

Professional Standards Review

Report to the National Committee for Professional Standards on issues concerning the Salesians of Don Bosco

This report has been commissioned by the National Committee for Professional Standards in relation to concerns about the past handling of child sexual abuse complaints by the Salesian Institute in Australia.

The reason why this report focuses on the Salesians in particular, is because the matters dealt with in this report have already been the subject of very serious adverse comment, but have never been properly investigated or otherwise dealt with. The Salesians are not the only Catholic Order or Institute to have had members jailed for sex offences against children. However, there are issues arising from the cases dealt with in this report about how the Salesians responded to various allegations, whether any past leaders of the Institute conspired to pervert the course of justice by facilitating the removal of those accused of abuse to other countries in order to avoid arrest and whether they failed in their duty to work with the police to ensure that such matters were properly and fully investigated. These are all particularly serious matters.

Background

In 2009, I conducted a review of *Towards Healing* on behalf of the National Committee for Professional Standards. Submissions were invited from all those who have had experience of the procedures and this included both victims of abuse and their advocates.

The Review demonstrated that many aspects of the *Towards Healing* process have been working well, while other aspects needed adjustment. In general, I found quite a high level of compliance with the letter and spirit of the procedures.

In the course of this Review, I learned from submissions about three cases involving members of the Salesians about which I came to have particular concerns. While each of the cases in isolation was certainly a cause of significant concern, it was the cumulative picture that emerged from these different accounts which was so troubling.

These submissions, and my subsequent research, indicated that these issues had been the subject of quite a significant level of reporting in the media over the years. They were also the subject of a formal statement on behalf of the Government of Samoa. Because the issues have never been satisfactorily dealt with, I wrote to the co-chairs of the National Committee for Professional Standards in May 2009 raising these concerns.

The commitments made in *Towards Healing*

Further investigation of these matters was also warranted by the commitments that the Church made in the publication of *Towards Healing* in 1996. The Salesians signed up to *Towards Healing* in that year, in common with all but one religious institute. At that time, they undertook, as did all the other bishops and leaders of religious institutes who adopted *Towards Healing*, to commit themselves to truth (para 13):

“The Church makes a commitment to seek to know the full extent of the problem of abuse and the causes of such behaviour within a community that professes the values of Jesus Christ.”

The Church also pledged its full cooperation with the police.

The Church leadership acknowledged in its Introduction to *Towards Healing* that

“...this document establishes public criteria according to which the community may judge the resolve of Church leaders to address issues of abuse within the Church. If we do not follow the principles and procedures of this document, we will have failed according to our own criteria.”

All the matters about which I expressed concern occurred after 1996.

The co-operation of the Salesians

After significant further deliberation, it was agreed that the most appropriate course of action was for the Salesians to respond to these concerns and to make available whatever documentary evidence was available to help clarify the picture. The current Provincial of the Salesians, Fr Frank Moloney, has cooperated fully with this process and, together with the co-chairs of the National Committee for Professional Standards, has agreed that the most appropriate course of action would be for me to write this report setting out the facts as far as I have been able to discern them from the documentary evidence available. In responding to the concerns I raised, Fr Moloney has been able to speak with one former head of the Institute, Fr Murphy, and to obtain further information which is relevant to these matters. Regrettably, another former head of the Institute, Fr Murdoch, has since died, although there is a quite substantial level of documentary evidence concerning how he sought to deal with the issues that confronted him during his period of office.

The concerns arise about the handling of complaints of child sexual abuse by three men, all of whom taught at Rupertswood in Victoria, and against whom allegations of child sexual abuse have been made. In each case, at various times when allegations were made, they were working overseas. Two were in Samoa. A third was working in Fiji, and is now working with the Salesians in Rome.

Case no 1: Fr Klep

The first case concerns Fr Klep. It was widely discussed in the media in 2004, but information about different aspects was scattered through various newspaper articles without any one of them offering a complete picture. There is value in reviewing the case in the light of the documentation made available to me and of the commitments that the Salesians made under *Towards Healing*.

Fr Klep was convicted of sex offences against children in Melbourne in 1994. His sentence was an intensive correction order (a prison sentence served in the community) for nine months.

It appears that after he was convicted, Fr Klep was given work that placed him away from any involvement with young people. I have seen a letter written by the Provincial of the Salesians in August 1995 to a person involved in the correctional system inquiring about this issue. The Provincial wrote:

“Let me assure you that in the future any of his tasks will be in accordance with the necessity of his having no responsibility for young people”.

An equivocal expert assessment

Nearly two and a half years after his conviction for sex offences, Fr Klep underwent a psychiatric assessment, commissioned by the Church authority. I have seen that report. While its contents are confidential, and nothing will be said about matters that Fr Klep disclosed to the interviewers, there is one aspect of the report which cannot pass without observation. Fr Klep had been adamant about his innocence. In reaching conclusions about the possibility of further offending, the report writer began by stating: “I do not know whether this man did offend”. That opening statement was subsequently qualified by acknowledging that “this man could have done that of which he is accused and found guilty and may well, in fact, have done more.” He further acknowledged that in the criminal justice system, proof must be beyond reasonable doubt. However, he went on to say that: “On the one hand it is possible that this man is totally innocent, on the other hand, there are enough clues to suggest that might not be the case and that therefore, caution needs to be expressed in dealing with him.”

I find it most surprising that the Salesians were given such an equivocal report. The starting point for the report ought to have been that Fr Klep was guilty of the offences for which he had been convicted. The interviewers certainly had no grounds to believe otherwise, apart from Fr Klep’s denial. It is at least possible that the rather equivocal language of the report played a role in allowing others subsequently to minimize the seriousness of the offences in their own minds. The report did recommend that Fr Klep not be permitted to work with children and young people.

Fr Klep goes to Samoa

According to the information I have been given by the Salesians, Fr Klep repeatedly asked the Provincial, Fr Murphy, to allow him to work in Samoa as he was lonely and frustrated in the position to which he had been assigned. Fr Murphy eventually agreed

to let him go there, in early 1998. The Salesians had an established and significant work in Samoa.

Fr Klep has given a different version of events. In a detailed article about Fr Klep, written by Reese Dunklin, an investigative journalist, and published by the Dallas Morning News,¹ Fr Klep said the move was the suggestion of Fr Murphy. He is reported as saying: "I think he realized that I'd probably feel a bit more comfortable being removed from the situation there," Fr Klep said. "I was happy enough to go."

I have been advised by the current Provincial that in his view, Fr Murphy was not aware at the time of any other allegations made against Fr Klep, and would certainly not have allowed him to go to Samoa had he known of such allegations. This view is not consistent with other available information. In the Dallas Morning News account in 2004, it is recorded that Fr Klep was questioned by the police about another complaint in 1996. Australian journalists, writing in July 2004, recorded that Fr Murphy had said that when Klep was sent to Samoa, the Salesians believed police were not going to proceed with further charges. However, the leadership did not check this with police.² They also record that in October 1998, the Salesians made a settlement with the victim who had made that complaint. That claim had been made initially by letter on July 3, 1997. It does appear therefore, from these accounts, that Fr Murphy knew of the allegations that had been the subject of the 1996 police activity, and had been negotiating a settlement with the victim who made that complaint, prior to Klep going to Samoa. It may well be that Fr Murphy did not think the police would proceed with further charges, but it must have been clear by that stage that the offences for which Fr Klep had been convicted in 1994 were not isolated, now that other victims were coming forward.

