was an “aspect of Mrs Ingham’s
complaint [that] needed some inquiry from me, because I wanted to understand why nothing had happened in response to Mrs Ingham’s complaint at the time it was first made.” Bishop Jarrett agreed to Deacon Wallace’s suggestion that he speak to Father Mulcahy.

74. Bishop Jarrett telephoned Father Mulcahy and told him he had received a complaint from Mrs Ingham that she had been abused by Father Brown. He told him that she named Father Mulcahy as an attendee at a meeting with clergy in 1990 in which she reported the abuse. Bishop Jarrett said that although Father Mulcahy remembered Mrs Ingham’s parents, he could not remember Mrs Ingham, nor the meeting in 1990. The issue of the meeting in 1990 will be further considered below.

75. After his conversation with Father Mulcahy, Bishop Jarrett reported to Deacon Wallace the substance of his conversation with Father Mulcahy.

76. Although Bishop Jarrett was aware that Mrs Ingham wanted to confront Father Mulcahy in relation to the 1990 meeting, he did not ask Mrs Ingham if she still wished to speak to Father Mulcahy. He said that he did not ask Father Mulcahy to attend the meeting with Mrs Ingham because:

> At this stage, when we were already moving to facilitation, I was wondering whether arranging such a meeting, when Father Mulcahy denied that it took place, would serve a good purpose in terms of the outcome for Mrs Ingham at that point in time.

77. He agreed that he effectively made the decision about whether or not Mrs Ingham could speak to Father Mulcahy and that he did not give her the opportunity to make a decision about that. He said that “it may well have been” better to allow Mrs Ingham to decide whether it was in her interests to meet Father Mulcahy.

78. Deacon Wallace said that once he was informed that Father Mulcahy could not recall the meeting in 1990, he became concerned that Father Mulcahy was not going to change his mind on this recollection, and that “if [Father Mulcahy] was put into a position of meeting Mrs Ingham, it would not go well for Mrs Ingham.” He said:

> although I held out the possibility of them still meeting, I certainly went on the back-pedal as far as doing anything about bringing that meeting about, because my prime concern was the welfare of Jennifer Ingham, and to confront her with Father Mulcahy denying that it had even taken place or that he didn’t remember it, I felt, would have been detrimental to her health.
Facilitation

79. The facilitation meeting occurred on 24 May 2013 at the Mullins Lawyers offices in Brisbane. Mrs Ingham attended with her husband, Lindsay Ingham, her sister Margaret, her best friend Alison Reichert and her lawyer, Peter Kelso. Deacon Wallace represented the Diocese of Lismore and Michael Salmon, Director of Professional Standards NSW/ACT acted as the facilitator. Ms Fenby, a lawyer employed by CCI also attended the facilitation.

80. Before the facilitation commenced, Mrs Ingham and her support group where afforded a short period of time with Mr Salmon to discuss the process. Mrs Ingham had not met Mr Salmon prior to the facilitation day.

81. The facilitation meeting was in two phases. The first provided Mrs Ingham with an opportunity to tell her story and ask questions of the Church and the second involved negotiations regarding compensation. The facilitation went for 7 hours and Mrs Ingham described it as “a very long and emotional day and draining for all parties”.

82. At the outset of the pastoral component of the facilitation, Mr Salmon expressed the “absolute importance of the pastoral care element” of the meeting. Mrs Ingham found Mr Salmon to be “both compassionate and professional throughout the facilitation.” Similarly, Ms Fenby said that Mr Salmon ran the facilitation well and that he was “very caring and kind and pastoral and patient” and related well to Mrs Ingham.

83. Deacon Wallace opened his comments with what Mrs Ingham said was “a sincere apology on behalf of the Church”. Similarly, Ms Fenby said that Deacon Wallace’s apology to Mrs Ingham was genuine and appropriate in the context of the facilitation. Deacon Wallace said that the apology he provided at the facilitation “was still inadequate for what I wanted to convey, but she accepted it was very gracious in doing so”.

84. Mrs Ingham said that Deacon Wallace told her that he had met Father Brown and that he said he felt him to be “evil” and that he made reference to a comment made by Bishop Jarrett that “I thought Father Brown only interfered with boys”. Mrs Ingham felt this was “a genuinely insulting reference to make in my presence as a victim of Father Brown”. Deacon Wallace said that he did not recall using the word “evil” but it is likely that he did so because it was consistent with his assessment of him. Deacon Wallace said that he had no intention of insulting Mrs Ingham but that he was “trying to help her understand there had been no clear evidence in 1990 that he had abused girls as well as boys and this was still a common understanding.”

85. Mrs Ingham said that “Chris Wallace attended in his civilian clothes and I did not understand why he did not attend wearing his clerical collar to what was a very, very important

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105 Ex 4-18 Ingham [37]; Ex 4-56 Salmon [44] – [48]
106 Ex 4-18 Ingham [37]
107 Ex 4-18 Ingham [37]
108 Ex 4-18 Ingham [38]
109 Ex 4-18 Ingham [39]
110 Ex 4-18 Ingham [39]
111 Fenby T2990:15-24
112 Ex 4-18 Ingham [40]
113 Fenby T2989:27-36
114 Wallace T3026:34-36
115 Ex 4-18 Ingham [40]
116 Ex 4-31 Wallace [63]
meeting”. 117 Deacon Wallace called Mr Salmon a few days before the facilitation to discuss what he should wear to the facilitation. 118 He said that were the same issue to arise in the future, he would engage with the complainant as to their expectation of how the Church Authority would appear. 119

86. During the facilitation, Deacon Wallace informed Mrs Ingham that Father Mulcahy denied the meeting in 1990 and said that he didn’t remember it at all. Mrs Ingham said that “this was really upsetting for [her]”. 120 Deacon Wallace gave evidence that the first time he conveyed Father Mulcahy’s denial of the 1990 meeting to Mrs Ingham was at the facilitation. 121 He agreed that he should have addressed Father Mulcahy’s denial of 1990 meeting with Mrs Ingham prior to the facilitation. 122

87. In the second phase of the facilitation, Mr Kelso, on behalf of Mrs Ingham negotiated financial compensation with Ms Fenby and Deacon Wallace. Mrs Ingham said that Mr Kelso’s role in representing her was crucial in dealing with the aspect of compensation. 123 The outcome was that Mrs Ingham was paid $250,000 by CCI, with the Diocese of Lismore contributing $15,000 and $11,736 towards her legal fees of $34,320. 124 The money was paid promptly. Mrs Ingham signed a written document confirming acceptance of the offer that was prepared by Peter Kelso, dated 24 May 2013. 125 Mrs Ingham did not sign a Deed of Release.

88. On 27 May 2013, Mr Salmon’s facilitation report was emailed to Deacon Wallace, Ms Fenby and Ms Rogers. 126 In the report, Mr Salmon recorded the attendees present and noted that there would be a follow up pastoral meeting scheduled between Mrs Ingham and Bishop Jarrett on 24 June 2013. 127 He recorded the outcomes of the meeting as follows:

1. Jennifer Ingham was offered the opportunity to directly address Deacon Wallace. In particular she was able to speak to profound issues of concern for her namely:
   - When the church had knowledge of Fr Brown’s inappropriate conduct both generally, and in relation to her own circumstances, and
   - Her sense of lack of pastoral care from the church with particular reference to a 1990 meeting at the Lismore presbytery which was attended amongst others, by Fr Frank Mulcahy.

2. Deacon Wallace was offered the opportunity to respond to Jennifer’s specific questions and concerns, and more generally to her complaint. In doing so Deacon Wallace offered a verbal apology which was accepted by the complainant.

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117 Ex 4-18 Ingham [40]
118 Ex 4-31: Wallace [48]
119 Wallace T3007:40-43
120 Ex 4-18 Ingham [42]
121 Wallace T3006:35-44
122 Wallace T3006:46-47 –T3007:1
123 Ex 4-18 Ingham [44]
124 Ex 4-18 Ingham [44]
125 Ex 4-17 Tab 117
126 Ex 4-56 Salmon [88]; Ex 4-17 Tab 120
127 Ex 4-17 Tab 115
3. It was agreed that the church authority will work up a written apology which will be provided to Jennifer Ingham at the 24 June pastoral meeting with Bishop Jarrett.

4. Deacon Wallace gave an undertaking to personally follow up with Fr Frank Mulcahy as a matter of priority, certain issues of concern, and to report back on this exercise at the 24 June pastoral meeting.

5. Deacon Wallace undertook for the immediate future to be the contact point for Jennifer Ingham in terms of providing her with spiritual direction until, and if a Brisbane based person is identified for the task.

89. On 28 May 2013, Mrs Ingham emailed Michael Salmon and expressed her appreciation for the respect he showed her at the facilitation. She thought he managed the facilitation well. She also wrote:

   I got to say what was important. I am disappointed in Father Mulcahy. But I will let that go. To receive the letter from the Bishop is very important. I have over the last days stated to feel free of the blackness that has been part of me for so long.

90. Mr Salmon replied that day and thanked Mrs Ingham for her “kind thoughts” and referred to her “outstanding courage and generosity of spirit in the face of great personal adversity”. He also said that he thought the meeting with the Bishop would be a very positive experience for her and that he would do his very best to ensure that is the case.

After the Facilitation

91. Following the facilitation, Deacon Wallace followed up on his undertaking to personally make inquiries in relation to the 1990 meeting. Shortly after the facilitation, Bishop Jarrett telephoned Father Mulcahy and requested that he arrange a meeting with Deacon Wallace. Prior to his meeting with Father Mulcahy, Deacon Wallace made attempts to identify the “senior Catholic Church clergy” that Mrs Ingham met with in 1990. His attempts were unsuccessful – none of the clergy he contacted had any knowledge of the meeting.

