

TRANSCRIPT

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

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

Melbourne — 4 March 2013

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Mr T. Paul.

The CHAIR — On behalf of the committee I welcome Mr Tony Paul, and thank you for your willingness to appear before 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, the committee members will ask questions relating to your submission and the evidence that you provide to us today. Again, thank you very much for being before us and we look forward to hearing from you. Please commence when you are ready.

Mr PAUL — Thank you. The strategies used by the Catholic Church in Australia to handle allegations of clerical sexual assault are structured so as to comply with the instructions issued by Cardinal Joseph Ratzinger, the then head of the Congregation for the Doctrine of the Faith — that is, the CDF. The instructions were issued to all bishops worldwide and bound them to secrecy under pain of excommunication upon disclosure. Evidence tendered in similar commissions of inquiry — in Ireland, the Ferns, Murray and Ryan reports; in the UK, Nolan in 2000; Belgium, 2010; the Netherlands in 2011 — all testified to the central control exercised by Joseph Ratzinger in his long reign as head of the CDF, and that on 18 May 2001 he issued fresh instructions that the CDF would advise bishops worldwide on how to deal with allegations.

In Australia, Towards Healing has been labelled as a farce at the Senate inquiry. It was based upon procedures formulated in Canada by Father G. Morrissey, OMI, who had been commissioned specifically to produce a protocol which has a clearly enunciated victim-oriented philosophy, where the wellbeing of people is of prime concern. He failed to meet that goal. It is no accident that this deficiency has been adopted into Towards Healing, nor is the fact that the scales are heavily weighted against the complainant, and there is no consideration for secondary victims or indeed the communities and congregations in which alleged offences may have occurred.

Archbishop Frank Little introduced the Melbourne pastoral response model in 1994, well before Towards Healing. It resulted in hundreds of parishioners attending meetings in clergy-abused Rosanna in November 1995 and in Oakleigh in July 1996, both of which generated discussion and publicity and no doubt created an environment conducive for other victims to disclose their abuse.

This pastoral response model was lauded as world best practice at an international conference in Sydney in April 1996. In September 1996 the church tendered it to the Wood royal commission in New South Wales as evidence of its commitment to purge this evil. That all came to an end when the then Bishop Pell returned from a visit to Rome, replaced Frank Little as archbishop and promptly announced a new Melbourne archdiocese response in October 1996. The former pastoral response model had proved to be too effective in its work, and the unit closed down in 1997.

At the introduction of Towards Healing in 1997, Father Brian Lucas and Brother Julian McDonald, who had presented evidence to the Wood royal commission, were attached to the church's national committee for professional standards and appear to have maintained an ongoing involvement with that committee to the present time. This is the committee which withholds information as to the number of allegations received nationwide, their type, their location, numbers upheld, trends, number of alleged offenders, single or multiple victims and number of reoffenders. A problem cannot be solved unless it is first defined as to nature, size and effect, and until adequate resources are committed to implement an effective strategy. The Australian Catholic community and indeed the entire public at large are purposely kept in the dark so as to preserve the secrecy demanded by Joseph Ratzinger and the CDF. It is this secrecy which enables clerical sexual assault to flourish.

On conflicting interests, the church frequently claims that it is unable to accede to requests for adequate compensation or services because of limitations imposed upon it by its insurers. Many victims may be unaware that its insurers are Catholic Church Insurance Ltd, or CCI. In 2005 it had 24 shareholders on its register. The major ones being the Archdiocese of Melbourne, Sydney and Brisbane, the Australasian Catholic Charities Association and St Columbans Mission Property Association. Others were the Trustees of the Blessed Sacrament Fathers, the Corporation of the Sisters of Mercy of the Diocese of Cairns, and the New South Wales-based Congregation of Our Lady of the Missions Inc. Its annual profit in 2003 was \$10.78 million. In 2004 it was \$40.46 million, and in 2005 it was \$77.1 million. One would expect that CCI would be more amenable to the needs of victims abused by church workers.

