

From: Barry Coldrey [REDACTED]
To: fcdc@parliament.vic.gov.au
Date: 22/08/2012 08:46 AM
Subject: Second and FINAL Version of my Submission to the Inquiry/Churches handling ...

‘The Abomination of Desolation’: Child Sexual Abuse in the ‘Underbelly’ of the Archdiocese of Melbourne and across Victoria

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A Submission to the Family and Community Development Committee of the Victorian Parliament and its Inquiry into the Handling of Sexual Abuse by (all) the Churches and other NGOs in Victoria

Parliamentary Committees Act 2003

Referral of Terms of Reference to the Family and Community Development Committee Schedule

The Family and Community Development Committee is requested to inquire into, consider and report to Parliament on the processes by which religious and other non-government organisations respond to the criminal abuse of children by personnel within their organisations, including:

➤ the practices, policies and protocols in such organisations for the handling of allegations of criminal abuse of children, including measures put in place by various organisations in response to concerns about such abuse within the organisation or the potential for such abuse to occur;

➤

➤ whether there are systemic practices in such organisations that operate to preclude or discourage the reporting of suspected criminal abuse of children to State authorities; and

➤

➤ whether changes to law or to practices, policies and protocols in such organisations are required to prevent criminal abuse of children by personnel in such organisations and to deal with allegations of such abuse

In undertaking the inquiry, the Committee should be mindful of not encroaching upon the responsibilities of investigatory agencies or the courts in relations to particular case or prejudicing the conduct or outcome of investigations or court proceedings.

The Committee is requested to report to the Parliament no later than 30 April 2013

The Melbourne Archdiocese's priests who have been convicted by Victorian courts or the internal church processes OR named on the *Broken Rites* website as sex offenders include: Father Wilfred Baker, Father Herbert Balding, S.J., Father Anthony Bongiorno, Father Peter Chalk, Father Kevin Cox, Father David Daniel, Father B Day, Father Raymond Deal, Father Anthony Eames, Father Nazareno Fasciale, Father Leo Flynn, S.J., Father Des Gannon, Father Michael Glennon, Father Terence Goodall, Father Jack Gubbels, Father Barry Gwillim, Father John Haines, Mgr. Penn Jones, Father Vince Kiss, Father Bernard Mackin, Father Charles McCann, Father Patrick Maye, Father Gerard Mulvale, Father James Murray, Father John O'Callaghan, Father John Kevin O'Donnell, Father Thomas O'Keefe, Father Paul Pavlou, Father Terrence Pidoto, Father Ronald Pickering, Father Graham Redfern, Father Barry Robinson, Father Victor

Rubeo, Father Arthur Kevin Ryan, Father Peter Searson, Father Kelvin Sharkey, Father Barry Whelan, Father Ray Whitehouse. All these names are public property as all appear on the website of the Broken Rites Inc. 'Survivors' Support Association, Victoria, as do the Salesians below.

The Salesians of Saint John Bosco's convicted offenders include: Father John Ayers, Father Frank de Dood, Father Julian Fox, Father Frank Klep, Father David Rapson, Brother Paul van Ruth, Father Paul Raymond Evans, Brother Greg Coffey. Most of these offended at the Salesian College , 'Rupertswood', Sunbury

A Personal Introduction

The writer COMMENCES his own c. sixty page 'History ...' of his involvement in exploring the clergy sexual abuse crisis in the Australian Church with this memory:

'In 1989, after my return to Australia in the wake of the abortive mission concerned with the establishment of a Catholic Teachers College in Karachi, Pakistan, I was stationed at the Brothers community in Pascoe Vale, an inner northern suburb of Melbourne.

In August 1989, (then Brother), wrote to me 'out of the blue' to tell me of the dark underside of his experience as a Scottish child migrant in the Christian Brothers Castledare-Clontarf (Western Australia) Boys Homes during the 1950s and specifically of sexual his abuse by Brother L.H. (Laurie) Murphy.

Brother claimed that Murphy (his Dormitory Supervisor) forced him, when a teenager at Clontarf around the age of 12 – 13, to sleep with him a number of times. Brother Murphy would come to the boy's bed after 'lights out' and lead the boy back to his own room at the end of the dormitory and direct him into his (Murphy's) bed'.

There has been a vast flood of 'water under the bridge' since that 1989 intervention and these headings provide a mere sketch of the main events:

There was the year, 1990, spent teaching in the History Department of the University of Papua New Guinea ;

The secret meeting in Port Moresby , 3 December 1990 with the Congregation Leader, Brother J.C. Keating

The despatch to Western Australia, 28 January 1991, to commence work on a History of the Four Brothers Boys Homes in that state, which were known collectively as ‘The Scheme’ and this was the lead-in to twenty years exploring the issue, seven to eight of them full-time.

There is an academic discussion of these events in the following source which will not readily occur to non-Catholic specialists: Coldrey, B M, ‘The Child Migration

Controversy, a Survey and Analysis of the Debate over Child Migration and Residential Care in Australia, 1987 – 2000, *Australasian Catholic Record*, Vol. 78, No. 1, January 2001, pp. 62 – 77.

As a result of almost twenty-five years of involvement in exploring the interrelated Child Migration, traditional Catholic Residential Care and clergy abuse issues in Australia (and beyond) this is my stance:

My stance – as a researcher/writer in the area, f/t, 1991 – 1998 and p/t, on-and-off thereafter, is that after almost twenty-five years since the clergy abuse crisis hit the public agenda, the Church has not been able to deal finally with the matter decisively and effectively in some parts of Australia . The Church has not been able to move the matters off the public agenda. *I would hope that we (the Church) did so, once-and-for-all.* The devastation to the Catholic Church’s proclaimed ministry is beyond counting, especially among the Catholic young.

Clergy Sexual Abuse and the Devastation of the Faith of (Many) Young Catholics

The writer is occasionally told by Protestant/secular acquaintances that they know many Catholics, not one of whom practises her/his faith. Many are critical ‘angry young Catholics’. My reply often surprises them: i.e. that young Catholics have had a lot to put up with from some of their Religious leaders: priests, Brothers and lay people close to the Church who have molested children *plus* priests and members of Religious Orders who have abandoned their vows of celibacy *plus* (Arch)bishops who have perpetrated cover-ups to try to hide the above ... and a general image of ‘ordinary’ behaviour among too many church leaders. ‘A minority’ some reply, but a not insignificant minority.

What does Jesus Christ – as remembered in the Gospels – have to say about child abuse or molestation?

“Anyone who welcomes one little child like this in my name welcomes me. However, anyone who is the downfall of one of these little ones who have faith in Me would be better drowned in the depths of the sea with a great millstone around his neck.” (Matthew: 18: 6)

“However, anyone who is the downfall of one of these little ones who have faith would be better thrown into the sea with a great millstone around his neck.” (Mark 9: 42)

“Causes of falling are sure to come, but alas for the one through whom they occur. It would be better for such a person to be thrown into the sea with a millstone around the neck than to be the downfall of a single one of these little ones.”
(Luke 17:2)

Principal Findings and Recommendations

‘The truth is a luxury I can no longer afford’ – A Catholic (Religious Order) Provincial faced with massive sexual abuse allegations against some his members (around 20 years ago’).

Since this piece-of-writing is rather lengthy, the writer is placing some of his key observations – summarised – at this early stage and will develop these points in more detail in the remainder of the Submission

While there have been *significant improvements* in the Melbourne Catholic Church’s handling of sexual abuse allegations against priests, ‘Religious’ and full-time lay workers since 1996 when (then) Archbishop of Melbourne, George Pell, initiated the *Melbourne Response*.

There still remains an addiction to cover-ups (2012) as will be shown below, where the Religious leader believes a cover-up will be a viable option. The practice before 1996 was horrendous.

In addition, cover-ups involve relentless lying – to maintain the attempted hiding of the abuse. The writer recalls twenty years ago, preparing a Provincial Executive in Western Australia for a TV appearance. The word ‘truth’ came into the conversation and he remarked in his witty way: ‘The truth is a luxury I can no longer afford!’ It is fair to say that this would be a common Catholic Church position – if less wittily expressed – by many of his colleagues.

