

9th March 2015

SUBMISSION REGARDING THE CONSULTATION PAPER ON REDRESS AND CIVIL LITIGATION

My brief history:

1971: At age eleven the grooming and assaults began. I had neither the knowledge or ability to verbalise what Father [REDACTED] did to me, which resulted in 5 years of emotional and sexual abuse.

1993: Age 33 years. On November 24th, I made a police statement, resulting in a conviction in August 1995. It was around that time I began civil proceedings against the Melbourne Archdiocese.

In **1999** I reluctantly accepted \$30,000 from the Melbourne Response. I was forced to close my civil case due to the legal obstacles put in my way by the Melbourne Archdiocese. I was crushed!!

In **2010** [REDACTED]

So as someone who has travelled this difficult path as a survivor of a notorious Roman Catholic paedophile, I have also advocated for reform by making an extensive submission to the Victorian 'Betrayal Of Trust' report, then a private submission to Commissioner Bob Atkinson on **11th April, 2014**.

Finally, I made a private submission to Mr Donnell Ryan Q.C. for his work on the review of the Melbourne Response on **4th March 2015**, of which I will quote from:

“For anybody who reads and processes HELL ON THE WAY TO HEAVEN, BETRAYAL OF TRUST REPORT and the impending report from the Royal Commission on CASE STUDY 16, it will sheet home that all the architects and practitioners of the Melbourne Response all played a part in crushing victims of childhood rape and sexual molestation.

Collectively, they are all morally bankrupt. Also, I will leave it to the Legal Profession to make their judgements of their peers, but it is unfathomable to have a place for them at the table when a new era unfolds.

It is becoming quite clear the new era, as proposed by the ‘Betrayal Of Trust’ report and the Royal Commission, will recommend reform in the area of Civil Redress and Litigation. As you are aware topics under recommendation are as follows:

- a) LIMITATION PERIOD
- b) DUTY OF INSTITUTIONS
- c) IDENTIFYING A PROPER DEFENDANT
- d) MODEL LITIGANT APPROACHES
- e) RETROSPECTIVITY
- f) VICARIOUS LIABILITY.

So for any victim like myself that endured the processes of the Melbourne Response, I welcome the above topics in combination with the new laws being passed by the Victorian Government’s acceptance of the ‘Betrayal Of Trust’ report.

RECOMMENDATION: My challenge to this Royal Commission is that the Melbourne Response should not have no place in dealing with victims’ financial compensation in the future. It will not include a DEED OF RELEASE to be used. Therefore, all past DEEDS OF RELEASE should be extinguished as an urgent priority, which will facilitate legal and government reform and dignified justice for victims.

If our Australian Federal Constitution does not allow this, my understanding is that the State Attorney Generals do have the power to apply a new law to retrospectively allow the DEEDS OF RELEASE be extinguished and made null and void historically.

If this reform does not happen, all the work of the Royal Commission will not help any victim historically who has been through the Melbourne Response or Towards Healing.

We will all be forced into the Redress Scheme. Having previously received \$30,000, if that was transferred into today’s value at approximately \$55,000 and if I was awarded the average of \$65,000 – the \$55,000 would be deducted; so I may receive only \$10,000.

I believe that all [REDACTED] victims have very strong technical points as follows:

- [REDACTED]
- 2) Case Study number 16 (21st August 2014) Mr Stewart at the Royal Commission in Melbourne, questioning Mr Richard Leder – Corrs Chambers Westgarth (Melbourne

Archdiocese lawyers). [REDACTED]

- 3) In Case Study number 8 (John Ellis – March 2014) Cardinal George Pell does concede the Catholic church in Australia should be sued, also Towards Healing and the Melbourne Response did not go anywhere near a moral response, to provide a victim with what civil or common law would provide (ref pg 6354 – pg 6366).
- 4) [REDACTED]

This is a private submission and I do not wish my name to be published.

Thank you for the opportunity to participate in this historical Royal Commission. I am sure the legacy will be well documented.

But most of all, give victims and what is left of their lives and families some dignified closure, in extinguishing all DEEDS OF RELEASE.

Yours sincerely,

[REDACTED]