

TRANSCRIPT

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

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

Melbourne — 25 March 2013

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Witness

Mr C. Whelan

The CHAIR — Good afternoon. On behalf of the committee I welcome Mr Chris Whelan. Thank you for your willingness to appear before this hearing. I want to explain that all evidence taken by this committee is taken under the provisions of the Parliamentary Committees Act 2003, attracts parliamentary privilege and is protected from judicial review. However, any comments made outside the precincts of the hearings are not protected by parliamentary privilege. If your evidence contains adverse comments or allegations about any individuals or an individual, I request that you do not refer to the name or names of any individual or individuals. If you do make an adverse reflection about a person and name them, I will suppress that evidence.

This hearing today is being recorded, and you will be provided with a proof version of the transcript. Following your presentation to us this afternoon committee members will ask questions relating to the inquiry. Thank you again for being before us, and we look forward to hearing from you. Please commence when you are ready.

Mr WHELAN — Hello. My name is Chris Whelan. Thanks for that, Georgie. I was not aware of what you said, that there would be a suppression of names if I mentioned anyone.

The CHAIR — If you mentioned anyone? Sorry, I just did not hear that — a suppression of names? Are you just clarifying what I just said?

Mr WHELAN — Yes. I was not aware of that.

The CHAIR — You were not aware of that?

Mr WHELAN — Not fully aware that you would suppress if I mentioned any names.

The CHAIR — If need be, if names are — —

Mr WHELAN — If needs be?

The CHAIR — That is right.

Mr WHELAN — So at your discretion?

The CHAIR — Yes. If I need to do a suppression order, it will be based on any allegations that you might make, for instance, if anybody is not out in public domain and we need to review the Hansard transcript and review that evidence that you provide to us.

Mr WHELAN — Perhaps I should run it past you to begin with just to get it out of the way.

The CHAIR — Sorry, Chris?

Mr WHELAN — You cannot hear me?

The CHAIR — It is the air conditioning that is going in the background. My apologies.

Mr WHELAN — Integral to my story is that I was made to have a Catholic education and attend Catholic schools. At these schools abuse occurred, which I witnessed and was subjected to. Two of these schools were Burke Hall and Xavier College in Kew. Two of the perpetrators, one was at Burke Hall on staff, clergy of the Society of Jesus — Jesuits — and the other was on staff, he also was a member of the Society of Jesus. I was abused by both of these people, the first one at Burke Hall, physically, psychologically and sexually, and on more than one occasion.

When I went to the secondary school aged 14, Xavier College in Kew, up on the hill, I thought I had got away from my abusers. Within probably the first week the other perpetrator was going around the class, as he was known to do, molesting kids — his hands down jumpers, up jumpers, up shorts, down pants. He did not do it to the kids who objected and there were some, in a group — what the Americans call the jocks, you know, the tough kids. He did it to the weak and vulnerable ones who would not object and who had no-one to defend them. This made me feel 10 times worse.

[In accordance with the procedures observed by Parliamentary Committees when dealing with witnesses, as stated in the *Guidelines for the Rights and Responsibilities of Witnesses*, a section has been expunged from this place in the transcript – future reference to ‘text expunged’]

The CHAIR — Keep going.

Mr WHELAN — May I just say, Georgie, what happened then? I experienced this guy molesting me and realised that I was not safe. This bloke interviewed every single pupil at Xavier College individually, as far as I knew, for years. When he called me up to his private room in probably the first weeks of the school term he intimidated me in a sinister sort of way by telling me he knew all about me because he had married my parents, as he had married many other people's parents who sent their children to that school. He was, apparently, beyond reproach, but I went up to see him at his office, knowing that he had already molested me, and other kids, knowing that I was dealing with another one, who just had impunity wherever he went, because his reputation preceded him as the famous, well-known Jesuit who knew everybody. He then proceeded to put his hand on my leg and put his hand up my shorts to try it again, at which point I got up and stopped him and rebuked him. In my own 14-year-old way I told him what I thought of him. I told him that I knew he was not my friend.

