

SUBMISSION TO THE PARLIAMENTARY INQUIRY

**PROCESSES BY WHICH RELIGIOUS AND OTHER NON-GOVERNMENT ORGANISATIONS
RESPOND TO THE CRIMINAL ABUSE OF CHILDREN
BY PERSONNEL WITHIN RELIGIOUS ORGANISATIONS.**

WITNESS:

CARMEL RAFFERTY

FORMER CATHOLIC PRIMARY SCHOOL TEACHER

August 31st, 2012

SUBMISSION TO THE INQUIRY INTO PROCESSES BY WHICH RELIGIOUS AND OTHER NON-GOVERNMENT ORGANISATIONS RESPOND TO THE CRIMINAL ABUSE OF CHILDREN BY PERSONNEL WITHIN RELIGIOUS ORGANISATIONS.

Name	CARMEL RAFFERTY Primary Victim - LOSS OF TEACHING CAREER
Address	C/- Lewis Holdway Lawyers 20 Queen Street Melbourne 3000 Ph. 96299629
Responsible Church Authority	Melbourne Catholic Archdiocese
Time of the events	1992 /1993: I was a teacher at Holy Family School, Doveton, and teaching yrs. 5/6 for the first time. I discovered that the parish priest Fr. Peter Searson (now deceased) was sexually assaulting students who begged me for protection. When I reported this, I was subjected to significant covert bullying and subversive alienation and lost my job and teaching career as I was excluded from further teaching posts in the Catholic education system. A previous principal, and another teacher who had both objected to Fr. Searson's behaviours with the children prior to me coming to the school, also lost their careers, 6 yrs. before I did, for speaking out and fighting for the safety of the children.
Time of Report to Church Authority	1996 to the Melbourne Response
Time Taken to Resolve Complaint	14 Years
OUTCOME	Ex- Gratia Payment – almost 18 years after loss of career. My case was dealt with by Peter O'Callaghan outside the panel. Apology.

INTRODUCTION:

My submission reports collusion and cover up throughout the catholic system. The material I present here comes directly from original and anecdotal records I kept as the events occurred, commencing in 1992. My handwritten anecdotal records and typed notes are available on request. My submission consists of several parts, listed below with their contents. Relevant documents are attached as appendices at the end of the submission.

PART 1

The first part of my submission addresses activities in the local school and community in 1992 and early 1993, up to the time of my career loss, including notifying the church, and the influence of the Catholic Education Office. It includes my later process with the Melbourne Response and settlement of case in 2010.

PART 2:

This deals with my experience of discovering in mid-1993, what was claimed to be at the time, a "secret task force" of the church that was conducted in 1992 in the school and parish of Holy Family, Doveton.

This task force appears to have been an investigatory initiative of the bishops whose protocols were recorded in the document entitled;-

"Australian Catholic Bishops Conference Sub-Committee, Protocols For Dealing with Allegations of Criminal Behaviour, Plenary Meeting April 1992.

[REDACTED]


I believe that the only way we can successfully effect change is with a Royal Commission and law reform.

PART 3: Supplementary Submission

Former principal, Graeme Sleeman and I recently reported to the media on September 17th, 2012, our experiences of fighting for the safety of children, negligence and buck passing by the hierarchy of the Melbourne Catholic Archdiocese, and our subsequent career losses. Media articles are attached. (Note: I have never met Graeme Sleeman face to face.)

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PART 1: HOW MY COMPLAINT WAS HANDLED

1.1 Initial Contact: school, local community health centre, police, catholic welfare, CEO.

- I was told to remain silent [REDACTED], about my concerns about the perpetrator, Searson, and the safety of children.
- I requested pastoral care for staff caring for children in the light of the disclosures.
- [REDACTED] advised me there was none.
- The local Community Health centre introduced me to police.
- Doveton Hallam Community Health Centre Management, Police and I liaised regularly.
- Police unable to act unless parents pressed charges - children vulnerable.
- I complained to Fr. [REDACTED] Catholic Family Welfare Bureau (Centacare) re children's disclosure and pleas for safety from the predatory priest.
- Fr. [REDACTED] advised me something would be done.
- Four months later I located CEO pastoral care department in the hope of saving career.
[REDACTED]
- [REDACTED]