What really needs to be investigated are the conflict-of-interest situations which arise when members of the national committee for professional standards or its executive staff accept appointment as directors of CCI. The investigations should discover the number of times this has occurred, the names of those involved and their remuneration, as well as the frequency and term of those appointments. As a pensioner of limited means, I am unable to carry out the necessary investigation. I therefore ask the committee to assign such a task to a responsible government authority as a priority.

Church duplicity is exposed by a case study I did. I note that Towards Healing espouses under the heading of truth these principles:

- 13 The church makes a commitment to seek to know the full extent of the problem of abuse ...
- 14 Concealing the truth is unjust to victims, a disservice to offenders and damaging to the whole church community.

Yet there is no provision made in the procedures which will enable those principles to be enacted or secured. From personal experience I found that a diocesan bishop, the southern Marist provincial, a Marist college principal and seven Catholic parish priests all sadly failed the commitment expressed in principle 32 of Towards Healing.

I have made a case study of an abuse which occurred in the Latrobe Valley town of Traralgon in the 1970s where a Marist brother, Brother M, indecently assaulted a number of schoolchildren in his care from various towns. He pleaded guilty to charges brought by seven children and was convicted in Melbourne in 2005 and sentenced to three years jail, wholly suspended for two years. The purpose of the case study was to determine how Towards Healing is put into practice, how the various church officers carry out their responsibilities and whether any, and if so what, changes might be made or other beneficial action taken or proposed.

My investigation led me to believe that allegations may have been made against Brother M in 1975 which resulted in his transfer out of Australia and into Fiji at that time. I found resistance to my suggestion that inquiries ought to be made to establish whether any allegations had been received against him in his previous postings of Wangaratta in 1959, Sale from 1960 to 1964, Wangaratta in 1965 and 1966, Bendigo in 1967, Forbes in 1968, Traralgon from 1970 to 1975 and Fiji from 1975 onwards, and also at any other postings up to the time of his trial in 2004 to 2005. I circulated a confidential copy of the study to a number of key church officers, and the response was minimal. I invite the committee to examine this case study and to draw your own conclusions.

In summary, the bishops and administrators who have so carefully followed instructions from Joseph Ratzinger and, by so doing, have facilitated the transfer of offenders to greener pastures where reoffending has occurred must be identified and held to account at law — for example, Bishop Murray in New South Wales, Mulkearns in Victoria and numerous others. The power to initiate such action rests with the committee. That power should be exercised forcefully and with determination. The thousands of victims expect and deserve nothing less.

I thank you for providing me with this opportunity to address the committee, and I thank you all for accepting such an onerous task.

The CHAIR — Thank you, Tony. Thank you again for the very detailed submission that you have provided to us.

Mr McGUIRE — Thank you very much, Tony. Can I ask you to provide the inquiry with any other information you can about, as you have described, ‘Mulkearns in Victoria’? Obviously we are state-based inquiry, so we are looking at that. How do you define the role that he has played?

Mr PAUL — How do I define the role that he has played?

Mr McGUIRE — Yes. What further insight can you provide, according to your submission?

Mr PAUL — My understanding is that he presided over the paedophile nest, if you want to call it that — I would call it that — at St Alipius school, and not just at the school, but also in relation to a number of other paedophiles who were operating in Ballarat for many, many years, transferring them hither and thither. He is probably one of the most prolific transferrers that I have come across in 17 years of research into this topic.

Mr McGUIRE — This is a critical issue that we are examining to try and break the nexus so that people, once they are under suspicion, do not get transferred to another parish. What view can you provide to us on that issue?

Mr PAUL — In the submission under the heading ‘Transfer of offenders’, at the top of page 11, I state:

Various judges when sentencing have commented on the practice of accused church personnel being transferred to fresh locations where they subsequently offend against further victims. I am not aware of any external authority having detailed factual knowledge of some or any cases.