On my way down from his room, which was in the old part of the school, coming down a flight of stairs I ran into the other perpetrator of abuse from Burke Hall, who deliberately pushes me against the wall violently and physically abuses me and curses me and says, 'You're a prick, Whelan'. This is the guy who had perpetrated crimes against me on a sexual basis that I have put in a statement, which I want to give to the hearing. And he was on his way up to see the other one.

I know there are other pupils who were subjected to sexual abuse by other staff members at Xavier College, Kew, on the hill, lay and clergy. Not everything I put in my statement was all the things that happened, but I understand the reason why you can exercise that discretion. I just wanted to point out that the primary thing that I was told I was to get across was how it affected me. This is how it affects me, Georgie. I was just saying to Ingrid — —

The CHAIR — Chris, can I just interrupt you? You mentioned that you had given a statement to the secretariat.

Mr WHELAN — No, I have not given it to them yet.

The CHAIR — You have not? You are going to give the statement to the secretariat? I was going to say we have not got that.

Mr WHELAN — I left it at home.

The CHAIR — That is okay.

Mr WHELAN — I left my homework at home!

The CHAIR — You can submit it to the secretariat. That is absolutely fine.

Mr WHELAN — Good. I just wanted to say that it is a terrible feeling that you feel as a survivor of these things that you sort of have to have kept secret for so long in lots of ways.

I will also tell you another part of my abuse history, if you like. When I first went to the primary school, Burke Hall, in grade 5 or grade 6, there was a lot of abuse. There was the day when the whole class was terrorised by this one other clergy Jesuit teacher, who was particularly brutal and responsible for some terrible abuse. He kicked a friend of mine — well, a friend of a lot of the class — he kicked him up the arse one time when he was punishing him in the class, humiliating him, intimidating him and torturing him. It was a double period. Early on he made this kid kneel on the edge of the platform with his feet raised and his hands in the air as long as he could, and the kid had already been kicked so hard in the arse by this bloke that he had to have stitches later at hospital in his sphincter. He then proceeded to torture this kid in front of us for a double period.

For anyone to suggest to me that there is not secondary abuse in being forced to witness the abuse of your peer, I would say that they are in gross error. There is primary abuse and there is what you might call secondary abuse, but it can have a terrible effect just like primary abuse. The abuse is the psychological effect. I went forward to complain because my father was a defence barrister and a Queen's Counsel. He taught me that if nobody confronts injustice, what happens to us? What happens to society if no-one speaks up, Georgie?

The problem is that the victim has no voice. I went forward to complain [text expunged, see page 2]. First I gathered with other kids in the class who were terrorised, and certain members of that class had greater feeling about it for the risk to the whole class, saying to me, ‘This guy can come in here and virtually kill us whenever he likes’. The fear was palpably real. ‘What are we going to do about it? We can’t do anything.’ I thought of my father, and because of him I took the risk.

[text expunged, see page 2]. This is a bloke who used to hit you on the head with his knuckles as hard as he could whenever he wanted, and that was nothing, absolutely nothing. I tell him, ‘They’re killing us in the classroom’. This bloke’s first and immediate reaction is physical. He jumps up, reaches for his drawer, pulls out his strap and goes to hit me across the face with it. I am about 10 years old, Georgie. I do not want to get you offside; I am trying to appeal to you. I am sorry, but there is residual anger. That is how I felt because of that residual emotional thing in coming here, like I am coming to the headmaster and he is just going to bash me.

Not only is he going to bash me and threaten to bash me indefinitely and instil permanent fear in me, he is stopped only by the fact that I tell him that I am going to tell my father. That does stop him, but then he speaks to my father and cons my father, the Queen’s Counsel, into believing that it was not anything to do with the perpetrator. No, it was to do with the student. The students were the problem, not the teacher, not the perpetrator. I in particular was a problem because I had a personality clash with this bloke. My friend had a personality clash with him too, and he had to have stitches in his arse to rectify the personality clash.

