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Subject: New Submission to Inquiry into the Handling of Child Abuse by Religious and Other Organisations

Inquiry Name: Inquiry into the Handling of Child Abuse by Religious and Other Organisations

Dr Tom Keating

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SUBMISSION CONTENT:

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Submission to the Parliament of Victoria inquiry into the processes by which religious and other non-government organisations respond to the criminal abuse of children by personnel within their organisations.

Dr Tom Keating

The Committee

I wish to make a submission to this Inquiry based upon my personal and professional experiences.

As a child I attended school at St Joseph's Junior Christian Brothers College at Pascoe Vale South from 1964 until 1970. This was for the Grade 4 to Form 4 (Year 10). In Grade 6 I was subjected to sexual abuse by the Principal of the school Br Keith Weston. Numerous other students of the school also experienced abuse by him. This took place within an environment of widespread physical abuse of the larger number of students. I and many other have experienced sustained physical and mental ill health through much of our lives as a direct result of Weston's crimes and the culture which pervaded the school. I have attached a paper that I wrote some time ago which describes in greater detail our experiences.

Despite these experiences, I have attempted through my life to avoid being entirely dominated them. I have had a professional career as a Social Worker, Health and Community Services Administrator and Academic. In these capacities I was coordinator of Victoria's child protection program in 1983 and a regional director responsible for child protection and child welfare services for part of the State for over 20 years. I have participated in international research concerning child protection. My remarks draw upon this experience.

I will address myself to the Terms of Reference of the Inquiry:

1. 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;

I participated in the Towards Healing process rather than the Melbourne model, as the abuse was conducted by a member of a religious congregation.

The experience with the Towards Healing program itself was respectful but forensic at a time when I was feeling particularly vulnerable. The investigation was thankfully cut short because Weston's pattern of abuse was well established and the matter had already been adjudicated by the Courts and Weston was convicted. Much of the assessment was directed to determining the level of harm experienced by me. While I respect the good intentions of the people managing this program and the process did determine that there was substantial harm experienced, it would seem to me that the process is inevitably compromised by the fact that those who are doing the assessment are engaged by the church. In a more contested case or where the victim was less able to represent their circumstances, I am not confident of a just outcome of these investigations.

I am unable to express the same level of confidence in the handling of the situation by the Christian Brothers themselves. It having been established that substantial harm had been done, the matter was referred to mediation with the Brothers. From the start their approach was evasive and focused upon limiting liability. Despite repeated requests from me, the Christian Brothers refused to accept institutional responsibility for failing to run a safe education system. All failings were attributed to the individual. I would make a number of observations about the particular circumstances:

- There is reason to believe that Weston's criminal activity was well known within the Order and that he was moved from school to school after complaints were received.
- Following police investigations being initiated, the Order supported Weston to reside outside the Victorian jurisdiction in order to avoid prosecution.
- The acknowledgement of the harm done by Weston, which we believe to include at least one suicide, was partial and evasive.
- Compensation bore no relationship to the severity or longevity of harm done. Because there was no redress to the Courts, compensation was determined by the abuser (the Christian Brothers). This is a fundamental denial of natural justice.

2. 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;

In my experience, the Christian Brothers organisation consistently acts in such a way as to limit its legal liabilities. The principal means of doing so is to work within a sham conciliation process in which the victim has no rights and no effective access to legal remedies. This operates in such a way as to discourage the reporting of abuse because it is understood that the process will be elongated, stressful and ineffective in that it will not lead to effective redress or the possibility of serious reform in the behaviour of the religious organisations.

The key systemic reform required is to bring the process into the open such that they are managed independently and transparently and to redress the power imbalance by ensuring that victims have access to the civil law. This will require legislation to clarify the status and

responsibilities of the religious organisations at law.

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

There is no effective accountability of religious organisation for the appropriate management of complaints of abuse by their members.

Investigation is undertaken by organisations controlled by the Church organisations.