Witnessing a false declaration

The circumstances by which Fr Klep gained entry to Samoa were the subject of comments years later by the Samoan government. The Chief Executive Officer, Ministry of Prime Minister and Cabinet, Government of Samoa issued a statement in June 2004 concerning the matter, part of which said as follows:

"Father Klep is an Australian citizen who entered Samoa as a Temporary Resident in 1998.

As part of his application to enter Samoa, Father Klep declared on 20/1/97 that:

'21. I am a person of good character and reputation and of good health and have never been convicted of a criminal offence.'

¹ Available at:

http://www.dallasnews.com/sharedcontent/dws/news/longterm/stories/Convicted_sexual_abuser_and_fugitive.5edffddb.html

² <http://www.theage.com.au/articles/2004/07/09/1089000351616.html>

Father Klep's declaration was witnessed by a Father John Murphy of Lysterfield, Victoria, Australia. I understand that Father Murphy is a senior official in the Salesian Order of the Catholic Church and that Father Klep is a member of the Salesian Order.

Father Klep's declaration was false.

Yesterday (Tuesday 22/6/04), through the Attorney General, I received an official report from the Australian Federal Police stating that:

- (a) Father Klep had been convicted in 1994 in the Melbourne Magistrates Court, Victoria, Australia on 4 counts of indecent assault of 2 boys who were under Father Klep's care at the Salesian Secondary College, Rupertswood, Victoria, Australia. Father Klep was sentenced to 3 months imprisonment on each charge to be served as an intensive correction order; and
- (b) Father Klep faces a further 5 charges of indecent assault on a boy who was under Father Klep's care at the Salesian Secondary College, Rupertswood.

As a result of the above information I have exercised my duty under the Immigration Act 2004 to:

- (a) order Father Klep to be deported to Victoria, Australia; and
- (b) declare Father Klep to be permanently declared a Prohibited Immigrant."

Fr Murphy gave this explanation to reporter Martin Daly of *The Age* newspaper:³

"Former Australian Salesian Provincial Fr John Murphy yesterday denied a priest convicted of child abuse had been moved to Samoa to escape Victoria Police who were pursuing him on further child abuse charges. The Age today reports that Fr Murphy, who now heads the Order in Samoa, said he had made the decision to send the priest, Frank Klep, to Samoa only when he thought Victorian police were no longer interested in him.

"It was not an attempt to hide him," said Fr Murphy who headed the Salesians in Australia and the Pacific from 1994 to 1998.⁴

He also accepted responsibility for signing, in good faith, a declaration that Klep was of good character and had not been convicted of any criminal charges, even though this was not the case. This enabled Klep to get a visa to live in Samoa....

He said he did not expect any action to be taken against him for signing the declaration in favour of Klep.

He said he could not remember reading the document, but certainly signed it. "I am not trying to get out of that," said Fr Murphy."

It appears that the Government of Samoa, having made an issue of it in its statement in 2004, did not take further action. Fr Murphy, who had long since relinquished his role as Provincial, was by that time working in Samoa. He came back to Australia when the issue of the false declaration arose, and was subsequently allowed to return there without objection from the Samoan authorities. The explanation that Fr Murphy signed

³ Report available on <http://www.thecatholiccoverup.com/index.php?topic=Salesian>

⁴ I am advised that in fact Fr Murphy headed the Salesians from 1994-99.

the document without giving it his proper attention should be accepted in the absence of any evidence for a less benign explanation.

Was Fr Klep properly supervised in Samoa?

There is no documentary evidence that any restrictions were placed upon Fr Klep's ministry in Samoa when he left Australia, although he was certainly assigned to a role in a theological college that did not involve work with children. It is most likely that all concerned understood that while being transferred to Samoa, Fr Klep was under the same restrictions that were placed upon him in Victoria. However, there is no record of any letter written to him setting out these conditions. Nor is there a record of any letter being written to anyone else who had supervisory responsibility for him within the Salesian organisation in Samoa, setting out those restrictions clearly.

Was the Samoan Church informed about the sex offences?

There is no record of any letter being written to the Archbishop of Samoa giving him information that Fr Klep had convictions for sex offending against children. One might have expected at the very least that the Archbishop would have been informed. It would have been more appropriate to the relations between the churches in the two countries for the Archbishop to be *asked for permission* to assign Fr Klep to that theological college, given his criminal conviction and the evidence, by that stage, of further police inquiries. There is simply no correspondence of any kind that has been made available to me, nor any record in later correspondence of any earlier communication, to indicate that the Samoan church was notified at any stage of Fr Klep's background or the restrictions placed on his ministry.

On the contrary, the evidence, from a letter written by the Archbishop in 2004, and from the Government of Samoa's statement, is that the Archbishop had not been informed about Fr Klep's past. In a submission to the Review of *Towards Healing*, I received a copy of a letter from the Secretary to the Archbishop of Samoa written to the Dallas Morning News journalist, Reese Dunklin, on June 11, 2004. It indicates that the Archbishop was not aware of the background of Fr Klep until the journalist alerted him to it in June 2004. The reporter indicated in his report that the Archbishop was "startled to learn" about Fr Klep. He said the Salesians should not have kept the details from him. The Government of Samoa's statement indicates not only that the Archbishop was not informed of Fr Klep's conviction but that "His Grace may have been deceived and misled" about Fr Klep both by Fr Klep himself and by "senior officials of the Catholic Church in Australia". These are very serious complaints.

The letter of June 11 2004 shows that the Archbishop was reassured, at the time, by his conversation with Fr Klep who indicated that the matter leading to charges was a "one-off" incident and that "the incident was not intentional". The reference to 'an incident' is of course inconsistent with there being 4 counts of indecent assault against two complainants. Fr Klep also appears to have told the Archbishop that he pleaded guilty to the charges. The other evidence available indicates that this was not the case.

It should be noted that the Archbishop had only taken up his appointment the previous year, and so it is at least possible that his predecessor had been informed orally, but the

lack of any documentary evidence at all is troubling. It tends to indicate at the very least a serious failure by the Salesian leadership to exercise its duty of care in allowing a convicted sex offender to work in another country without adequate processes to ensure that he adhered to the restrictions that had been placed on his ministry in Australia.

These matters were dealt with specifically in *Towards Healing*. The protocol provides that if a person is transferring from one Church authority to another (for example, moving diocese) the Church authority where that person lived and worked should let the new authority know if there have been any complaints of abuse.

Further allegations after Fr Klep moved to Samoa

Broken Rites, the victims' advocacy organisation, and Reese Dunklin, the American journalist who reported on these matters in 2004, both record that eventually in 1998, police decided to lay charges in relation to the allegations of sexual abuse that they had first investigated in 1996. By this time, Fr Klep was already in Samoa and there was apparently no extradition treaty. It appears that when Fr Klep failed to attend court in response to a summons, a warrant was issued for his arrest. This is confirmed by the statement of the Samoan government on the 23rd June 2004 that it was liaising with the Australian Federal Police to facilitate Fr Klep's return to Australia "to face outstanding criminal charges against him."

It appears then that even after fresh criminal charges were laid against Fr Klep, the leadership of the Salesians did not order Fr Klep to return to Australia to face these charges. One newspaper reported Fr Murdoch as saying that the Salesians were not aware of the arrest warrant;⁵ maybe Fr Murdoch wasn't. The evidence of how he dealt with other cases would suggest that he would have acted on this had he known personally. However, a former member of the Salesians has indicated that others knew of the fresh charges against Fr Klep. According to a newspaper report:⁶

"[A] former Salesian said yesterday that members of the order had been told of allegations against Klep in 1998.

