

TRANSCRIPT

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

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

Melbourne — 23 November 2012

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Ms M. Ashcroft.

The CHAIR — On behalf of the committee I welcome Ms Mairead Ashcroft. Thank you for your willingness to appear before this hearing this afternoon. All evidence taken by this committee is taken under the provisions of the Parliamentary Committees Act, attracts parliamentary privilege and is protected from judicial review. Any comments made outside the precincts of the hearings are not protected by parliamentary privilege. This hearing today is being recorded, and you will be provided with a proof version of the transcript. Following your presentation the committee members will ask questions relating to your submission and evidence provided from you today.

Mairead, we really appreciate you being before us. Are you happy for us to address you as — —

Ms ASHCROFT — Mairead.

The CHAIR — Thank you very much indeed. We look forward to hearing from you.

Ms ASHCROFT — Thank you for the opportunity to express my lifelong distress at the inadequate handling, lack of reporting and cover-up of the sexual abuse I suffered from the ages of 8 to 11 at the hands of Brother Bernard Hartman of the Marianist order. I would like to start by saying that I have visited Parliament only once before the inquiry, and that was when I was 10 years old on a school excursion. Little did I know at that time that that little girl would return again 38 years later to give evidence in this inquiry. At that time, when I was 10, that was when the abuses were happening. I suffered greatly during this time. I feel that the plight of abused children has been ignored, trivialised and used as joke fodder over my lifetime: like, ‘Did you hear the one about the priest and the altar boy, or the teacher and the schoolgirl?’.

The public’s lack of support to date has been nothing but hurtful. I would like to tell you a little story that happened a couple of years ago that really brought to light to me the lack of sympathy that people had for abused children. There is a story of a little dog named Buckley. Two years ago he had been mutilated and thrown off a building. There was an absolute outcry in the media and throughout the public. Everyone was saying, ‘How could somebody do such a terrible thing to this poor little puppy dog?’. I would like you to imagine that the person who did that to Buckley worked for the RSPCA and, not only that, that the RSPCA knew that that person who mutilated that little dog worked for them and it protected them. If that was the case, the world would be up in arms. People would be banging down doors. People would stop giving money to the institution. But for children who have been abused, that has not been the case, and that has been a terrible thing that has happened in the past.

I am hoping that this inquiry and the royal commission, when that happens as well, will give the public a real picture of what is going on and give them a chance to speak out, because I feel that a lot of people do want to speak out but because of the nature of the Catholic Church — that is my experience — they feel they need permission to be able to speak, and they have not been given that permission.

I first reported the abuse to my parents in 1983, when I was 19. I received no support over that matter from them. I now understand that the dominating mentality of the church’s patriarchal hierarchy was deliberately filtered into the homes of the parishioners to keep them silent.

The next time I spoke of the abuse was on 18 May 1999 to Sister Yvonne Harte, the pastoral care worker at St Mary’s in Altona. At that time I had twins who were eight, and they were making their first holy communion. In the Catholic Church, to be able to receive communion you have to have gone to confession, and at the age of 14 face-to-face confession had been brought into the Catholic Church. There was no way that I was going to go into a room with a priest on my own to reveal my sin, so I had not been to confession that whole time.

I went to speak to Sister Yvonne, and I said, ‘Look, I can’t walk with my children to receive communion because I haven’t been to confession, and this is why’. So I told her the story. Her first reaction was to tell me not to speak to anyone about it, because if I spoke to someone about it, I might bring up something in them that they are not yet ready to deal with, and there might be circumstances that could occur. So the message that I got from that was that if I speak out about it and somebody is triggered and they happen to commit suicide, self-harm or whatever, it would be my fault. That was the message that I was given. She may not have meant that, but that was the message that I was given.

From that, Sister Yvonne Harte approached the Towards Healing group, where I was assessed by Sister Angela Ryan. She assessed me to find out if I was telling the truth, so I was asked a whole heap of questions. So you are

not believed first; you are interrogated, and then if you can give enough evidence that there is a possibility that you might be telling the truth they look into, it — which they did.