Therefore, associations of the Broken Rites (Inc.) type are absolutely essential to represent the interests of victims of sexual abuse. The State Government should either

- support an association such as Broken Rites (Inc.) with an annual subvention to assist their work, or
- appoint a Government Officer plus staff – of the Ombudsman type – to do similar work of advising and supporting victims of abuse by Church organisations and other NGOs. Obviously they are not meant to do the work of the Police Force but advise clients in a more counselling situation what to do and whom to approach if s/he feels he or she has been molested.

In addition, all relevant professionals – including priests and members of Religious Orders – should be subject to mandatory reporting laws with the rare exception of priests (Catholic, Orthodox and a few Anglicans) in their practice of auricular

confession. An average Catholic priest probably spends about half-an-hour weekly in the Confessional, although there are a few specialist Confessors.

‘We’re in a World of Our Own which No-One Else Can Share’

There can be a tendency for (some) people in sub-cultures or private associations to live in a world of their own. However, in the matter of child sexual abuse, the State has to insist (as best it can) that while some Church people tend to think of child molestation as a sin requiring forgiveness; the secular state has to insist that sexual abuse of minors (and vulnerable adults) is a serious crime.

Moreover, the Churches must increase their professionalism, speed and effectiveness in dealing with complaints, whereas in some other matters the Churches and NGOs may proceed in a ‘solemn, stately and SLOW’ manner to deal with their own issues and challenges that do not impinge on the general community.

In these pages there is no special focus on either

- the problems of the Salesian Order (relatively a small Religious Order in AUSTRALIA , large worldwide) to deal with its issues, especially over the College at Rupertswood via Sunbury or
- the problems of the Christian Brothers over the underworld of paedophiles (convicted and alleged) at St Alipius’ Primary School and St Patrick’s College

There are reasons for this. The specialist over the problems of the (Catholic) Salesian Order is Professor Patrick Parkinson, Room 642, Sydney Law School , University of Sydney , NSW 2006 [REDACTED] Professor Parkinson has mentioned to me that he is making a Submission to the Inquiry.

Meanwhile, in Ballarat, a (Police) Sgt Kevin Carson, has investigated the paedophile ring at St Alipius’s [REDACTED]

[REDACTED] I do not think I can usefully add to their deliberations except in general terms.

The Underbelly in Australian Society; Underbellies in Church Associations – TV Drama!!!

In a sense, the Parliamentary Inquiry is exploring the dark UNDERBELLY of (some) Churches and NGOs. An ‘underbelly’ or criminal underworld exists in Australian society where some citizens act grossly, viciously and repeatedly in an organised way to subvert the laws and standards of Australian society.

In some Religious Orders and Catholic (Arch)dioceses (and in other Churches/NGOs organisations) there may be one-or two men/women who do the wrong thing and the executive of the Religious body acts reasonably and effectively when any illegal or inappropriate behaviour comes to light. There is **NO** underbelly in that organisation.

However, in some Catholic (Arch)dioceses (Melbourne ? Maitland-Newcastle?) there are enough priests, Brothers and full-time lay workers who have done or are doing the wrong thing over the years – AGAINST THE NORMS OF THE CHURCH – in a nasty way to create a permanent UNDERBELLY of individuals who support one another and seek to marginalise and sideline any one who would expose or reform these activities (child molestation, sexual activity – hetero or gay – against the proclaimed celibacy. A few simply make no effort to live according to the standards of their Church.

The writer should make the point that he has never been abused (sexually or physically) during his education at primary or secondary Catholic Schools or Colleges during the 1950s.

There are a number of trenchant sections in the pages that follow, although most of the issues have been canvassed elsewhere and may be explored almost ad nauseum during the deliberations of the Victorian Parliamentary Inquiry.

However, this writer does explore one or two areas which are rarely mentioned and that is the problem of the Catholic offices and their staffs in dealing with such a sensitive issue bearing in mind their qualifications and ability or lack thereof. The Church sometimes has a talent and training problem dealing with these issues.

Moreover, the Church leaders have a culture of (often) lying in anything to do with the clergy abuse challenge. This is mentioned.

There are two ‘Case Studies’ included: the first deals with the handling of a clergy abuse case largely prior to the ‘Melbourne Response’ prior to 1996; the second deals with a case of clergy abuse AFTER the Melbourne Response and, in fact, quite recently. There are too many similarities.

Formal Introduction

In November 2010, Father Tom Doyle, an American Dominican Friar, a canon lawyer and advocate for victims of sexual abuse by Catholic clergy, visited Australia . He was a key speaker at the inaugural Australasian *Clergy Abuse, Reparation and Prevention Conference* and at the ‘ Summit ’ on Sexual Abuse.

These events were organised in Sydney , 12 – 13 November by *Survivors Australia*, which incorporates *Survivors of Clergy Abuse, Australia*.

Father Doyle is outspoken. He said that Australia was ‘decades’ behind the United States in dealing with victims. The American experience was that *church leaders had never, without being forced to*, reached out and done the right thing for survivors. The Committee could do well to invite Father

Tom Doyle to Melbourne to be interviewed by its members and assist its deliberations. The Dominican Priory in Melbourne who would be able to find Fr. Doyle is at 816 Riversdale Road , Camberwell, Vic. 3124. Tel: (03) 9888 – 6798 and Fax: (03) 9888 – 6802. The Prior Provincial is Very Rev. Kevin Saunders, O.P.

‘The abusers Superiors (Bishop, Provincial) did not favour the victims; they favoured the perpetrators,’ he told the ABC programme, ‘*The World Today*’ on 12 November.

In a later interview with the ABC’s *Sunday Nights*, Father Doyle said that a common phrase among American victims was ‘soul murder’ which, in some ways could never be mended. If the Holy Father and many (Arch)bishops had not been forced to act by criminal process, media exposure and survivors’ rage, countless people would still be locked in personal prisons – as they were a generation ago.

Meanwhile, Bishop (Rtd.) Geoffrey Robinson, author of the 2007 book *Confronting Power and Sex in the Catholic Church: reclaiming the spirit of Jesus*, told the 12 November Conference that mandatory celibacy had to take a major part of the blame.

However, Father Doyle’s blunt address has been reinforced by two recent developments in Ireland and the United States :

the strident criticisms of the Irish Church's initiatives in child protection by the former Northern Ireland Police Ombudsman, Baroness Nuala O'Loan, (*The Tablet*, 5 March 2011) and

the recent suspension of twenty-one priests in the Archdiocese of Philadelphia (*The Tablet*, 12 March 2011)
Baroness O'Loan's criticisms have the ring of truth in view of the devastating revelations of child abuse on an industrial scale within the Irish church over decades.

She said that the Irish church's child protection procedures were 'nothing more than embryonic.' She added that while the *National Board for Safeguarding Children in the Catholic Church* was producing good ideas, they weren't being implemented consistently – if at all!

Baroness O'Loan continued: We don't have any proper procedures for the work of the Bishops advisory panels, who advise whether a priest should step aside ... (or) for working out whether it is necessary for a priest to step aside when an allegation is made ... (or) for somebody who makes a complaint in the parish which is not dealt with.

Moreover, the visitation into clerical sex abuse in the Church in Ireland is exploring how safeguarding of children can be improved.

Meanwhile, in early March 2011, the Archdiocese of Philadelphia removed twenty-one priests from active ministry, the largest single suspension of clergy in U.S. history. *The men were 21 of 34 priests named in a Grand Jury Report published in February which indicated that the archdiocese had failed to remove clergy against whom credible allegations of sexual abuse had been lodged.*

The fundamental point in which follows is that Cardinal Rigali of Philadelphia failed to abide by the norms for dealing with clergy sexual abuse as established by the U.S. bishops in 2002. *The Cardinal acted only after a Grand Jury report named certain priests as probable abusers.*

'A Roman Catholic cardinal and *his top aides lied to their lawyer* i.e. they lied to their own attorney about shredding a key piece of evidence in the Philadelphia clergy-abuse scandal, the lawyer testified on Monday, in an AP report published in *Newsday*.

Lawyer Tim Coyne was looking for an internal list of 35 suspected priests for a 2004 grand jury investigation. He asked Cardinal Anthony Bevilacqua and four top aides where to find it.

Coyne said he doesn't remember any response from Bevilacqua. And the aides - two of whom went on to lead other dioceses - denied they knew where it was, Coyne said.

