

# TRANSCRIPT

## FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

### Inquiry into the handling of child abuse by religious and other organisations

Melbourne — 23 January 2013

#### Members

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#### Witness

Mr P. O'Donnell.

**The CHAIR** — On behalf of the committee I welcome Mr Phil O’Donnell. Thank you for your willingness to appear at this hearing. All evidence taken by this committee is taken under the provisions of the Parliamentary Committees Act, attracts parliamentary privilege and is protected from judicial review. Any comments made outside the precincts of the hearings are not protected by parliamentary privilege.

This hearing today is being recorded, and you will be provided with a proof version of the transcript. Following your presentation committee members will ask questions relating to your submission and the evidence provided today. I thank you again for providing your very extensive submission and the additional material, and we look forward to hearing from you. I believe you would prefer to be acknowledged as Phil; is that right?

**Mr O’DONNELL** — Yes, that would be great.

**The CHAIR** — Thank you very much, Phil. We look forward to hearing from you.

**Mr O’DONNELL** — Thanks, Madam Chair, and thank you, members. An American sociologist, Andrew Greeley, who was once accused of not having an unpublished thought. I am afraid I went to his school of theology, so I do apologise profusely for my tome, which you have obviously enjoyed over the Christmas holidays. I tend to write conversationally, so I found the preceding presentation very interesting. You have opened up an enormous amount of material, and we could obviously go for days. I would like this to be more a conversation rather than a presentation. If there is anything that you want to ask at any stage, I am very happy to stop and chat rather than pontificate from this side.

Firstly, I would like to thank the inquiry for this opportunity to appear on this very important matter. I particularly thank the Premier, Ted Baillieu, and his advisers for establishing this long-awaited and much-needed inquiry; I thought it was politically very courageous of Mr Baillieu. I also thank the Prime Minister for initiating the national royal commission and especially for appointing such experienced and diverse commissioners. I think it gives the community a tremendous amount of confidence that something very substantial is going to happen.

When you gave your introduction, Madam Chair, you quoted Justice McClellan, and he used that adjective ‘complex’. That is one of my favourite words on this. Stating the obvious, this is a particularly complex issue, and there are no easy or simple solutions. The very nature of clergy sexual abuse of children is complex. How do we understand an adult male, and particularly a priest, having sex with kids? It is just so foreign and anathema to what you would call most normal people that to come to grips with it is, in itself, incredibly complex. I personally have found it extremely emotionally difficult. Similarly there is no more complex organisation in the world than the Roman Catholic Church, so I wish you luck as we try to understand that.

My submission to both the Victorian inquiry and the royal commission is a paper on the clergy sexual abuse of children in three significant sections. My personal experience was as a seminarian and priest from 1969 to 1999. Just for your information, as a rather young chap, just before I turned 18, I entered the seminary in 1969. I was ordained a priest by Archbishop Little in 1975. I have served in about a dozen parishes in Melbourne. I freely chose in good grace to resign as a priest in 1999. I have married, happily, and inherited a wonderful family. I had 30 years living and working as a priest and seminarian, and that is going to be most of my experience. Having been a priest for so long, I think I have some insights into some of the underlying causes of this problem, and not being bashful about putting my opinions forward, I have made 1001 recommendations for the immediate future, so I wish you luck on those.

Lastly — and this is not particularly pertinent today, but it might be a matter for another day, perhaps — I have a very major continuing personal legal struggle with the archdiocese of Melbourne. I will not go into the detail of it here; I am bound by confidentiality, and that means I cannot speak to the media and to other people outside of this forum. I think my issue of the personal struggle is more saying, ‘Has the Catholic Church learnt anything?’. In this current environment, where you would be thinking that open co-operation is just expected and demanded, why are they still publicly saying people can speak and yet there are people like myself who cannot speak to anyone at any time on anything to do with this topic at the risk of being sued, which I find pretty offensive. To me it is not so much my struggle with the church on confidentiality; it is the fact that there is a struggle on that and that there should not be in this day and age.

Whereas some of my reflections and recommendations are general, my contribution relates primarily to the diocesan priesthood of the Catholic Archdiocese of Melbourne in the period from about 1970 to about 2000. I

want to state this next point very importantly, and it follows from Catholics for Renewal, who I thought said a lot of wonderful stuff: I am a continuing practising Catholic. I belong to the wonderful parish of St Patrick's, Macedon, where we have got a great community and a wonderful parish priest. I want to make it clear that I have the highest respect for the vast majority of clergy and religious.

My experience of priests is such that I think the really good priests are the finest human beings I have ever met. At the other level I think we have got a major problem there as well. But we are dealing with some really extraordinary men who, in extraordinarily difficult circumstances, do a wonderful job, selflessly, generously and faithfully. Their contribution to our church and society has been so good over a long period of time. I would love to have the opportunity — or ask someone — to extol the virtues of what the Catholic Church does in Melbourne alone. I started doing it in my submission, but I deleted it because it was not particularly appropriate here. Whereas we are going to talk about the failures of the church, the strengths of our church are just massive. Most of us who are continuing practising Catholics have that ability to sift the rubbish, or the problems, from the good and the valuable.

Apart from the obvious personal damage to victims and their families, which is obviously immense, this scandal has been the cause of much distress to the priests, religious and laity of the Catholic Church. I really do believe, as Catholics for Renewal said, the vast majority of churchgoing Catholics are just horrified by this. They are overwhelmed by it, and they want something done, but I am afraid there is a leadership problem. I believe the problem lies with a group of predatory clergy who have sexually assaulted so many children over so many years.

The problem was significantly compounded by the collective failure of the Catholic hierarchy to address and resolve this problem and ensure the safety and protection of children in their care. Whereas we have an enormous responsibility to fully review and assess the reality of the past, I think ultimately we need to draw a line in the sand and say the past is history and focus on the present and future safety and wellbeing of our children.