It was very difficult at that time. I had Sister Yvonne and Sister Angela Ryan asking me questions about what had happened to me in my abuse. I had, as you know, been raised in the Catholic Church and I had two nuns — virginal nuns, the vision of the Virgin Mary doubled — sitting in front of me. How was I going to tell them things? How was I going to tell them the real nitty-gritties of what was going on? So I gave them a roundabout story and it was very G-rated because I just, with my upbringing, did not feel comfortable telling them what had gone on.

During the counselling that I was offered through the Towards Healing program I went to six counselling sessions with a guy named Shane Wall. In those six weeks I wrote a letter to Brother Bernard Hartman and to his provincial, Brother Joe Kamis, and from that I received this letter from Brother Bernard Hartman:

This letter is an acknowledgement of the hurt I caused you by my actions many years ago. I acknowledge the pain that you must have experienced and the feelings that you expressed in your letter to me. I know that I have been the cause of this hurt, and I do acknowledge my part in that. I am sorry.

That is the letter that I received back in 1999, and since then I have been trying to get justice. Every time I have tried to get justice from the church I have actually been told the matter has been dealt with. That is by Brother Joe Kamis.

No communications were made to me by the Towards Healing program or the Marianists or Sister Yvonne Harte over the next four years. I was given this book — it is about Towards Healing — and I, being the good Catholic that I was, believed what was in this book and I thought that what was in this book was going to be acted upon. It was not. On the third page it says:

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

That is in their own words and they have done that abysmally. I am not going to read a lot of things out of this book, but there are a couple:

Any form of sexual behaviour with a minor, whether child or adolescent, is always sexual abuse. It is both immoral and criminal.

...

Physical and emotional cruelty also constitutes an abuse of power. Where a cleric, religious or other person appointed to the position of pastoral care by an agency of the church has acted towards a child or young person in a way which causes serious physical pain or mental anguish without any legitimate disciplinary purpose —

I do not even know what that means. That means that you are allowed to hit them if they have been naughty. I am not quite sure what that is supposed to mean —

as judged by the standards of the time when the incident occurred, then this constitutes abuse.

This is something that people have asked me: why did I not go forward when I got this book, why did I not go to the police straightaway, why did I not push? There is a statement here:

At the same time, a number of offenders are disturbed persons and some have serious psychological problems. A significant number were themselves victims of abuse in their earlier years.

That was something that I have grappled with my whole life. Because I was an abused child, I believed that I would grow up to be an abuser myself. It was in all the movies, it was in media, it was in all sorts of things: 'Oh, well, you know; they were abused themselves, so what can you expect?'. I grappled with that. When my children were small, I would wear rubber gloves to change their nappies — not to keep the poo off my hands, but so that my skin would not touch their skin. That is a dreadful thing.

As I say, no actions or communications were taken over four years. I contacted the police in 2002, but as Hartman was overseas and Australia at the time had no powers to take the matter further, I could not go anywhere with that. All I could do was stop him from coming into the country.

I wrote again to Brother Joe Kamis on 1 July 2003 expressing my dissatisfaction at the outcome of the matters. Kamis expressed that the matter had been dealt with as far as he was concerned. Now there is a man who has confessed to my allegations, and Joe Kamis is saying, 'Well, as far as we're concerned, it's been dealt with.' What has been dealt with? And he refused to communicate with me any further.

I was so distressed for the safety of children in Hartman's clutches that I was unable to function physically or emotionally. At that stage of my life I was experiencing severe fibromyalgia and had very little strength to fight. I felt completely defeated and guilty for not reporting to the police when I was younger, before Hartman left the country. I also felt foolish in my naivety in believing that the Catholic Church would have Hartman brought to justice.

When I first went to Sister Yvonne Harte I expected them to welcome me with open arms and say, 'Thank you, so much, Mairead, for bringing this matter to us. We're so grateful to you for pointing out this evil man, and we will get him and have him arrested. We will do all these things'.