92. On 13 June 2013, Deacon Wallace visited Father Mulcahy at his home in Brisbane. He showed him the contact report, in the hope that it might “jog his memory or to open the matter up” about the 1990 meeting. Father Mulcahy denied the 1990 meeting and said that he could not recall Mrs Ingham. Deacon Wallace said that he told Father Mulcahy that Mrs Ingham

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128 Ex 4-17 Tab 126
129 Ex 4-18 Ingham [48]
130 Ex 4-17 Tab 126
131 Ex 4-17 Tab 127
132 Ex 4-31 Wallace [82] – [93]
133 Ex 4-31 Wallace [82]
134 Ex 4-31 Wallace [83] – [88]
135 Wallace T3013: 4 – 14
136 Ex 4-31 Wallace [92]
had asked for a meeting with him.\footnote{Ex 4-31 Wallace [90]} He said he “put a bit of pressure” on Father Mulcahy and after some discussion, Father Mulcahy agreed to meet with Mrs Ingham, if she wished to do so.\footnote{Ex 4-31 Wallace [90]; Wallace T3014: 30 - 37}

93. Prior to the meeting on 24 June 2013, Deacon Wallace also prepared a draft apology on behalf of Bishop Jarrett. Before sending the draft to the Bishop he sought and accepted Mr Salmon’s comments.\footnote{Ex 4-17 Tab 144} Although Mr Salmon had agreed at the earlier facilitation that the Bishop would give Mrs Ingham a letter of apology at their meeting\footnote{Ex 4-31 Wallace [97]}, the Bishop did not draft or finalise a written apology at this time because he wanted to meet Mrs Ingham before preparing it.\footnote{Ex 4-36 Jarrett [85]} The Bishop said that he considered it was important that the written apology be a “genuine and personal” apology from him, which reflected the abuse and the effects as described by Mrs Ingham so he did not draft the apology until after the meeting.\footnote{Ex 4-36 Jarrett [68] and [85]} The apology that was ultimately sent to Bishop Jarrett was drafted personally by Bishop Jarrett\footnote{Ingham T2835:40-44} and was in different terms to Deacon Wallace’s draft.

### Meeting with Bishop Jarrett

94. On 24 June 2013, Mrs Ingham met with Bishop Jarrett. Michael Salmon acted as facilitator and Deacon Wallace and Mrs Ingham’s brother were also present.

95. At the meeting, Mrs Ingham expressed disappointment that Bishop Jarrett was not in attendance at the initial facilitation. However, she said that the second meeting was of real benefit as the financial matters had settled and her meeting with the Bishop was about:

_Talking to the Bishop, telling my story and getting an apology. So separating the two for me was effective and I believe a recommendation is a strategy on how – separating pastoral from financial in such an intense time._\footnote{Ingham T2786:4-12}

96. Bishop Jarrett expressed a similar view as to the meeting. He said:

_I believe that for Mrs Ingham, and certainly for myself, it was a much happier outcome and meeting than - the lawyers and the insurance assessors had done their work, and our facilitation, our meeting, was not to do with that. It was to do with what Towards Healing was primarily set up to do, which was to assist a person who had been abused by a church person to move beyond and get some sense of their life settling in a new way and the past having been dealt with properly._\footnote{Jarrett T3060: 23 – 31}

97. During the meeting, Deacon Wallace informed Mrs Ingham that he had contacted Father Mulcahy after the facilitation and reported that he still denied that the 1990 meeting had
occurred. Bishop Jarrett informed Mrs Ingham that there were no records of the 1990 meeting and “the lack of them support the truth more”. He assured Mrs Ingham that he believed that the 1990 meeting occurred.

98. Deacon Wallace said that he told Mrs Ingham that Father Mulcahy was willing to meeting with her, if she wanted to. Deacon Wallace said that Mrs Ingham “said there was no point to this if Father Mulcahy denied ever having met her.” Mrs Ingham said that she did not recall this being conveyed to her by Deacon Wallace, nor did she recall responding in the way attributed to her by Deacon Wallace.

99. At the end of the meeting Bishop Jarrett committed to sending Mrs Ingham a personal letter of apology. Mrs Ingham found this to be “respectful”.

100. On 2 July 2013, Mrs Ingham emailed Mr Salmon and thanked him for attending the meeting with the Bishop. She told him that she had a “much trust” in what he said and sensed his “conviction to support people like [herself]”. She said that she found the Bishop to be “genuine” but also “found him naïve, or perhaps more so really struggling with the truth of the depraved within the church’s history.”

101. Mr Salmon replied on the same day and said that he was confident that her recent experiences with the Church and the Bishop’s letter of apology would be helpful in her healing process. Mr Salmon also offered his assistance over the longer term and encouraged her not to hesitate to contact him at any time.

After the Meeting with Bishop Jarrett

102. On 10 July 2013, Mrs Ingham received a letter of apology from Bishop Jarrett. She understood that it had been drafted personally. Bishop Jarrett apologised “unreservedly” for the “unconscionable and disgraceful conduct of a priest who betrayed every standard of decency and of the spiritual and moral trust expected of him”, and “of the singular failure of concern and pastoral care when you most needed to be believed and helped”. He said ‘we can’t undo the past but the church must make drastic change. Those responsible must be accountable.”

103. Mrs Ingham has not come to terms with the compensation payout and she “simply doesn’t like it.” She said: “no amount of money could make up for what I experienced and the ensuing
years of struggle for myself and my family. On all accounts I should not be medically alive and any money I received has already historically been spent to get me “being alive today”. 159

104. In relation to the disparity between amounts paid under Towards Healing:

It is beyond unfair. My story of abuse is no greater or less or measurable against others. Such disparity has caused me psychological distress. This must change. This is why I need to tell people about my payment. It can’t just be kept within the realms of the Church authorities. I believe the Towards Healing approach to determining compensation should be reviewed. 160

HANDLING OF COMPLAINT BY PROFESSIONAL STANDARDS OFFICE QLD

Mrs Ingham’s Request for a Meeting Prior to the Facilitation

105. On 13 February 2013, Mrs Ingham emailed Mr Mullins to request a meeting with him prior to the facilitation as she had “a few questions”. 161 Mr Mullins’ response was that “We can arrange this. I will contact you when I have Professor Dooley’s report.” 162 It is submitted that Mr Mullins’ email dated 13 February 2013 created in Mrs Ingham an expectation of a face-to-face meeting with Mr Mullins prior to the facilitation.

106. Mr Mullins said that it was his intention to meet with Mrs Ingham when she first raised the issue with him on 13 February 2013 as he “understood that it was to be a meeting prior to the facilitation”. 163 Mrs Ingham’s request to have a meeting “to prepare for the Facilitation” came after he ceased acting as Director. He said that he would have been reluctant to attend such a meeting because he believed it was not the role of a Director to help a claimant prepare for a facilitated meeting. 164

107. Mr Mullins said that he would have no problem meeting a victim to talk about the process of facilitation but would want to avoid getting into “more details about the factual circumstances and how they might be presented, or best presented, at the facilitation” 165 Mr Mullins said, “I figured that I was the process person here and that I was not to get into the issues”. 166 It was Mr Mullins’ practice to explain the Towards Healing process through email and telephone in order to “keep that process moving”; to “avoid making claimants re-tell the circumstances of their abuse” and to distinguish his role from that of a support person. 167

108. Ms Rogers said that she understood how Mr Mullins’ email to Mrs Ingham dated 13 February 2013 would have left her with an expectation of a face-to-face meeting with Mr Mullins. She said that had she read that email, she “may have agreed to meet with Mrs Ingham given her

159 Ex 4-18 Ingham [55]
160 Ex 4-18 Ingham [56]
161 Ex 4-17 Tab 69
162 Ex 4-17 Tab 69
163 Ex 4-21 Mullins [70]
164 Ex 4-21 Mullins [71]
165 Mullins T2900:16-26
166 Mullins T2900:28-30
167 Ex 4-21 Mullins [72]
Mr Mullins said that he should have pointed out to Ms Rogers, Mrs Ingham’s request for a meeting prior to the facilitation. Mr Mullins said that he should have pointed out to Ms Rogers, Mrs Ingham’s request for a meeting prior to the facilitation.

Mrs Ingham was “really upset” that Ms Rogers would not meet with her face to face to discuss the facilitation. Ms Rogers said that that she understood that Mrs Ingham was anxious and nervous but said that Mrs Ingham did not tell her that she was upset that they were not meeting and did not explain her concerns to her during the 14 May 2013 conversation. Although Ms Rogers said that “intuitively”, she thought that she should meet with Mrs Ingham as requested, she felt that she should ask Mr Mullins’ advice “given his experience, and since he had already been dealing with Mrs Ingham”. She accepted his advice that such meetings were not part of the role of a Director.

Ms Rogers accepted that part of her role was to provide a “just and compassionate response to victims” and that such a response would have been to meet with Mrs Ingham. Ms Rogers said that the structure of her office and accommodation has changed considerably and now she invites people to meet with her and has met with complainants at their request subsequent to Mrs Ingham.

Transition of the Role of Director from Mr Mullins to Ms Rogers

Towards Healing (2010) states at clause 35.3.3:

The Director shall also be responsible for ensuring that the complainant, and the accused if he or she participates in the process, are kept informed of progress in investigating and addressing the complaint, and the reasons for any substantial delay in the process.