So the judges have seen evidence in cases, but they do not name names in their sentencing reports generally, or if they do they are not made public. I then went on to say that there were half a dozen cases that I specifically asked the panel to look at, and it entailed going right back to every single posting those alleged offenders had been in receipt of. When somebody is transferred from one diocese to another there is supposed to be, according to canon law, a letter from the vacating diocese to the bishop of the recipient diocese to say, ‘This bloke is a cleanskin and nothing is known about him’, or tell the truth and say, ‘Yes, we have got some doubts. There have been some allegations made’. That is a church requirement, as I say, under canon law. Those documents should be available for you people to have a look at. The letters should match up. If you have a letter dated 15 August from Mulkearns in Ballarat and the recipient bishop writes back to him accepting it two days later, you have proof that everything is on the up and up, haven’t you? But my forecast is that you will not find any such letters. You will be told they do not have them, that it is an out-of-date practice or something like that. But I am trying to give you the clues. The information is there. You just have to know how to go about getting it. It is a requirement on any transfer.

With religious orders the problem is that, say, with the Marist order, just to use it as an example, you have a southern province and a northern province. The southern province allows them to transfer people from Western Australia, Tasmania, Fiji, parts of outback New South Wales and South Australia, and that is where they are generally appointed on a provincial basis. But frequently there are swaps between the southern province and the northern province, or they even send them overseas to India or Ceylon. Whenever these inter-transfers take place I would expect to find corresponding letters saying, ‘Yes, this bloke’s applied for a transfer to your province and this is what we know about him’. That is the sort of information you should be looking for.

Mrs COOTE — Tony, thank you very much indeed. It is a really comprehensive submission that you have given us, both today and also in writing beforehand. You said before that you have been involved in researching this for about 17 years. How did you get involved with doing this research?

Mr PAUL — In 1994 there was an article in the *Herald Sun* advising that a Bishop Budd had presided over an inquiry in the UK to come up with protocol. I wrote to the bishop asking for a copy of it and whatever other information he could give me. Six months later the letter came back unopened. It was sent airmail and it came back. I do not know why it came back. In the meantime there had been a flurry. Prior to that and subsequent to my writing that letter there had been a flurry of cases being exposed in the metropolitan press, and I was concerned. One or two of the names were names of boys with whom I had been at the Marist Brothers juniorate in Mittagong in 1947, 1948 and 1949.

My brother had been there for three or four years prior to that. Two months after I went there in 1947 he went home. He never, ever told me why he went home. Of the three boys I am talking about, two were brothers, Joe and Vincent K. One of them left the juniorate while I was there, and ostensibly he went to become a priest. He was later convicted as an offending paedophile priest — substantial offences. The other third boy was a boy that sat next to me for three years in the same class as we moved up. He was convicted as a paedophile. In his court case he gave evidence to the effect that he had been sexually assaulted in the juniorate at Mittagong at the time.

Mrs COOTE — So that was all in New South Wales?

Mr PAUL — Yes, those three boys were in New South Wales. That was my experience. I was approached in the juniorate by a cook who had just been employed off a ship by the master of the junior college. He approached me and propositioned me. I did not know what he was talking about, because I was sexually inactive at that time. I reported the approach to the brother in the dormitory that night. I was home three days later. My parents were just told I was unsuitable for further vocation. I was not scarred but I was affected for years, even though I had no physical contact. I suppose I have been a bit touchy on the subject.

When all of this was happening, and I could sense that nothing much was happening within the church — they had not been forced into a position of having to adopt protocols and make them public — I went to the bishop and asked, ‘What is the protocol we are operating under here in the Sale diocese?’. He gave me a sheet of paper about that size which had five lines of typing on it. That was the protocol that they had in the Sale diocese in 1994 for dealing with sexual assault. I was flabbergasted. I took it upon myself to make a study of it.