1.2 Period of investigation: principal, CEO, secret investigation, my career ended.

- My information was passed around the organisation without my knowledge or consent.
- A secret investigation was commenced in the school without my knowledge
- No one advised me that the investigation was taking place.
- Fr. [REDACTED] contacted me but failed to advise me of investigation.
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- Three months later, CEO [REDACTED] and CEO [REDACTED], arranged an option to send me to another school due for a year- end redundancy.
- My health broke down and my sick leave expired. I resigned from Holy Family, the school also with a year-end redundancy, responsible for bullying me out of my career.
- I received no pastoral care after career loss through subversive alienation.
- I felt bullied, abused, traumatised, humiliated and isolated [REDACTED]
[REDACTED]
- [REDACTED] advised me I was no longer eligible for my CEO scholarship, and refused to help me obtain another job.
- I was never offered any counselling or practical support for four years.
- [REDACTED] was now providing bad phone references. I checked this out.
- No support was offered to my family.

- No support was offered to the school community or parish community at the time.

1.3 Secret church investigation.

- May 1993, six weeks after job loss, and five months after its completion, I learnt of the secret investigation into Searson that took place while I was still at the school in 1992.
- I was very disturbed by this.
- Catholic agencies completely ignored my concerns about this investigation and cast doubts on my mental state.

*See: Archdiocesan Memo: Fr. B. J. Fleming, Secretary to Archbishop;
Mentioning "tread gingerly because of a writ served on Fr. John Usher.*

(Appendix 1.)

- [REDACTED]
- [REDACTED]
- [REDACTED]

1.4 Investigation process: Melbourne Response, commissioner, pastoral response, carelink.

- Peter O'Callaghan interviewed me regarding Searson at the beginning of the Melbourne Response late 1996.
- I was not offered a support person during the interview with Peter O'Callaghan regarding Searson.
- I have never been offered access to transcripts of my initial interview with the church authority, nor have I asked for them.
- I was offered counselling in 1997, tried two Carelink counsellors. Both refused to hear my need for a job, but insisted on doing therapy. I left and went job hunting.
- Peter O'Callaghan interviewed the other teachers from Holy Family School around that time.
- Peter O'Callaghan conducted a Melbourne Response pseudo court investigation regarding Searson.

- [REDACTED]
- [REDACTED]

- I tried counselling for a short period a few years later. It was better.

- [REDACTED]

- I received a letter from Peter O'Callaghan, 6th August 1999, "Abuse-wrongful dismissal."

- [REDACTED]
- [REDACTED]
- [REDACTED]

- I believed Peter O'Callaghan was working for the church, not independently.

- [REDACTED]

- I was not offered independent legal advice during my case.
- The church has paid for counselling since 2010. My psychologist has written a report for my case.
- My Melbourne Response case had significant time delays before resolution 14 yrs. later.
- My process remained stagnant till I worked almost full time on it for two years.

- I attended one other meeting with Peter O'Callaghan in Aug 2010 regarding my claim, an internal hearing, before my claim was accepted.
- I wrote to the Archbishop at the time of the Canonisation of Mary McKillop in Oct. 2010 to attempt to get my case completed because nothing was happening.
- My solicitor's record of actions in my case during 2008-2009-2010 extends to twelve and a half A4 pages of single line entries – a lot of delay.
- My experience of the process was that it became unnecessarily legalistic
- The Archdiocese refuses to meet costs of legalistic process-clients have to foot the bill.
- Carelink provided me with good psychological counselling 2010, 2011, 2012.
- I was refused a meeting with the Archbishop until I signed a Deed of Release.
- I received a written apology from Denis Hart.
- Searson remained in his position despite my report, for another 5 yrs.
- Searson continued to be involved in Catholic ceremonies. He eventually finished his days in a psychiatric establishment where he was sent from Nazareth House nursing home, Camberwell.
- I felt re-traumatised as a result of going through the church authority's process.
- I felt extremely traumatised by response to my situation by CEO, CFWB.
- I felt very re-traumatised by independent advocacy.
- My solicitor requested ongoing support for me at the end of my case. Peter O'Callaghan and CARELINK readily agreed to this.
- Peter O'Callaghan personally treated me in a collegial, respectful and open manner on the three occasions we met, one by coincidence out on the street later in 1997.