'We were told that the allegations weren't true and that the people were only trying to make money out of the Salesians,' said the man, who did not want to be named.

'The next thing we knew he was being shipped across to Samoa'."

Some time after Fr Klep left to go to Samoa, it appears that another victim came forward through the *Towards Healing* process complaining of sexual assault. I have seen documentary evidence of an exchange of letters that took place between the Provincial (by this time, Fr Murdoch) and Fr Klep in October-November 2001, following the conclusion of a *Towards Healing* process. The Provincial conveyed various requests made by the victim concerning Fr Klep's treatment and future role in ministry. Fr Klep did not accede to these requests. However he did acknowledge that he was the perpetrator. He said that these were 'isolated events' and offered an assurance to the victim that his ministry did not involve work with children.

⁵ <http://www.theage.com.au/articles/2004/06/25/1088144977566.html>

⁶ <http://www.theage.com.au/articles/2004/06/28/1088392600281.html>,

It took some considerable time for the complaints made in 2001 to be finally resolved under *Towards Healing*. In October 2003, the Provincial, Fr Murdoch, wrote formally to Fr Klep in Samoa, in response to a recommendation arising out of the *Towards Healing* process, setting out the restrictions on his ministry. In that letter, there is also reference to a complaint that had very recently been received from a woman who had attended Mass at the Cathedral in Samoa. She had been very shocked to find that Fr Klep had been a celebrant.

The Provincial took firm action over this report. His letter of 6 October 2003 cited the requirements of *Towards Healing* and gave Fr Klep clear instructions that his work was confined to the theological seminary. He was not to have any involvement in work with children. That prohibition extended to celebrating mass in any "public place where contact and interaction with minors is integral to the ministry" such as celebrating mass in the Cathedral. There is no reference in that letter to any previous document or other communication setting out restrictions on Fr Klep's ministry and this tends to confirm the impression that there was none.

Fr Klep wrote on 21st January 2004, some three and a half months after the earlier letter was posted, confirming his acceptance of those conditions.

Did anyone else know about the restrictions on Fr Klep's ministry?

The Provincial's letter does not appear to have been copied to Fr Leo Heriot, who was the Priest-in-Charge of the Salesian Community in Samoa, although since Fr Murdoch visited Samoa in October 2003, it may be assumed that Fr Heriot was informed orally about this.

There is also no documentary record that the Archbishop of Samoa was informed at the time of the restrictions on Fr Klep's ministry, and as noted previously, the documentary record is that he was not informed about Fr Klep's past until a journalist did so in 2004. The evidence from Fr Murdoch's dealings with Fr C, to be reviewed below, indicates that he was committed to the *Towards Healing* protocol and thought it very important that the Church authority in the place to which a person was transferred was fully informed of the allegations. It may be that he assumed the Archbishop had been fully briefed on the situation when Fr Klep first went to Samoa.

It appears, according to a newspaper report, that Fr Murphy gave a copy of the October 2003 letter to the Archbishop in June 2004, after the Dallas Morning News story was published.⁷ There is also reference in a newspaper report to the Fr Murdoch informing the Samoan church at some point about the previous conviction, but this only emerged as Fr Klep was about to be deported. Previously the Archbishop appeared to have been entirely unaware of the allegation.⁸

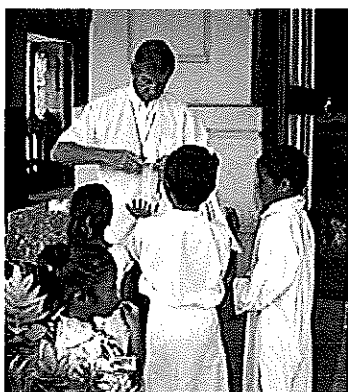
⁷ <http://jp2army.blogspot.com/2009/09/john-paul-ii-pedophile-priest-in-samoa.html> (reporting on a story in the Australian which quotes from Fr Murdoch's letter.

⁸ http://www.dallasnews.com/sharedcontent/dws/news/longterm/stories/Samoa_moves_to_deport_fugitive_priest.5ebfb4e5.html; <http://www.rickcross.com/reference/clergy/clergy294.html>.

It seems as if the restrictions placed on Fr Klep, perhaps first when he went to Samoa, and then in 2003, rested largely on trusting him to obey the instructions of the Provincial - this, in a context where he had shown sufficient disregard for both law and conscience, to engage in the sexual abuse of children.

Fr Klep's contact with children and young people

It appears that Fr Klep disregarded the instructions that he had been given. Reese Dunklin, the journalist, published a photograph of Fr Klep surrounded by children, taken after he celebrated mass in public. Mr Dunklin has confirmed to me that this was taken some time in 2004 when preparing his story published in June, probably in March or April. Mr Dunklin records that Fr Klep was one of the pastors at the public Mass. There was a lead pastor and he was an assistant.



Mr Dunklin's newspaper account began:

"About a dozen children circle around the Rev. Frank Klep after Mass one sun-kissed Sunday. They chirp his name, trying to catch his eye as he begins handing out foil-wrapped candy. He calls them by name, too, beams and hugs some of them."

It does seem from this report that Fr Klep knew the children and they knew him. Further on in his report, Fr Klep is quoted as saying that he still enjoys "young people's company," but limits his contact mostly to adults. Mr Dunklin told me in an email that he had a tape recording of the interview with Fr Klep. The report also records what a 14 year old boy told Mr Dunklin:

"Also waiting on the steps was a 14-year-old who said he has known Fr Klep for about a year and a 13-year-old buddy he said the priest wanted to meet.

The 14-year-old said Fr Klep has given him spending money and regularly helped him with schoolwork alone in the priest's bedroom.

'He says to me, 'Any day I want help, I come to Fr Frank's home,' said the boy, who had a thin adolescent mustache and a shy demeanor."

It is surprising that Fr Klep should have been celebrating public mass, and been surrounded by children whose names he knew, some months after those restrictions were formally imposed. Whatever supervision there was of Fr Klep, he still seems to have had a lot of contact with young people, including having a 14 year old alone in his bedroom on a regular basis.

Fr Klep is deported

After the Dallas Morning News story was published, the Government of Samoa ordered Fr Klep's deportation. This was in late June 2004. He returned to Australia, ahead of that formal deportation, and was arrested on the outstanding criminal charges. He later pleaded guilty. Broken Rites records that in the end, his sentencing took into account 14 incidents with 11 victims.⁹

Comments on Fr Klep

I have little doubt that the Australian church, and indeed, the nation, would be appalled if a religious order or diocese in another country sent a known sex offender with a criminal record to Australia without even informing the Church leadership of that criminal history. The standards that we would expect of church authorities in other countries should equally apply to the Australian church in its dealings with Pacific island nations.

Fr Klep's supervision in Samoa

Fr Klep should not have been sent to Samoa, unless the level of supervision of his work, and in particular the absolute restriction on involvement with children, was at least as stringent as it would have been if he had remained in Victoria working in a place where he had no contact with children and young people. Throughout the time that Fr Klep was in Samoa, the level of supervision of a convicted sex offender was, in my view, wholly inadequate. There is simply no record that Fr Klep was given formal instructions by the Provincial concerning limitations on his ministry in Samoa (beyond being placed in a job that did not involve working with children). There is no record that the Archbishop was informed and his permission sought or that any of the requirements of *Towards Healing* were complied with. There is no evidence that controls were put in place while Fr Klep was in Samoa to ensure that he had no opportunity to offend again, beyond the written instructions given to him - in response to a recommendation arising out of the *Towards Healing* process - in October 2003.