The processes associated with remediation are entirely controlled by the Church organisations and victims have few rights or protections. This is because the Church is not a body at law which can be sued for institutional failures or because of harms done by its employees. Any compensation is there ex gratia. This puts victims in the position of having to rely upon their abusers for assistance rather than as a matter of right, law or adjudication. Fundamental changes required relate to the clarification of the Church bodies responsibilities as an employer for the actions of their members and the establishment of the Church organisations as legal entities which are subject to the processes of civil law.

This is critical because without serious financial and legal sanctions, the church organisations cannot be relied upon to put in place processes which will control the actions of those who act on their behalf.

Those of us who have had to work through this system understand that the only thing that seriously motivates them is the risk of financial penalties. If they were subject to the same sanctions that other corporations operated under, they may be motivated to ensure that other Victorian children are not subjected to assault and abuse by clergy and religious.

Dr TP Keating

Snowdon's Guilty Secret: Class, Abuse and Hypocrisy in the Catholic Church.

The dark centre of Joseph Heller's great comic novel, *Catch-22*, is Snowdon's guilty secret. This was captured in the screen adaptation, in which the scene recurs throughout. Yossarian, the novel's anti-hero, has worked to staunch the bleeding from the tail gunner's wounded leg, and cannot understand why Snowdon, apparently ok in his flight suit, lies still and claims to be cold. He finally unzips the flight suit and the airman's insides tumble out. Snowdon's guilty secret is that within the suit, he is shot away. The scene picks up the central themes of the novel, the iconic title; *Catch-22*, that you are damned if you do and damned if you don't; that things are not what they seem, and for Yossarian, the lesson that vitality is all – anything is justified that leads to survival.

For the many who suffered abuse by the Christian Brothers at St Joseph's Junior College in Pascoe Vale, Snowdon's guilty secret is a motif also for their experiences; things are not what they seem, pain must be disguised, and to survive is sometimes the best you can hope for.

St Joseph's school was established in 1956 as a feeder school to St Joseph's Christian Brother's College in North Melbourne. This was the height of the baby boom period, when the primary schools in Melbourne's expanding northern suburbs were exploding. The school was established in the middle class enclave of Pascoe Vale South at the end of the West Coburg tram line, a socio-economic world away from the northern working class suburbs that surrounded it. The Brothers promised here, and in their other similar junior school in Essendon, a more select education than was available in the overcrowded parish primary schools.

In the late 1960s, the benign Br Hayes, was replaced as principle by an authoritarian moral conservative, Br Keith Weston. We knew him as Tex. He was an evil man. Weston was tall and meticulous with a pungency about him from the overpowering aftershave that he wore. He was much admired by the parents of the school, as an authoritarian. He stood for "standards" by which was meant social and moral conservatism and conformity. The distaste that many of us have come to have for the hypocritical Right has been fed by the conflict that we observed as children between these "values" and the corruption of its promoters. Weston would prowl the schoolyard punishing misdemeanours brutally with the strap he carried up his sleeve. Having unpolished or scuffed shoes was sufficient cause for a beating. This same guardian of conservative values was also sexually abusing many boys in the school.

Weston's mode of operation was consistent. He targeted young boys in early pubescence, at a time of maximum personal and sexual vulnerability. He would approach them in the schoolyard or corner them in hallways after school. On occasions he would summon them from class. Under the guise of counselling them about puberty, he would sexually assault them. He would insinuate that family members or friends were complicit in the abuse, swear them to secrecy and attempt to groom them for further abuse. And there was an element of class exploitation in his

actions. He targeted those children from devout working class families beyond the immediate middle class environs of the school. Those who were most in awe of the religious and who saw access to this education as a means of achieving a better life for their sons. They were grateful for what they believed they were being given. They were more trusting, less likely to ask questions and their children knew, unlikely to believe allegations of wrongdoing by the Brothers. Many of the more than dozen known victims of Weston grew up within a half mile of one another, but did not speak to each other about their abuse.