I had more than a personality clash with this bloke. He sent me out of class one time, came out and tried to roundhouse punch me in the head, which I avoided and fell over. He then tried to kick me, and I ran away. That was the day I never wanted to go back to Burke Hall. That was the day I wanted to just walk out of those gates and never go back to this abominable place where these people did whatever they liked with impunity because they conned the parents. They lied to the parents. They just lied; that is how they got away with it. The higher up you go, the more they lie.

That bloke later put a kid in hospital, and I regard him as being responsible for the death of a disturbed child who was there. I witnessed him taking him arm in arm, this poor, disturbed kid, after school across the oval to his private rooms. We later found out what was going on there and perhaps why this kid was so extra disturbed. My statement refers to him and relates how he ended his life tragically as a young teenager. He burnt himself to death in the attic of his house. I know you have heard a lot of stories, but when someone’s spirit is crushed, they die. No more breath; you are dead. I feel I am here today as a survivor who did not die. They did not crush my spirit, but they tried as hard as possible.

[text expunged, see page 2]

The CHAIR — Chris — —

Mr WHELAN — Just let me finish, please, Georgie. This kid saved our lives effectively from this person [text expunged, see page 2], involved in cover-ups. He had not done it. This was the one time he had not done it, but he took advantage, in front of everyone, to prove that he was not scared. He gave people courage, this kid, and for his trouble he got so severely beaten by this bloke — I saw him straight afterwards — he was a shaking, absolute mess, with bruises you would not believe and should have been hospitalised. And what did they do? They just made it worse.

My solution to getting away from these people was to not go to school and to go to the city instead. The city became my school, in effect. I was like one of the people you see outside Flinders Street railway station, except I was the one who could read and write ancient Greek.

The CHAIR — Chris, I am keen for committee members to ask questions of you, but before I go to that, would you — —

Mr WHELAN — I just wanted to say something before I do that. I am aware that I must be running out of time. I am not going to get through what I have really wanted to say. If I can just have a minute to say what I most importantly want to say before you ask questions.

The CHAIR — That is fine, thank you.

Mr WHELAN — I think you know what is true. I just spoke to Barry Jones, ex-minister, and put my strategy past him, and he agreed. I just spoke to Barry Jones. I have spoken to Paul Holdway of Lewis Holdway, the lawyer and advocate; he agrees. My brother, Simon Whelan, Supreme Court judge. Dr Joe Poznanski, my therapist — he agrees. Professor Parer, who spoke this morning, I spoke with him afterwards; he agrees.

I want to make it as simple as possible. I believe that survivors and advocates do not have the champion they need, and that has been part of the problem. The main problem has been that these non-government organisations responsible for this criminal behaviour — especially the Catholic Church, as I received it personally — need a very clear message, very clear and very simple. I am most concerned that the recommendations will be defused by their attempts to hijack this inquiry, to turn it into some sort of suggested reform recommendations for your criminal organisation. No. I want this inquiry to come out with an arrowhead for the spear, which is a strategy to force these people to pay due recompense to the survivors and to turn their lives from what has been wretched because of their reluctance to pay due recompense — to re-abuse the victims. Recalcitrance. All they want to do is minimise payouts, Georgie. All they want to do is minimise payouts; we all know it.

This is a criminal organisation that is profoundly and trenchantly in error philosophically. They are against egalitarianism. The Holy Roman Catholic Church, contact address Vatican, Italy, is against egalitarianism. They are against it on the basis of sexism. They regard females as subordinate and inferior to males, and they want privilege from the government for it.

I am saying instead of looking at them and thinking that you have to reform them, the best thing to tell them is, ‘All you have to do is abide by the law. Okay? That is all we have got to say to you’. And the recommendation I want to hear coming from your lips — because I have only got 10 minutes, and it has been too long already — on *ABC News* in September when you are asked the question, ‘What is the recommendation, Georgie?’, I want to hear you say, ‘We recommend that the government of Victoria — and the government of Australia, but the government of Victoria for a start — fund legal action against the Catholic Church, address Vatican, Rome, to secure an amount of money to be dispersed amongst the survivors to restore their lives’, so we relieve the health system of the other side of it where they are not supported, otherwise you have got a terrible drain on the health system. Instead of that you recommend \$6 billion.