Mr Mullins was Director of Professional Standards from November 2009 to April 2013. Ms Rogers subsequently took over the position in April 2013.

A document published by the National Committee for Professional Standards in December 2012 (Implementation of Towards Healing: Notes for People Involved in the Process) containing notes “which have been prepared to assist those involved with the process in the implementation of Towards Healing” states that the Professional Standards Resource Group provides “continuity when one Director resigns and another is appointed”. There is no evidence that the Resource Group assisted the office during the period when Ms Rogers took over as Director.

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168 Ex 4-26 Rogers [52]
169 Mullins T2898:34-40
170 Ex 4-18 Ingham [33]
171 Ex 4-26 Rogers [67]
172 Ex 4-26 Rogers [51]
173 Rogers T2924:39-42
174 Rogers T2924:44-47 and T2925:1-2
175 Ex 4-1 Tab B, p.14-15 [35.3]
176 Ex 4-21 Mullins [8]
177 Ex 4-1 Tab I p. 4
114. Based on the evidence set out at [54] to [60], it is submitted that the Professional Standards Office (Qld), by failing to advise of the change of personnel, failed to keep Mrs Ingham as fully informed as possible as to the progress of her complaint in relation to the change of Director.

Discussion between Mrs Ingham and Ms Rogers on 9 May 2013

115. On 9 May 2013, Ms Rogers and Mrs Ingham spoke over the telephone for the first time. In her statement to the Royal Commission, Mrs Ingham attributed certain words to Ms Rogers during that conversation.

116. Mrs Ingham said that Ms Rogers described the facilitation as an “insurance matter” and that a representative of CCI would be present at the facilitation. Mrs Ingham was “dumbfounded” and that her “attitude changed when [she] was told so offensively by Bernadette Rogers that the facilitation was an “insurance matter”. Mrs Ingham said that at the time just prior to the facilitation she felt very confused and nervous, and really defensive. She said she genuinely felt that the goal posts had changed and that “the pastoral care element was lost and it was to be about money”. Mrs Ingham also said that Ms Rogers also told her that “they are bringing out the big guns” for her facilitation process. She said Ms Rogers referred to the facilitator Michael Salmon and said, “Michael is brought in on the difficult and complex cases”. Mrs Ingham said she “could not believe that they were treating [her] abuse as though it was a commercial negotiation.”

117. Mrs Ingham said that during the conversation Ms Rogers told her “often the person representing the Church authority is not as skilled as [Ms Fenby] is in such matters of negotiating compensation”.

118. Mrs Ingham said that Ms Rogers asked whether she would be bringing someone to the facilitation and Mrs Ingham told her she would be bringing her husband and sister Margaret. Ms Rogers asked her “your husband, but won’t he be upset hearing what you’ve got to say?” Mrs Ingham said the question really shocked her, as her husband had been through so much with her.

119. Mrs Ingham said that during the conversation Ms Rogers also told her that she had not read Professor Dooley’s report. Mrs Ingham, “couldn’t believe that the new director had not even read Professor Roger Dooley’s report”.

120. Mrs Ingham said that Ms Rogers said to her “Look, under the table, you need to have a good solicitor there. You need to have legal representation” and when she was asked why she was told “because there will be compensation”. Mrs Ingham said this was the first time that Mrs...

178 Ex 4-18 Ingham [28]
179 Ex 4-18 Ingham [28]
180 Ex 4-18 Ingham [55]
181 Ex 4-18 Ingham [36]
182 Ex 4-18 Ingham [36]
183 Ex 4-18 Ingham [29]
184 Ex 4-18 Ingham [29]
185 Ex 4-18 Ingham [28]
186 Ex 4-18 Ingham [30]
187 Ex 4-18 Ingham [30]
188 Ex 4-18 Ingham [30]
189 Ex 4-18 Ingham [30]
Ingham said she was told that she needed a lawyer. Mrs Ingham said that being told she needed a lawyer only two weeks before the facilitation “created a lot of stress and anxiety because I didn’t understand I needed it, and it was very difficult to get assistance in that time frame”.  

121. Mrs Ingham said her discussion with Ms Rogers was “lengthy” and she felt that there was a “great sense of haste to move forward with the facilitation”. Mrs Ingham said that Ms Rogers told her that “all parties felt it was important to move to a facilitation as soon as possible. She said the Church wanted it resolved quickly for my benefit so that I could move forward in the healing process.”

122. Ms Rogers did not recall the terms of that conversation but said that she “may have said the words” attributed to her.

123. In relation to the evidence set out above at paragraph [116], Ms Rogers said that her usual practice was to provide information about who will be present and their roles in a preliminary conversation such as this. She said that she would have explained Mr Salmon and Ms Fenby’s roles. She would not have used the words, “this is an insurance matter” in describing the context and content of her claim, but was more likely to have used them in the context of describing Ms Fenby’s involvement and the reason for her presence.

124. Ms Rogers said that the “whole process of explaining to a complainant the presence of a person from the insurance company and their role is critical”. She thought it important that Mrs Ingham “be told about who would be in the room at the earliest opportunity” but accepted that she could have handled the issue more sensitively with Mrs Ingham. Ms Rogers agreed that she did not effectively and efficiently explain the various roles of the persons who were participating in Mrs Ingham’s facilitation.

125. Ms Rogers said that it was not her intention to treat Mrs Ingham’s complaint of abuse “as though it was a commercial negotiation”. She said she “was trying to make sure she had the information she needed, and a proper understanding of the way in which the facilitation would proceed, including the fact that financial reparation would be an issue discussed.”

126. In relation to saying the words set out above at paragraph [117], Ms Rogers said that she may have done so in the context of describing the process.

127. Although Ms Rogers did not have a clear recollection of the part of the discussion set out above at paragraph [118], she said that she may have used the words attributed to Mrs Ingham because it was consistent with her usual practice. Ms Rogers said:

When people say to me that they wish to bring their spouse to a facilitation or to any difficult meeting about a sensitive personal issue, I would usually say words to the effect, “Is he (or she) OK with that?” I do that because in my experience, meetings to facilitate sensitive complaints can be very difficult and emotional for
those involved, and a spouse can sometimes become distressed, or be confronted with new information.\textsuperscript{199}

128. In relation to the evidence set out above at paragraph [119], Ms Rogers said that she had “\textit{scanned through}” Professor Dooley’s report to understand if Mrs Ingham was in a position to proceed from a health perspective, and to see if Professor Dooley made any recommendations about support during the process.\textsuperscript{200} Ms Rogers agreed that her “\textit{scanning}” of the report was probably not helpful to Mrs Ingham.\textsuperscript{201}

129. In relation to the evidence at paragraph [120], Ms Rogers said that Mrs Ingham did not convey to her during the discussion that the process was moving too quickly, or that she was concerned she might not have adequate time to find a lawyer or prepare for the facilitation.\textsuperscript{202} Ms Rogers said that she encourages complainants with serious allegations to consider seeking the assistance of a solicitor, and that her experience is that this can be helpful to the complainant at the time when reparations are discussed. However, she said that she does not generally use the expression, “\textit{under the table}”.\textsuperscript{203}

130. In relation to the evidence at paragraph [121], Ms Rogers said the comments attributed to her were consistent with her understanding that Mrs Ingham wished to proceed quickly with the process.\textsuperscript{204} This was consistent with an email dated 9 May 2013 to Ms Rogers where Mrs Ingham said she was “\textit{keen to move forward}”.

**Appointment of Michael Salmon as Facilitator**

131. \textit{Towards Healing} (2010), states the following at clause 41.4:

\begin{quote}
\[41.4\] The Church Authority and the victim shall endeavour to agree on a facilitator, either from the approved panel or otherwise a qualified mediator approved by the Director for Professional Standards, who is suited by reason of training and experience to understand the needs of victims of abuse. In the absence of agreement, the Executive Officer of the National Committee for Professional Standards shall appoint a facilitator.\textsuperscript{205}
\end{quote}

132. On 19 April 2013, Ms Fenby wrote to Ms Rogers and suggested that Michael Salmon be appointed the facilitator in Mrs Ingham’s complaint.\textsuperscript{206} Ms Fenby had worked with him previously and found him to be very experienced and pastoral.\textsuperscript{207} She said that she never would have suggested Mr Salmon if she “\textit{thought that he would in any way disadvantage Jennifer}”.\textsuperscript{208} Ms Rogers said that in her time as Director, Mrs Ingham’s process was the only time where CCI were involved in the consideration as to who would be the facilitator.\textsuperscript{209}

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\textsuperscript{199} Ex 4-26 Rogers [58]  
\textsuperscript{200} Ex 4-26 Rogers [59]  
\textsuperscript{201} Rogers T2926: 35 – 42  
\textsuperscript{202} Ex 4-26 Rogers [62]  
\textsuperscript{203} Ex 4-26 Rogers [61]  
\textsuperscript{204} Ex 4-26 Rogers [54]; Rogers T2936:25-27  
\textsuperscript{205} Ex 4-1 Tab B p. 25 [41.4.1]  
\textsuperscript{206} Ex 4-17 Tab 76  
\textsuperscript{207} Fenby T2950:30-34  
\textsuperscript{208} FenbyT2982:15-19  
\textsuperscript{209} Rogers T2921:31-34
\end{flushleft}
133. On 9 May 2013, Ms Rogers wrote to Mrs Ingham advising her that Michael Salmon “had agreed to make himself available for this process”. Ms Rogers said that when she wrote this email to Mrs Ingham, she did not mean to convey that she had appointed Mr Salmon but just that “he had agreed to make himself available.” Ms Rogers said that her email to Mrs Ingham, “was framed in such a way that if she had have had any issues with Michael Salmon once I explained to her who he was, that he would not have been the facilitator”.