No one told him that Bevilacqua had ordered the list shredded in 1994, shortly after Monsignor William Lynn, his secretary for clergy, compiled it.

"Everyone who I spoke to said they didn't know where it was and they didn't have a copy of it," Coyne testified Monday.

"Everybody lied to you?" Assistant District Attorney Patrick Blessington asked.

"That's fair," Coyne said. [Church lawyers says cardinal lied to him](#) (Newsday). 14 May 2012

This reinforces what Father Tom Doyle said recently: the Church only acts in these matters when it is forced to act, by a mix of the following:

concerted media pressure

the pressure of the criminal justice system, in this case the Grand Jury (an American institution)

the pressure from the civil justice system; i.e. substantial damages against the Church

the pressure of the organised Survivor Associations

In the case of the Philadelphia 21, these priests were placed on administrative leave and told to leave their parish houses. *They should not have been in active ministry for years, of course.* Meanwhile, the Cardinal

stressed that these ‘are interim measures and not in any way final determinations or judgements.’

The cases of the removed priests will be sent to Rome and decisions will be made there on whether they should be laicised.

However, the credibility of the entire American hierarchy was being tested by the Philadelphia revelations. The bishops made promises to the American faithful in 2002 and it is plain that in a major Archdiocese, led by a prominent cardinal, the Bishops did not keep those promises.

The first revelations concerning widespread sexual abuse of children by some Catholic priests across the English-speaking world commenced in 1986. The famous Father Tom Doyle, who was mentioned earlier, was the first priest to ‘go public’ on the problem.

Almost a quarter century later, the Church appears to have made little progress on the issue in some jurisdictions.

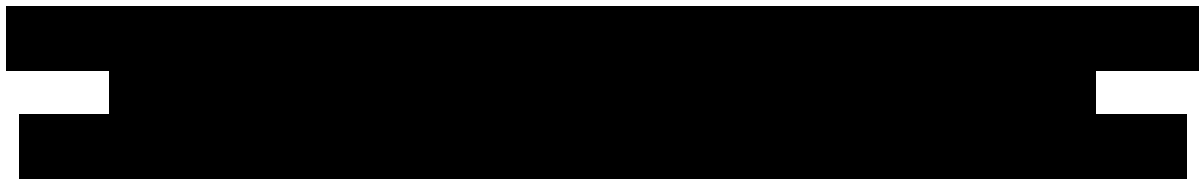
Recent Progress to Connect with Community Standards over Sexual Molestation of Children

On the other hand, in Melbourne , Australia , the Catholic Archdiocese has finally overhauled its sexual abuse inquiry process, more than a year after serious deficiencies were first exposed

Changes have finally been made, but the progress was often glacial, as in this case.

The reforms will require the church's private sex abuse investigator, Peter O'Callaghan, QC, to seek permission from police before he notifies priests suspected of abuse that they are the subject of a covert police inquiry. However, from the date when the media highlighted the problem until the Church acted fourteen months passed!!!

The changes will also increase communication between senior police and the church in an effort to ensure that all abuse cases are handled appropriately.



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Catholic priests – not being parents (usually) – lack the visceral hostility to child sex offenders that most parents have.

Catholic priests are rarely parents – and when they do have issues with their celibacy vows and a child is conceived and born, those Catholic priests rarely assist the mother to bring up the child. *Catholic priests do not have the visceral hostility to child molesters that parents have.* They just don't and they never will have the anger towards child molesters that parents have. Hence 'the state' – representing the nation's parents – has to 'force' the Church to take

the issue more seriously than the Church is inclined to do. This must be stressed again and again.

The State's 'defences' against Churches Secrecy and Cover-Ups in Sexual Abuse Cases include:

- the criminal law and toughening the criminal law to include mandatory reporting by clergy professionals of reasonable suspicions that sexual abuse is occurring or has happened (*except in the fairly rare case where the priest's information is acquired in the confessional*).
- The Church tends (often) to treat sexual abuse as a sin; *society has to stress that sexual abuse is a crime and towards the top of the serious criminal crimes*
- the civil law and the risk of severe financial penalties when damages are sought for clergy sexual abuse crimes
- the pressure of a concerned society via the media
- the pressure of the actual sexual abuse 'survivors' support associations such as Broken Rites

The price of liberty is eternal vigilance. The price of Church compliance with the community's expectations in matters of clergy sexual abuse is eternal vigilance by the state and by the 'Survivor' associations.

The Problem of Euphemisms

The fact that few Catholic priests are parents explains (to an extent) the difficulties which the Church has in connecting fully with the fury of the community over sexual abuse by (otherwise) respected community figures. There is another problem – not as serious as the above – but which **ADDITIONALLY** explains why the Church finds it difficult and sometimes impossible to connect with the rage of the community over clergy sexual abuse: the pervasive tendency of church leaders to use **EMPHEMISMS** when referring to a sexual abuse case. This is understandable but deflects from the horror of many an abuse situation.

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Developments in Victoria : A Parliamentary Committee to Investigate Clergy Child Sexual Abuse Issues

On 17 April 2012, the Victorian Government appointed a Parliamentary Committee to explore clergy sexual abuse issues especially the Churches' (plural) handling of complaints of sexual abuse by clergy.

The announcement at Parliament House was attended by representatives of abuse victims including Anthony and Chrissie Foster, whose two daughters were abused by a priest. (*Herald Sun*, 18 April 2012, p. 4)

The *Family and Community Development Committee* (Victorian State Parliament) is to consider and report to Parliament on the processes by which religious and other non-government organisations respond(ed) to the criminal abuse of children by personnel within their organisations.

While the remit of the Committee covers ALL 'religious and non-government organisations, many people realise that the main focus of the Committee is on the Catholic Church and, most specifically, on its problems in three areas:

The persistent complaints of

- Unresolved problems in the Archdiocese of Melbourne in its handling of sexual abuse complaints against its priests.
- Police research into the suicides of forty people, victims of a paedophile ring of Catholic clergy in Ballarat and the allegation that neither the diocese nor the Christian Brothers dealt effectively with these matters.
- The extraordinary number of paedophile priests from the Salesian Congregation who molested boys at their College at Rupertswood, via Sunbury and the allegation that the executives of the Salesian Congregation dealt inadequately with with these allegations.

The Salesians of Saint John Bosco's convicted offenders include: Father John Ayers, Father Frank de Dood, Father Julian Fox, Father Frank Klep, Father David Rapson, Brother Paul van Ruth, Father Paul Raymond Evans, Brother Greg Coffey. Most of these offended at the Salesian College , 'Rupertswood', Sunbury. The most prominent member of the Salesian Order in Australia is Archbishop Tim Costelloe, Archbishop of Perth may be available to assist the Committee with their
 Inquiries: Catholic Church Office, P.O. Box 3311, East Perth , W.A, 6892 – 25
 Victoria Ave , Perth , 6000. Tel: (08) 9223 – 1351 and Fax (08) 9221 - 1716

What led to this striking change in Government policy?

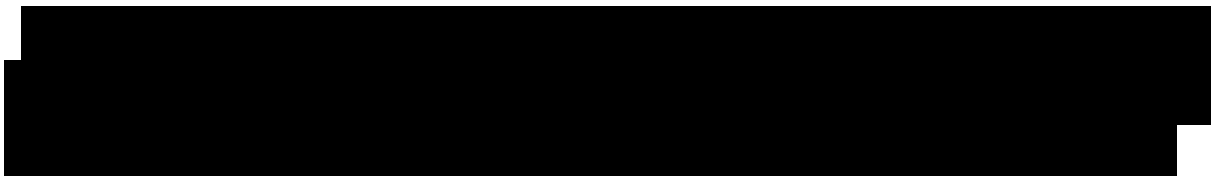
In essence, there has been the consistent pressure from the 'Survivor' Associations supported by important sections of the media.

The Churches and their Addiction to Cover-Ups

A Recent (Small-Time) Cover-Up, Archdiocese of Melbourne

When the Premier, Ted Bailleau, announced a Parliamentary Inquiry into Clergy Sexual Abuse, the Catholic Archbishop of Melbourne, Archbishop Denis Hart, seemed at first nonplussed as he faced the expectant media but in later interviews on the same day, *he said that the Archdiocese would co-operate with the Parliamentary Inquiry* ... and may be he will.