1.5 They failed to take into consideration the terrible history of placing paedophile priests at Doveton.

Article: 'Holy Family Parish, Doveton: Six Paedophile/Sexually Abusive Priests over 35 years from 1962 -1997.' *(Appendix 2.)*

1.6 Outcome.

- Peter O'C eventually processed my case outside the normal Melbourne Response system, without The Panel, and paid me a higher amount.
- Permanent loss of teaching career and professional life.
- Loss of study scholarship from CEO.
- Loss of ability to build superannuation.
- Loss of seven years long service leave.
- Loss of well over a million dollars.
- Many other losses and deprivations for life. My family have suffered.

1.7 I was dissatisfied with the process for the following reasons.

- Every attempt I made to report abuse was ignored or shut down.
- Every attempt to get help for myself was met with further abusive treatment.
- The payment in no way addresses my countless losses, and is a fraction of what I've lost. I am still on a very low income.
- It does not address the actions of The Archdiocese, [REDACTED] or other agencies of the Catholic System who colluded in the loss of my career, or in the secret cover up.
- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1.10 Important considerations.

Bishop moved priest to new parish, under "a ban"

The Bishop removed SEARSON from his previous parish because of allegation of sexual abuse of children, conducting one to one sex education sessions, in spite of his record and in spite of the principal's protests.

- [REDACTED]
- Searson came to Holy Family Parish Doveton under a ban preventing him from taking children into his presbytery or into the confessional; it appears in return for charges not being proceeded with.

- Searson still did everything he could to get children into one-to-one confessional situations. Further abuse occurred. [REDACTED]
- Vicar General Gerald Cudmore advised me, 21/9/93 a diagnosis of psychopathic tendencies of the priest was made at that time, yet the Archdiocese left him there till March 1997, when he was convicted of a physical assault of a child not long before.

The hierarchy is not serious about safety of children.

In fact they appear to deliberately cluster abusers in areas where people become used to oppressive controlling behaviours that make their children more vulnerable. They also cluster nearby – e.g. Kevin O'Donnell was at Dandenong next to Doveton. He helped obtain the land for the parish. O'Donnell was there early in the Doveton 35 year span and again late in that time.

Hierarchy are just looking after their own lifestyles.

They can relocate overseas leaving devastation, never facing justice. Australia is attractive to paedophiles for their lifestyle because of our laws. It is easy for bishops to delegate underlings to write wordy documents that look the part, or even to attempt to head off law suits, but do they act on them?

The breadth, depth and spread of clergy sexual abuse in plague proportions

In Melbourne, Victoria, Australia and worldwide, this points to paedophile and pederast networks in society everywhere, especially the church where they know they can get away with it so easily because of our trust, our gullibility and our laws. It is crime and appears to be organised.

We must realise the problem will never change until we take matters into our hands in Australia and make the necessary changes in the law. Look at Ireland's stance.

We must take this very seriously and begin eradicating this rampant evil.
We have a chance to begin.

The only way to fix it is to change our laws in a big way.
We must fight for our children and our children's children's future.