Eight years later I was appointed to the parish council in the administration portfolio. We had a really good parish council committee. We had a doctor and a couple of specialists on it — a wide range of people. We agreed amongst ourselves and with our brand-new parish priest to see what we could do to help ourselves and prepare in advance. We were not aware of any offending that been taking place in our parish. We have found out since with the Brother M case that it had been, but we were not aware of it at the time.

We approached the Melbourne archdiocese and got in contact with Helen Last, who had been operating the Melbourne pastoral response model. She agreed to come up to our parish and said, ‘Look, I am coming up. We will have a two-day seminar in your parish council. The parish council can then decide whether they want to take it further and pass the information on at a general parish meeting’. As a matter of courtesy we let the bishop know. Two days later our parish priest was transferred out of Newborough and sent to Foster.

Mrs COOTE — Thank you very much indeed.

Ms HALFPENNY — With your parish priest being transferred out, were you told anything about that; was that part of what you had been doing or can you not say anything more about that?

Mr PAUL — I did not include it in here because I did not see it as necessarily part of the terms of reference that you wanted to — —

Ms HALFPENNY — The question I had was around the pastoral response model that you spoke about.

Mr PAUL — The original one?

Ms HALFPENNY — The original one that was there and was replaced later by Towards Healing and the Melbourne Response. To your knowledge or based on evidence that you may have, why do you think the church got rid of that one or stopped that process and introduced Towards Healing? We have heard a lot of evidence from victims saying they were never told about previous offences and they were never told about investigations of priests or anything like that. It seems that this model did exactly that: they reached out to try to talk to parishioners, advise them of what was going on, and also find out what was actually happening.

Mr PAUL — You are 100 per cent correct about the pastoral response model. If you have a look at the attachments 2 and 3 — I think it is — in my submission, you will see the actual advertisements that they put out in those parishes, Rosanna and Oakleigh, and they invited everyone. Two hundred people attended the meeting in Rosanna. God alone knows, because the church will not tell us, how many fresh allegations were disclosed immediately after that meeting. The priest had been jailed for offending in that parish. That information was being released. The meetings were held. They were structured so that there were about four priests. Joe, he has written a letter or two in the paper, was one of the principal consultants, if you like, for people to talk to, to go and bare their soul. They had a team of 5, 6 or 7 people who gave a run-down of what had happened and what opportunities were open to the public, to parishioners, offended people and secondary victims — family and relations.

Ms HALFPENNY — Do you know why they got rid of that model?

Mr PAUL — Yes, because Frank Little ended up with 17 writs on his desk, and it frightened the crap out of the Melbourne archdiocese. Pell went to Rome, Pell came back, Little was given the flick and the pastoral response model, which had been blindingly successful, was out the door. The church had held it up. They had their backs to the wall in the Wood royal commission, because there were so many senior church personalities who were being indicted, if you like, up in Wollongong. They thought, ‘We will save the day, because here is this newfangled protocol that Helen Last has come up with’. It had been considered at an international meeting of psychotherapists and all sorts of people in April of 1996; that is when it was acclaimed as world best practice.

Five months later the church is presenting it, tendering it as evidence — ‘See how well we are doing? We are fair dinkum about all of this’. That was in September. In October George Pell says, ‘Bye, bye, pastoral response model. We are going to have the Melbourne model now’. No pastoral services are rendered anything like what the original model provided, and that is the failure with the church’s response all over Australia.

Mr WAKELING — Tony, thank you very much for your presentation and for your comprehensive submission. I want to take you to page 11 of your submission, where under the heading ‘Transfers of offenders’ you provide a case study of Father Redfern. I will take you to part of that, if I may, which involves an offence by a person whilst he was in Dandenong. It goes on to say:

In the *Melbourne Age* on 10 August 1996 Archbishop Pell claimed that ‘the church no longer attempts to conceal cases of clerical abuse by moving offenders to other parishes or schools’. Father Redfern was found by independent commissioner ... to have ‘admitted impropriety and abuse of power, position and status’. Dr Pell apologised to —

the victim —

by letter in May 1998, but he appointed —

he being Dr Pell —

Father Redfern to Mount Eliza parish in 1998.