134. Ms Rogers agreed that she had not explained to Mrs Ingham prior to the 9 May 2013 email that she might be able to have her own choice of a mediator and that in respect of the appointment of Mr Salmon she was “making decisions as to what might be best for [Mrs Ingham], without giving her the option of making a decision herself.”

135. It is submitted that the email of 9 May 2013 was not framed in such a way that invited Mrs Ingham’s consultation on the appointment of Mr Salmon. Ms Rogers did not ask Mrs Ingham whether she agreed or disagreed with his appointment or of her option to suggest an alternative facilitator from the approved panel or an otherwise qualified mediator, as envisaged by clause 41.1 of Towards Healing (2010).

136. Despite a lack of consultation on the matter, Mrs Ingham did not express dissatisfaction with Mr Salmon’s appointment. Mrs Ingham said that she found him to be “both compassionate and professional throughout the facilitation.” Furthermore, her emails dated 28 May 2013 and 2 July 2013, in which she expressed her gratitude and praise to Mr Salmon following the facilitation and meeting with Bishop Jarrett, further illustrate her appreciation of his role as a facilitator and that he performed this with compassion, professionalism and sensitivity.

Should the Director of Professional Standards act as a facilitator in a Towards Healing facilitation?

137. At the time of Mrs Ingham’s Towards Healing process, Mr Salmon was Director of Professional Standards in NSW.

138. Mr Salmon agreed that the provisions of Towards Healing (2010) that require the Director to obtain written approval before participating in a Towards Healing facilitation were included because the Director may have a conflict of interest, or there may be a perception that the Director has a conflict and is not independent of the Church. Mr Salmon said that he understood that there may be a perception of a conflict of interest if the Director acts as the facilitator.

139. Mr Salmon, however, gave evidence that it is appropriate for a Director of Professional Standards to act as the facilitator in a Towards Healing facilitation provided:

a. the victim has knowledge of the Director’s position and makes an informed decision

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210 Ex 4-17 Tab 93
211 Rogers T2922: 17 – 24
212 Rogers T2923:9-12
213 Rogers T2936:6-20
214 Rogers T2936:39-46
215 Ex 4-18 Ingham [39]
218 Salmon T3573: 46 – T3574: 10. See also Salmon T3585: 20 – 24.
b. the Director obtains written consent from the victim,\(^{219}\) and
c. the Director obtains the written approval of the Executive Officer of the National Professional Standards Committee.\(^{220}\)

140. It is submitted that a Director of Professional Standards acting as a facilitator in a \textit{Towards Healing} facilitation raises a real potential for an actual or perceived conflict of interest given that the Director is employed by the Catholic Church.

141. It is submitted that a Director should not act as a facilitator unless:
   a. the victim has knowledge of the Director’s position and makes an informed decision
   b. the Director obtains written consent from the victim, and
   c. the Director obtains the written approval of the Executive Officer of the National Professional Standards Committee.

\textbf{Role of Emma Fenby, CCI Representative}

142. The Truth Justice and Healing Council’s submission states:

\textit{Sometimes when a Church Authority is insured, a representative of the insurer attends facilitation meetings.}

\textit{Some Church Authorities’ view is that the presence of a representative of the insurer can undermine the pastoral benefits of such a meeting. Other Church Authorities do choose to be accompanied to facilitations by a representative of the insurer. The practical advantage seen is that this enables an immediate response from the insurer to the Church Authority, as to the level of payment which the insurer will cover. CCI if present does not negotiate directly with the victim, but only with his or her legal representative or through the facilitator.}\(^{221}\)

143. The submission further states that, “CCI supports and seeks to facilitate the pastoral nature of \textit{Towards Healing}”\(^{222}\) and “CCI strongly supports the Towards Healing process and has confidence in its integrity and fairness. It is also mindful of not encroaching on the pastoral aspect of the process. CCI recognises the sensitivities which can arise and the need to avoid causing further harm”.\(^{223}\)

144. At the time of Mrs Ingham’s \textit{Towards Healing} process, Ms Fenby was an employee of CCI,\(^{224}\) responsible for managing CCI’s response to the \textit{Towards Healing} complaint made by Mrs Ingham. In that capacity, Ms Fenby was the claims officer for in excess of 200 claim files\(^{225}\) and reported to CCI National Claims Manager.\(^{226}\)

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\(^{219}\) Salmon T3579: 20 – 46; T3602: 25 - 29. See also Salmon T3582: 22 – 27.

\(^{220}\) Salmon T3602: 14 – 23.

\(^{221}\) Ex 4-1 Tab A, p. 68 [169-170]

\(^{222}\) Ex 4-1 Tab A, p. 129 [58]

\(^{223}\) Ex 4-1 Tab A, p.130 [66]

\(^{224}\) Ex 4-27 Fenby [8]

\(^{225}\) Ex 4-27 Fenby [12]

\(^{226}\) Ex 4-27 Fenby [14]
145. Ms Fenby said the following in relation to her objectives and principal areas of focus in the claim process:

Firstly, assisting the Church Authority and the Professional Standards Office in minimising the impact as much as possible of the claim process on the victim, through offering to fund counselling with a psychologist of the victims choosing etc and secondly undertaking investigations in respect of indemnity.

In undertaking my role, I had the objective of treating all victims in a dignified and respectful way and moving claims forward expeditiously in an attempt to minimise the stress and anxiety caused by the claim process.

CCI’s objective was to accommodate the needs and requests of the victim. I was guided by the Professional Standards Office, the Church Authority and/or the appointed facilitator to determine how to proceed with the claim.

146. Ms Fenby said that “CCI is, in practice, a captive insurer. It is owned by the church; its insureds [sic] are the church. It considers itself part of the church and it assists the church. It is a collaborative process. [The Diocese and CCI] helped each other”.227

147. Prior to the facilitation, Ms Fenby sought legal advice on quantum as she thought Mrs Ingham’s claim was “significant” in light of Professor Dooley’s report.228 Ms Fenby said that the elements considered to be relevant to quantum were “nature and extent of the abuse; the duration; most particularly, the current functioning of the victim”.229 She said that the assessment of quantum in Towards Healing claims was dealt with similarly to the conventional damages concept under the common law.230 She said that her instructions as a CCI claims officer were to “settle for a fair, just and reasonable outcome” and in some there were cases where CCI offered more to a victim that the victim had asked for in order to provide such an outcome.231

148. On 15 May 2013, Ms Fenby received a quantum advice from Alex Kohn of Makinson d’Apice lawyers.232 The advice assessed the claim at $189,992 as the likely common law assessment based on the available material and stated that:

However, in light of this matter being under Towards Healing, it may be possible to achieve a settlement for an amount lower than this assessment. We would recommend a starting offer of approximately $30,000 inclusive of costs and to go up to about $75,000 inclusive of costs in order to attempt settlement of the matter under Towards Healing.233

149. Ms Fenby agreed there was an “apparent disconnect” in the relevant figures.234 She said that she didn’t agree with the paragraph set out above.235 She “didn’t think it mattered what forum a victim had chosen. I didn’t think they should be punished for the forum they had chosen to
bring their claim forward". She said that when instructing solicitors on providing quantum advice, “it made no difference” to her whether it was a Towards Healing matter or if the claim had come through some other forum.

150. She responded to Makinson & d’Apice on the same day and conveyed that she thought the recommended first offer in the advice was too low. She said, “instead in Towards Healing I liked to limit it to two offers, the first very close to the final position as I found it a more dignified and respectful way to proceed without detracting from the often lengthy pastoral session”.

She further explained her approach:

I didn’t think it very dignified or respectful to horse trade in a facilitation. Often I sat through a very powerful and very moving pastoral session where I felt, or I hoped very sincerely, that a victim had received some real healing in being validated, accepted and apologized to, and I thought it was disrespectful, after that process, to then start horse trading and have multiple offers going backwards and forwards, and I tried to avoid that.

151. On 24 May 2013, Ms Fenby attended Mrs Ingham’s facilitation. She said that she had decided not to bring a lawyer with her because she did not see it as necessary and “thought the process already very intimidating for a victim and I thought the less people the better”. When it came to negotiating a monetary offer, Ms Fenby did not negotiate with Mrs Ingham directly, but with her lawyer, Mr Kelso, with Mr Salmon being present for the majority of these discussions. Ms Fenby said she had moved from offering the figure of approximately $190,000, as advised by the external solicitors, to $250,000 because of her observation from sitting in “the open session with Jennifer and gaining a real understanding of the impact”.

152. It is submitted that Ms Fenby responded to Mrs Ingham’s needs in relation to compensation with justice and compassion.

HANDLING OF COMPLAINT BY THE CHURCH AUTHORITY

Attendance of Church Authority at the Facilitation

153. The Council’s submission stated that for many victims the most important part of facilitation for them is the experience of being listened to and acknowledged by the Church, particularly by someone senior in the Church. Meeting with the victim is intended to demonstrate the Church Authority’s respect for the victim, as well as the importance of his or her individual complaint.
154. In emails to Ms Rogers on 10 and 13 May 2013, Mrs Ingham made it clear that she wanted, Bishop Jarrett in attendance at the facilitation. In the email dated 13 May 2013, she wrote, “It is important to me that [Bishop Jarrett] is in attendance as he is the head of the Diocese.”