They speak about mandatory reporting in the Towards Healing book. At that time I realise now I was so ignorant of things. I had so much trust in the Catholic Church. The wording of this booklet is so ambiguous and uninformative as to what the actual laws are and the actual requirements are. There are so many things that are left open. Of course everyone wants to believe that the right thing is going to be done, because to believe that you are going to be railroaded and that there is a possibility that other kids are going to be raped, it is just too hard to go there. So you put your faith in them. You have been raised Catholic, you believe them; that is what you have been taught to believe. So I believed, in my naivety, that everything would be done to have him arrested and to have other kids protected. It was not the case.

My husband tried to help me at that time. I was not working. At that stage I have to say that I was spending a lot of time in bed with the covers over my head. I just could not bring myself out of the house. I was in a terrible state. My husband tried to help me by buying a business in the hope that I might attend a few hours a day and become part of the real world, so he would be there to help me and encourage me to get back into things. I could not afford to go to counselling or anything like that at the time; I was pretty much on my own. The attempt failed, and we unfortunately lost our family home in the process. I had been very ill and was now suffering up to 10 psychogenic seizures a day. I was diagnosed at Royal Melbourne Hospital with a severe complex post-traumatic stress disorder, stemming back to my abuse as a child.

On 18 January 2010 I hit rock bottom and for medical reasons resigned from my part-time work at Victoria University. I was no longer able to drive a car due to seizures and suffered relentless pain due to fibromyalgia. On that day the police came to my door and said that with my permission they would begin extradition proceedings against Brother Bernard Hartman. I had a seizure and fell down at the front door. When I was again composed I gave my permission to proceed with the extradition.

Until 3 December 2011 I was the only person who had complained to police about Hartman. I went to the *Age* newspaper, where Nick McKenzie wrote a truthful story on my pursuit for justice for myself and for the protection of possible new victims of Hartman. Since that article, and other media throughout the year, there are now four of us, all victims of Hartman. A follow-up article was written on 6 December 2011, reporting that more victims had come forward. On 11 December 2011 Vicar General Bishop Les Tomlinson replied to the *Age's* reports from 3 and 6 December, stating:

The Archdiocese and the Catholic Education Office have checked their records and inquiries have been made of the parish priest during the 1990s and there is no record of any complaint of abuse ever having been received ...

A couple of years beforehand, when everything was going on, the inquiries were going on in Ireland, it was mentioned at mass. My parents still attend mass. Father Caffarella, who was the parish priest at the time that I put in a report, was there at mass, and when my parents were leaving the mass he said to them, 'This must be a very difficult time for you'. That was three years ago. So he obviously knew of the abuse. So Sister Yvonne knew of the abuse, Father Caffarella knew of the abuse and Vicar General Tomlinson was saying that he spoke to the parish priest and no reports had been made. So who is lying? One of them is lying or all of them are lying; I do not know.

But obviously, even if there was miscommunication, there is reference in the Towards Healing book about the procedures of reporting abuse. When someone comes into the Towards Healing program it all has to be written

and documented. So either that was not done or it has been done and the files have been destroyed. But I have the book; I have been through the Towards Healing program. For me to go through the Towards Healing program a report had to be made, so where is it?

Since that time I have been informed that the Marianists have hindered the case and been uncooperative to the point of recently — that is August and September of this year — putting Hartman into hiding, possibly moving him to another state within the US. So I have a confession letter, his provincial has admitted that something has been going on, and you have a copy of the letter that he wrote to me saying that Brother Bernard is under some sort of a counselling process, he is being monitored. And now they are telling the police that they do not know where he is. So it is all a bit conspicuous.

That is about all I have to say, because I am trying to stick as much as I can to the facts, not hearsay. So thank you again for giving me the honour of the opportunity to give voice to the voiceless. My hope is that this inquiry will aid the protection of potential future victims. I also hope that those, like myself, who have battled for most of their lives to participate in this world with some shred of dignity will find healing.