I say \$6 billion because — and I put this past Paul Holdway and the others — if there are 1000 people in this country who are directly affected by this, there are 6000. If there are 6000, and \$1 billion is a thousand million, that is 6000 homes, Georgie. How about — just for the idea of it — you were to give every survivor a home that could not be taken away, that they owned themselves? Imagine the psychological security that they have never had if you alone did that. If you take that as a sort of standard, what is a home worth? What is your home worth, Georgie?

The CHAIR — Chris, can I — —

Mr WHELAN — Wait a minute; let me speak. A home is worth about a million dollars. I do not want to be cut off when I am talking about figures.

The CHAIR — That is okay. I will let you finish this point and then if you would not mind, if you would like to finish this point, are you happy to take questions?

Mr WHELAN — The point being that the victims and survivors have been shamed nearly — well, they have been shamed to death, the victims, and the survivors have been shamed. They are not the people who are best to advocate for themselves. I say you put a figure on it for Australia — minimum \$6 billion — to accommodate the therapeutic needs of the survivors of the abuse by the Roman Catholic Church, address Vatican, and you say that the Victorian government will fund and back legal action against these people in order to force them to pay what they have not paid and will not pay unless they are forced to. I say that strategy will work, because all these people want to do is to save face with their brand product, and the leader of the gang has already set the precedent of trying to do something about it, but I do not trust him because he is a Jesuit.

I say that this is a strategy that would be of good effect if you were to say, ‘We recommend the government back legal action’ — of group action, like the government did with Philip Morris; it is a health issue against the Catholic Church. That strategy will sooner or later make them fold and pay. Six billion minimum, because there are at least 6000 people affected by it.

I say that should be the arrowhead you recommend, and the social benefit deriving from that means you are inspiring the people. Like Professor Parer said this morning, once they get effective therapy, most are able, in a way, to help others, because I find that the survivors are very compassionate to other people's problems. I hope you understand that point. It is not meant to be — every time someone mentions money — —

The CHAIR — Chris, can I just interrupt you now?

Mr WHELAN — Yes.

The CHAIR — Thank you firstly for evidence, which you have provided to us this afternoon. I know it is difficult to get a lot of what you want to say out in the time that you have. In saying that, I want on behalf of the committee to thank you very much for coming before us — —

Mr WHELAN — Before I am dismissed, Georgie, can I say one last thing? The second recommendation that — —

The CHAIR — Chris — —

Mr WHELAN — Just let me finish; I am not here every day.

The CHAIR — I will let you finish this — —

Mr WHELAN — The second recommendation, Georgie, that I would like you to make — —

The CHAIR — I will let you finish this point very quickly.

Mr WHELAN — is that the documents that you need — that this government of Australia needs, and Victoria — to pursue that aim reside in the Vatican and should be subpoenaed.

The CHAIR — Thank you for making that point — —

Mr WHELAN — And also in Australia.

The CHAIR — Thank you again for making your point, and, as you said, all the evidence is important — —

Mr WHELAN — That leads to the person who the judge wants to speak to in the witness box — who does not want the person to say, 'No, I am not going to tell the whole truth, because I am superior to the rest of you because I call myself a priest'. No, you are in contempt of court.

The CHAIR — Chris, on that point, on behalf of the committee, I thank you very much for coming before us.

Mr WHELAN — The confession defence is invalid because it is in contempt of our legal system.

The CHAIR — I will have to adjourn the hearing if you persist. Please, Chris. Thank you very much. We do appreciate your time, and your evidence has been most helpful.

Mr WHELAN — The reason I said that was because in the parliamentary information I saw the word 'sacrosanct' was used to describe the confession defence. It is no defence in the legal system.

The CHAIR — Chris, I will have to suspend the hearing at this point. Thank you very much.

Mr WHELAN — Okay. Any questions?

The CHAIR — No questions. Thank you, Chris.

Witness withdrew.