155. Ms Rogers subsequently exchanged a number of emails with Ms Fenby in relation to the possibility of the Bishop attending the facilitation, or whether a separate meeting could be arranged with the Bishop. Ms Rogers said she spent “quite some time” trying to ensure Bishop Jarrett could attend the facilitation. When it was apparent that he could not, it was arranged for Bishop Jarrett to meet Mrs Ingham separately on 24 June 2013, after the facilitation meeting.

156. In their telephone conversation on 14 May 2013, Ms Rogers advised Mrs Ingham that Bishop Jarrett would not be in attendance at the facilitation. She said that his calendar prevented availability until the end of June 2013 and instead the Chancellor, Christopher Wallace would be present. Mrs Ingham said that this angered and confused her and that she felt she deserved the respect of Bishop Jarrett’s attendance at the facilitation as she “needed answers from him.” Mrs Ingham said that her primary objective was to meet the Bishop as he was head of the Lismore Diocese and that she wanted respect and she needed to tell the leader so that she felt that she was “valued and respected and heard”. Mrs Ingham saw Deacon Wallace as only a Deacon and a lay person.

157. Bishop Jarrett gave evidence that he was not able to attend the facilitation due to specific commitments that had been prearranged including the celebration of a mass, a meeting and an evening confirmation. Even though Deacon Wallace had made a suggestion to make arrangements to allow Bishop Jarrett to attend both the facilitation and the other commitments, Bishop Jarrett did not feel that this was feasible. He said:

   I wanted to give the facilitation my full attention and all my energies and the time it required and I would not have been able to do that under this suggestion, and also have the necessary energy and alertness for the confirmations in the evening.

158. Bishop Jarrett said that he was “determined to meet with Mrs Ingham” and understood that she “was certainly wanting [him] to be present” so he “saw to it” that arrangements be made for a meeting to occur at a later date. Bishop Jarrett said that on reflection, it would have been preferable if he had been available on the first date. However, he thought that the 24 June 2013 meeting he had with Mr Ingham “was sincere and constructive, and [they] were able to focus more on Mrs Ingham’s experience with the benefit of the financial reparation...”
discussions having concluded and Mrs Ingham having had an opportunity to reflect on the initial facilitation”.  

159. It is submitted that the arrangement and meeting between Mrs Ingham and Bishop Jarrett of 24 June 2013, in circumstances where he was unable to attend the facilitation, was a compassionate response by the Church Authority.

160. Based on the evidence set out at paragraphs [95] and [96], it is further submitted that the separation of the financial negotiations from the pastoral meeting with the Bishop was an effective outcome for Mrs Ingham.

The Meeting in 1990

161. There is an issue as to whether a meeting occurred in 1990 between Mrs Ingham and senior clerics from the Diocese of Lismore where she disclosed that she had been sexually abused as a child by Father Brown and whether Father Mulcahy attended the meeting. For ease of reference, the meeting will be referred to as “the 1990 meeting”.

162. Mrs Ingham said that the 1990 meeting did occur and that Father Mulcahy attended. Father Mulcahy said that he had “absolutely no recollection of any meeting with Mrs Ingham” and that he believed such a meeting never occurred.

163. At the time, there were no Chancery records maintained which recorded such meetings and appointments. In the absence of any objective record of the meeting and where Mrs Ingham and Father Mulcahy presented competing evidence, it is necessary to assess their evidence in light of surrounding circumstances and the evidence of other relevant witnesses.

Circumstances in which the 1990 meeting was arranged

164. Mrs Ingham has received treatment from clinical psychologist, Professor Roger Dooley periodically since 2 November 1989. The contact report dated 4 September 2012 recorded that during her treatment she and her husband Colin Riches:

attended a meeting with Senior Leaders of the Catholic Church in 1990 (A date to be confirmed) in Lismore at the Catholic Presbytery. This meeting was scheduled as an important part of my treatment plan for recovery to tell the church leaders of my abuse.

165. This was consistent with Professor Dooley’s evidence that during the course of a group therapy program, Mrs Ingham:

went to the church authorities and reported the history of sexual abuse... This action was done as a therapeutic exercise to affirm her innocence and to reduce the self blame she carried for the abuse. Each member of the therapy group

259 Ex 4-36 Jarrett [89]
260 Ex 4-18 Ingham [10]
261 Ex 4-25 Mulcahy [15]
262 Mulcahy T2876: 34 – 36
263 Ex 4-26 Jarrett [55]
264 Ex-22 Dooley [1]
265 Ingham T2819:9-18 and Ex 4-17 Tab 18 at STAT.0074.001.0023_R
would identify a task of self challenge to meet between sessions. Jennifer’s action was one such challenge for her.  

166. Professor Dooley qualified that he was duty bound to say that he could not be absolutely certain that his recall of the information concerning the 1990 meeting was valid, “given the amount of time that has elapsed since and the fact that this information has been discussed with Jennifer at other times, particularly in regard to her dealings with Towards Healing. My memory could be confounded by the recent discussions.” He said that he:

*put that qualification in [his statement] not to say that it had perhaps been confused but to indicate the possibility that it could be confused because of the normal vulnerabilities that exist with memory and to detail what had taken place. I put that in, as a cautious person that I am, to say that a psychologist would always make a recognition that there are factors which could confuse the accuracy of a memory.*

167. Despite making that qualification, Professor Dooley said that he had “always understood in [his] therapy with Jennifer over the years that she did report the matter of her sexual abuse by Father Brown to church authorities”. His report dated 30 April 2013 showed that in the course of preparation of his report to Towards Healing Mrs Ingham “informed [him] of her recall of a meeting with church authorities involving several priests including Father Mulcahy in 1990”.

168. It is submitted that Mrs Ingham’s evidence as to the purpose of arranging the 1990 meeting should be accepted due to its consistency with Professor Dooley’s evidence, especially in circumstances where Professor Dooley has “always understood” that she did report the matter of her sexual abuse by Father Brown to Church authorities.

169. Although Professor Dooley and Mrs Ingham gave evidence that the 1990 meeting was arranged in the context of her treatment program, Professor Dooley did not “have a record directly reporting such a meeting in 1990 between Jennifer and church leaders including Father Mulcahy.” He did, however, produce a record of an independent (as opposed to a group) consultation with Mrs Ingham and Mr Riches, dated 30 March 1990 which included the following notations:

*Feels she has now cut the ties which were holding her to her past.*

*E.g... sexual misuse by men (e.g. priest)...*

– Held up at moment in throwing off cloak or identity

– *(Will do so now that Fa (Father) Brown issue is laid to rest).*

266 Ex 4-22 Dooley [4]
267 Ex 4-22 Dooley [8]
268 Dooley T2857: 13 – 25
269 Ex 4-22 Dooley [8]
270 Ex 4-22 Dooley [9]
271 Ex 4-22 Dooley [8]
272 Ex 4-22 Dooley [6]
273 Ex 4-22 Dooley [6] and Ex 4-17 tab 13A
170. In relation to the first line set out above, Professor Dooley gave evidence that “one of the important actions that she took, that contributed to her cutting the ties would have been her going to the church authorities about what had happened to her”.  

171. Professor Dooley said that “particularly the latter notation” (referring to the last two lines set out above) recorded what he interpreted as a reference by Mrs Ingham “to the psychological benefit she felt having confronted the issue of Father Brown’s abuse of her through meeting with clerical leaders of the church in early 1990.”  

Professor Dooley accepted the possibility that the reference to “laid to rest” could refer to Mrs Ingham’s disclosure of abuse to her then husband and to the group session, but made the following qualification:

   It could be a reference to that, were it not for the context in which I understood that note that I have written to be, which was in the context that other matters had taken place, to my recall, that had also made a significant difference and which would have also led to the conclusion of saying that the Father Brown issue was laid to rest.

172. In the absence of a direct reference to the 1990 meeting, it is submitted that the notes dated 30 March 1990 do not assist in determining the issue of whether the 1990 meeting occurred and whether Father Mulcahy attended.

173. However, Professor Dooley did not produce notes from all of the consultations with Mrs Ingham in early 1990. Professor Dooley explained that there were two sets of clinical notes that were taken at the time. One of them reflected the group therapy sessions conducted between November 1989 and April 1990. The other set were the treatment notes from individual sessions with Mrs Ingham. He said that he had all the individual notes but no longer had the notes relating to the last four group sessions which occurred between 12 February 1990 and 2 April 1990. He said that, “there certainly was a possibility that a note was taken about the group sessions, which would have existed.”

What was said at the 1990 meeting?

174. Mrs Ingham gave the following evidence as to Father Mulcahy’s conduct at the 1990 meeting:

   At the meeting, when I told the clerics about my abuse, Fr Mulcahy cried and told me that he knew that I was being sexually abused at the time, had been unwell with Bulimia and spent time in a psychiatric hospital for it. Fr Mulcahy also told me of the names of two other girls who he knew were abused by Fr Brown. This was consistent with my experience because on the last occasion Fr Brown sexually abused me he told her that my breasts tasted like the breast of one of the girls whom Fr Mulcahy referred to in the meeting.