Could Fr Klep have been ordered to return?

The Provincial had the power to order Fr Klep to return to Australia so that the serious complaints against him could be properly investigated by the appropriate authorities. Members of religious orders are under a duty of obedience to the leader of the Order. The Provincial could order a member of the Australian branch of the Order who is posted overseas to return to this country. He would then be under obedience to do so. The Provincial could also have informed the Samoan Church leadership that Fr Klep was no longer authorised to exercise ministry in Samoa. Of course, no-one could have forced Fr Klep to leave Samoa unless he was deported. However, he could have been put in a position where, if he were not prepared to come back to Australia, he would have to have left the Salesian Institute.

⁹ <http://brokenrites.alphalink.com.au/nletter/page100-klep.html>

Should Fr Klep have been ordered to return?

In my view, yes, even if the police had not issued a warrant for his arrest. Consider what the Australian government would do if allegations emerged against one of its diplomats serving overseas. In a situation where a complaint of child sexual abuse, even a historic complaint, was made to the Department of Foreign Affairs and Trade, one would expect that initially, the accused person would be brought back to Australia on full pay while the complaint was investigated, and that the Department would do its best to ensure that the police had an opportunity to interview the accused person. It is hard to imagine that a non-government agency in a similar situation, for example an overseas aid organisation, would react any differently.

Both the Australian government and the non-government agency would have acted in this way for three reasons. First, respect for the rule of law and the proper role of the police; secondly, concern for its own reputation as the employer; thirdly, concern about the risk of offences being committed by this person while overseas.

Once it had emerged that there were further criminal charges of child sexual abuse against him, there ought to have been no hesitation in ordering Fr Klep back from Samoa. It is not clear whether and when the Salesians were made aware that Fr Klep faced fresh charges. Fr Murdoch apparently said he was not aware of it. He became Provincial in the year 2000. That may be so, but surely the previous Provincial, and may be others in the senior ranks of the Salesians were aware that Fr Klep received a summons to appear in court in 1998 and that a warrant was issued for his arrest after he failed to appear? The police apparently discovered that he was in Samoa. It seems unthinkable that there was no communication between the police and the leadership of the Salesians at the time the summons was issued or thereafter, when a warrant was issued for his arrest. In following up on the warrant, at least, one would expect the police to have made inquiries of the leadership of the Salesians. The reported comments of a former member of the Salesians indicate that the leadership of the organisation was aware of the allegations at the time and discounted them as the work of people wanting money.

Why then, was Klep not ordered to return to Australia? All Australian Orders have committed themselves through *Towards Healing* to cooperate fully with the police. However, it is not just a matter of cooperation with the civil authorities. The Salesians also had to consider the risks to Samoan children if a convicted sex offender were not very closely supervised. There was also enough evidence by 2001, when the Salesians were dealing with another complaint under *Towards Healing*, that there were more allegations of sexual abuse surrounding Fr Klep than the matters for which he had been convicted. At the very latest when it emerged in 2003 that Fr Klep was celebrating mass in the Cathedral, it should have been clear that the responsible course was to bring him back to Victoria to be closely supervised, even if Fr Murdoch was not aware of the outstanding charges.

The only reason why Fr Klep came back from Samoa to face these charges was because of the work of an investigative journalist from the United States and the decision of the Government of Samoa to deport him. The Salesians appear to have played no part whatsoever in ensuring that one of their number was brought to justice. It was not as if

Fr Klep had fled from justice, and gone into hiding. He continued to be a member in good standing of the Salesian organisation working in an official role within the Salesian community in Samoa. The Salesians left him in Samoa where it is clear enough now that his work was not adequately supervised, potentially placing Samoan youths at risk of sexual abuse.

2. Fr B

Fr B's case¹⁰ was the subject of a detailed submission to the Review. The complainant recounted sexual abuse by Fr B, also at the school in Rupertswood. This abuse, according to the complainant's account, was severe and prolonged. The complainant ran away from the school. He reports going to the police at the time, but was not believed and was sent back to the school.

The complainant eventually went through the *Towards Healing* process. It is apparent from the notes and other documentation I have examined that the Provincial accepted the complaint and eventually paid compensation to the complainant (while denying that the Salesians were legally liable). At the time that these allegations were made (in 2000), Fr B was already working in Samoa. He had gone there in 1992.

The complainant's account is that he would have gone to the police if he thought that they could do something; however he learnt from the Provincial of the Salesians, Fr Murdoch, that Fr B was in Samoa and was led to understand that in the absence of an extradition treaty between Samoa and Australia, Fr B could not be forced to return to Australia to face charges. It followed, from this complainant's perspective, that the police would be unable to do anything until Fr B returned to this country.

The complainant was greatly angered when he discovered quite accidentally, it seems, that Fr B was in fact back in the country. He was running late to a meeting with Fr Murdoch and phoned the headquarters of the Salesians to say so. He was told by the secretary that if he wanted to speak to Fr B, he could do so as he was in the garden. The complainant was appalled to learn that Fr B was back in Melbourne visiting the community there without either being informed himself or the police being informed. His account was:

"I'd been deceived about my choices at the beginning and had an opportunity to get [Fr B] charged if I'd known he was coming in and out of Australia and not as it was explained to me in the first instance by Murdoch."

He contacted the police and even rang the office of the Minister for Foreign Affairs, but according to his account, Fr B was flown back to Samoa before further action could be taken. My understanding is that Fr B was back in Victoria for heart surgery and that this was sometime in 2000, during the time that Fr Murdoch was dealing with the complainant's case under *Towards Healing*.

Fr B's case was made public along with the case of Fr Klep. The letter from the Secretary to the Archbishop of Samoa to a journalist referred to above, indicates that the Archbishop had spoken to Fr Murphy (who was working in Samoa) concerning Fr B and

¹⁰ As Fr B has not been convicted of a criminal offence, this account is given without identification.

that Fr Murphy also knew of complaints against him. It appears from the letter of the Secretary to the Archbishop of Samoa that the Archbishop accepted the truth of the allegations against Fr B as well as Fr Klep, but considered that the matters had been sufficiently dealt with.

There is no question in this case of Fr B being sent to Samoa to avoid the police in Australia. He had been there for many years before the complaint emerged. The questions are about how this matter was handled when it came through the *Towards Healing* process.

The complainant was very clear, it seems, that he would have gone to the police with a formal complaint if it had been possible for the police to interview and arrest Fr B; but he seems to have thought it was futile because of Fr B's location. He says that Fr Murdoch led him to understand there was no way of bringing Fr B back to this country. This is why the complainant was so outraged to discover that Fr B had returned.

It also seems clear that the Samoan Church leadership had no idea of the allegations against Fr B either. There is no record of any restrictions being placed on his ministry in Samoa, although in his role at the theological college, he would not have had any regular work amongst children. The Archbishop of Samoa appears to have become aware of the allegations against Fr B only at the same time as he learned about Fr Klep. His secretary wrote to Reese Dunklin, the Dallas Morning News journalist, on June 11 2004, writing of both Fr Klep and Fr B, that "they are valid and allowed to work in our archdiocese, and we are grateful for their services and hard work up to this point." It appears therefore that as far as the Archbishop was concerned, both men had an unrestricted licence to carry out priestly duties in the Archdiocese of Samoa.