I am going to make a few considered and critical comments about my church, which again I do not enjoy making but I think need to be made. I submit that the Roman Catholic Church, as a global entity, has lacked and continues to lack the will to admit to the problem and submit itself to the scrutiny and accountability of local jurisdictions in Melbourne, Victoria, Australia and the world. With the church's current conservative authoritarian culture, theology and organisational structures, it is incapable of the radical internal reform required to address and resolve this major problem. The Roman Catholic Church continues to view this problem as an internal issue that is controlled and managed solely by the authority of Rome.

I also submit that the local Catholic Church, the archdiocese of Melbourne, from about 1950 to 1990 had definite specific knowledge of the problem but completely failed children in its care with a hierarchy relying on a legal strategy of total avoidance and denial. The church locally has done so much better since initiating the Melbourne process in 1996, but still it fails to understand that this in-house facility has not achieved the standards expected and required by our society.

The local church, the archdiocese of Melbourne, in my opinion needs to move beyond its current legal in-house response to now finance and entrust the management of this problem to independent men and women with professional skills and experience to establish and operate appropriate structures and processes that have the support and confidence of our society.

In all the words I am going to say this morning probably this next sentence is my most important, and it is so simple and it is so obvious, and I think it is a shared belief: fundamentally, this is a matter of accountability. For far too long predatory priests have had unlimited, unaccountable access to young children and have sexually assaulted so many known and, sadly, so many unknown boys and girls. Correspondingly, for far too long the local Catholic hierarchy and the general Catholic hierarchy have failed in their responsibility to protect children entrusted to their care. For many decades the church leaders responded only as if this was a legal problem threatening their reputation and assets. They chose loyalty and obedience to Rome over the care and protection of at-risk children in Melbourne.

So to you, Madam Chair, and the committee, I submit that it is incumbent on the Victorian Parliament to create legally binding community structures and processes that ensure the full and open accountability of all

individuals and organisations in Victoria who deal in any way with children. I am happy to move on to specific matters, but if you wish to ask any questions on that, I am happy to have a time out.

**The CHAIR** — No, I think if you would like to move on, we will then come back to questions.

**Mr O'DONNELL** — Thank you, Madam Chair. The second section comes down to what I call my specific matters. In terms of my major submission to you as an inquiry I have to say — and I do not think I mentioned this — I started writing this about three years ago unaware that we were going to have a parliamentary inquiry and unaware that we were going to have a national royal commission. At that stage I did not think I was bound by confidentiality, so I started doing my work. I wrote this to influence primarily bishops and politicians. I have edited it to make it relevant to the inquiry.

I was hoping from my experiences that the Catholic Church would take the initiative and be proactive to run their own independent inquiry where they would have provided all of the information we are now seeking. I think they missed an opportunity to be seen as credible on that matter. That submission was originally written — and it is to be seen in that light — to try to influence bishops to have a national inquiry, an internal inquiry, and to encourage a national royal commission, which I thank Ms Gillard for having. It is wonderful.

In relation to specific matters, the first part of my submission is about my experience as a priest. The first point is that the Catholic Church had definite knowledge of a problem. It is not a matter of opinion. Evidence to the inquiry from multiple witnesses will verify that archbishops in Melbourne from at least the 1950s have been informed of many specific allegations. I know this to be true by my personal experience of living and working with two serious offenders.

My first experience of living and working with a serious sexual offender against children was in Gladstone Park with Father Wilfred 'Bill' Baker in 1976 to 1978. I was just ordained, and the archbishop appointed me to the parish of Gladstone Park, which was at that stage a young and very growing community out near Tullamarine. I had had Father Baker as a chaplain at my school. I did feel quite uncomfortable with the way he behaved with kids and the confessional and his preoccupation with adolescent sexuality and masturbation et cetera. But I could live with that. That was the appointment, and that is the real world.

After a relatively short period of time I became aware that Father Baker was grooming a young boy. I alerted his parents. With the permission of the boy and the parents, I interviewed the lad. The parents visited and informed Archbishop Little at his residence at Raheen. Later a magistrate and a lawyer also visited and informed Archbishop Little at his residence. Both men have supplied stat decs supporting this evidence. It is fair to say that they received a very cold welcome. The parents described the archbishop as evasive and the lawyer and the magistrate described the archbishop as hostile. I think they are consistent with how I think the church responded to any person bringing any information that was not favourable to the church.

Other meetings and communications also involved the then vicar-general, Monsignor Peter Connors. I have to say, and I have put this on public record, that sadly there was an inconsistency between what the archbishop was saying and what Monsignor Connors was saying, and there was a lack of honesty in communication from the cathedral.

In a conversation I actually heard, I heard Archbishop Frank Little, a man I have great admiration for, except on this one area, advise Father Baker that he did not believe these 'scurrilous' allegations. He also said to the magistrate and the lawyer that the allegations were despicable. It was that sort of language that people got when they put forward unpleasant news. I discussed this conversation with Father Baker — we had a very open relationship; he knew what was happening — and Father Baker felt totally secure that he had the archbishop's personal support. However, at the same time Monsignor Connors was reassuring and advising concerned parents that Father Baker would be immediately removed when the new church was completed. Archbishop Little indeed transferred Father Baker to the Eltham parish immediately after the opening of the new parish church — I think it was in June 78.

There had been multiple, consistent allegations about Father Baker from the early 1960s. In fact I personally read the letters from his file that probably I should not have had access to, but they were given to me by the then vicar-general, Monsignor Gerry Cudmore, who was particularly frustrated with having to deal with this absolute crisis. And then, sadly, and this is fact, in 1999 Father Baker finally pleaded guilty to 22 representative charges 21 years after the Gladstone Park allegation and 39 years after the first complaint.

