

1 **MY REFLECTIONS**

2
3 **ON CLERGY CHILD SEXUAL ASSAULT**

4
5 **IN THE CATHOLIC CHURCH**

6
7
8 This is the second companion document being submitted to the Victorian
9 Parliamentary Inquiry into sexual assault of children.

10 The focus is the Archdiocese of Melbourne in the Catholic Church.

11
12 The other two documents in my story are:

- 13 • My experiences with clergy sexual assault of children as a Catholic
- 14 priest in the Archdiocese of Melbourne in 1975-1999, and
- 15 • The problem continues - My continuing personal struggles with the
- 16 Independent Commissioner, the Melbourne Response and the
- 17 Archdiocese of Melbourne.

18
19 This second document, “the problem continues” is in two sections.

20
21 The first is predominantly private correspondence between Peter
22 O’Callaghan and me. As this is personal, and expressed through
23 my perspective with as yet no right of reply to him or the
24 Archdiocese, I will be requesting the Victorian inquiry review this
25 material “in camera” and not publish it in their website.

26
27 The second section is my understanding of this continuing problem
28 that I am happy to place in the public forum.

29
30 Whereas the first document, “My Experiences” was predominantly
31 factual, this section, “My Reflections” is predominantly opinion.

32
33 This document was originally written almost three years ago to influence
34 bishops and politicians in their respective roles as leaders of the Catholic
35 Church and the general community.

36
37 My hope was for the Australian Government to initiate a Royal
38 Commission into general sexual assault of children in Australia. I have
39 edited and deleted content to be more relevant to the Victorian Inquiry.

40

1 I welcome the Victorian Government’s decision to initiate a
2 Parliamentary Inquiry into this matter. The Premier, the Attorney-General
3 and other politicians who have initiated this Inquiry are to be
4 congratulated. It may not be the ideal, but it is a great “first step”, and
5 should be welcomed and supported in every way.

6
7 I also appreciate that the members of the Parliamentary Committee
8 entrusted with this responsibility may have little or no previous
9 knowledge of this scandal, or the culture and structures of the Catholic
10 Church that permitted this ongoing scandal for such a long period of time.

11
12 This document is offered to put some context to this public scandal.

13 TABLE AND SUMMARY OF CONTENTS

- 14
15
- 16 1. Page 4 Knowledge and Responsibility
17 The principle that knowledge brings responsibility.
18
 - 19 2. Page 4 Accountability
20 All individuals and organisations are accountable.
21
 - 22 3. Page 7 Melbourne or Rome
23 Who was controlling this problem?
24
 - 25 4. Page 9 “Crimen Sollicitationis”
26 A Roman document focusing on clergy using the
27 confessional to solicit for sexual purposes.
28
 - 29 5. Page 10 The Sacrament of Penance with Children
30 Questions the age and circumstances of this practice.
31
 - 32 6. Page 11 The Confessional seal of Secrecy
33 The issue of mandatory reporting for priests.
34
 - 35 7. Page 13 Institutional Sin
36 Can the Church name its own sin in this scandal?
37
 - 38 8. Page 14 The Church’s Legal Strategies
39 Outlines some legal strategies.
40
 - 41 9. Page 15 Church Law superior to Civil Law?
42 Does the hierarchy justify itself as “above the law”?
43