Comments on Fr B

Like Fr Klep, Fr B could and should have been ordered to return to face the serious allegations made against him in 2000. Members of religious orders are under a duty of obedience to their leader. Of course, no-one could have forced Fr B to leave Samoa unless he was deported. It is apparent from correspondence I have seen in 2002 that Fr B was very reluctant indeed to return to Australia. However, he could have been put in a position where, if he were not prepared to come back to Australia, he could have been required to leave the Salesians.

The allegations were of very serious criminal offences. In a situation where the complainant was demonstrating a willingness to go to the police, the Provincial should have assisted him to do so and pledged the cooperation of the Salesians in doing what it could to make Fr B available for interview. Then the law could have taken its course. He might have been charged; he might not have been. He might have been convicted; he might not have been. However the leadership of the Salesians would have fulfilled its citizenship responsibilities in ensuring that as far as possible, the matter was properly investigated and dealt with.

The current Provincial has indicated to me that he has offered to the complainant on several occasions since taking office, to bring Fr B back to Australia if he were charged.

He has also indicated that there are some significant difficulties in doing so at this stage, when Fr B is very elderly and in very poor health.

In my view, the right time to have brought Fr B back was 10 years ago, rather than now. Notwithstanding the difficulties involved in bringing Fr B back to Australia at this stage, the Provincial's willingness to do so now is commendable.

Fr C

The third case concerns Fr C. For a time, Fr C held a senior leadership role with the Salesians. Subsequently, he went to work in Fiji. It was at this time, in the year 2000 that the allegations were first made against him. They arose from Fr C's time at the school in Rupertswood.

The complainant was a very troubled young man. He had recently been released from jail and had a serious drug addiction. At first, when he came to the *Towards Healing* program of the Church, considerable efforts were made to assist him in practical ways, including providing him with shelter. The standard practice before a *Towards Healing* inquiry is commenced is to encourage the complainant to report the matter to the police and to give him or her every assistance in so doing.

It appears that two people were appointed to conduct an assessment under the *Towards Healing* protocol. As a consequence of conducting an initial interview with the complainant in May 2000, the complainant decided he would go to the police. Again, following standard practice, the *Towards Healing* investigation was halted so as not to interfere with any police investigation. However, the complainant subsequently changed his mind about going to the police.

The people involved in the *Towards Healing* process continued to do much to try to assist the complainant in practical ways. One of those ways was for the complainant to see a psychiatrist with expertise in the field of child sexual abuse. The accused, Father C, was also contacted while in Fiji and responded with a categorical denial of the allegation. It appears that later in the year, the Provincial also interviewed him, and also the School Principal who, the complainant said, he had told about the abuse and who did not believe him. Both men denied the accusations. Nonetheless, the Provincial decided to agree to compensation, and a settlement occurred in 2000. He subsequently wrote in a letter I have seen that he did this for pastoral reasons, out of concern for the family.

Although this was the only formal complaint made under the *Towards Healing* process, there is reference in the documentation to a second possible complainant, but in the end, this did not proceed.

After the matters were settled with the complainant, and on the insistence of the Provincial, Fr C returned to Australia to undergo a comprehensive psychological examination. He continued to deny the allegations. It appears from other correspondence that I have seen that the Provincial wanted Fr C to undertake a more extensive 6 month program, and Fr C initially agreed to this. However, in the end he only participated in a week-long assessment program in Italy in September 2003. These

assessors thought that the allegations had no reasonable foundation. One of the reasons they gave was that these allegations had been made at a time when there was a "general climate of attack and of a relatively open attempt to economically exploit the Hierarchy and Religious Institutions".

Fr Murdoch was evidently not satisfied with the thoroughness of this assessment, and did not think it was adequate to justify a return by Fr C to normal pastoral duties. He also expressed some surprise and concern that the international leadership of the Salesians had suggested that Fr C just be transferred to another province.

Fr Murdoch imposed two conditions on Fr C's return to a normal range of duties in the Australian province, and particularly to return to Fiji where he had held a prominent leadership position. The first was that Fr C must inform the Archbishop of Fiji of the allegations. The second was to return to Australia to face his accusers. Fr C declined to accept these conditions and expressed a preference for staying in Rome, where he remains. In making this decision, he took advice from an Australian criminal lawyer.

Those decisions are recorded in a letter I have seen dated February 2004. Subsequently, it appears that the complainant contacted the police again, for on November 1st 2004, a police officer phoned Fr Murdoch requesting that he contact Fr C to let him know that the police wanted to question him about the complainant's allegations. The police officer was later advised that Fr C was living permanently in Rome and was not considering returning to Australia again.

In August 2005, the complainant died. On 29 December 2005, the police officer contacted Fr Murdoch and asked him to inform Fr C that there would be no prosecution considered against him, given the complainant's death.

Comments on Fr C

It is important to emphasise that throughout, Fr C has maintained his innocence in relation to the allegations made against him. However, it is also the case that he was not exonerated by any independent examiner who had the benefit of interviewing the complainant. Nothing in this report is intended to suggest a view one way or another on the truth or otherwise of the allegations. The purpose of this report is to examine the process by which these serious and important matters were dealt with.

In one sense, Fr C made the right decision not to return to Australia to face his accusers. He took this decision, it appears, on legal advice. It is the right of any citizen who is being investigated for criminal offences to remain silent and not to respond to police questioning. He was under no obligation to return to Australia to be interviewed. A few months after the request by the police was made, the complainant died and with his death came an end to the opportunity that the police had to prosecute the matter.

However, Fr C also lost an opportunity of his own: the opportunity to clear his name. There was more than one way he could have done so. He could have submitted himself to an interview with the police. He could have invited the Church authorities in Australia to establish a formal inquiry. There was even the possibility of a canon law process.

It was Fr C's decision and his alone whether he returned to Australia to be interviewed by the police. Fr Murdoch did not insist on it; it would appear that he thought the limit of his authority was in setting conditions on Fr C's return to the Australian province, of which Fr Murdoch was the head. If the leaders of the Salesian organisation in Rome were content to have him remain working there, then perhaps Fr Murdoch thought that was as far as he could take matters.

It is clear that Fr Murdoch's view was that Fr C should attend an intensive 6 month program with a specialist organisation dealing with clergy sexual abuse, of which there are two in North America. At the time there was also one in Australia. With respect, I do not think this was the right option. If a priest or religious is steadfastly denying abuse, there is no point in a treatment program. In the Pre-Trial Diversion of Offenders Program in Sydney, it is one of the preconditions for acceptance into the program that the accused person pleads guilty.

Another problematic aspect of this case was the assumption that an assessment program run by psychologists or psychiatrists could possibly determine whether or not the allegations of sexual abuse were true. They might assist, for example by demonstrating that a person has tendencies to sexual arousal when shown pictures of pre-pubescent boys or girls, or if he admits to use of child pornography. However a psychological assessment of an accused person can only go so far.

Legal processes are not an infallible means of determining truth either; but the processes of hearing from both complainant and accused, examining the consistency of their respective accounts, exploring those accounts through cross-examination, looking for corroborative evidence, testing the reliability of the identification of the accused and considering why a person might make an erroneous allegation, are time-tested methods of examining the likelihood or otherwise that offences have been committed.