However, there's the theory and there's the practice and the theory and the practice sometimes don't square.



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Smaller to Massive: The Cover-Up of the ‘Double-Life’ of Father Maciel Delgollado, Founder of the Legionaries of Christ

A prominent and dedicated Melbourne priest wrote in his St Francis Church, *Community Newsletter*, 1 April 2010 that the extraordinary ‘double life’ of Father Maciel Delgollado, Founder of the *Legionaries of Christ*, was ‘all but inexplicable!’ Over many years, the world-famous Mexican priest, Father Maciel, lived ‘the narrative of the lie.’

Father Maciel managed to mix founding a Religious Order and posing as a most dedicated pastor with molesting some of his Order’s younger members and (*on the side, over the years*) had one or several girl friends, by at least one of whom Maciel fathered a child. The ‘child’ – now a middle-aged man – surfaced in Mexico a couple of years ago. (We now, fortunately, have DNA testing!)

Father Maciel's case is an EXTREME example of an occasional syndrome in the Church. How can it happen, to priests/Religious that this-or-that extraordinary situation can go on for years and no-one speaks up? Some knew; many suspected – yes! - and in Father Maciel's case some in his own Congregation knew and others should have known, but they said nothing and did nothing.

During my formal investigation years (over the sexual abuse crisis) the writer came across a few such cases. In fact, the writer had to deal for five to six years with a Provincial Executive who was in *on-and-off* sexual relations with women (nuns of a particular Congregation) for 30+ years!

This was NOT exactly criminal (!!!) of course, and I was exploring the sexual abuse problem in the church but our professional relationship was a trifle tense at times!

This following syndrome is not uncommon:

If a Church person doing the wrong thing is in a position-of-responsibility, elected or appointed

is a persistent-and-plausible liar

and is careful and discreet in his behaviour

s/he can get away with the unsatisfactory situation for years until some crisis occurs which finally blows 'the narrative of the lie' apart.

If a priest/Bishop/Brother is a plausible liar; in a position of responsibility (elected or appointed) and careful and discreet in his wrong-doing, he can often get away with the 'narrative of the lie' for a long time.

To give a U.S. example: When, during the 1990s, the writer was heavy into his investigation, the US reformers unmasked the (then) Archbishop Sanchez of Santa Fe, New Mexico, who finally resigned, after admitting that he had been in serial sexual relations with about a dozen women over twenty years during his ministry as Archbishop of the New Mexico diocese! (About 15 US and Canadian bishops have been forced to resign in broadly similar circumstances; none in Australia, happily! In the US, there are over 200 dioceses and over 400 (Arch)bishops). We do need to keep a sense of proportion.

In the case of Father Maciel, the writer was 'in the know' from an early stage because he was in email contact with the actual U.S. reformers attempting to corner Father Maciel and render him accountable. However, some of the reformers were not all 'as clean as a whistle' on the issue. This is an abbreviated account of the sequence of events:

Six young Mexican men joined the Legionaries of Christ in the 1950s, directly brought into the Order by the inspiration and encouragement of Father Maciel

Most or all of the six were abused sexually as young men by Father Maciel. They kept quiet about their sexual abuse and had prominent careers in the Legionaries' Colleges and other ministries over subsequent years.

In each case, in due course, the six men left the Legionaries and each married. They said nothing of their abuse and WENT TO WORK in Legionaries of Christ Colleges and other ministries after having left the Order. They were often in leadership roles, i.e. they had satisfying and well-paid careers working for the Legionaries of Christ after they had resigned from membership of the Order.

In due course, in their early sixties they each retired from work and AFTER THEIR RETIREMENT and NOT needing the Legionaries any more, they announced their abuse. The trigger for going public occurred when the Mexican National Post Office issued a stamp in honour of Father Maciel as a magnificent model for the youth of the world. A couple of U.S. Catholic reformers took up their cause, assisted by the *Hartford Courant*, a prominent East Coast newspaper. It was a long struggle with so many people in denial.

Father Maciel Delgollado, unsurprisingly, denied everything and the Legionaries stuck by their man for years. However, there was a 'ring of truth' about the six Mexican men's claims, although they had each kept quiet while that suited their career interests!

However, as is now well-known, Father Maciel's double life was finally exposed and admitted in Rome about three years prior to his death at an advanced age. After his demise more was revealed in graphic detail.

One of the reasons why child abuse has flourished in some clergy or 'Religious' underworlds is that most priests or Brothers find it difficult to believe that colleagues they know and like could have these terrible temptations and do the wrong thing to such an extent. Denial flourishes!

In the case of the Legionaries of Christ (for example) many members found it impossible to believe that Father Maciel was a magnificent Founder on one hand, but was living an evil double life. He abused many older teenagers and young men who came into his Order.

When rumours surfaced and accusations were made the 'Legionaries' rushed 'to the barricades' to defend Father Maciel. They were gripped by classic denial; their own self-images were threatened and so the accusations must be lies.

Meanwhile, in Australia , the Melbourne Archdiocese is the worst affected of the major dioceses by the clergy abuse scandals (and Maitland-Newcastle, the worst affected among the rural dioceses)

At the school level, Salesian College , ‘Rupertswood’ Sunbury , Victoria , appears to be the worst affected of the Catholic secondary colleges for this state, as St Stanislaus’ College, Bathurst appears to be the worst affected in New South Wales . These are ‘paedophile central’! (In Victoria , the ‘prize’ for the worst Catholic primary school, at one point-in-time appears to be St Alipius’s, Ballarat East)

A few years ago the writer was talking, over the finger food, to a Protestant/secular colleague who had spent his whole adult life working with U.N. agencies in Third World countries. In many ways he was a secular saint.

We were talking about the sexual abuse crisis in the Church. At one point he remarked: ‘Haven’t they (paedophile priests) got any sense of responsibility?’ Well, apparently not! This had to be the answer. Base and savage passions drove out all other considerations!

However, the fact is that the Catholic people – especially young Catholics still sorting out their beliefs, ethics and practice – have received appalling witness from many priests, Religious and lay leaders close to the institutional church. They include:

Priests, members of Religious Orders and lay church workers who molested minors

Religious ‘Superiors’ and bishops who covered up many crimes; Religious ‘Superiors’ and church leaders who have lied themselves silly to cover-up serious crimes and then been caught out in their wickedness!

The Culture of Cover-Ups in the Church

In various ways the writer is often asked a question by Protestant/secular friends. ‘Why can’t you (the Church authorities) appoint a Task Force to take the matter in hand – with a view to getting the whole issue of sexual abuse settled once-and-for-all? *Most of the current claims – but not all - concern crimes committed many years ago.*

This is a fair question, but the person asking is unaware of the organisation under which the Church does its ministry.

The Catholic (Arch)dioceses are each separate from the other. Each (Arch)bishop has authority in his own diocese, but not in any other diocese. The media, for example, often calls Cardinal George Pell, Archbishop of Sydney (2011) as the ‘leader’ of the Catholic Church in Australia , but that is a courtesy. Cardinal Pell has his authority only in his own Sydney Archdiocese.

It follows that each Bishop deals with the clergy sexual abuse crisis as he sees the problem within his diocese. Moreover, the situation can and does vary wildly between the dioceses. Some are vast (in population), some are tiny (though vast in area, e.g. Broome, W.A.) Some have a very serious abuse problem among their clergy (like Melbourne); others are much less starkly affected.

In a similar way, each Religious Order operates separately from every other Religious Order and has varying relations with the separate bishops in whose dioceses it operates. There is no over-arching authority which can force all the Religious Orders to confront the abuse crisis in a unified stance. Each Religious Order executive sees the problem through the prism of his own Order, not as some general whole church problem.

The Context for the Cover-Ups

Some Religious Orders have few abuse issues; others – such as the teaching Brotherhoods (Christian Brothers, De La Salle Brothers and Marist Brothers) have much more serious problems. The executives of each of these Orders deal with the problem as it affects them. Of course, there are relevant meetings but there is no way a co-ordinated response can be forced or mandated.

Meanwhile, within each separate diocese and each separate Religious Order, the relevant executives face all sorts of issues when they try to deal with an emotional and explosive issue such as the molestation of children by their members.