The CHAIR — Thank you very much, Mairead, for your account and the evidence that you have provided to us. I just want to pick up on those last few points. You said ‘a voice to the voiceless’, and in your opening remarks I think you referred to the plight of abuse being trivialised and a lack of public support. Are those the reasons that have prompted you to come forward today? Are there others?

Ms ASHCROFT — The main reason why I am here today is that Hartman and others like him are walking around free, and there are children who are exposed to them. That is why I am here; that is what is pushing me. People have even said about coming to the inquiry now, ‘Why would you put yourself through that?’. It is because I have nightmares. I am on Seroquel, which is an antipsychotic that I take at night because I do not just dream my dreams, I live my dreams. I get out of bed and live my dreams.

I can give you an example of a vision. I had a vision of a priest standing over a child, and he was beginning to rape her. For me the dreams are not just dreams. I actually get out of bed, and it is just like I am looking at you. It is so traumatising. I was standing, in my dream, screaming. My husband had to wake me up. He found me in the lounge room screaming, ‘Get off her! Get off her!’. Of course I could not do anything, because it was not real. So my fear is that that is actually happening in reality to children today, and possibly right now as we are sitting here.

They are saying they do not know where this man is. We know in my case that Brother Bernard is a perpetual paedophile. I knew that as a child, because part of the abuse was showing me photographs that he had taken of other children. I really hope that they find those photos. That would be great. Yes, that is what pushes me. It pushes me to try to save other people. The reason why I am putting my face to the panel and doing this publicly is that I do not want to be seen as a statistic, just a number, just a victim. I am a person, I am a mum, I am a wife, I am a daughter, I am a sister and I am part of the community.

Unfortunately in the Catholic community I have had people who have known me my whole life come up and say to me, ‘Did that really happen to you? Really?’. I think the reason why that has happened is that it is too difficult for them to believe that it could possibly have happened when they were in contact with me. Of course I do not blame them, but they would be thinking, ‘Why didn’t I see something?’. It is much easier to just pretend that it did not happen. It is also part of the indoctrination of the Catholic — it is like, ‘We are the bosses. You’re just the people who come and listen to us talk every week’. The parishioners really do not have any power — they do not think they have any power. But I am hoping that by putting my face out in public they will realise that people who work in the church — priests, nuns et cetera, higher up — are supposed to be the servants to the people. They are not the bosses. The people are the church. They need to go out and speak and say, ‘We won’t take this anymore’. I am hoping that by putting my face to this they will see that, ‘Hey, you know, she could be any of us’. I hope. I hope, hope, hope. That is all I have had. It is nearly 14 years now; I have entered my 14th year of fighting this.

The CHAIR — You are helping us indeed this afternoon, so thank you.

Mr McGUIRE — Yes. Mairead, thank you very much for your courage in coming here to give your testimony today. It is important to us all. One of the issues that we are just trying to get a better understanding of is the issue of grooming. You have talked about how you were shown photographs; therefore this has

happened in the past. Just for the record and for our understanding can you actually give us more information about how that happened in your case and what else you saw?

Ms ASHCROFT — Yes. My brother was at St Paul's College; he was a student at St Paul's. We became involved with him — with Brother Bernard. He invited my brother to his bedroom, actually, which was just around the corner from our home. Brother Bernard was giving the idea that he was helping our family. We were new immigrants to the country. I was born in Ireland. So he would invite my brother over to the school and send him off to the lab or off to the library or off here or there, and I would be left alone in the room with Brother Bernard. That is how it first started.

My parents of course thought, 'Isn't this wonderful that somebody from the church has taken my children under their wing, and they're going to help us and they're going to' — that was, of course, the idea that my parents had: that they could not have put their children in any better hands; how lucky were they? Brother Bernard then offered to become our family babysitter because, as I said, we had no relatives here; there was just us. So, yes, he became our family babysitter.