By not conducting such an inquiry, and insisting on it as a means of reaching a conclusion about the veracity of the allegations, the worldwide Salesian community left itself open to serious criticism. Consider if a similar set of events had occurred in a large multinational company. A former employee of the bank had gone to the press, and eventually made a statement to the police, alleging that a senior employee of the Australian branch of the bank had engaged in serious corruption within Australia, bribing ministers and senior government officials in order to secure lucrative contracts, for which he received large bonuses. The police eventually investigated, but by the time they were ready to interview the accused employee, he was working in the company's head office in Europe.

The employee would have had the same rights as Fr C. He would be under no obligation to return to Australia to face police questioning. He would not have any obligation to cooperate in any other way with the police. But what then would be the company's position? If the senior employee continued to be in good standing working in the company's headquarters, if he continued to draw a salary and hold a senior position, what would Australians think of the company? Any company with integrity would, for the sake of its own reputation if nothing else, insist that the senior employee return to

Australia and cooperate with the police investigation, and if he was unwilling to do so, he would be asked to seek employment elsewhere.

Conclusions

People can draw their own conclusions from the account given, and no doubt they will. My conclusions are not based on a complete picture. The account given is based largely on the documentation available. If there were to be a public inquiry into these events, the explanations and recollections of the senior members of the Salesians still living, and who had a part in these events, would no doubt be of considerable assistance. There might be former members of the Salesians who could also cast light on matters, as could complainants of sexual abuse. Explanation might also be sought from the police concerning the timeliness and rigour of their investigations and actions in pursuing alleged clerical offenders who were living overseas at the time they were making their inquiries.

Much of this report has concerned how Fr Murdoch dealt with matters because he was the Provincial at the time when the various allegations emerged. Fr Murdoch inherited a number of situations which were not of his own making. In particular, Fr Klep's move to Samoa long predated Fr Murdoch's appointment as Provincial. There is no doubt in my mind that Fr Murdoch was a man of integrity who genuinely tried to do all that he was required to do by the *Towards Healing* protocol, and to act pastorally towards victims.

Some of the concerns that emerge from this analysis concern matters beyond the *Towards Healing* process and how the Australian church interacts with other churches and the worldwide leadership of religious orders.

1. The Salesians did not move sex offenders overseas to avoid justice

In my view, the evidence does not support a conclusion that any of the three priests were deliberately relocated overseas in order to avoid the reach of the law. Fr B and Fr C were both already overseas when the allegations emerged. The evidence in relation to Fr Klep is more equivocal, but it seems clear enough that after interviewing Fr Klep in 2006 nothing more transpired in terms of the police investigation until a very long time later, after he went to Samoa in early 1998. Given this timelag, it does not seem reasonable to think that the move to Samoa was motivated by a desire to move to a country from which extradition would be difficult. I accept the explanation that when Fr Murphy approved Fr Klep's move to Samoa, it was thought that the police would not be taking their 1996 inquiries further.

2. There was a culture of minimisation

It seems, from the documentation, that the risk of further sexual abuse of minors was consistently and seriously underrated. In Fr Klep's case, that seems to have begun with the psychiatric assessment which recommended against allowing him to work with minors but otherwise seemed equivocal on the truth or otherwise of allegations of child sexual abuse for which he had already been convicted in a criminal trial. He seems to have been allowed to go to Samoa to a position where he would not be working with children, but otherwise with very limited supervision. It is evident that Fr Klep

continued to exercise a relatively normal priestly ministry, celebrating the mass in public and, it would appear from the Dallas Morning News account, interacting with children and young people quite extensively. They appear to have visited him in his room at the theological college and there was no indication from the Dallas Morning News story that this was in any way secretive. Indeed, the newspaper reported that boys were hanging around at the theological college, apparently waiting for Fr Klep. The Archbishop's letter of June 11 2004, written to the American journalist Reese Dunklin, before the newspaper story was published, indicates that Fr Klep was not under any restrictions in working in the diocese.

There is no indication that the Salesians sought the permission of the Archbishop to send him to Samoa nor that they gave the Archbishop full information about the offences. Fr Klep himself minimised his offending behaviour when he first spoke to the Archbishop about it, after the Dallas Morning News story. The Archbishop appears to have taken his explanation at face value. It was the Government of Samoa that eventually took protective action by deciding to deport Fr Klep.

There is also no indication from anything I have seen that Fr B was closely supervised and prevented from working with children. Certainly his function at the theological college did not involve working with children, but there is no documentation concerning any other supervision or limitations on his ministry as a priest. The Archbishop's letter of June 11 2004 confirms that there were no restrictions on his ministry in the Archdiocese.

There is also evidence of minimisation of the concerns raised by the allegations against Fr C - not by Fr Murdoch, who appears to have acted very diligently and responsibly - but by others. The assessment conducted in Rome took as one of its reasons for discounting the allegations against Fr C that there was a general climate of attack against the Church. It suggested that false allegations might be made to exploit the Church financially. There also seems to have been a suggestion from a person in leadership in the worldwide Salesian community, that Fr C could be moved to another Province. For those who have followed closely the response of the Church to child sexual abuse allegations around the world, all of this has a familiar ring.

3. The Salesians separated the response to victims, from justice in relation to the offender

Another issue which emerges is the way in which victims were responded to without, it appears, seeing a need to deal with the alleged offender. This occurred in all three cases. Settlements were reached with victims under the *Towards Healing* process without there being any consequences for the priestly ministry of the offenders other than some restrictions on the work to which they could be formally assigned. In Fr Klep's case, more restrictions were imposed in October 2003, following a complaint that he had been seen celebrating mass in the Cathedral. However, he was seen celebrating mass publicly and handing out lollies to children some months after those restrictions were imposed.

In Fr C's case, the settlement appears to have been reached out of concern for the victim and his family, without necessarily any acceptance by the Salesians of the truth of the

allegations. In the case of the other two priests, however, the allegations appear to have been accepted unequivocally. Fr Klep had already been convicted of offences of this nature. I have seen no denial by Fr B of the allegations against him and those allegations appear to have been accepted. Yet no disciplinary action was taken against either priest. There was no decision made to seek their removal from the priesthood and they appear to have remained members in good standing of the Salesians, continuing to exercise priestly ministry. In *Towards Healing*, the Church gave an undertaking that serious offenders will not be given back the power they have abused. In relation to these men, that power was never taken away.

A particularly notable aspect of the separation of the response to the victim from the demands of justice was in the attitude towards the police and criminal prosecutions. It seems highly probable that the leadership of the Salesians was aware that a warrant had been issued for the arrest of Fr Klep in 1998, when he did not appear in court in response to a summons. Yet they did nothing to facilitate his return to have the matter determined by the courts. He continued to remain a priest in good standing in Samoa. They could have ordered him to return immediately to Australia. If he was reluctant to do so, they could have informed the Archbishop of Samoa of the new charges laid against Fr Klep. There is no indication from the material I have seen that the Samoan Church would have been comfortable with a fugitive from justice celebrating Mass in its Cathedral.

It should also have been clear that the complainant in Fr B's case wanted the police to investigate – that is why he was so angry when he discovered that Fr B was back in Australia and neither he nor the police had been informed. Although a settlement was reached with this complainant, there is no indication that anything was done to hold Fr B accountable for his wrongdoing. It may well be that he was retired by this point and not in good health, but his life does not seem to have been any different after the allegations than before.