Many of these explosive issues boil down to denial in all its possible ramifications

These are some aspects of denial:

There are confused loyalties; the paedophile priest or Brother is ‘one of us’; the victim is a complaining bastard, probably a liar, possibly just hoping for compensation, definitely exaggerating at each stage; what happened and the results for him/herself.

There is a social class dimension and in the context of Australia most members of Religious Orders have working class values, attitudes and loyalties in spite of the prosperity which Australia has enjoyed since the 1950s

There is the reality of seminary or Novitiate training and the loyalties that can foster. *There are, addition, the loyalties* of men doing a hard and sometimes thankless ministry, especially if they work for the marginalised and very poor in society as in the old orphanages and children's homes.

Therefore, it is easy in a diocese or a Religious Order to stress constantly that any claimant is lying or definitely exaggerating in his or her claims.

Friends of the accused or convicted paedophile, stress that he is a great guy who made one small mistake which should be forgiven; 'there but for the grace of God go I!' The forgiveness culture works in favour of the offender ... 'Forgive the offender; forget the victim.'

Moreover, there has always been a tendency within dioceses and Religious Orders to discuss the issues in euphemisms and avoid the hard reality of what really occurred, *even among those who know what actually happened*

Many years ago, the writer was talking to a Superior-General concerning the Mount Cashel (Newfoundland , Canada) orphanage scandal. We were talking in a normal voice. Then, suddenly, he dropped his voice and whispered in a conspiratorial tone: 'The church people in Canada say it's all exaggerated.' I replied along these lines: 'O stop this [REDACTED] you and I both know what happened there!

However, if I had been an 'ordinary' member of the Order and not a specialist on the topic, the writer might well have believed the Superior-General and his conspiratorial advice.

Then he returned to his normal voice and we resumed our conversation. In that Mount Cashel case some 15 staff members were convicted of sexual offences against boys.

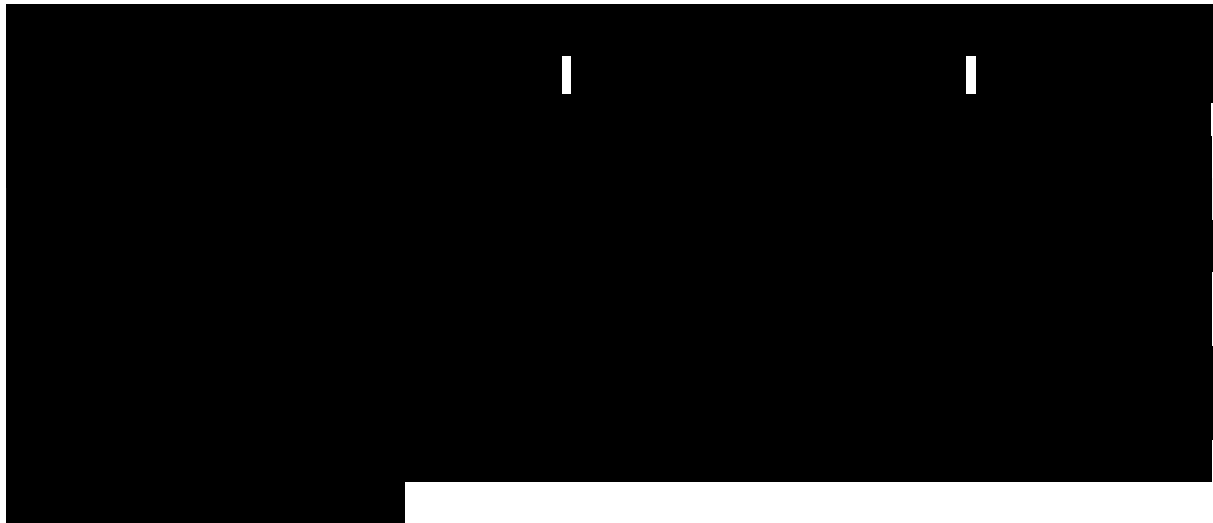
I will analyse the problem of denial from another angle:

In a diocese or a Religious Order with a serious problem, those members who have committed sex offences against minors and have their crimes in the public arena, can provide a protective 'club' to further their interests in its informal 'membership'. The 'club' can include those members who have been (merely!) breaking their vows.

They can be assisted by those members of the diocese. who have also committed offences but whose crimes have never come to light who feel a bit guilty that he/they have been through the courts/jail (may be) or through the internal processes of the Church and not 'me' or 'us'

There can be the protective cover provided by certain Catholic lay people e.g. elements of the *Knights of the Southern Cross* or similar associations who intrigue at various levels in society to protect relatives of, or friends of their members who are clergy or 'Religious' who have committed offences

Then, there is the supportive cover provided by others in the organisation who are 'down on their luck': old, tired and seem to feel that at least they are ahead on this matter and sympathetic to those who have more problems than they do. Unkindly, the writer has called this 'The Poor (Old) Buggers Club!'



In this atmosphere within a Church organisation it can be impossible in a practical sense to discuss the sexual abuse issue with any degree of frankness or 'reality' even at meetings called to discuss 'our' response to the issue. At those meetings there will be offenders present, either openly convicted or (privately) and be well-known by many to have offended. There will be others present who have had public problems with their vows of celibacy. It is (always) impossible to discuss issues in a real way.

The example which follows gives an extreme case of cover-ups over many years – combined with the toxic mix of raw careerism – in the case of an extraordinary Founder of a Religious Order who maintained a double life completely opposed to the ideals of the Order which he had founded.

The Christian message is exalted and timeless, but the carriers of the 'message' can be all-too-human at times. A diocese and Religious Order is prey to all the problems associated with organisations, *one of which is careerism*. There are people for whom the Church or one-or-other of its agencies can provide a good job. The following is an extreme example of this syndrome:

Lay Collusion in the Darker Side of the Clergy Sexual Abuse Crisis in the Catholic Church

We are in the year, 2011. The clergy sexual abuse crisis came to the surface in the late 1980s, i.e. twenty to twenty-five years ago, and shows no sign of disappearing off the public agenda. Many of those dealing with the issue now (2012) in the Church appear to have no sense how long the clergy abuse issue has been on the public agenda.

That is why ‘we’, the Church requires a Parliamentary Inquiry.

No finality has achieved. In part this is due to lack of integrity and sensitivity in the past which brings new claimants into the arena and more bad publicity which brings new claimants into the arena and so on ... ad infinitum!

How explosive, emotional and denial-ridden, the clergy sexual abuse crisis can be in Catholic circles may be gauged from the following event which occurred about seven years ago.

The Invitation from RTE (Ireland) to appear on Irish Television

One day, (c. 2006) the writer received a ‘phone call from a T.V. producer at RTE (Dublin) who asked me to appear on Irish T.V. and radio programmes as a specialist researcher on the clergy sexual abuse crisis and who – unusually – was still a member of his Religious Order.

The lady from RTE asked me could I drop over to Brussels (Belgium) to do the taping; I could only smile and suggest that strained relations with Superiors were such that I might have difficulty gaining a train ticket from Thornbury to the Melbourne CBD let alone receive the funds to visit Belgium! (This IS an exaggeration to make a point!)

At RTE, Dublin , she laughed and remarked: ‘Brother we are sorry to have to make this request, but in Ireland , no-one (similarly qualified) is prepared to go on the programmes. They are afraid that they will say ‘the wrong thing’ and it will affect their careers. You don’t have a career to worry about!’

The clergy sexual abuse issue is so explosive in the early 2000s although I suspect that now (5 July 2012) in Ireland the country has had to face the issue in all its stark reality.

The lady at RTE agreed that they would send a three-person team to Australia and the team would do a number of tasks including meeting with myself. *In the end I was taped in the basement of the Celtic Club in Latrobe Street, Melbourne ... and, in due course, the programmes were played in Ireland.* The reaction of some in the Irish church is another story! There was a sequel! I was advised that if overseas, I was not welcome in Ireland – by the Brothers executives there! ... later I was similarly ‘banned’ from Canada !

However, the main focus of the story is the RTE staffer’s revelation that no Irish academic specialists on the clergy sexual abuse crisis was prepared to appear on the programme. *They feared for their jobs, promotions and career prospects* if they said ‘the wrong thing’ as their employer or Manager saw the matter.