I would just like to finish with two comments. Because of confidentiality I am not in a position where I can verify truth and accuracy, and therefore my documents have some limitation. I took a minor risk and gave this to one of the senior church leaders who was involved at this time in the story. Without naming him, which would be quite indelicate, he said, 'Your summary of the matter of Bill Baker rings true for me', so I think I would just like to put that on record.

My other comment is: I have a little line that I say, 'so many of these offenders are more sad and mad rather than bad'. They are inadequate people; they are very broken, dysfunctional people in so many aspects of their lives. Whereas I have got to be pretty tough on Father Bill Baker, Bill had so many good and redeeming points, and it is very, very sad that he unfortunately had this enormous personal problem that found expression in the abuse of children. But I suppose my criticism is not quite as severe against a person who has got enormous personal difficulties; my criticism does lie with the cathedral who just failed to do anything to assist that man with his problem.

I then would like to say, so the parish priest of Scoresby does not sue me or bash me up, that I then had two very happy years in the parish of Scoresby, and he was not a sexual abuser. When I keep saying for six of my first eight years I lived with abusers, this particular chap says, 'Can you please clarify that I was not', so Noel, you are not. He is a wonderful man.

But I got a wonderful — I am being facetious here phone call from Frank Little early in January of 1981 telling me that he was appointing me to the parish of Sunbury. I was not particularly thrilled. I knew the reputation of Father Searson, who we are going to hear a lot about this afternoon. I actually said to Frank, 'Frank, I do not think I could live with Peter', and I said, 'He is mad', and Frank said, 'I hope his bark is worse than his bite'. As Frank and all of us found out, he had very little bark, but he had a very intense bite. Again, just like Father Bill Baker, poor Peter was psychologically disturbed. He has since died, but Peter was a very psychotic delusional personality. Although so much of what I say is in criticism of Peter, I think his culpability in some sense — I am sure that people this afternoon might disagree with me — is diminished because of his psychiatric condition. But I am afraid I cannot be that kind to the archbishop and his advisers.

So here we go at Sunbury, from 1981 to 1983! I was just not aware of any specific allegations of sexual abuse by Father Searson in the three years I lived and worked with him at Sunbury. One reason for this is that he banned me from living in the presbytery after two weeks, so after two weeks I spent the next 2 years, 11 months and 2 weeks living in a back unit and eating and working out, which became an issue with another matter of my contract at a later time. I did not know what was happening in the home because I was not allowed to be in the home. At one stage I went to get stationery from the office to do some work, and he got the local locksmith to change the locks, so it was quite abundant that even though the archbishop had sent me there, it was not a place where I was welcome or where I could live and work cooperatively with him.

The sad reality was that in fact he was sexually abusing children while at Sunbury, and many years later he was removed from parish ministry after a determination of the independent commissioner of the Melbourne Process, Mr Peter O'Callaghan, QC. However, it was obvious — and unbelievably obvious — that Father Searson had a very serious personality disorder and was abusive to me and others in a wide range of experiences over these three years. I regularly wrote to the archbishop detailing his bizarre behaviour. As such, I have no doubt that Archbishop Little was fully aware of this disordered priest causing major damage to those in his pastoral care.

At one stage — after about 18 months — I really started losing confidence in my ability to read reality. I thought, 'It just could not be this bad; it is my problem', so I asked to see the local regional bishop, Joe O'Connell, to share my concerns. He told me more than I told him, and he was already aware of his severely disordered personality.

Another point that I would like to recommend as we discover more about the pattern and the long-term abuse of these particular people is that Father Searson, prior to being a priest, was a Marist brother. He was known as Brother Bonaventure. I do not think people start to become sexual abusers of children at the age of 50 or 60; I think they have been abusing kids for a long period of time. If it is appropriate, I think the committee could inquire from the Marist order whether they had any concerns about Brother Bonaventure before Brother Bonaventure decided to climb the hierarchical scale and be ordained a priest.

Over a three-year period — and this is, I think, very sad — the archbishop and other senior officials failed to take any action despite constant information provided to them of serious abuse and problems resulting directly from his disordered personality. The archbishop ultimately removed Father Searson from Sunbury on a technicality of not complying with an administrative instruction from the archbishop, and I think this is very pertinent. The church hates public scandal. They will not act when it is serious, but get it on a technicality where they can move and they go very, very decisively. So the archbishop failed to act on any of the many serious concerns that may have attracted genuine public scandal but acted decisively on a non-scandalous issue.

Father Searson was just removed from Sunbury but sadly was appointed to the parish of Doveton, and the inquiry will hear from other witnesses today of his serious continuing abuse.

I then go into Father Kevin O'Donnell. The committee might be aware that I have given an addendum note on that.

**The CHAIR** — Yes, Phil, we have actually received that, and I know a lot of the evidence that you have given this morning is contained in there.

**Mr O'DONNELL** — Yes, thank you.

**The CHAIR** — I know that the committee members are eager to ask questions of you, but please continue.

**Mr O'DONNELL** — Again because I have not been able to check details, some of my points in this section have been slightly inaccurate on time and details but are substantially factual, so I will now go into what I think is accurate. Although we have the same surname I really am very pleased to say I am no relation of Father Kevin O'Donnell. At no time did I live and work with him, but while I was at the parish at Belgrave in 1994 a couple from Gembrook made an appointment to see me. I understand the victim survivor in this story has made a submission and may be appearing later before the inquiry.

The husband told me that he had been sexually abused by O'Donnell over a protracted period of time. He contacted his former employer, who I knew well from a previous parish appointment, and he too admitted to being abused by O'Donnell. These two men started contacting friends from multiple parishes where O'Donnell had been a priest. In a short time they and their friends came up with about 80 people claiming to be victims of O'Donnell. I rang the vicar-general, Monsignor Gerry Cudmore, and informed him of the problem and the scale, and he did not seem surprised with this information.