175. Mrs Ingham said that this was a summary or paraphrase of a much larger conversation that occurred at the 1990 meeting. In relation to her statement that “he knew that I was being sexually abused at the time” Mrs Ingham clarified that “my intention was not to say that while

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274 Dooley T2860:27-36
275 Ex 4-22 Dooley [7] and Ex 4-17 Tab 13A
276 Dooley T2858:21-47 and T2859:1-8
277 Dooley T2856:38-43
278 Dooley T2856:42-47
279 Dooley T2856:23 – 32
280 Ex 4-18 Ingham [10]
281 Ingham T2806: 3 - 7
I was being abused for that period of time, that Father Mulcahy was aware, no". She said that she could not recall any contact with Father Mulcahy in the years she was being abused. Prior to the 1990 meeting, she was not aware of any way in which Father Mulcahy could have indirectly obtained the knowledge from her that she was being sexually abused. Mrs Ingham’s evidence was therefore that Father Mulcahy learnt of her allegation of abuse at the 1990 meeting.

176. Mrs Ingham said she left the meeting thinking “Oh, my God, it’s not just me. It wasn’t my fault”. This is consistent with her evidence that Father Mulcahy also told her “the names of two other girls who he knew were abused by Fr Brown". Mrs Ingham was not willing to disclose the names of the two other girls. She only explained that they were “a similar age” to her, and attended school with her.

177. Father Mulcahy said in relation to Mrs Ingham’s evidence about the 1990 meeting:

If the subject of abuse by another Catholic Priest had been brought to my attention, I would have remembered such a meeting. If I had been so affected as to have been reduced to tears, I am sure I would recollect such a meeting. I have no such recollections...

I note that Mrs Ingham alleges that, in the alleged meeting, I broke down and cried and said that I knew of the alleged abuse and I knew two other girls that Father Rex Brown had abused. At the time of that alleged meeting, I had no knowledge of any person, male or female, who had been abused by Father Rex Brown.

178. Furthermore, Father Mulcahy said that he was not “a man capable of tears when upset” and that he could not “recall having tears in my eyes since I was a child, even when my mother and father died”. He said that if someone had come to him with a complaint that a priest or religious had abused them, he would have “gone straight to the bishop”. He said that he has never received a complaint of that kind by anybody.

179. It is submitted that it cannot be determined on the evidence exactly what may have been said by Father Mulcahy at the 1990 meeting. However, in light of paragraphs [164] to [168] above, the evidence as to the circumstances within which the meeting was arranged (as part of a therapeutic exercise) indicates that Mrs Ingham would likely have disclosed that she was sexually abused by Father Brown at the 1990 meeting.

**Mrs Ingham’s recollection of the 1990 meeting**

180. This section considers some details of Mrs Ingham’s evidence about the 1990 meeting, including her recollection of the attendance of Bishop Satterthwaite and of the circumstances of the meeting.

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282 Ingham T2806:10-29
283 Ingham T2806: 37 - 39
284 Ingham T2808:32-38
285 Ingham T2825:27-28
286 Ex 4-18 Ingham [10]
287 Ingham T2805:10-36
288 Ex 4-25 Mulcahy [15] and [18]
289 Mulcahy T2884: 30 - 35
290 Mulcahy T2891: 34 – T2892: 2
181. Mrs Ingham’s email to Mr Mullins dated 30 August 2012, was the first time she disclosed occurrence of the 1990 meeting in writing.\(^{291}\) She wrote:

> [Mrs Ingham’s former husband, Colin Riches] attended at the meeting in the early nineties when we met with the then Bishop and another priest to tell them of my abuse. Fr Mulcahy cried...no sobbed... and said he already knew. After this meeting there was no further communication...\(^{292}\)

182. The contact report dated 4 September 2012 does not make reference to the attendance of the “then Bishop” but rather states that “Senior Leaders of the Catholic Church”, including Father Mulcahy were in attendance. Mrs Ingham said that by the time of the interview with Peter Scanlan for the contact report in October 2012, she could only confirm “Father Mulcahy was there, for absolute definite”. She could not confirm the attendance of any other cleric but has “always assumed” that one of the other clerics at the meeting was the “then Bishop”.\(^{293}\)

183. The evidence of Bishop Satterthwaite (who was Bishop of Lismore in 1990) is that he did not attend a meeting in 1990 or at any other time with Father Mulcahy or any other person in which Mrs Ingham made a complaint of child sexual abuse against Father Brown.\(^{294}\) Bishop Satterthwaite said that his removal of Father Brown as Parish Priest in 1986 would have meant that a meeting relating a complaint of sexual abuse against Father Brown would have been significant to him personally and “I do not believe I would forget such a meeting”.\(^{295}\) Deacon Wallace’s inquiries into the 1990 meeting confirmed Bishop Satterthwaite’s non-attendance.\(^{296}\)

184. Mrs Ingham could not provide any contextual information about how the 1990 meeting was arranged and only recalled some details about it. She said that it took place in the presbytery\(^{297}\) in a large office\(^{298}\) and that alcohol was served\(^{299}\). She recalled that scotch was served but could not remember how it was served or whether a decanter was used.\(^{300}\) Mrs Ingham could not recall how the meeting was set up\(^{301}\) nor how many people were present.\(^{302}\)

185. Given the passage of time since the meeting, it is quite conceivable that Mrs Ingham’s memory of the meeting has faded. It is submitted that the inconsistency and lack of precise detail in Mrs Ingham’s evidence about the meeting should be considered in light of the extended passage of time since the 1990 meeting. The fact that Mrs Ingham could not perfectly recall details about the meeting should not be construed as an indication that it did not occur.

**Relationship between Mrs Ingham and Father Mulcahy**

186. Mrs Ingham did not accept that it was equally as possible that Father Mulcahy did attend the 1990 meeting as he did not attend at all.\(^{303}\) Mrs Ingham said that the reason she remembered Father Mulcahy being at the meeting was “because I believed him to be a good man, a familiar

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\(^{291}\) Ex 4-17 Tab 15 and T2814: 36 - 44  
\(^{292}\) Ex 4-17 Tab 15  
\(^{293}\) Ingham T2813: 33 – T2814: 9  
\(^{294}\) Ex 4-35 Satterthwaite [9]  
\(^{295}\) Ex 4-35 Satterthwaite [14]  
\(^{296}\) Ex 4-31 Wallace [85]  
\(^{297}\) Ingham T2815:38-40  
\(^{298}\) Ingham T2815:42-47 and T2816:1-1  
\(^{299}\) Ingham T2816:15-21  
\(^{300}\) Ingham T2816:15-21  
\(^{301}\) Ingham T2815:30-36  
\(^{302}\) Ingham T2815:18-21  
\(^{303}\) Ingham T2800: 17 - 22
man, and I was to do something really important, so it was just safe.” 304 She said, “The best that I believe personally is that Father Mulcahy was aware of exactly – my name was Jenni Williams and that I was the daughter of Noeline and Kevin Williams”. 305 She could not identify any specific occasion when this information passed between herself and Father Mulcahy but said that she “genuinely believe[d] that Father Mulcahy was aware that I was my father’s daughter”. 306

187. Father Mulcahy was shown a photograph of Mrs Ingham when she was 19 years of age. He said that he did not recognize her.307 Father Mulcahy accepted that as an Administrator of the Lismore Cathedral from 1981 (that is, St Carthage’s Cathedral Parish, Lismore), whilst he did not know Mrs Ingham, she would have known him.308

188. Is it submitted that if Father Mulcahy did have a connection or relationship with Mrs Ingham, this affects the reliability of his evidence. Set out below is the evidence which, it is submitted, supports such a connection.

189. Mrs Ingham said that Father Mulcahy was known to her “because he had attended a private boarding school with [her] father and they remained friends for many years following their schooling.” 309 Mrs Ingham was unable to date when she became aware of the school connection between the two men.310 She said:

Father Mulcahy was a parish priest of the parish where I went to school, and I just can’t specifically say was it during that time was I aware that he went to school with my dad. My dad used to talk about that he and another gentleman and Father Mulcahy went to school together; he talked about that often. And that’s why I can’t pinpoint was it in my early schooling was I aware.

190. Mrs Ingham attended school from 1967 to 1980.311 Mrs Ingham’s early schooling years coincided with one of the periods that Father Mulcahy was a priest in the Lismore Diocese (namely, from 1958312 to 1969313).  

191. Father Mulcahy said it was true that he was in the same class as Mrs Ingham’s father, when they attended at Woodlawn College, Lismore.314 He said that they were both boarders at the school in the same year for last three years of his school (1949 – 1951).315 Father Mulcahy did not, however, feel that he and Mr Kevin Williams could be described as “friends”. 316

192. Between 2005 to 2008, Father Mulcahy had regular contact with Mrs Ingham’s parents, Mr and Mrs Williams. They had moved from Lismore to Alstonville and Father Mulcahy would attend at their house on a monthly basis and give communion to them because Mr Williams

304 Ingham T2816: 15-29
305 Ingham T2799: 42 - 46
306 Ingham T2799:45-47 and T2800:1-3
307 Mulcahy T2872: 20-27
308 Mulcahy T2872:16-18
309 Ex 4-18 Ingham [10]
310 Ingham T2810: 27 – 34
311 Ex 4-18 Ingham [5]
312 Mulcahy T2881: 10 - 19
313 Mulcahy T2890: 31 – 40
314 Ex 4-25 Mulcahy [20]
315 Mulcahy T2870:39-47 and T2871:1-13
316 Ex 4-25 Mulcahy [20]
had suffered a stroke.\textsuperscript{317} After Mr Williams died, Father Mulcahy would meet with Mrs Williams each Saturday night after she attended Mass.\textsuperscript{318} Despite giving evidence that part of his role as a priest involved getting to know the families that he was a priest for, he said that Mr and Mrs Williams never discussed their children or family with him.\textsuperscript{319} He said that their children were never present and Mr and Mrs Williams “led the conversation and it would have been about something else.”\textsuperscript{320}