There is another dimension to the Church’s handling of the allegations of sexual abuse. This is lay involvement in dealing with the issue. In a certain way, the issue of clergy sexual abuse is generational.

Clergy Sexual Abuse: a Generational Issue

Most of the allegations (and proven crimes) of clergy sexual molestation of minors – men or women still living at the present time (2012) - *were committed over twenty years ago.* There are a few more recent cases, but only a small number.

This means that almost all of the abusers (or alleged molesters) are men in late middle age to extreme old age: 60s to 90s! Most of the victims are middle-aged or older – some virtually the same age as the molesters.

Younger Catholics, including the minority of younger Catholic adults who are still practising their faith, can largely ignore the endless scarifying publicity – often accurate but repetitive though it may be.

The issue is generational; for younger Catholics it is an ‘Old Farts’ problem from years ago. Moreover, the issue also has a social class dimension; clergy sexual abuse was a distressing feature of the old, ‘Underbelly’ of the disappearing Catholic working class church. *However, the clergy accused and the clergy who are proven*

offenders have relations and friends from the traditional Catholic (working class) sub-culture.

These men (mainly) and women appear to view the church in tribal terms: 'we' are the (threatened) Catholic tribe and 'we' have to stick up for other members of the tribe no matter what!

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Vignettes which show the evasions and ambiguities of the Catholic Church's response to the clergy sexual abuse issue

What follows are some items which show Church attitudes to dealing with the abuse crisis, BELOW the level of evasive, pious-sounding statements in the media when certain 'buttons' are pressed.

Meanwhile, the writer reminds readers that the 'State' has a number of defences against any private association which will not deal with the clergy abuse question effectively and meet the community's expectations in this matter.

➤ the criminal law and toughening the criminal law to include mandatory reporting by clergy professionals of reasonable suspicions that sexual abuse is occurring or has happened (*except in the rare case where the priest's information is acquired in the confessional*).

➤ The Church tends (often) to treat sexual abuse as a sin; *society has to stress that sexual abuse is a crime and towards the top of the serious criminal crimes. Within the Church it is often stressed that 'we' should forgive the sinner – the sex offender – but this does tend to mean: Forgive the offender; forget the victim!*

➤ the civil law and the risk of severe financial penalties when damages are sought for clergy sexual abuse crimes

➤ the pressure of a concerned society via the media

➤ the pressure of the actual sexual abuse 'survivors' support associations such as Broken Rites and Brave Hearts.

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The burden of the following few pages in this lengthy SUBMISSION is that (some) Catholic Church offices do not have the ability/talent/time/experience/integrity to deal with the challenges posed by the allegations of child sexual abuse by clergy.

**Should 'I' take this appointment to work for the ...
Religious Order**

At least ten years ago, a layman rang me from a distant state and requested my advice. He had been invited to work for a Religious Order and his 'Job Description' included sensitive areas. There are no prizes for guessing which sensitive areas.

He wanted my opinion whether he should take the job. As we spoke I guessed he was a man in his fifties and, if he had a wife and family, the children were probably 'off his hands' as the Australian saying is.

(Fast Forward!) My punch line was: 'If you are asked to do something which goes against your ethics, can you afford – financially - to walk away from the position, because many people who work for a Church agency cannot afford to walk away (partner, kids, mortgages) and unless they obtain a favourable reference from their current Church employer they won't get another position in another Church agency.'

The gentleman from the distant state admitted that he was not financially desperate for the job; he could walk away if things went 'pear-shaped' at the Brits say.

In the event, he did go to work for the Religious Order and, since he stayed for about ten years and probably just retired at the end of that time, his ethics had never been challenged.

The moral of the true story is, however, that lay people who work for the smallish Catholic Church offices can come, over time, to be dependent on their job. They have drifted out of the mainstream society (work-wise) and their qualifications are often basic and have not improved over the years.

Lay Workers and the Explosion of Publicity after a Sexual Abuse Conviction in their State/City

Lay people, especially those who work for Church authorities or agencies (such as in Bishops' offices) can be in a difficult position when the child abuse issue arises. The writer cannot know whether the following syndrome is common. *He observed the same scene, once in England and once in Australia*. What happened was identical in each place, 20,000 kilometres apart!

The Catholic office was supporting in one case, a Diocese and in the other, a Religious Order's 'Province Centre' and each office had a dozen or so staff, most of them 'lay', i.e. neither priests nor members of the given Religious Order.

The day immediately after a priest or member of the Religious Order was convicted of sex offences against minors amidst a blaze of unfavourable media publicity, *there was a pall over the staff as they assembled for 'Morning Tea' around 11 a.m.*

The writer as an inconspicuous, silent visitor watched the scene. Men and women grabbed their tea or coffee and mumbling a few words about the weather or the football returned quickly to their offices.

On the second day after the priest's or Brother's conviction and the ensuing media explosion, the tension in the office was less. Someone ventured sympathy for Brother X or Father Y who had done such great work over the years. (There were coffee murmurs of sympathy for the *convicted* church person.) *No one mentioned the victim(s).*

'Ms A or Mr. B' averred that Father was incredibly popular at 'St Agatha's Parish' or 'Brother Y' was exceptionally respected by the boys when he was on the staff of

‘St Michael’s College’ (Both comments were fantasy, ‘Hurrah’ stories! i.e. in the sense that the speaker couldn’t have known one way or the other).

At this stage, someone of the lay people present realised that they were verging towards excusing child sexual abuse and said: ‘Of course, we are all against sexual abuse of children, aren’t we? – where it really occurred? At this point, most took their cue and there was a chorus of voices – over biscuit munching - vehemently stating how they were totally opposed to any abuse – sexual or otherwise ... but the ‘rub’ was in the tail” ‘... where it really occurred’ i.e. trying to throw doubt on Father’s or Brother’s conviction and the veracity of the ‘victim’ who had inspired the criminal action.

By the third and fourth day after the conviction and media brouhaha the office ‘Morning Tea’ was returning to normal. Father or Brother and his conviction were slowly and gradually being forgotten in chit-chat about the weather, the football or petty office politics, personalities and ‘wouldn’t you think?’

Of course, it is easy for the semi-professional writer to highlight human foibles in a stress situation. In this stress, denial flourishes and, more importantly, the people talking are looking to their jobs and careers.

The Professional Catholic Church Committee

The Catholic Church or any association, Government or private, can appoint an Investigative Committee to come to pre-arranged conclusions. It’s a matter whom you choose for the Committee.

Years ago I was researching the Child Migration Issue which brought unaccompanied minors to Australia after World War II. In a file I was examining at the Public Record Office at Kew, London was a memorandum from an official to his Minister about appointments to a relevant Committee and one coolly cynical reference ‘made my morning.’ This concerning Lord X! The Public Service official minuted: ‘Lord X has many friends among the child migration enthusiasts. His Lordship is a complete dunderhead. He is ideal for appointment to the Committee!’

The writer recalls one committee appointed to advise the ‘Provincial Council’/ Executive of a Religious Order concerning the future status of a Boys Home managed by the Religious Order. At the time, there was great play made in the internal publicity about the superior qualifications of key committee members but two things were clear:

➤ One gentleman who appeared well-qualified and armed with relevant experience had been retired for many years and was out-of-touch with developments in his profession. Moreover, he died during the committee's deliberations *at an advanced age!*

➤ A second gentleman had a postgraduate degree but NOT in any area relevant to the deliberations of the committee ... and so on ... and he was also retired.

The writer will take up this issue later, but believes that one of the reasons why the Catholic Church (and others?) cannot get a grip on the whole sexual abuse crisis is sheer lack-of-talent and relevant experience in a number of people working on the issue PLUS the fact that some need their job more than the job needs them. Hence, they are desperate to avoid contentious issues and proceed to tell their church employer what s/he wants to hear.

Church Agencies (may) Lack Talent to Deal with the Child Sexual Abuse issue at the Professional Level the Community expects.

A Professional Appointment (Psychologist, early 1990s)

In c. 1993, a Religious Order decided to employ a qualified psychologist to assist victims of sexual abuse by members of the Order and advise the Order's leaders on relevant issues.