1.11 Required changes to law/practices/policies/protocols.

Recommendations;

- The relationship between Canon Law and civil and criminal law should be transparent and canon law should be subject to the law of the state and the constitutional law. Criminals must be prevented from hiding behind canon law.
- The loophole in the law should be changed to prevent perpetrators who are stood down by the church, appealing to canon law and the Vatican, and remaining in positions or reinstating themselves. Examples available.
- Criminal law should be amended so that perpetrators who currently can persuade parents not to press charges can be apprehended and kept away from children till such time as they may be proved innocent. Under our current laws the hands of the police are tied and more children are abused.
- State and Federal laws need to be changed to stop hierarchs and any other persons who have been shown to have covered up, moved predators on, and in any way colluded in allowing abusers to continue criminal activity to be punished.
- The Melbourne Response system should be replaced by a state system, regulated and accountable to the state.
- The church authority's organisations should include complainant representatives to ensure that their services appropriately target the needs of complainants only if they are channelled to the above civil processes. It would be better if the process be removed entirely from the church and placed in the hands of the state.
- Recognition and Inclusion of spiritual damage as a critical element in the harm caused. If the church is left to be responsible for this they must be regulated by civil bodies and accountable.
- Recognition, practical response and support to family members of the complainant, should be provided by the church but made accountable to civil bodies.
- Psychiatric screening of all current church personnel, including those currently in training for religious life, and those applying in the future should be organised and followed through, again by civil bodies independent of the church.
- Funding for complainants who seek a holistic casework approach, (spiritual/medical/legal/ psychological) should be provided by the church but regulated by civil bodies.

- There should be an acknowledgement that the required pastoral care in this field is specialised and should be provided to victims by appropriately qualified professionals at no cost to the complainants, again by outside agencies.
- The Statute of Limitations should be amended to allow historical abuse claims.
- Corporations law should be amended so that the church authority is legally a corporation and capable of being sued over time.
- Property trust legislation in each state should be amended to prevent the church authority from protecting its assets from civil suits.
- The law on vicarious liability should be amended so that priests and religious are treated as employees and therefore church authorities can be held responsible.
- The church should be made to properly compensate all victims who have received payouts and those who have not and those who may yet come forward.
- The church should be made to pay the costs of the legal work required for victims.
- Proper training in grooming and predatory behaviour should be developed and provided by properly trained secular people to all education, welfare and medical systems where children and others may be vulnerable. This needs to be regulated and monitored.
- The Australian Archbishops failed to follow their own protocols. (Appendix 4.)
Laws must be changed to protect children and the state must oversee this.

1.12 Advocacy:

- Advocacy needs to be reviewed and put on a fully professional footing.
- Advocates need to be required to;-
 - a) have completed an initial tertiary degree in a suitable field as a prerequisite.
 - b) be registered with a professional body,
 - c) meet professional standards set out by such a body,
 - d) be regulated by a government body and be accountable to both organisations,
 - e) be responsible for practicing professional business methods.

SUPPORTING DOCUMENTS AVAILABLE ON REQUEST.

- providing advice
- conducting an investigation;
- assisting with investigations;
- managing contact with media;

POINT; 5.2.3:

'Membership of the Special Issues Resource Groups shall include at least one priest as well as other professionals skilled in the relevant social sciences.'

POINT; 6.1:

'Whenever the competent ecclesial authority receives information of alleged criminal behaviour the matter shall immediately be referred, except in circumstances of a most serious and extraordinary nature, to the relevant Special Issues Resource group.'

POINTS; 6.4.3:

'Complaints received by the competent ecclesial authority directly from a victim and /or a member of the victim's family should be received sympathetically and the victim and /or the family *informed that they will be contacted by a person skilled in the area so that a complaint may be investigated.*'

NOTE: Contrary to instructions in 6.4.3 the staff at HF School was never informed, either by the priest in charge, by the principal nor anyone else, till [REDACTED]. 'The competent ecclesial authority shall immediately refer the matter to the Special issues Resource Group or victim or any other person.'

POINT: 7.3:

'No admission should be made to the complainant or any other person

- that the accused is guilty
- that there is any liability in damages
- that any particular course of action will follow any investigation.'

POINT 9.4

"If an accused refuses to take administrative leave or is otherwise unco-operative action may be taken in accordance with the provisions with CIC Canon 1319. In such circumstances specific advice should be sought from an expert in Canon Law.

What then ?

See: Newspaper reports, March 1997: Lee Opitz, article; Priest stood Down.

Hilton Deakin's comments to the media when Searson was stood down in 1997.