A meeting of representative victims was organised at the Belgrave presbytery with Monsignor Gerry Cudmore and the then archdiocesan psychologist. The actual session with the victims was conducted only by the psychologist. Accounts of sexual abuse by Father Kevin O'Donnell and the less than satisfactory response of the hierarchy of the Melbourne Catholic Church are told in the excellent book written by Paul Kennedy and Chrissie Foster, *Hell on the Way to Heaven*.

Finishing this section just with my other personal knowledge, following my experience at Gladstone Park from 1976 to 1978 I remained available to victims of abuse. You would probably be aware that most people meet another person via a network — 'You can go and speak to so-and-so; he'll trust you, he'll believe you, he'll listen'. So over the following 20 years — and it was 20 years; a long period of time — many victims referred their friends, who had also been abused, to me.

In those 20 years I met with many victims and also travelled throughout Melbourne and Victoria visiting victims and their families, listening to their stories and offering pastoral support. I made available to both the independent commissioner of the Melbourne Response and the police officer in charge of the sexual assault squad a list of alleged offenders and any information I had received. Would you like me to continue?

**The CHAIR** — If you have more, but I am conscious of time, so if you could also be conscious of that so we can get through questions.

**Mr O'DONNELL** — Yes. There is not much to go in this.

**The CHAIR** — Thank you.

**Mr O'DONNELL** — I now wish to address some of the underlying causes. Knowledge brings responsibility. We who heard stories had a responsibility to act; those in authority had knowledge, but they failed. Who is controlling this — Melbourne or Rome? I think indications are that it is Rome, and I suggest the inquiry directly ask the bishops that very question. We can guess all we like, but I think only they will know that they were following very strict internal control.

I believe the sacrament of penance is a massive issue. I agree not many people go to individual confession any more. The third rite of reconciliation should be reinstated as the norm, and obviously class confessions without written permission of parents would not be acceptable.

Turning to the church's legal strategies, lawyers have been at the forefront of this problem. A lawyer is the first point of contact for victims in the archdiocese of Melbourne and is also the investigator, the adjudicator, and there is no right of appeal, which I find a really poor process. The church has chosen a number of legal strategies to avoid and minimise responsibility and restitution, and I believe, sadly, the church has employed legal strategies to intimidate informers. The church has employed a public relations company to advise on this problem, and it has, of course, a legal firm.

On the issue of church law and civil law, is church law superior to civil law? I think Rome would say yes, and I think the rest of the world and Victorian citizens would say no.

Should the church be permitted to enforce confidentiality? Obviously this is very personal for me, so off I go. I am currently bound, as I said, by a particularly stringent confidentiality contract. By virtue of parliamentary privilege I can speak to this inquiry and make a formal written submission. However, beyond this forum I am not permitted to speak to anyone, at any time, on anything to do with this subject. I have been informed that if I breach or threaten to breach the terms of this agreement the independent commissioner of the Melbourne Response will be obliged to refer the matters to the solicitors of the archdiocese of Melbourne.

Is such a policy consistent with a church that proclaims an open and cooperative policy in relation to this inquiry and this matter? I ask: is it ethical for a party to any potential criminal activity to legally enforce contracts that sideline and silence those with information that may not be favourable to that party? Only as recently as 1 May 2012 the archdiocese substantially reaffirmed in writing their continuing commitment to enforcing the confidentiality clause of my contract. So I ask and recommend that the inquiry instruct the Catholic Church and any other organisation to formally rescind any confidentiality contracts that relate to this matter.

Celibacy — where do we begin? Serious questions must be raised about Rome insisting on mandatory celibacy for everyone as a condition of priesthood. Celibacy is not the problem; we all know that. Imposed mandatory universal celibacy is very much part of the problem. Priests are not allowed to raise this matter, and I wonder if priests were free to speak how many would still insist that the current position prevail.

Another point that I think is very important is the theological belief of the permanency of priesthood. A Catholic priest is ordained for life. So what does an archbishop do with a predatory abusive priest who may be ordained in his mid-20s and except in the most extreme of cases must be kept until he dies? This theology of permanency, supported by the rights of a parish priest, reinforcing security of employment tenure in canon law, especially prior to 1987, makes it difficult for even a bishop to act against an offender.

A huge issue for society is the issue of no remorse and rehabilitation, and how does the church manage a priest on release from prison?

Already mentioned, and I think of enormous significance, is the issue of female priests and women in church leadership. It is just forbidden to be spoken about by Rome, which I find archaic. I suggest the problem of paedophilia would not have gone unaddressed for 50 years in Melbourne if women had been priests, or at least if women had been involved in the highest levels of decision making. Also I doubt if parents would have turned a blind eye to the plight of these abused children, as did the male clerics with no children. I suspect a parent, particularly a woman, would have had a higher sensitivity and empathy to the needs of at-risk children and their families.

Where are the files? Are they local or in Rome? I wish you luck if they are in Rome.

Another major problem is ‘until death solves a problem’. I think this is part of the Roman mentality. I am suggesting that Rome sees this problem as relatively transient in the long-term historical context of an institution that has survived many crises over the centuries. If Rome can stall until the passing of a few generations, the hidden problem can be buried forever. Once the victims, perpetrators and informants die, so too does the public risk of this specific scandal. I would like to say that we owe a great debt to the media of Melbourne for bringing this scandal to the public forum, where it ultimately gained momentum for this inquiry and the impending national royal commission.

Finally, the matter of suicide of victims. Clearly this must be a major focus of this inquiry, the royal commission and even the coroner. This problem has severely damaged the lives of so many innocent boys and girls, even to the point for so many of suicide.