They chose young, recently qualified, 'Bob Smith', who also had married soon after his graduation. However, 'Bob Smith' was blissfully unaware that the Religious Order's executive appointed 'Bob' because he was qualified as a psychologist, *but only recently and had no standing (yet) in his profession. If 'Bob' got out-of-hand (quote/unquote) his services could be dispensed with easily with little 'cost' to the Order.*

In fact, things turned out well. "Bob" was gifted with a pleasant personality and he seemed to balance comfortably the Order's wish to 'keep-a-lid' on the sexual abuse issues (mid-1990s perception) with the needs of the victims. In due course, after eight or so years service "Bob", now armed with a good deal of experience, moved into private practice as a psychologist without any dramas!

The Sexual Abuse Crisis: A Generational Problem

At every stage, the *Victorian Parliamentary Committee* might care to remember that the Church sexual abuse problem has a decided generational side. At some dedicated young Catholics appear to think that it is an 'Old Farts' problem.

- the convicted and alleged abusers are almost all men in their sixties to nineties
- the victims are mostly middle-aged to older men
- Most of the abuse (not all) was committed – at least on victims still alive in 2012 – during the 1950s to 1980s

There has been some, but relatively little NEW abuse alleged as occurring during the last twenty years. This is often not mentioned but does need to be said. The Church handling of abuse issues in the past may be a guide to understanding how the Church will handle NEW allegations of abuse. In view of the realities of human weakness and human evil, it is a fair bet that new cases of abuse will arise.

If the Committee finds, as this writer thinks it will, that the Church's handling of sexual abuse issues was horrific before the reforms made by Archbishop Pell in 1996 and after that date there were significant improvements. However, there are still issues and challenges with the Church's handling of some sexual abuse cases.

As the realities of the Victorian Parliamentary Inquiry spread among those (often ageing) Churchmen who have done the wrong thing there is an avalanche of denial and defensiveness among some Church people (mid-2012). *This is a case of (often) old men (60s to 90s) defending other old men – as old men and as OLD churchmen.*

Forgive the Perpetrator; the Forget the Victim

Within the last couple of weeks (21 July 2012) the writer was at Mass (mid-week, small ageing congregation) and at the brief Homily of the Liturgy the ageing priest worked himself into a lather as he almost screamed at the dear old ladies and a few of their husbands: 'We must FORGIVE, FORGIVE, FORGIVE'. The context was the Victorian Government's initiative to appoint the Parliamentary Committee.

Moreover, the writer as investigator (and involved in exploring the issue over 20 – 25 years) knew that 'Father' had at least one priest friend against whom there were allegations of sexual abuse of minors. There is some point here, but what the priest did not realise is that sexual abuse of minors is objectively sinful (Catholic teaching) but is also a CRIME in the Civil Law of the secular state.

The aggrieved ‘victim(s)’ may choose not to pursue the criminal abuse, but professionals are mandated (or should be required) to report sexual molestation to the authorities.

The Talent Dilemma for Catholic Leaders, Sexual Abuse Context

‘I’ve long given up expecting our (Catholic) Church to meet the standards of the business community’ (A most dedicated Catholic discussing a non-sexual abuse challenge in a Church facility)

In the comments above, the writer has stressed the ‘Generational’ aspect of the sexual abuse issue. Here, the move is to look at *the problems in the Church’s handling of abuse complaints from the difficult point-of-view of the talent/competence aspect of the question.*

In the quotation from the leading Catholic business executive, we can sense that he sees different standards between the mainstream professional society and the professional level of the private Church/NGO office. Since this remark was made, this writer has thought over what his friend had remarked.

The business executive is dealing with very large sums of money; he can employ (some of) the best professional talent available. He pays large salaries and can access highly qualified and experienced professionals. He expects long hours of work and high standards of efficiency and integrity.

The Church office works at a different level; its basic clientele are church people and other church offices. The staff is not on the same professional level as those with whom the business executive was dealing.

Catholic Lawyers Working in the Mainstream Society.

In 1994, the writer was based in Sydney and available full-time as a researcher for the firm of Catholic solicitors who were handling the Christian Brothers legal problems.

After six months they arranged with my Religious Superiors to place me in London to continue my research. There was no sentiment in this and at some point the writer may tell the Committee why he was transferred to London for three years at this stage.

Apart from strictly professional issues, we – the solicitors and myself – had only a couple of heart-to-heart talks on the challenges the Catholic Church faced in dealing with these issues.

[REDACTED]

However, the Provincial Executive of the Christian Brothers (NSW, 1994) probably did not think of their staff as ‘poor quality’ and I thought it prudent not to advise him what his solicitors had said to me! *His staff did not have, normally, to deal with the mainstream society; they dealt with the Brothers and other church offices.*

When anyone talks about issues of ‘quality of staff’ the matters raise all sorts of logical and practical difficulties: ‘quality of staff’ is a matter-of-opinion or to look at the matter from another angle: ‘quality of staff’ to do what? However, as I thought about this on-and-off over time I could see what the solicitors meant.

They, the solicitors, had to deal with the Christian Brothers legal matters in the MAINSTREAM, SECULAR society at the professional level of the MAINSTREAM, SECULAR society. Relevant knowledge, efficient performance; effective communication; precise and well collated records were all de rigeur!

In the private Catholic, (and other?), Church offices the rhythm was different. The staff may be qualified for their roles, but, in fact, high fliers and really qualified people won’t apply or be selected. The places are too small for their talents.

In the Church offices the social side (and sometimes the religious side) may take a good deal of time (“Today, most of us are going to Hilda’s mother’s funeral!” The committee can meet next Tuesday! or ‘It’s Bert’s birthday today and the ‘Morning Tea’ will mean the Committee will meet next month.

OK if they are only dealing with other Church offices

A ‘Victims Support Group’ once complained that when their members were interviewed at by a Church person that individual was a retired Catholic school teacher who knew little about the clergy sexual abuse problem!

[REDACTED]

[REDACTED]

Father Wilfred Baker: Widespread Sexual Abuse and Persistent Cover-Up

Father W Baker's crimes came to light only after the 'Survivor' Association, *Broken Rites*, launched its Australia-wide telephone hotline in 1993. This is an example of horrific cover-ups before 1996 and Archbishop George Pell's initiation of the *Melbourne Response*.

Baker was one of the first priests in Melbourne to be denounced. The callers were directed to the Victorian Police Sexual Abuse Unit and, after investigation, Baker was charged with specimen sex offences against minors.

In the Melbourne County Court on 8 June 1999, he was sentenced to four years' jail, with parole after two years. He was 62 years of age at the time.

In a pre-sentence hearing on 7 June 1999, Judge Lewis told the court that, at the Gladstone Park parish (in Melbourne's north-west) in 1978, a family complained to Melbourne Archbishop Frank Little that Father Baker was molesting their son.

The Archbishop treated the matter lightly. Baker was simply transferred from the Gladstone parish to Eltham, a distant suburb in another sector of the city. 'He continued to offend', said the judge and added that in the past, paedophile priests have been moved around with the full knowledge of the hierarchy.

Over time, it would become clear that the 'moving around' of paedophile priests could involve moving them from one Australian diocese to another and, indeed, from New Zealand, the United Kingdom or some other country to Australia. In these cases, *the bishops were not preparing priests to continue molesting children, they were hoping for the best*, i.e. that the priest would not re-offend. *They were taking a chance in favour of the priest.* They were not putting children's safety first.

The first boy Baker molested was at a migrant camp in 1960 while Baker was a seminarian. He visited the camp with a church youth group.

Father Baker pleaded guilty to sixteen charges of various child sex offences involving eight boys aged ten to thirteen over a twenty year period between 1960 and 1979.

The seven other boys - mostly altar boys - were all pupils at the parish schools in Baker's various Melbourne parishes. They were assaulted at the home of Baker's parents in Maryborough, where they were forced to share a bedroom with Baker.

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A battered parish

[REDACTED] Doveton had other parish priests over the years who were the object of complaints over the same issue.