In Fr C's case, it was within Fr Murdoch's power to insist that Fr C return for questioning by the police when they had formally indicated that they wanted to interview him. Perhaps Fr Murdoch thought that this was beyond his authority as Provincial, in a situation where the international leadership of the Salesians was happy to have him in Rome. Even if Fr Murdoch could have done nothing more, it was certainly within the power of the international leadership of the Salesians to require him to return to Australia and to cooperate with the police as a condition of remaining as a priest in good standing with the community.

4. In none of the cases did the Church conduct a proper inquiry

A feature of all three cases is that in none of them did the Church get a proper assessment of the veracity or otherwise of the allegations. In Fr Klep's case, the criminal conviction in 1994 for sex offences against children no doubt predisposed the leadership of the Salesians to accept the validity of other complaints without the need for formal assessment. In Fr B's case, the allegations appear to have been accepted without the need for proper investigation but there is no document which states this and no evidence that the allegations were even put to Fr B, yet alone that he was held accountable for his actions. In Fr C's case, the investigation did not proceed much

beyond interviews with the complainant and putting the allegations to Fr C who denied them. There was no formal inquiry which sought to reach conclusions one way or the other.

Lessons for the future

If the Salesian leadership had considered, when these events occurred, how their responses to these complaints about child sexual abuse would look to outsiders, I imagine they might have handled things rather differently. Luke 12:2-3 records Jesus as saying:

“Everything that is secret will be brought out into the open. Everything that is hidden will be uncovered. What you have said in the dark will be heard in the daylight. What you have whispered to someone behind closed doors will be shouted from the rooftops.”

Now much of it has been uncovered, if not all.

In evaluating the way things were handled by the Salesians in these 3 cases, I have considered how a secular government, non-government agency or reputable international business might have dealt with a situation where one of its staff was accused of sexual abuse of minors or wanted for questioning by the police. The way that the Salesians of Don Bosco handled these matters fell far short of those basic standards.

**Prof. Patrick Parkinson AM
Sydney 2010**

Appendix B



ARCHDIOCESE OF SAMOA - APIA
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Email: archdiocese@samoa.ws

June 11, 2004

Mr. Reese Dunklin
Staff Writer - 'The Dallas Morning News'
Communications Center
P. O. Box 655237
Dallas, TX 75265
U S A

Dear Mr. Dunklin

Further to your queries about the matter involving the two priests concerned, His Grace Archbishop Alapati L. Mara'eliga had the chance to meet with Father Frank Klep about a month ago and had him shared his story. It is suffice to share with you now that accordingly, the incident happened prior to his coming to Samoa. He has dealt with the court case outside of Samoa. He pleaded guilty. The Salesian Fathers Congregation in paid his fine and he also served the community services that was part of his fine and compensation.

According to him, the incident that happened was a "one off" incident and indeed an accident and has much regret that it happened. The incident was not intentional, but nonetheless, has taught him a hard lesson. Since then he has undertaken renewals such as therapy and prayers to assist him through. From then till this day, nothing of this nature has ever happened again.

The same was said of Father Jack. The Archbishop was able to hear and discuss with the Superior of the Salesian Community here in Samoa, Father John Murphy, the concern regarding Father Jack Ayers.

Of course, the Archbishop was not aware of these incidents and happenings until you came. On the bright side, it helped us to be attentive to these matters as they are hazardous and detrimental to the lives of the faithful. It has also opened our eyes to these sad realities and prepared ourselves to counter and respond to such incidents if such incidents happen in the future in our archdiocese, involving our priests.

It also allowed an opportunity for us to openly discuss these matters with the Salesian Fathers and am sure made them aware that we are now in the "watch closely" mode.



Although these incidents happened with these two priests, they have dealt with it themselves and with their Congregation. However, we are happy to see some signs of repentance and renewal from them. Above all, those who have been concerned and the lives that had affected by them have also been dealt with in a mature and civilized way.

I have personally checked the files of these priests and reassure you that nothing of this kind of matter are found, or any related concern that may prompt us to prohibit or prevent them to minister in our archdiocese. I suspect that the reason for this is simply the fact that they have cleared themselves before entering Samoa. Entailing this therefore they are valid and allowed to work in our archdiocese, and we are grateful for their services and hard work up to this point.

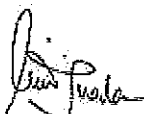
In addition, I shall also clarify that the question of their removal from the priesthood is something that is reserved only for the Holy See to make a decision, and only there is the authority. They deal with matters of such degree alone.

I hope this helps with your article, as I am not sure what the context of your story is. If anything, I sincerely hope it is for the sake of all concerned and a reaffirmation of those who have fallen victimized and for the priests as well, and for the betterment of the world.

And should you have further concerns or questions, please feel free to let me know.

Hope all is well with your ministry.

Sincerely



(Msgr) Pule'eni M. Tu'ala
Secretary to the Archbishop

Appendix C

SALESIANS OF DON BOSCO

(SALESIAN SOCIETY INCORPORATED)

Address all correspondence to:

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COPY FOR YOUR
INFORMATION



Thursday 26 February 2004

Dear Fr Pascual,

Greetings from Australia. Following my meeting with Fr Luc van Looy and Fr Julian Fox at the Pisana in December 2003, I would like to bring you up to date with that situation.

Fr Luc van Looy produced a report from the Congregazione di Gesu Sacerdote in Trento. My surprise at the brevity of the report was explained by the fact that Fr Julian had spent only one week at the centre for an assessment instead of doing something more comparable to the intensive program of six months required of him at Encompass Australasia, the St Luke Institute in Maryland, or Southdown in Toronto, and that the assessment was based only on the original record of interview with the first complainant, did not take into account any of the extensive subsequent documentation which I had forwarded (all of it in English), made no reference to the existence of a second complainant, and did not show a good grasp of the intricacies and complexities of the situation (perhaps on account of limited facility in the English language on the part of the priests of the Congregazione di Gesu Sacerdote).

I pointed out that under the circumstances it would be unwise in the extreme for Fr Julian Fox to simply return to active ministry as though nothing had happened, and that it would leave the Province and the Congregation open to the accusations that have done so much harm to the Church in America. A measure of the situation here in Australia is the furore earlier this year when it was revealed that a diocesan priest had been returned to active ministry in 1997 despite the fact that he had spent eighteen months (!) in intensive therapy at Southdown in Toronto following admissions of sexual misconduct with a minor in Boston twenty years ago.

Unexpectedly, I was asked whether it would be an acceptable solution to transfer Fr Julian Fox to another Province. I regarded this as totally unacceptable - the similarities with what has happened in America with such disastrous consequences should be obvious!

I indicated that there were two things Fr Julian Fox needed to do if he wished to return to active ministry in the Province.

The first was to inform the Archbishop of Suva that two complainants had come forward making allegations of sexual abuse going back to 1978-1979. This is standard procedure by agreement between the Australian Congregational Leaders of Religious in Australia and the Australian Catholic Bishops Conference. The second was to do the only thing that can ever dispel these allegations: to be prepared to face his accusers and maintain his innocence, as Cardinal Bernadin had done in America and Archbishop (now Cardinal) Pell had done here in Australia.

It was only after Fr Julian Fox declined to pursue this course of action, and expressed his own preference for appointment to the Social Communication department, where he felt that his energies and talents would be best employed for the foreseeable future, that we agreed on this solution.

The immediate consequence is that the initial formation community of Don Bosco House, Suva, where there are six young Salesians in the post novitiate and six in theology, is now without a Rector, and I have no immediate replacement. For the time being, I have appointed a young Samoan priest, Fr Petelo Vito, as the Vice Rector, and he has the assistance of Fr Bill Edwards (76 years old) and Br Stephen Poore who is the Bursar.