"It is a private matter" . . . " and any talk of resignation is in Fr. Searson's hands."

(Appendix 7.)

POINT 8.4 very interesting.

"The competent ecclesial authority must take care not to act in a way that could be interpreted as an attempt to pervert the course of justice, or amount to the offence of being an accessory after the fact. The accused must not be aided to escape the jurisdiction or otherwise to frustrate the process of the law."

2.5 Important issues highlighted by this case.

Canon Law:

We must legislate to claim the law of our state and federal laws as having priority over any laws of any foreign state. We must eject the power of the Vatican.

We must bring to justice all those who have covered up or moved perpetrators around to stop this happening in the future.

Perpetrators use it to escape removal or punishment:

[REDACTED]

State Law

We must change our laws to arrest and remand suspected perpetrators until they can be proven innocent. The very nature of paedophilia is perpetrated in privacy therefore we can no longer afford to leave our laws open till such time as it is proven a certain perpetrator is proven guilty. Suffering and damage to innocent children must be prevented.

Perpetrators hamper police action:

Perpetrators put pressure on children to maintain secrecy, and on parents not to press charges, leaving them free to continue abusing.

Vatican and the crime of targeting victims in the confessional.

'Crimen Solicitationis' (Vatican document available on the internet)

http://www.vatican.va/resources/resources_crimen-sollicitationis-1962_en.html

The Vatican has been trying to prevent priests from soliciting in the confessional for aeons.

Background

A modus operandi of Searson (perpetrator) in the school where I taught, was abusing children in the confessional.

He left the previous school banned from taking children into the confessional.

See: Archdiocesan Memo: Meeting between Dennis Hart, Maria Kirkwood and Ray Adams, re warnings. Oct 1996, (Appendix 3.)

See: Newspaper reports, March 1997: re the standing down of Searson by Pell. (Appendix 7.)

Former principal who lost his career also was kept busy trying to prevent the priest from taking the children into the confessional. The year I prepared students for first confession I had to stand guard with another teacher outside the confessional keeping the door open. Confession in that era was often held in a curtained off area/ or room with two chairs facing each other.

[REDACTED]


2.6 Links to further documents and interpretation by the experts:

1962- the pope canon laws for perpetrators who solicited in the confessional.

Tom Doyle on "crimen."

www.bishopaccountability.org/news2010/03_04/2010_03_12_Doyle_VeryImportant.htm

Richard Sipe;

<http://www.richardsipe.com/Doyle/2008/2008-04-01->

[Commentary on Crimen Solicitationis.pdf](#)

<http://www.youtube.com/watch?v=VgU2HS9NugU>

2.7: I believe that the only way we can successfully effect change is with a Royal Commission and law reform.

PART 3: SUPPLEMENTARY SUBMISSION - 21.9.2012

3.1 Media: September 17th 2012; Graeme Sleeman and Carmel Rafferty re Searson and Holy Family Parish, Doveton

- The former principal, Graeme Sleeman, who lives in Qld, decided to break his silence. Barney Zwartz contacted me so it became the right time for me to speak as well.
- New information on the matter of Priest perpetrators left in situations where they continued using confession as a source of further abuse.
- Melbourne Catholic Archdiocese Investigations.
- [REDACTED]
- Supporting Documents available on request and in appendix.
- Other documentation available on request, particularly relating to STFI and my settlement.

3.2 Media articles: Sept 17th 2012.

(Appendix 7.)

- THE AGE; September 17th 2012: Barney Zwartz ,
The price of battling paedophilia.
- ABC NEWS; Sept 17th; September 17th 2012: Jean Edwards,
Former catholic teachers break their silence.
- ABC LOCAL RADIO, RADIO NATIONAL, Sept 17th: Rachael Carbonell;
New abuse claims against the catholic church.

3.3 Historical media: March 1997, when Pell stood Searson down.

(Appendix 8.)