- Father T. O'Keeffe was the Parish Priest at Doveton in 1974 [REDACTED] [REDACTED] After action by Broken Rites, the Melbourne archdiocese has apologized to some of O'Keeffe's former altar boys.
- Father V. Rubeo was the Parish Priest at Doveton in the late 1970s and early '80s. In 1996, Rubeo pleaded guilty to having indecently assaulted two boys in a previous parish, Laverton.
- Father P. Searson was the Parish Priest of Doveton from 1984 to 1997. In March 1997, after police began investigating claims of child molestation, Archbishop G. Pell suspended Searson from parish work (*Sunday Herald Sun*, Melbourne, 23 March 1997, p.2)

Civil action against the church

In [REDACTED]

[REDACTED]

[REDACTED]

In Victoria , no Catholic bishop has been found liable in a civil action for sexual abuse that a priest has committed. However, in the 1990s two bishops resigned prematurely in circumstances where that seems to have been part of some deal – in these matters.

The Church tries – often successfully – to settle these cases out-of-court with a money payment to the victim to avoid the publicity of a civil trial before a jury.

In Victoria , most victims find it easier to use the church's in-house mediation system. Civil court actions take a long time from initiation to trial to settlement. A private mediation process can lead to money in the victim's hand much more promptly, although less money than the plaintiff might receive if s/he went to a civil trial and won.

The Courts are clogged with cases and there are many ways that the defendants can prolong the process. Hence, many victims use the Church's internal mediation process.

Father Paul Pavlou: A *Recent*, Horrific Case of a Priest-Abuser

Paul Pavlou was ordained for the Archdiocese of Melbourne in 2004. He was to admit eventually that he committed child-sex offences in 2006, only two years after his ordination and twenty years after the clergy molestation issue had been on the public agenda.

This is a most disturbing case because

the Church claims that it has taken strong action in recent years to prevent such crimes occurring, and

naturally many people wonder how the Church recruits candidates and trains these seminarians for ministry

Father Paul Pavlou, pleaded guilty in the Melbourne Magistrates Court on 29 June 2009 to one charge of committing an indecent act with a 14-year-old boy and another charge of possessing child pornography.

The offences occurred while Pavlou was ministering at Healesville, in the rural hinterland, north-east of Melbourne , for about a year in 2005-2006. After he pleaded guilty, Pavlou was treated lightly.

for an indecent act with a child under 16, he was sentenced to 18 months in jail, which was suspended for 24 months.

for being in possession of child pornography, he was sentenced to a two-year Community-Based Order.

Background

Paul Pavlou was born in Australia in 1959. His family is of Greek Cypriot origin. The third of six children, he grew up in Melbourne suburbs and attended State Primary and High Schools.

He studied engineering at Melbourne 's Monash University for a year before completing a Diploma of Teaching (Primary) at Melbourne 's Frankston State College in 1981. He began teaching in state primary schools at Hallam and Mount Waverley . Over these years Pavlou became an active Catholic.

Meanwhile, in 1997, he graduated with a Bachelor of Theology at Catholic Theological College and entered a Religious Order as a Brother in the the Salesians of Saint Don Bosco. Brother Pavlou lived in Salesian establishments in Melbourne 's east (at Oakleigh, Lysterfield and Ferntree Gully). At Fern Tree Gully, Brother Paul Pavlou taught at St Joseph 's Regional College .

In his forties, he was accepted by the Melbourne Catholic archdiocese as a mature-age entrant for the priesthood and did his training at the Church's Melbourne seminary. After being ordained during 2004, he worked as an assistant priest at Croydon (Sacred Heart parish in Melbourne 's east. In late 2005, Paul Pavlou took up duties at the Healesville parish.

About October 2006, a complaint surfaced regarding the 14-year-old boy. The boy's mother became concerned about the 47-year-old priest's persistent interest in her son, which included telephone calls, text messages and regular sleepovers. The mother notified her concern to the principal of St Brigid's primary school. The mother was directed to the Melbourne Archdiocese's internal investigation system. As part of the church's internal process, the church sent two female representatives of the archdiocese to conduct a series of tape-recorded interviews with the boy. Under the church process Father Pavlou was notified about the boy's allegations. Meanwhile, during the church's internal investigation, Pavlou left the Healesville parish. He had been there for one year.

Police investigation

Meanwhile, the victim's mother became dissatisfied by the church process and decided to consult the police. Unlike the slow-moving church process which had dragged on for six months, the police acted decisively. A persistent and justified 'victim' complaint is that the in-house Church procedures tend to drag on ... as if this is a deliberate policy.

In 2007, the Police interviewed Pavlou and checked his computer. However, Pavlou [REDACTED] had deleted files from his computer. In spite of this, Victoria Police IT specialists were still able to retrieve evidence that Pavlou had been using the computer for child pornography.

In due course, Father Pavlou was charged with specimen sexual abuse charges. Originally, the defence indicated that Pavlou would contest the charges. Normally, this would entail a long hearing, perhaps over several days, with witnesses being examined and cross-examined. However, at the trial commencement (29 June 2009), Pavlou pleaded guilty.

The prosecution agreed to amalgamate the two counts of indecent acts into one charge and in addition there was the matter of his being in possession of child pornography. Pavlou's sentence has been mentioned already.

There was a major *Age* investigation with articles published in July 2009. Naturally more details emerged of the case involving Father Paul Pavlou. Interested parties can search for these articles. However, the next three pages or so are in debt to these *Age* articles for some of the material.

Meanwhile, in the wake of the revelations concerning the depredations of Fr. Paul Pavlou, a group of victims, their families and supporters were demanding answers about the way the Melbourne Archdiocese handled about 450 sexual abuse claims during the thirteen years since the *Melbourne Response* was introduced (1996).

The *Melbourne Response* was introduced by (then) Archbishop George Pell to investigate abuse complaints and offer counseling and compensation to victims.

However, for years, there was never been any public review of whether any of the 450 cases shed any light on how priests suspected of abuse were able to retain their positions and re-offend. [REDACTED]

[REDACTED]

Towards Healing (Australian Catholic Church) and Melbourne Response (Archdiocese of Melbourne)

In contrast with the *Towards Healing* approach adopted elsewhere in Australia , the Melbourne response referred all complainants to a barrister appointed by the Church.

Over the thirteen years, Peter O’Callaghan, Q.C. has investigated abuse complaints.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In 1996, Archbishop Pell said O'Callaghan's appointment mirrored that of a ‘Royal Commissioner’, because he would be paid for, *but operate independently of the church*. This reference to a Royal Commissioner exaggerates Mr. O’Callaghan’s powers and position.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

On the other hand, unlike a Royal Commissioner, O'Callaghan was unable to compel witnesses to give evidence, seize evidence, or issue public findings where appropriate.

When victims contact O'Callaghan, the barrister's guidelines require him to tell them of their right to go to the police, for whom he can be 'no substitute'.

To ensure a police inquiry is not polluted, O'Callaghan's investigation must cease until the police's work is finished and any prosecution is over. This is to avoid a scenario in which a victim gives a statement to O'Callaghan that conflicts with what they tell police, providing a means for the lawyer of the accused to attack, in court, the victim's credibility.

[REDACTED]

[REDACTED]

In due course – as has been said already - after Pavlou pleaded guilty to two counts of "indecent acts" involving Smith's son and to possessing child pornography, he was sentenced to an eighteen-month suspended jail term and put on the *Sex-Offenders Register*.

The conviction brought a flood of relief and a set of fresh questions:

- What would have happened if the first victim's mother had never contacted police and why wasn't she urged to do so?
- Why, after 13 years, is the church still 'feeling its way' with some cases?

Understandably, later in 2009, 'Lisa Smith' joined the group *of church sex abuse victims who are demanding a review of the Melbourne Response*.



Paul Pavlou – Defrocked by the Holy See

In 2011, the Archdiocese of Melbourne revealed that Paul Pavlou had been laicised and officially removed from the *active* priesthood. (In the Catholic view, once a priest, always a priest, but a priest may be denied the right to practice.)

Why was Pavlou laicised by the Vatican when other clergy sex offenders have not been removed from the priesthood? The Church has rarely dismissed sex offenders from the priesthood and the Pavlou case was far from the most revolting when placed against other offenders?

These may be the reasons:

Pavlou's offences were committed recently; his was not a historical case. The issue had been 'on the public agenda' and discussed constantly in the media for over fifteen years. Yet Pavlou still offended; he was out-of-control and he is relatively young.

It is likely that the church authorities had private professional advice that Pavlou would always be a risk of re-offending and could never be 'cured' while he remained a priest with the vow of celibacy!

Pages 50-98 have been redacted due to multiple adverse reflections or inappropriate content in the submission.