He was an artist and still is. I have always been interested in art myself, and so that became our connection as well. He would be teaching me art and giving me presents, and my parents just thought it was marvellous and so did everyone else. They could not understand why I was not so forthcoming. Of course I put on the face. I was a very good, well-behaved child, so I played the game, really. That was expected of me.

Mr McGUIRE — And the grooming of your niece?

Ms ASHCROFT — My sister. What happened there was that I have a sister who is nine years younger than me. Brother Bernard stopped coming to our home when I was 11, and that was because when I was 11 I grew my first pubic hair. I knew by looking at photographs — Brother Bernard would make me point to naked women and point out the sexy bits and whatnot. That was part of the grooming. I knew that if I grew pubic hair, that was rude. I did not want him to see my rude bits, so that particular day when he entered my bedroom I quickly pulled on some jeans because I was undressed at the time. I quickly pulled them up and called out to my brother. Brother Bernard stopped coming to our home for quite a long period of time.

Then when I was about 16 and my sister was about 7 or 8, around that time, I had been down at the beach. We lived opposite the beach, and I was part of the life-saving club. I came home and there was Brother Bernard sitting in our lounge room with my sister on his knee. So I just walked straight over to him, grabbed Trish off his knee and left the house. I went and sat on the beach wall where I could see my parents' home, and I waited for him to leave and then came back. I got in trouble for being rude to Brother Bernard, and I still could not tell my parents about what had happened. I wish I had then, because he was in the country, and I could have had him arrested. But c'est la vie.

Mrs COOTE — My question goes on from there. You say in the submission that you have given us that Brother Hartman forced you to behave in a manner in which you felt morally uncomfortable. Then he gave you possession of the behaviours by giving you a choice as to what the outcomes would be. You said, 'I could tell my parents and risk a beating. I could go along silently and allow Brother Bernard Hartman to sexually abuse me. I felt powerless'. Could you tell me how he threatened you with those things? How did he say it? What fear did he put into you?

Ms ASHCROFT — It was pretty much how you read it. Things were happening. The first time he offered me money. That was the first thing; he offered me money, which I did not take. That was never broached again. But then he said to me, 'Don't tell anyone about what's going on. If your dad finds out, he'll be really angry, and you don't want to make your dad angry, do you?'. So that was the thing; I thought, 'Okay, do I tell my parents, end up getting into trouble and not being believed and then continue to be abused, or do I just skip the hassle of getting my parents involved and just continue to be abused?'. So I just continued to be abused until I turned 11.

Then after I turned 11 and Brother Bernard was no longer coming to my home I felt really guilty because I thought, 'If he's not doing it to me, he's probably doing it to somebody else. If I had not spoken out, he would continue doing it to me, and it would save everyone else'. I actually started drinking when I was 12. That was my method of coping. How that came about was that I was in an all-girls school at Mount St Joseph's and the all-boys school was St Paul's College, where Brother Bernard was. We would have dances. The boys from one

school would dance with the girls. I had to go to St Paul's College for the dance, and I knew, or suspected, that he would be there.

The first year I did not actually go. I was physically sick just with nerves. I just could not go. Mum was really disappointed because she had bought me a beautiful dress. So when the next year came around she said, 'You had better make sure that you go this year. I bought you that dress', and blah, blah, blah.' So I thought, 'All right, I had better go, because Mum will be really angry if I don't'. So I got drunk, and then I thought, 'Hey, this is pretty good. I'll keep doing this'. So I just drank all the time — before school, during school — but not enough to be absolutely blotto so that anyone would notice, because as I said to you, I was a very good girl. I was liked by students and by teachers alike. I have always had a very upstanding reputation. Nobody knew what I was getting up to; I was extremely secretive about my behaviours.

The CHAIR — Mairead, before we conclude, are there any final comments that you would like to make to the committee?

Ms ASHCROFT — No, not really. I just hope that you do your jobs well, please, and thank you for your understanding.

The CHAIR — On behalf of the committee I thank you for coming before us. I know there are members of the committee who would have liked the opportunity to spend more time with you, but the evidence you have given has been very helpful. Thank you again.

Witness withdrew.