On recommendations, I am not going to read all of them, as time does not permit. Is that all right with you, Chair?

**The CHAIR** — We have those, thank you.

**Mr O’DONNELL** — But I would like to note two or three. I believe — recommendation 1 — that every diocese and religious order needs to supply to the inquiry a detailed list of allegations with names, dates and action taken. This will enable the inquiry to have some sense of the scope of the problem. Probably one of my biggest points is that there are far more people who are unknown victims than known victims. I call it the tip of the iceberg. We know some of the victims — those who have become public — but there are countless thousands of men and women in Melbourne and Victoria who have not shared this pain and abuse with anyone, and I think that is incredibly sad. We need to develop structures to somehow encourage those unknown victims to come forward.

I will go to point 7. I recommend an ombudsman, a child protection office and other factors. I recommend a child protection office for two reasons: one, because it will coordinate a massive volume of information; and two, that history has shown how so many victims of sexual crime, especially young children and families, are reluctant to go to the public and particularly to go to the police. To take that major step of telling someone or telling the police requires a community structure that gives time and support to enable vulnerable people to make a formal complaint.

I would like to allude to number 12: that the Melbourne Response be disbanded — I think there is a real, serious question why Melbourne has its own response apart from the national — and that Melbourne rejoin the national church program, Towards Healing.

The last point I will allude to I think is very strong. Some priests will like what I am going to say, and some priests will not like what I am going to say, but I strongly recommend to the inquiry that they recommend that Catholic priests no longer be the employer-managers in Catholic schools. This employer relationship makes it difficult for a principal or teacher in a Catholic school to address any potential problem if the potential offender is indeed their employer. Also, priests are not trained as educators or finance and personnel managers. Some do it wonderfully well, but they are not trained that way. Let priests return to their rightful role as pastors, spiritual directors and liturgical and sacramental leaders of their parish communities unencumbered by these additional educational and managerial responsibilities of administering schools in their parish.

I will not mention my continuing legal struggle; I will leave that to the committee.

**The CHAIR** — Thank you very much, Phil, for sharing your experience with us today and also for the extensive amount of information you have provided through your various submissions. In your presentation just now you referred to countless numbers of victims I think, and you also referred to a list provided to the sexual assault unit and to the Melbourne Response. Could we possibly have a copy of that list?

**Mr O’DONNELL** — No, sorry. When I left or moved on from ministry I made a decision to no longer still be involved in this field. I was finding it particularly difficult; it was one of the major reasons I left the priesthood. My family did not need this continuing burden of my obsession from the past to carry over into their lives. It was a big decision, but I deliberately destroyed most of my information.

Peter O’Callaghan invited me to speak with him. I enjoyed a very good relationship with Peter; I have a high respect for him. I disagree very strongly with some of his current stuff, but I have a very high respect for Peter and the police. We sat down and discussed openly who we thought were the problem priests and who we knew were the problem priests. I have to say that I gave information to Peter O’Callaghan about one particular priest who was a friend of his family, and he immediately, within a very short period of time, had that priest removed from a parish, even though he was horrified and was hoping the information was not true. Again it is one of the positive points of the Melbourne Response that Mr O’Callaghan did instruct the archbishop to move priests out and so at least got some of the problems away from kids.

**The CHAIR** — When did you provide the list to the sexual assault unit?

**Mr O’DONNELL** — In the mid-90s.

**The CHAIR** — They possibly would have that list.

**Mr O’DONNELL** — They probably have a list. Again it was an around-the-table discussion rather than lots of pieces of paper. They went through their list of people, and I went through my list. The police gave me a name and I said to them, ‘No, you’re wrong; he is not an offender’. She said, ‘I’m afraid you will find that he is a very serious serial offender’. I continued to say, ‘No, I know this man very well; he is a wonderful fellow’, but unfortunately they were right that time. I was wrong that time.

**The CHAIR** — Thank you for that clarification.

**Mr McGUIRE** — Thank you very much for your presentation. On the issue of the list, before we go on to other questions, would Peter O’Callaghan have that list? Do you think that list is available anywhere?

**Mr O’DONNELL** — I do not think Peter would have a list that I gave him, but Peter would have a list of who he considers to be problem priests. My contribution would have assisted him to come to that list, and I think he has acted well on that information.

**Mr McGUIRE** — So it was a gathering of intelligence?

**Mr O’DONNELL** — It was a gathering of intelligence, yes.

**Mr McGUIRE** — You said that the most important point you wanted to make to us was that fundamentally this is a matter of accountability. Who do you believe should be held accountable?

**Mr O’DONNELL** — I am afraid the Catholic hierarchy need to acknowledge in more than rhetoric the failure of the past. I think they have, but I believe Parliament must enshrine personnel structures and processes that every organisation, including the Catholic Church, must comply with. I think the days of unaccountability are past, and it does not matter who you are or what role you have in society. I believe our Parliament — and I think this will happen — will ensure the highest standards, and if you do not comply, you will be charged with perverting the course of justice or whatever the particular crime may be.

It is a standard that we do not let things pass. In the last 50, 60 years that was part of the problem. I know of one of the victims who made a complaint in the 1950s, and that was against Kevin O’Donnell; it took until about 1996 before they got him to court. The backlog of crimes of these predatory priests is part of the problem. I do not think we will have a backlog into the future. We will always have the problem with us, because that is part of humanity, but I do believe — and I believe the church has done a very good job in this — the church has current protocols and structures in the seminary and in the priesthood where if there is a potential predator, that potential predator will be identified very quickly and will not have the opportunity of decades of unaccountable, unlimited abuse of kids.

**Mr McGUIRE** — Obviously we will be looking at what legal changes need to occur, but if you want to make cultural change, that needs internal leadership.