It is hard to explain how it can come to pass that nothing is said, though it is still the case that many children today suffer in silence. Religious schools were different then however. The Brothers were all powerful and considered as saints by the parents of the school. The holy Brothers and Nuns! Our children, mercifully, are more outspoken and independent. They would not stand for personal infringements, and we are more aware of the possibilities of abuse of power. The shame was internalised. There was something wrong with the victims that this had happened to them. It was their guilty secret that if people knew, would cause them to see how fundamentally bad they were. Most have been only able to speak to those closest to them in recent years, and at a time when the consuming tasks of child rearing and career building have no longer been available to block out their pain.

We were taught at Pascoe Vale by a succession of sadists, psychopaths and fools. Weston was the worst but was not alone. Brother D in year six beat us unmercifully for minor transgressions, usually involving failures in rote learning. On one occasion he strapped the whole class for errors and then proceeded to hear the same lessons again and again, with further beatings after each examination. Old Brother M in year seven promoted a cult of personality and commitment to himself while espousing anti-Vatican II theological and political drivel. Brother S in year ten attempted to engage at a more intelligent level but could not resist adopting a menacing and bullying attitude. Most of the Brothers appeared to need the adulation by young boys for their physical prowess and sporting ability. This was a perverse and menacing culture, with strong sexual undertones. Marian idolatry was rife. "No child of Mary was ever lost" Brother M would quote St Bernard. But this masked an underlying misogyny. "Virgin most Pure. Virgin undefiled", we intoned in the daily litany, with the unspoken assumption that a woman who engaged in normal sexual relations was somehow unclean. And the culture could not tolerate difference. I met a good friend many years later when we were both well advanced in our University careers. He told me that he was gay, and despite his being one of the most outstandingly bright students in our year, he recounted that every day of his school life was one of intense anxiety and pain. I am ashamed that he was my friend and I was not even aware of his pain.

Not all the Brothers were like this. There were others, mainly at the senior college in North Melbourne, including Brothers Feehan, Wright and Dowsing, who were entirely admirable. They were distinguished by an ability to relate to young men with respect and as individuals in their own right. Brother George Frances the Principle at CBC North Melbourne was an extraordinary educationalist and inspirational leader. But their decency could not undo the depravity and heartlessness of their confreres.

We know now the clinical impact of post-traumatic stress; anxiety, depression, attachment disorders, sleep disturbance and relived experience. And we have become inured to tales of clerical abuse. But to truly comprehend the experiences of these boys, their story needs to be personalised. We need to think how it might be to send off one's ten year old son each day to school, and for that boy not to know if he will be beaten or abused by grown men, and that he will feel able to tell no-one. We need to understand that he may be scarred for the rest of his life by an inescapable sense of personal worthlessness, guilt and shame, however undeserved. That he will periodically experience such intense anxiety that it feels that every nerve in his body could explode, or that he may be unable to breathe, and this will give way to a depression and hopelessness so profound that he can see no future. Worst of all, that he will periodically lie awake all night and relive over and over again the invasion of his person, not as recurring memories, but as explicit felt experiences. He will have the smell of the obnoxious after-shave in his nostrils, and feel the predator's hands on him. And that his family, spouse and children, will not understand the periodic withdrawal and inability to communicate, or an excessive consumption of alcohol, or an obsession with work as an escape from internal pain.

These were the experiences of those assaulted by Keith Weston, recounted with extraordinary consistency by men who had not previously met or who had not seen each other for more than thirty years. They have each been affected differently. Some have had lives of addiction and public pain, many have had failed relationships. One attempted the religious life but could not deal with his feelings of personal unworthiness. At least one has taken his life. For the most part, they have remained silent into early middle age; on the surface, successful teachers, professionals and family men. They have kept the flight suit tightly zipped, worried that should they release the clasp, like Snowden, their insides would come tumbling out.

Weston was finally brought to account for his crimes, but not before resisting for four years extradition from Queensland. When the untiring efforts of a courageous policeman, Det Stuart Delbridge were finally successful and he faced Court in October 2004, he sought to avoid prosecution on the basis of ill health and beginning dementia. When this was rejected by Justice Stott, he pleaded guilty to a reduced number of cases, which would be below the threshold that allowed a lesser sentence. In the event he received a two and a half year suspended sentence. On the day of his trial, he was confronted at the Court by Geoff's father, who faced him with the accusation "you killed my son". Those who have been able to retain some semblance of Faith believe that he is soon to face a sterner judge.

