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These submissions are made in response to the invitation dated 5 May 2016 issued by the Commission.

Referring to Issues Paper 11

Issue 6B refers to the current and future proposed approaches of Catholic Church authorities to responding to individuals subject to allegations of child sexual abuse.

These submissions relate to the procedures of the Melbourne Response and are made following from professional involvement with that organisation.

The Melbourne Response refers to "independent Commissioners".

Without in any way maligning the integrity of the, so called, independent Commissioners it is difficult to see how they can justify their title when they are engaged by the Catholic Church, paid by the Catholic Church and report to the Catholic Church.

As Barristers appearing in or involved with Court proceedings they are independent while having a duty to the Court which overrides their duty to their client if the two clash. In the situation of the Melbourne Response there is no overarching obligation on the part of the lawyers to behave in a particular way and they do not have a responsibility to the Court as there is no Court involved.

The procedure involved in investigating allegations is that a Commissioner is informed of the allegation and then investigates it. The Commissioner may interview the complainant, may take statements from the complainant and go so far as to conduct identification procedures by use of photographs in a way which would be completely unacceptable in any Court. The Commissioner has been known to encourage complainants and explain to them how to further their case and then the subject of the allegation should be advised of the allegation and invited to respond. If the alleged offender accepts the invitation to respond there is no safeguard, as there is in a police

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investigation of having a recording of the response made or of affording the respondent the opportunity to have legal representation present at the interview.

The next step is that the Commissioner indicates that a formal hearing will be held in the manner of a Magistrates' Court hearing and invites the respondent to be present and, if necessary, to be represented. The hearing then takes place with the Commissioner who has been the investigator of the allegations and the guide and mentor of the complainant, sitting as the presiding authority and coming to judgment on a brief which he has in fact prepared.

This procedure is contrary to all our concepts of justice in this society. The hearing is held in secret, the proceedings are not published and the decision is not published, except to the Solicitors for the Catholic Church by the so called independent Commissioners. If the respondent has chosen not to take part in the proceedings he, or she, may never know the findings of the Commissioner and may only discover those findings when disclosed in circumstances to which he or she is not a party.

The Church is prepared to pay the legal costs of the respondent and we then have the extraordinary circumstance of an enquiry being conducted by an "independent Commissioner" who is paid by the Catholic Church. He is assisted by Counsel who is paid by the Catholic Church and the respondent is represented by lawyers who are paid if they so request by the Catholic Church.