**Mr O’DONNELL** — That is why I do not think the church is capable of it. I am sad to say that. I think the church has got itself locked into its in-house ghetto. We who are Catholics have a cultural obedience and acceptance. I think it has been broken, sadly, in the last few decades. I do not think the mindset within the church can understand how big a problem this is and come up with structures that are going to be accepted by

society. Society has to say to the church and any other organisation that is a bit recalcitrant, ‘These are non-negotiable standards for anyone in Victoria’.

**Mr McGuire** — You said earlier that what the church was trying to do was to avoid public scandal. The crimes are heinous; let me say it straight up. Even if that was the intent, by covering it up, denying it and all the rest of it, clearly they have created the bigger scandal. Isn’t it time to actually address this issue?

**Mr O’Donnell** — If I were their PR company, I would be advising them very strongly, as I did, to go internal, work out our problem, fess up, do a mea maxima culpa and provide every bit of evidence to the police and to society. But their culture does not allow that, and I do not think Rome allows that. I think Rome is a big part of the problem.

**Mr McGuire** — Just on that, at the moment we are at a stage where the words ‘mea culpa’ are being uttered in public forums, but in reality we have not seen a great deal of change in their actions to back that up. Is that fair enough?

**Mr O’Donnell** — Since 1996 there has been significant change that should be commended as worthwhile, because there was nothing before that, so anything was going to be better. But it is nowhere near good enough. Internal, in-house investigation of this society problem is just utterly inadequate.

**Mr McGuire** — So is this just a failure of the clergy class, the managerial class within the church?

**Mr O’Donnell** — And Rome. I think it is the culture of an institution that has blind obedience and a hierarchical structure. As the Catholics for Renewal said before, it is a governance issue. I am an absolute optimist. We never thought we would have a black President of America, Nelson Mandela would be the President of South Africa or umpteen other things. Change does happen. I think we can be pessimistic that change will not happen. It is incumbent upon those of us who are practising Catholics and who have some awareness of the problem to try working internally to cause change, and if the internal processes are not available to us, to use forums such as this to at least express our beliefs and hope that something one day may happen.

**Mrs Coote** — Thank you very much indeed. I read your tome several times over Christmas.

**Mr O’Donnell** — I apologise profusely.

**Mrs Coote** — No, it was really interesting. I want to touch on the issue of celibacy. You said, ‘How long do we have?’, and sadly we are running out of time. I know my fellow committee members will be cross if I tease this out too much. But I really believe this is an issue that goes to the cultural nature of the Catholic Church. It would seem that celibacy distorts sexuality amongst some clergy and some attitudes to abuse. On page 36 of your submission you go into a lot of detail about homosexuality and sexual behaviour and the vows of celibacy. My question of you is several fold. Basically, do celibate priests, and the bishops and the hierarchy above them, intrinsically believe that only sex with women equals sex?

**Mr O’Donnell** — Sometimes.

**Mrs Coote** — And that homosexual sex and sex with children does not constitute actual sex? It is a bit like the Bill Clinton syndrome. That is one of the aspects of what I am keen to know. I also want to know if some offenders are more likely to commit offences against children because they are socially isolated and do not have normal sexual relationships and because they are so close to children they are therefore able to perpetrate these offences. Are non-offending clergy more likely to empathise with offenders, knowing the pressures of celibacy and consequently being more understanding or tolerant of their offending behaviour? It is quite a complex question, but it touches on the issues that I am particularly concerned about with the culture of celibacy within the church.

**Mr O’Donnell** — Certainly, if I can start from your last point, I think so. I will preface this by saying that there is no doubt that a large percentage of Catholic priests integrate their sexuality and celibacy very healthily. We are always going to be focusing on the problems, hence it is going to be slanted that way. That having been said, I also think an enormous number of priests struggle with celibacy, and because they have a personal struggle when a priest does offend against a child it is almost put down to, ‘Yes, but this happens,

doesn't it, because it's a ridiculous ask against us. Gee, it's awful, but gee, that's part of where celibacy is lousy'. I do think that because it is accepted in a sense, there is tolerance for imperfection in celibacy. I believe it may have led to perhaps a lessening in the outrage at sex with children. The other points I am just trying to go back to briefly — —

**Mrs COOTE** — Whether a celibate priest believes that, along the Bill Clinton lines, sex with women is the only sex there is — —

**Mr O'DONNELL** — 'I did not have sex with that woman'.

**Mrs COOTE** — That is right; 'I did not have sex with that woman' — and that in fact sex with children or sex with men — —

**Mr O'DONNELL** — I do not think anymore. I think some of them, because they can compartmentalise their lives, and that is how some cope with the reality of celibacy, rationalise it that way. But I would think with the way they are trained and understand today they realise that any sexual expression is inappropriate, and with children is illegal.

**Mrs COOTE** — We have been told by the Catholic Church in their submission that when they train priests they now have a thing called healthy celibacy. I find that quite interesting. Could you translate that for me?

**Mr O'DONNELL** — I know nothing about that. When I was training we had absolutely no training on celibacy whatsoever. We came out as 24-year-old very naive, altruistic and immature boys and many of us stayed that way. If I can just make the comment that I do not believe paedophilia has anything to do with homosexuality or heterosexuality; it has to do with psychological and emotional immaturity. I think the last point is that growing up in an all-male community and going to an all-male community, when there was to be any sexual orientation or practice it was more likely to be with boys who were available to them. I think it was more the opportunism of sexually emotionally retarded men for which mandatory celibacy is largely responsible. Chosen celibacy is a gift; mandatory celibacy for many priests is I think a millstone.

**Mrs COOTE** — Thank you very much indeed.

**Mr O'DONNELL** — Thank you.

**Ms HALFPENNY** — Thank you. I just want to talk a little bit with you about the dealings you have had with Mr O'Callaghan. I understand from what you are saying that you had a number of meetings with him to discuss priests who you believed were committing or had evidence of committing criminal offences against children. You gave one example of a person he knew, and once you have given him the information he had that priest removed. How did that play out? How do you know he removed the priest, and what did he do? What are the steps that were taken?