Obviously that is two years after the statement by Archbishop Pell. Can I ask you to provide some commentary in regard to that case study?

Mr PAUL — I am not quite sure what you are looking for. The source was Broken Rites newsletter, January 2003, if you want to question any of the dates.

Mr WAKELING — I am not questioning the statement. I am interested in your position or your view on the church’s position when in 1996 they made a public statement that they will not be moving offenders. However, there is evidence that two years later an offender was in fact moved to another parish.

Mr PAUL — Yes, by Archbishop Pell, as he was at the time.

Mr WAKELING — By Dr Pell. So I am interested in whether this was an aberration, or do you believe that this was still part of the culture of the organisation?

Mr PAUL — It was and it still is. That is not the only case where Dr Pell has transferred or reinstated offenders. He did the same with Robinson down at Williamstown. He put him into a parish presbytery next to a school. He was a convicted paedophile. He was not supposed to have contact with children. I am sorry if — —

Mr WAKELING — But in terms of the public statement by Dr Pell in 1996, how much weight do you put on that public statement by Dr Pell, given that one example?

Mr PAUL — I do not believe him one bit. In elaborating on that statement when he was questioned in respect of Robinson, he said that he made a judgement call that the bloke had been across to America and attended a particular course that was supposed to cure him, and he had come back and he would not have contact with kids in this Williamstown area, even though the school was there and he would walk out of his presbytery the kids would be playing in the grounds. Dr Pell was really putting himself above the statement that he was supposed to be bound by, that people would not be re-employed in positions; they would not be given back the power. It says it clearly in *Towards Healing*. That is all he is doing. He is quoting from *Towards Healing*, but it is not worth the paper it is written on as evidenced by the Redfern case and by the Robinson case, and no doubt there are others.

After Helen Last’s experience, where she worked at the archdiocese centre for a number of years, she would be able to quote you, if not in public, the chapter and verse of many instances. I know that she referred to them frequently in meetings of Voice of the Faithful, which was an advocacy group that I was secretary of for a couple of years. Without naming names — —

The CHAIR — Ms Last has been before us.

Mr PAUL — Yes.

The CHAIR — Thank you, Tony. Mr O'Brien has a quick question.

Mr O'BRIEN — Just quickly, Tony, on page 6 you referred to the approach of the Jesuits in abandoning in 2004 the Melbourne archdiocese protocol.

Mr PAUL — Yes.

Mr O'BRIEN — I am interested in following that because it seems the Jesuits have elected not to use a legal defence. They say they were previously able to use the defence of 'it is not a legal entity' but the Society of Jesus has now instructed its lawyers not to use that defence. Could you briefly explain a bit more about that here, and provide us with any documents that confirm that is a position from the Jesuits?

Mr PAUL — No, I cannot provide you with any documents, but that was reported in the metropolitan media. Whether it was hard copy press or whether it was radio I cannot recall, but Father Geoff King, who was Mark Raper's right-hand man, came down at our request and addressed Voice of the Faithful at a meeting. I could probably go back and drag out the minutes of the meeting.

Mr O'BRIEN — If you could.

Mr PAUL — Geoff sort of transferred to Sydney and he got an appointment up there as a parish priest somewhere.

Mr O'BRIEN — I am interested in exploring that angle. If you could just briefly identify that — and don't do it now. But on notice if you could write back to us — because it would be convenient if you could provide us documents for the public record. I am interested if you could distinguish between comments that were made to you in your group, in a sense in a private or non-public record capacity, and any statements on the public record.

Mr PAUL — Yes, I am happy to do so, Mr O'Brien.

The CHAIR — Thank you very much, Tony. Supply that to the secretariat. On behalf of the committee I thank you very much for your appearance before us this afternoon. Your evidence has been most helpful.

Mrs COOTE — Thank you.

Mr PAUL — Thank you.

Witness withdrew.

Proceedings in camera follow.