- Dandenong Journal, Mon 27th October, 1986:
Resignation of priest is sought.
- The Sunday Herald Sun, Mar23rd 1997; Wayne Jones;
Priest faces claims of child abuse.
- Journal, city of Casey, by Lee Opitz; March 1997;
Priest stood down.
- The Dandenong Examine, Tues March 25th 1997;
Priest, 74, suspended over sex claims.
- Herald Sun, 20th March 1997;
Priest sex inquiry.

3.4 Conclusion drawn: Perpetrator allowed to continue using confession as a source of further abuse.

- With reference to the attached articles [REDACTED]
(Appendices 7 & 8.)
- THE AGE, Barney Zwartz , September 17th 2012; *The Price of battling Paedophilia.*
- ABC NEWS, Sept 17th; Jean Edwards; *Former Catholic Teachers Break their Silence.*
- See: *Archdiocesan Memo: Meeting between Dennis Hart, Maria Kirkwood and Ray Adams re warnings. Oct 1996,* *(Appendix 3.)*

3.6 Melbourne Catholic Archdiocese Investigations.

I draw your attention to the link between the 2010 (and earlier versions) of the Towards Healing Document found on the following website, outlining similar structures and processes to the 1992 document.

"Australian Catholic Bishops Conference Special Issues Sub Committee Protocol for Dealing with Allegations of Criminal Behaviour - Plenary Meeting April 1992."

The document is a forerunner to Towards Healing.

(<http://www.catholic.org.au> (Towards Healing, download NCPS document))

Are perpetrators and victims still being "dealt with" under this system????

I urge the Inquiry to investigate these Investigatory activities, past **and current**, of the Melbourne Catholic Archdiocese.

3.7 How the CEO helped me.

Some documents in support:-

- [REDACTED]
- My letter to Vicar General Cudmore, July 1993 outlining concerns for the safety of children at Holy Family Doveton, and making four requests. Never acknowledged. (Appendix 10.)
- Vicar General Cudmore's Memo to the Director of CEO, Oct. 1993, written after my second request. Not acted on. It appeared in my file from Peter O'Callaghan in 2008. (Appendix 11.)
- Letter from Peter O'Callaghan, 6th August 1999: "Abuse-wrongful dismissal." (Appendix 13.)
- [REDACTED]

APPENDICES:

Appendix 2: *Six Paedophile/Sexually Abusive Priests – Holy Family Parish, Doveton – 35 year period from 1962 -1997.*

Appendix 3: *Archdiocesan Memo: Meeting between Dennis Hart, Maria Kirkwood and Ray Adams re warnings. Oct 1996.*

Appendix 4: *Australian Catholic Bishops Conference special issues sub-committee protocol for dealing with allegations of criminal behaviour- plenary meeting April 1992.*

Appendix 7: *Media Reports – Sept 17th 2012*
 THE AGE; September 17th 2012: Barney Zwartz,
The price of battling paedophilia.
 ABC NEWS; Sept 17th; September 17th 2012: Jean Edwards,
Former catholic teachers break their silence.
 ABC LOCAL RADIO, RADIO NATIONAL, Sept 17th: Rachael Carbonell;
New abuse claims against the catholic church.

Appendix 8: *Appendix 8:*
Newspaper reports – Searson - March 1997
 Dandenong Journal, Mon 27th October, 1986:
Resignation of priest is sought.
 The Sunday Herald Sun, Mar23rd 1997: Wayne Jones;
Priest faces claims of child abuse.
 JOURNAL, city of Casey, by Lee Opitz; March 1997;
Priest stood down.
 THE DANDENONG EXAMINER, Tues March 25th 1997;
Priest, 74, suspended over sex claims.
 Melbourne Sunday HERALD SUN, 20th March 1997;
Priest sex inquiry.

Appendix 10: *Letter to Vicar General Cudmore re concerns for the safety of children at Holy Family Doveton, July 1993.*

Appendix 11: *Archdiocesan Memo: Vicar General Cudmore to Director of Catholic Education. Oct. 1993.*

[REDACTED]

Appendix 13: Letter: Abuse Wrongful dismissal- Peter O'Callaghan, July 1999.

[REDACTED]

Appendix 15: Priest "banned," allowed 15 years access to children.

END