193. Mrs Ingham’s aunt, Sister Clare Williams was a Presentation Nun who was a missionary nun in New Guinea. Mrs Ingham said that she would often come home and there would be celebratory gathering at her home. She would attend, as would priests and bishops.\textsuperscript{321} Mrs Ingham was unable to pinpoint any specific connection between her family and Father Mulcahy and it was only “possible” that Father Mulcahy attended these gatherings.\textsuperscript{322} Father Mulcahy said he “knew of” Sister Clare Williams but did not recall that she was a missionary nun nor that she was a relative of the Williams’ and only “might have” had a discussion with them about her.\textsuperscript{323}

194. To the best of her recollection, Mrs Ingham first met Father Mulcahy just prior to her 21\textsuperscript{st} birthday, in October 1983 when she began work at Paupiette’s, a restaurant in Lismore.\textsuperscript{324} Mrs Ingham worked at the restaurant for approximately 12 months.\textsuperscript{325} She recalled that Father Mulcahy was a regular visitor and would dine there as often as weekly.\textsuperscript{326} She said that she felt “very familiar” with him and called him “Frank”.\textsuperscript{327}

195. Mrs Ingham said that Father Mulcahy dined with Father Brown on an occasion when Father Brown was visiting from Tweed Heads. She knew Father Brown well at the time and he recognized her. She said that the two men appeared familiar with one another.\textsuperscript{328}

196. Father Mulcahy confirmed that he regularly dined at Paupiette’s most Friday nights. However, he said he had no recollection of Mrs Ingham working there “or otherwise, having made herself known to me either by her name or by reference to her being her father’s daughter”. He said the fact that he regularly dined at Paupiette’s was “well known in Lismore”.\textsuperscript{329} Father Mulcahy said that Father Brown was an alcoholic and that he “wouldn’t dine with him in a restaurant in a fit”.\textsuperscript{330} He said that he “never dined in a restaurant with Brown”.\textsuperscript{331}

197. In November 2008, Mrs Ingham’s name was on the prayers for the sick at Alstonville Church\textsuperscript{332} where Father Mulcahy was the Parish Priest from December 1991 to August 2012.\textsuperscript{333} A contemporary search of the prayer list for the Alstonville Parish was tendered and noted that

\begin{footnotes}
\footnote{317 Ex 4-25 Mulcahy [21]; Mulcahy T2877: 29 – 33}
\footnote{318 Ex 4-25 Mulcahy [22]; Mulcahy T2877: 35 - 37}
\footnote{319 Mulcahy T2877: 47 – T2878: 20}
\footnote{320 Mulcahy T2878: 15 - 33}
\footnote{321 Ingham T2811:9-36}
\footnote{322 Ingham T2812:17-22}
\footnote{323 Mulcahy T2881:2-43}
\footnote{324 Ingham T2798:46 - T2827: 1}
\footnote{325 Ingham T2826:34 – 44}
\footnote{326 Ingham T2826: 46 - T2827: 1}
\footnote{327 Ingham T2827: 40 - 46}
\footnote{328 Ingham T2827:2 - 28}
\footnote{329 Ex 4-25 Mulcahy [19]}
\footnote{330 Mulcahy T2890:5-7}
\footnote{331 Mulcahy T2890: 13}
\footnote{332 Ingham T2828:34-46}
\footnote{333 Ex 4-25 Mulcahy [11]}
\end{footnotes}
as at 16 November 2008, Mrs Ingham was named in the Parish Newsletter with a reference to “in your compassion”.334 Father Mulcahy said that the he did not say prayers for the sick at the Parish but that their names would be placed on a list of about 40 people in the weekly parish magazine. He said that “the secretary would receive that somebody was sick and put them on the list”335 Although Father Mulcahy accepted that he visited those who were on the list of names of the sick,336 he denied knowing Mrs Ingham337 or visiting her.338 Father Mulcahy gave evidence that the list of the sick and those he visited who were sick were on separate lists339 198. It is submitted that the evidence set out above at [189] to [197] establishes that it is probable that Father Mulcahy had a connection with or relationship with Mrs Ingham through one or more of the following circumstances:

a. Father Mulcahy attended boarding school with Kevin Williams and was in his year for the last three years of his schooling

b. Father Mulcahy attended the home of Kevin and Noelene Williams on a monthly basis from 2005 to 2008 to provide sacraments to Mr and Mrs Williams

c. After Mr Williams died, Father Mulcahy would speak to Mrs Williams every Saturday night after she attended Mass

d. Father Mulcahy was a priest of the Diocese of Lismore during the period when Mrs Ingham’s parents had celebratory gatherings at their home which she attended for her aunt who was a Presentation Nun. These gatherings were attended by priests and bishops of the Diocese. Father Mulcahy may have attended some of these gatherings

e. Father Mulcahy attended Paupiette’s Restaurant, Lismore on a weekly basis where Mrs Ingham worked for a period of 12 months from 1983 to 1984

f. In November 2008, Mrs Ingham’s name was on the prayers for the sick at Alstonville Church where Father Mulcahy was the Parish Priest from December 1991 to August 2012

199. It is submitted that Father Mulcahy’s denial or minimization of his connection to and recognition of Mrs Ingham impacts upon the reliability of his evidence as to whether the 1990 meeting occurred and whether he attended.

200. It follows that Mrs Ingham’s evidence that the 1990 meeting did occur and that Father Mulcahy did attend should be preferred.

Bishop Jarrett’s telephone call with Father Mulcahy prior to the facilitation

201. At the time of Mrs Ingham’s Towards Healing process, Bishop Jarrett said that although he had no corroborative evidence in relation to the meeting, he was willing to accept that it happened on Mrs Ingham’s testimony.340 He said this was because he did not believe Mrs Ingham “had confected a story” and was willing to accept that a meeting took place, with the precise details

334 Ex 4-20
335 Mulcahy T2878:35-47
336 Mulcahy T2879:3-6
337 Mulcahy T2880:44-47
338 Mulcahy T2886:45-47
339 Mulcahy T2880:28-32
340 Ex 4-36 Jarrett [56]
not being known other than the presence of Father Mulcahy.\textsuperscript{341} He said that at the time, there were no Chancery records maintained which recorded such meetings and appointments.\textsuperscript{342}

202. Bishop Jarrett considered that an aspect of Mrs Ingham’s complaint that he needed to inquire into was that she had informed a number of people within the Church of the abuse, including Father Mulcahy and that there had been no response to her complaints.\textsuperscript{343} He said he “wanted to understand why nothing had happened in response to Mrs Ingham’s complaint at the time it was first made”.\textsuperscript{344} Bishop Jarrett telephoned Father Mulcahy prior to the facilitation and said in relation to this conversation:

\begin{quote}
I recall that I told Father Mulcahy that a complaint had been received from Jennifer Ingham that she had been abused by Father Brown, but also that she had reported the matter in a meeting with clergy, among whom she named Father Mulcahy as being present, in 1990. I remember that Father Mulcahy said that he could not recall the meeting with Mrs Ingham. My impression from this discussion was that Father Mulcahy did not remember Mrs Ingham, but I cannot recall that he said this. Father Mulcahy could remember Mrs Ingham’s father and mother. He told me that Mrs Ingham’s father had died, but that her mother was still living in the Parish of Alstonville. I recall being puzzled at the time as to why Father Mulcahy could remember Mrs Ingham’s parents but not remember Mrs Ingham nor the meeting with her.\textsuperscript{345}
\end{quote}

203. In relation to his evidence about being “puzzled” at the time as to why Father Mulcahy could remember Mrs Ingham’s parents but not her or the meeting, he said:

\begin{quote}
Well, I knew that Father Mulcahy had been to school with Mrs Ingham’s father, and while it wouldn’t have been – it could have been likely that they had kept up knowledge of each other across all the years, there was a later connection in that both of Mrs Ingham’s parents were resident in Father Mulcahy’s parish, and it puzzled me that they there had been the connections earlier and later, that they didn’t come together in a knowledge on the relationship.\textsuperscript{346}
\end{quote}

204. Father Mulcahy gave the following evidence in relation to the telephone call:

\begin{quote}
After I moved to live in Brisbane, I recall being telephoned by Bishop Jarrett. He told me that a woman whom I think he identified as Jennifer Ingham, previously Williams, had a complaint that she spoke to me and two other senior Priests in the Presbytery in Lismore in 1990. He said that the conversation was about her complaint of being sexually abused by Father Rex Brown. He said that the complaint was that I did nothing about the matters raised with me. I replied to Bishop Jarrett that I had no recollection of any such meeting and I thought that I had left Lismore in early March 1990.
\end{quote}

\textsuperscript{341} Jarrett T3055:3-15
\textsuperscript{342} Ex 4-26 Jarrett [55]
\textsuperscript{343} Ex 4-36 Jarrett [46] – [47]
\textsuperscript{344} Ex 4-36 Jarrett [47]
\textsuperscript{345} Ex 4-36 Jarrett [51]
\textsuperscript{346} Jarrett T3053: 35 - 47
As a result of that conversation, I contacted the Secretary of Alstonville Parish, Tanya Pagotto. I asked her what our census records showed as to the children of Kevin and Noelene Williams. She told me they had a son, David and a daughter, Jennifer. It is on this basis that I formed the definite view that the complainant of whom Bishop Jarrett had been talking was the daughter of Kevin and Noelene. I had an inkling that that might be the case which is why I asked Ms Pagotto to do the check for me.  

205. Father Mulcahy said that at the time of this telephone call, he did not know Mrs Ingham and “wouldn’t have known her name”. He said that he told Bishop Jarrett that he didn’t know Mrs Ingham and that it “didn’t mean anything to me”.  