**Mr O'DONNELL** — To my knowledge, and I think I am accurate here, we had gone through our list — 'Tick, tick. We know X, we know Y, we know Z. Any others? Who do you think is a worry? Have you got any evidence on it?'. We came to the end, and as I did with the police officer but in the other way, I said, 'I do have another name', and I named this person and gave the reasons why I had named him. He just said, 'No, I think you are wrong. He is a great family friend'. Then, as I said, he did investigate it. He obviously went back to the school and that parish and checked out with various people, and people obviously came forward and said, 'This person', who ultimately was jailed for paedophilia. He did remove him.

The process, as I understand it, which is one of the good things of the Melbourne process — and I do not say that much about it that is good — is that apparently, and I believe this to be accurate, Mr O'Callaghan is the independent commissioner. If he believes that a priest is a problem or children are at risk with a particular priest, he can instruct the archbishop to remove that priest from diocesan appointment, and the archbishop is obliged to follow up his action. I believe that happened and I believe it continues to happen. That is my very big tick for the response.

**Ms HALFPENNY** — So you think that is part of an agreement between him and the archdiocese?

**Mr O'DONNELL** — That is definitely part. My understanding is that his acceptance of the role is that if he instructs — because as you know it is the difficulty of people going to police, it is the difficulty of getting to

court, it is the difficulty of getting a conviction and it is the emotional distress — he is in the fortunate position of not having to prove it to be true, but just being convinced in his own right that it is true, and he can act. That has short-circuited a lot of legal process that I think probably saved a lot of kids a lot of abuse.

**Ms HALFPENNY** — So where was the priest removed to? You say the person was jailed. I suppose we could say who he is.

**Mr O'DONNELL** — I do not know where they hide them. There are lots of safe houses. When I was parish priest at Belgrave there was a priest hidden up in Belgrave. I was told he was there because he had depression. I went to see him and offered him meals and said, 'Look, if you want to say masses and if you want to do this', because I thought the poor fellow was suffering from depression. I said that to my neighbouring parish priest and he just laughed and said, 'Yes, it is a funny sort of depression; he is going to jail for paedophilia'. But in my naivety, because I was told that he was in a safe house for depression, I actually gave him the opportunity to access kids.

**Ms HALFPENNY** — Do you know of any other cases where Mr O'Callaghan may have — —

**Mr O'DONNELL** — I would not be aware of any other specific cases, no.

**Ms HALFPENNY** — Just one other thing. You say you have a confidentiality agreement.

**Mr O'DONNELL** — Yes.

**Ms HALFPENNY** — Did you go through the Melbourne Response yourself?

**Mr O'DONNELL** — No. How many more hours have we got? This poor mad Peter Searson, the parish priest at Sunbury who you are going to find out a lot more about this afternoon, not only banned me from the presbytery but I could not live and work there, he did not pay me properly and all the rest of that, and that was just part and parcel of his madness. What happened was that the cathedral were aware of this, and because it was a very large amount of money they agreed when I left the ministry that they would compensate me for salary withheld from me while at Sunbury. Then they worded the contract in terms of sexual abuse with confidentiality, so I have an enormous problem with that.

**Ms HALFPENNY** — On that, we understand the church has said that in terms of the victims it is not holding people to the confidentiality.

**Mr O'DONNELL** — I am not a direct victim. I believe the Melbourne process keeps making arbitrary distinctions that they keep introducing when they are in trouble. One of the arbitrary distinctions — and there are quite a few of them that have been introduced into the process — is, 'Oh, yes, but it doesn't apply to you because you're not a direct victim'. Nowhere in their documents does it refer to a direct victim. It talks about anyone who receives compensation or settlement from the archdiocese. But what can you do when they say, 'Sorry'?

**Ms HALFPENNY** — It has been confirmed to you that you cannot speak?

**Mr O'DONNELL** — As late as 1 May last year, and very obviously if I breach or threaten to breach — and I do not know what 'threaten to breach' means — the terms of the contract, he will be obliged to refer the matter to the solicitors of the archdiocese. I think that is pretty straight.

**The CHAIR** — We commenced this session a little late, Phil, so I am running a little over time. I ask that the next two questions from committee members be very succinct.

**Mr WAKELING** — I will be very quick. Phil, thank you very much for your submission. I have a question, but to quickly pick up on Ms Halfpenny's point, I appreciate that in May they reaffirmed the confidentiality, but given the fact that we now have our inquiry and the royal commission, it would be appreciated if you would seek a reaffirmation by the organisation of that. We would be interested to see if they still have the same view.

**Mr O'DONNELL** — Can I say it is not just me? How many others may be in the same situation? Because of confidentiality you do not know if anyone else is. I will apply again, happily, to be released, and I will also ask of any other people in the same boat that they do the same.

**Mr WAKELING** — There has been a position put that they are not seeking to impose confidentiality provisions. It is not a question for today, but I would be interested to see the response. I would like to quickly, if I may, bring you to your submission, where you talk about confession. You talked about a situation where you were in a forced confession situation in your lounge room. Effectively you were involved in a discussion and a fellow priest said, ‘I wish to confess’, which was effectively to load onto you their confession for which you were then bound to do nothing with. That is my take of what you said.

**Mr O’DONNELL** — That is exactly it.

**Mr WAKELING** — I would like to know your view in terms of the confession. You have heard the position put this morning by Catholics for Renewal. I would be interested in your view.