The Catholic Church, including the Religious Orders such as the Christian Brothers has established a process to deal with cases of abuse by clergy. It is called *Towards Healing*. It is a farce. Claimants have few rights as the elapse of time and the ambiguity of the legal status of Religious Orders make civil suit a difficult course of action and so a very limited lever on responsiveness. Commitments for timely responses are rarely met, increasing the stress upon those who have taken the difficult

step of confronting those they hold responsible for lives of suffering, and the low level of financial compensation eventually offered, demeans the lived experience of the victims.

The core of the process is a mediation in which the harms are acknowledged, but the acknowledgement is partial and evasive. The process commences with the silver-haired, silver-tongued spokesperson for the Brothers giving an extended lecture to the victim about how different things are now, and that we need to understand that social norms were different forty years ago. As if it has ever been acceptable to beat and sexually abuse young children! The Brothers will accept that individuals will have done harm, but will not acknowledge their collective failure to have provided a safe and ethical educational system, and that they are responsible for its failures. This is akin to John Howard's refusal to accept responsibility for the harms done by former governments to indigenous people. While his government may not have been directly responsible for these harms, there is legal and moral continuity of responsibility through successive governments. In the case of the Christian Brothers, however well intentioned they may now be, until they can own their responsibility, can say, "we did this", no vulnerable person can feel safe in their care. They have their guilty secret also. Clothed in the protective flight suit of remorse and reformed practice, they disguise a deep corruptedness.

In the case of Weston, their responsibility runs deeper. There is good reason to believe that his abuses were known but that he was moved from place to place to carry on his assaults. When he was confronted with his crimes, he was supported by the Brothers to live in Queensland, out of the reach of the Victorian Courts and provided with legal assistance to avoid his accusers. The failure of the Order to require one of its members to act in an ethical manner and to assist him to avoid doing so increases its culpability.

Things are not what they seem. The abuse of individuals, the exploitation of a vulnerable class, and the diminished responsiveness to the victims of abuse are expressions of the wider Catholic Church's guilty secret – the abuse of power. The Church in Australia went through a revolution in the 1960s and into the 70s as a consequence of the Second Vatican Council. The Council's central tenet was that the community of believers, not the hierarchy, constituted the church. The unaccountable authoritarianism of the magisterium was undermined by a greater openness and an engagement of non-clerics. This was a time of hope in which it was possible that the Catholic Church might become more human and less dogmatic.

But it did not take long for the Empire to strike back. John Paul II, that great champion of liberation in Eastern Europe, was the social and moral re-enslaver of the church. Under his leadership, and that of his chosen representative in Australia, Cardinal George Pell, theological dissent has been quashed, women marginalised, social and liturgical conservatism espoused and clerical triumphalism reasserted. George Pell has been want to say that Australian Catholics are ungodly. They are not ungodly, but they are betrayed. The new disposition causes unease to the victims of abuse from another era. Beneath the appearances of an intact and healthy religious organisation which espouses moral conservatism, is a body shot through with the

potential for abuse. This is not to suggest that the current hierarchy is involved in the abuse of children, but to recognise that abuse occurs where power imbalances are greatest, transparency denied and accountability constrained.

Yossarian has two responses to the dying Snowden. The first is of humane if impotent comfort. "There, there" he says. What can you do for the lost but offer solace? The second is to challenge the inverted logic and hypocrisy of the war. *Catch-22*, is a confrontation of inverted logic, where the insane is normal, the ill healthy and death and disaster are given an acceptable face. For the victims of childhood abuse, there is far too much of the first of these responses, and far too little of the second. Some healing of those who have suffered all their lives is possible, if difficult and all our comfort need not be impotent. But it is the convoluted logic that allows the displacement of the deeply human by the appearance of moral virtue and social authoritarianism, which perpetuates the abuse.

Dr Tom Keating

Biographical Note: Associate Professor Tom Keating is a senior academic and former Director of Victoria's Child Protection Service. He is also a survivor of St Joseph's School Pascoe Vale.