206. Father Mulcahy’s statement and oral evidence in relation to whether Bishop Jarrett identified Mrs Ingham by her maiden or married name during the telephone conversation is inconsistent. Father Mulcahy gave evidence in his statement that Bishop Jarrett “identified as Jennifer Ingham, previously Williams”. In his oral evidence, when Father Mulcahy was asked whether he knew Mrs Ingham’s parents he said, “I don’t remember, because he called her “Ingham”, and I didn’t know who Ingham was. I didn’t realise that she was Williams”. He later said Bishop Jarrett “may have” mentioned the name “Williams” to him and then said “that’s the only way I’d get it [in order to make inquiries about the Williams children].”  

207. In relation to whether Bishop Jarrett referred to Mrs Ingham’s maiden name, the Bishop said that it was “most likely that I mentioned her married name of Ingham rather than her maiden name”. When Counsel Assisting referred to Father Mulcahy’s evidence that he thought that the Bishop had identified her as Jennifer Ingham, previously Jennifer Williams he said he “might have known her maiden name at the time but I can’t be sure”.  

208. In his statement, Father Mulcahy said that after his discussion with Bishop Jarrett, he had an “inkling” that the complainant about whom the Bishop was talking was the daughter of Kevin and Noelene Williams, which is why he took steps to investigate. He said that after checking with the Parish and asking whether they had children, it was confirmed that they had a daughter Jennifer and it “clicked that Jennifer was a Williams”.  

209. It is submitted that the evidence is inconclusive as to whether Bishop Jarrett used Mrs Ingham’s maiden or married name during the telephone conversation.  

210. If during the telephone call, the Bishop did:  
(a) explain that Jennifer Ingham was the daughter of Noelene and Kevin Williams; or  
(b) used Mrs Ingham’s maiden name of “Williams”  

Father Mulcahy would have been aware that Kevin and Noeline Williams had a daughter called Jennifer Williams.
211. It is submitted that in these circumstances, there would have been no reason for Father Mulcahy to make any further inquiries, which renders it less likely.

212. If during the telephone call, the Bishop did not:
   (a) explain that Jennifer Ingham was the daughter of Noelene and Kevin Williams; or
   (b) use Mrs Ingham’s maiden name of “Williams”

Father Mulcahy would not have learnt from Bishop Jarrett that Mrs Ingham was the daughter of Noelene and Kevin Williams.

213. It is submitted that if he did not learn this information during the conversation with Bishop Jarrett, Father Mulcahy could only have had an “inkling” as to the familial connection between Mrs Ingham and her parents if it was previously known to him.

214. It is submitted that Father Mulcahy was motivated to make inquiries about the children of Noelene and Kevin Williams because he recognized a familial connection between Mrs Ingham and her parents at the time of the conversation, which he did not disclose to Bishop Jarrett. Father Mulcahy’s oral evidence about the telephone conversation did not clearly explain the nexus between the name by which Bishop Jarrett referred to Mrs Ingham and his subsequent inquiries regarding the children of Noelene and Kevin Williams. It is submitted that this is more likely.

215. It is submitted that this evidence supports the submissions above at paragraphs [199] to [200].

**Deacon Wallace’s inquiries and meeting with Father Mulcahy**

216. Deacon Wallace said that prior to and during the facilitation he and the Bishop were willing to accept Mrs Ingham’s word in relation to the 1990 meeting. There was a number of reasons for this:

   *we felt her complaint was a truthful one; we had no evidence that it did not take place given that Fr Mulcahy did not recall it; to challenge her over it would have been cruel and counterproductive with regard to any healing we hoped might take place for her.*

217. Although he “couldn’t say one way or the other whether the meeting had taken place”, Deacon Wallace said, “I believed [Mrs Ingham] believed the meeting had taken place and that [Father Mulcahy] was present”. It was on the basis of Mrs Ingham’s belief that he made the apology at the facilitation.

218. After the facilitation and before the meeting between Mrs Ingham and Bishop Jarrett on 24 June 2013, Deacon Wallace undertook some researches and inquiries into the 1990 meeting. He collated a list of the clerics of the Diocese and possible senior clergy at the time who may have been in attendance at the meeting. He then attempted to contact all of them and there was a “negative response in all cases”.

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355 Mulcahy T2873: 16 – T2874: 39
356 Wallace T3011:32-34
357 Ex 4-31 Wallace[61]
358 Wallace T3008:16-20
359 Wallace T3008: 22 - 24
360 Ex 4-17 Tab 141
361 Wallace T3015:8 – 19
219. Deacon Wallace arranged a meeting with Father Mulcahy on 13 June 2013 to see if there was some “objective, corroborative evidence of the circumstances”. At the meeting, he showed Father Mulcahy Mrs Ingham’s contact report because of the impact he thought the report might have on him. He gave evidence that he hoped it would jog his memory but “in fact it went the other way and he said that it didn’t take place”. 

220. At the meeting, Father Mulcahy denied meeting Mrs Ingham, and said he could not recall her. He said he did remember her mother and father. He said he did not frequent Mrs Ingham’s family home when he was in Lismore and said that he did not recall Mrs Ingham at the restaurant.

221. Deacon Wallace gave evidence that what Father Mulcahy said at the meeting had resonated with him because over the years, he had been told through hearsay from various priests that around 1990 Father Mulcahy was under severe stress. He had resigned from a number of diocesan committees and took leave for almost two years. Deacon Wallace said that he left the meeting “feeling that perhaps he didn’t recall it because he had been so stressed and virtually on the verge of a breakdown.”

222. After being excused from giving evidence, Father Mulcahy provided an additional statement to the Royal Commission that annexed letters outlining reasons for his resignation to various positions that were not related to stress. He said:

I have never, at any time, suffered from any stress related condition or had cause to consult any general medical practitioner or medical consultant in relation to any stress related condition. I was not suffering from stress or any stress related conditions at any time during 1990, having been on holidays for the whole of January 1990 and then having resigned and returned on my return from holidays.

223. Deacon Wallace took a contemporaneous note just after speaking with Father Mulcahy which stated, “Denies meeting her says he can’t recall her. Remembers mother after he went to Alstoneville remembers her father”. He said:

I walked away with a view that the meeting may have taken place, but I had no evidence to say that it did take place, and using police terms, I was left with conflicting statements.

224. He said, however, that Mrs Ingham’s account was no less believable as a result of Father Mulcahy’s denial of the meeting.
Deacon Wallace said that if there had been a meeting in 1990, Father Mulcahy’s position was such that he would have expected him to be in attendance. Father Mulcahy was the Administrator of St Carthage’s Cathedral until the end of March 1990. Father Mulcahy accepted that he was the senior ordained person of the St Carthage’s Cathedral Parish and meetings in the presbytery would have been arranged through his office. He accepted that if someone was asking for a meeting with church leaders to deal with the very sensitive subject matter of sexual abuse, this would have been brought to his attention. Father Mulcahy accepted that, being the person in charge of the parish where this person sought to reveal what happened to her, it was very likely that he was present at such a meeting, if such a meeting had occurred. He said that the Bishop would also have been present.

It is submitted that Deacon Wallace’s evidence does not assist in determining whether Father Mulcahy attended the 1990 meeting.

Evidence of Colin Riches

Colin Riches is the former husband of Mrs Ingham. Mr Riches gave evidence that he used an email sent to him by Mrs Ingham, dated 6 December 2013, as a drafting tool for preparing his statement. In the email, Mrs Ingham set out matters that Mr Riches should include in his statement.

It is submitted that the email sent by Mrs Ingham prior to Mr Riches completing his statement for the Royal Commission most likely influenced Mr Riches’ evidence and accordingly no weight should be given to it.

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373 Wallace T3015:24-29
374 Ex 4-25 Mulcahy [6]
375 Mulcahy T2875:42-47 and T2876:1-19
376 Mulcahy T2876:15-32
377 Riches T2864:14-16
378 Ex 4-24
AVAILABLE FINDINGS

Available Findings in relation to handling of complaint by the Professional Standards Office Qld

1. The Professional Standards Office (Qld), by failing to advise of the change of personnel, failed to keep Mrs Ingham as fully informed as possible as to the progress of her complaint in relation to the change of Director.

2. Ms Rogers’ email on 9 May 2013 was not framed in such a way that invited Mrs Ingham’s consultation on the appointment of Mr Salmon. Ms Rogers did not ask Mrs Ingham whether she agreed or disagreed with his appointment or of her option to suggest an alternative facilitator from the approved panel or an otherwise qualified mediator, as envisaged by clause 41.1 of Towards Healing (2010).

3. A Director of Professional Standards acting as a facilitator in a Towards Healing facilitation raises a real potential for an actual or perceived conflict of interest given that the Director is employed by the Catholic Church.

4. A Director should not act as a facilitator unless:
   a. the victim has knowledge of the Director’s position and makes an informed decision
   b. the Director obtains written consent from the victim, and
   c. the Director obtains the written approval of the Executive Officer of the National Professional Standards Committee.

Available Findings in relation to handling of complaint by the Church Authority

5. A meeting in early 1990 did occur between Mrs Ingham and senior clerics from the Diocese of Lismore where she disclosed that she had been sexually abused as a child by Father Brown.

6. Father Mulcahy likely attended the meeting.

7. Father Mulcahy learned that Mrs Ingham alleged that Father Brown sexually abused her as a child at the meeting in early 1990.

Gail B Furness SC
Angus Stewart

12 August 2014