**Mr O’DONNELL** — I almost think individual confession is a non-event, and I think it is a red herring. I liked the view of the Catholics for Renewal where the condition of absolution would indeed be reporting to the police. I am not sure if that would happen, but I think it is a good way. Nick Xenophon has done a lot of work on this. I agree with him that ultimately civil law takes precedence over church law. I think civil law, for the safety of children, even takes precedence over the confessional seal. I believe that a lot of my former brother priests would disagree strongly with me. I respect their position, but I do believe the confessional has been abused. The issue of grooming that was mentioned in the previous session definitely happened in Catholic secondary schools back in the 60s and 70s. It was one of the ways where priests who had a fixation on a child would develop a mentor relationship with them through a spiritual situation that they then exploited sexually. I would invite the church to radically reassess the whole matter of the sacrament of confession. I think there are so many facets to it that are complex, and I would invite the church to put something out that is acceptable to the Parliament.

**Mr O’BRIEN** — Thank you for your evidence. Just following on from Mrs Coote’s question, in relation to the identification of a large number of priests who are not living celibate lives, as in no sex, whether it be homosexual or heterosexual, and obviously we have the child abuse, the point you made that I would like to take you to and ask you to elaborate on is that you said on page 37:

I struggle with those who rigidly publicly proclaim the conservative Roman positions on celibacy and morality, yet lead a private double life. It is not for me to judge these priests, but I do struggle to reconcile their obvious contradictions.

Then you say ‘Just one story’, and you mention the story of the priest you were having morning tea with. You said this priest told you these words some time ago:

I don’t know what all the fuss is about. When I want sex, I have it with men because they can’t get pregnant!!!

What becomes more disturbing is you then relate a more recent story in relation to this priest and a work colleague. I understand that this gets sensitive and difficult, but we have to explore this territory.

**Mr O’DONNELL** — No, it is fine.

**Mr O’BRIEN** — A distressed work colleague contacted you to say that a priest had made inappropriate sexual advances — this same priest — towards him, and although there is a 30-year time line you suspect that the celibacy aspect of it is part of the problem. The concluding words are of concern, and obviously if you think it is a serious issue we would recommend that you advise the details to the police. You say:

A friend of this cleric recently told me that this priest was intending to retire to his house in Thailand to be with ‘his boys’.

That is what was said to you?

**Mr O’DONNELL** — Yes.

**Mr O’BRIEN** — You have described celibacy as a gift, and you have said that celibacy is put on a pedestal by many Catholics and that on entering the seminary you received no training about it at all. Sexuality?

**Mr O’DONNELL** — Minimal, if we did. I cannot remember.

**Mr O’BRIEN** — Any training on sexual thoughts or masturbation?

**Mr O'DONNELL** — Yes, there would have been, but it would have been so minimal, and I honestly cannot remember.

**Mr O'BRIEN** — I am sorry to enter into these topics. You say that there are a large number of gay priests. Are they presently active?

**Mr O'DONNELL** — There would be. There would be some priests who are heterosexual and active, some heterosexual and celibate and the same with the homosexual brothers.

**Mr O'BRIEN** — I will include the heterosexual priests. The reason I mentioned the gay priests is nothing to do with the gay issue, but it is to do with the secrecy aspect of it, which you identified.

**Mr O'DONNELL** — That is very strong.

**Mr O'BRIEN** — If these priests, whether they be gay or heterosexual, are operating in a double life and are forced to do that by this rule from Rome about celibacy that is being observed in the breach, does that not lead to a more closed way of dealing with any sexual problem?

**Mr O'DONNELL** — Yes.

**Mr O'BRIEN** — And is it part of the problem that this church needs to address?

**Mr O'DONNELL** — I believe it is. It is a little bit too complex to go into.

**Mr O'BRIEN** — It is very complex, but if you could do your best, please.

**Mr O'DONNELL** — On the homosexuality issue, as a very dear gay priest friend of mine said, 'Celibacy will never change because there are too many of us who are gay', and he said, 'At the moment it is a great cover. No-one asks me at 50 why I am single. They presume I am celibate and say, "That's nice, Father"'. Whereas in actual fact his lifestyle is not that. And there are others. So there is this, I would say, understanding within the reality of the priesthood that celibacy may be expected, but it is not actually necessarily practised, and there is a tolerance of that.

But what I talked about on the rigidity is that I do believe — and this is a Roman problem as well — there is a type of priest who is so rigidly trained in an authoritarian way that they rigidly uphold to the letter of the law that homosexuals are intrinsically disordered and everything else that goes with all of that, and then when they take their collars off act in a completely different way. But what — —

**Mr O'BRIEN** — That is the hypocrisy that I was identifying with that.

**Mr O'DONNELL** — But that is because they live in compartments. My point is it is not hypocrisy per se; they have learnt to live the problem of celibacy by putting into compartments their professional life and their personal lives, and that is — —

**Mr O'BRIEN** — Is this mental reservation that we have heard about?

**Mr O'DONNELL** — No, it is much more than mental reservation. It is just living parallel, compartmentalised lives where they publicly act in the persona of the priest and privately act out their sexuality as they see fit.

**Mr O'BRIEN** — I just note your details. I will not ask, because you have set it out at length, but thank you for your detailed list. You have requested all the coming clean, in a sense — that each diocese submit a list of all personnel convicted. And you have not seen any of that come forward in all your dealings?

**Mr O'DONNELL** — No, and that is why I believe we must know the scope — and the scope of unknown victims. If I can come back to anything, it is the scope not of just known victims but of unknown victims, and how do we reach out to these men and women who will probably die in the next 10 to 20 years with this burden not shared or supported.

**The CHAIR** — Thank you very much, Phil. I thank you on behalf of the committee for appearing before us. Your evidence has been most helpful indeed.

**Mr O'DONNELL** — Thank you, Madam Chair; thank you, committee.

**The CHAIR** — The hearing is now adjourned.

**Witness withdrew.**