Can the Congregation help us out in return for Fr Julian Fox by the three-year loan of a suitably experienced priest to be the spiritual leader and guide of an initial formation community, until other candidates who are suitable and ready become available?

I have already raised this matter with Fr Vaclav Klement and Fr Joaquim d'Souza, and have indicated that it is a matter of some urgency to be able to appoint a Rector to Don Bosco House Suva in time for the beginning of 2005.

With best wishes on behalf of all the confreres in the Australian Province of Mary, Help of Christians, and assurances of our prayers and support.

Yours in Don Bosco,



Fr Ian Murdoch SDB
Provincial

Appendix D

**English translation of letter from Fr Pascual Chávez-Villanueva, SDB, Rector Major
of the Salesians of Don Bosco (16 March, 2010; Their file 10/0226)**

Dear Frank,

Warm greetings to you and to all the confreres of the Province of Australia, wishing you a good preparation for Easter that is already at hand.

I received your email with the attached letter, sent to me and to my Vicar, Fr Adrian Bregolin. This reply, therefore, is in the name of both of us.

First of all I wish to thank you for your bringing us up to date on the development of the situation of the sexual abuse issues in the Australia-Pacific Province, following the decision taken by "Professional Standards" to employ a legal expert (Professor Patrick Parkinson) to review the structure, working and implementation of its protocols. I have seen the results of the review that involves the leadership of the Salesians in their handling of the cases of Fr Jack Ayers, Fr Frank Klep and Fr Julian Fox.

I want to thank you especially for your presence with the Executive Officers and Professor Parkinson to fill out their information, and thus adjust the original conclusions, and also for what you will yet do for the revision of the final report that will later be made public.

I am sorry to see you caught up in this unhappy situation that takes so much of your time and energies and, especially, harms the image of the Congregation and the morale of the confreres. For this reason I also hope that -- as you yourself have said -- this situation will come to a final resolution.

Nevertheless, I would like to make some clarifications that appear important to me:

1. Julian Fox's coming to the Pisana (*explanation*: the General House of the Salesians, in Rome - FJM) -- the only case among the three mentioned above where the General Government is involved -- was not the result of our choice. It resulted from an agreement between Julian, the Provincial and the Vicar at that time, Luc van Looy.
2. From an email sent by Fr Ian Murdoch to Fr Luc van Looy (it appears that it is dated 15.06.'03), it is evident that Fr Ian had informed Fr Julian that he was to frequent a course in Italy, at the end of which those who had conducted the course would make a statement on the possibility of his ever returning to a full ministry, or not.
3. This statement was indeed later released by the Co-ordinator of the Congregation of Jesus the Priest, Fr Gianluigi Pastò, dated 27 December, 2003, and handed over to the Provincial in both Italian and English.
4. Indeed, in that December of 2003, Fr Ian Murdoch came to Rome to speak to Fr Julian Fox and Fr Luc van Looy. In that meeting the Provincial expressed his concerns (perplexity) when he found that the report done by the Venturine Fathers in Trent was so positive. Consequently, Fr Ian Murdoch offered Fr Julian two possibilities: either return to Australia for an active ministry, informing the Archbishop of Suva of the two accusations, telling him that he would also be prepared, eventually, to face his accusers, or to remain and work in Rome in the area

of Social Communications.

5. I have shown this letter of mine to Fr Julian Fox. He informs me that it is correct, and he adds the following note: "Perhaps the only thing not indicated in the above is that he had written to the lawyer in Australia who looks after these matters for the Salesians (*note*: I have no idea who that might have been - FJM), and he was advised that it was not necessary for him to return."

Dear Fr Frank, you can be certain that we have never desired to withdraw Fr Julian from his eventual responsibilities, but he chose one of the alternatives that had been put to him by his Provincial (cf. Letter of Fr Murdoch to me, dated 26 February, 2004; *note*: I do not have a copy of that letter - FJM).

With affection, in Don Bosco

P. Pascual Chávez V., sdb
Rector Major

Appendix E SALESIANS OF DON BOSCO

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The Co-Chairpersons
National Committee for Professional Standards
PO Box 981
Bondi Junction NSW 1355

Friday, 7 May 2010

COPY

Dear Bishop Morris and Fr Brennan,

Many thanks for finally getting Professor Parkinson's report to me. I have had a chance to read through it a couple of times. I will indicate a few issues of detail below, but I do not wish to have any further contact with Professor Parkinson, or this process. If he wishes to go public, then I will handle whatever emerges without any further interaction with him or his decisions.

As I have said to you in an earlier letter, he is on a crusade against the Salesians. His passionate language and actions as policeman, prosecutor and judge all rolled into one make it clear that further debate would only exacerbate the issue. As far as the Salesians are concerned, this is our final communication on the matter.

Allow me to mention a few issues that you may or may not wish to pass on to Parkinson.

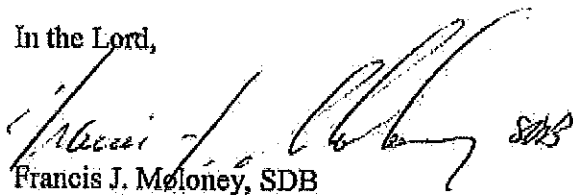
- The Salesians are not an "Order" (throughout)
- Fr Murphy was Provincial from 1994-1999 (not 1998, as on p. 5).
- The information provided on pp. 6-7 is all condemnation by tendentious innuendo – "it is likely that," "it appears that," "it may be that," and so forth.
- I suggest that Parkinson should actually interview the Archbishop of Samoa (as he has Dunklin). He would then get some idea of the complexities of receiving unambiguous answers around matters that he regards as established.
- Pp. 8-9 are again shot through with innuendo, where nothing is proven but everything is implied. Especially bad is the use of a photo (provided by Dunklin?) of Klep in a perfectly innocent situation ... but from the surrounding text, full of tendentious innuendo.
- On pp. 10-12 the policeman who has made the report, makes his judgment and issues his condemnation, claiming that everything is "clear enough now" (p. 12).
- Despite all this, Parkinson reports on p. 17 that "the evidence does not support a conclusion that any of the three priests were deliberately relocated overseas to avoid the reach of the law." This is remarkable, and contradicts everything else he says in the document.
- He proceeds in pp. 17-20 to still suggest that a "public inquiry into these events" would have been the best way to go (p. 17) and to show that the Salesians' handling of these cases "fell far short of ... basic standards" (p. 20).

- His use of Luke 12:2-3 is indicative of his poor research skills and a trace of evangelical fundamentalism. If he had looked at a commentary and put the passage in its literary and narrative context, he would find that the passage refers to "believers who are willing to express their faith privately but not in public, out of fear" (Donald Senior).

I do not mind what you do with the above. With this letter I am signing off from what has been a very poor process and a poorly researched and vindictive witch hunt. I have no intention of coming to yet another meeting in Sydney ... so run with whatever Parkinson wants to do.

Having said that, I deeply regret that real problems and series mismanagement lie behind the issues investigated. I do not think the Salesians need the public exposure desired by Parkinson to address those problems, and to do all we can to redress the mistakes of the past, and anyone injured by them. The most injured parties, of course, are the 120 Salesians still working for poor and abandoned young people in Australia and the Pacific.

In the Lord,



Francis J. Moloney, SDB

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