- 1 10. Page 18 Confidentiality Agreements
2 Issues with current constraints.
3
- 4 11. Page 24 Celibacy
5 An exploration of mandatory celibacy for priests.
6
- 7 12. Page 32 Celibacy as Control
8 Questions the use of celibacy as power.
9
- 10 13. Page 32 Former Anglican, now Catholic Married Priests
11 Breaks the principle of universal, mandatory celibacy.
12
- 13 14. Page 34 The Permanency of the Priesthood
14 The implications of a “priest forever”.
15
- 16 15. Page 35 Homosexuality in the Priesthood
17 An exploration of homosexuality in the clergy.
18
- 19 16. Page 39 Misogyny and Clericalism
20 The implications of such attitudes.
21
- 22 17. Page 40 Once an abuser, always an abuser.
23 Issues of no remorse and rehabilitation.
24
- 25 18. Page 42 Female Priests
26 Female clergy would offer a different perspective.
27
- 28 19. Page 42 Australian Episcopal Leadership
29 Challenge for public statements to be enacted.
30
- 31 20. Page 47 Vatican Leadership
32 How has Rome addressed this scandal?
33
- 34 21. Page 48 The 2012 Vatican Conference/Letter
35 What is being done?
36
- 37 22. Page 50 Where are the Files?
38 If in Rome, can they be recovered?
39
- 40 23. Page 51 Until Death Solves the Problem
41 Is the Church just waiting for all parties to die?
42
- 43 24. Page 52 Abuse Fatigue

1 Why bother?
2

3 25. Page 54 The Importance of Co-operation and Leadership
4 Church and State need to work for common good.
5

6 26. Page 56 Suicide of Victims
7 The tragic fate of so many.
8

9 27. Page 57 Some Personal recommendations
10 Ideas and suggestions as a response to this crisis.
11

12
13 KNOWLEDGE AND RESPONSIBILITY
14

15
16 In the preceding document I have been particularly critical of the then
17 Archbishop, and to a lesser extent his advisers. This is based on the
18 knowledge/responsibility principle. They knew about clergy child sexual
19 assault, but failed to act. That makes them both responsible and culpable.
20

21 It is documented, beyond any reasonable doubt, that the Archbishop and
22 his advisers had knowledge of the problems of Baker, Searson and
23 O'Donnell... and others.
24

25 Specifically with Baker, having personally read parts of his Cathedral file
26 that was given to me by the then Vicar General, I know they had
27 substantial and detailed knowledge over many years that gave a clear
28 pattern of abuse, and gave increased credibility to the specific complaints
29 I was involved with in 1978 and beyond. This is over and beyond the
30 facts in Gladstone Park. Court documents also come to this same
31 conclusion.
32

33 With knowledge comes responsibility and accountability, and this applies
34 particularly when entrusted with the office of Bishop.
35

36
37 ACCOUNTABILITY
38

39 If I was asked the fundamental underlying issue of this scandal it would
40 be unaccountability.
41

1 The offending priest was free to abuse, some over multiple decades, as he
2 had unlimited, unaccountable access to so many young children in his
3 “pastoral care”.

4
5 For all intents and purposes, a Parish Priest was a law unto himself.

6
7 As it was for the individual offending priest, so it was for the
8 organisational Catholic Church.

9
10 The previous culture of implicit trust in the bishops, along with the
11 bishops’ knowledge that no-one could challenge their authority usually
12 ensured issues of concern were buried “in-house”. Catholics trusted in
13 those responsible for their “pastoral care” and had confidence that their
14 Church leaders would address and resolve any problems.

15 We now know this to be misplaced trust. In a way, it is a bit like a
16 trusting child ultimately becoming aware of the imperfections, or serious
17 faults, of a parent.

18
19 Until about 40-50 years ago, priests were a separate caste – and quite
20 deliberately so. They were considered to be “on a pedestal”. They were a
21 “man set apart”. They were superior as they had chosen a “higher
22 vocation”. They were different as they were celibate. They were special
23 as they represented God.

24
25 It was naturally presumed and accepted that a priest was “a holy man”.
26 They were beyond question in all matters of faith and morals. We were in
27 the sinful world, but they were above the ways of the world. Such a
28 culture made it extremely difficult to even believe there could be a
29 problem - let alone raise questions or challenge any priest, bishop or
30 Pope.

31
32 Just for a moment, think of the dilemma a young clergy sexual abuse
33 victim faced. Not only had they suffered the traumatic violation of serious
34 criminal sexual assault, but who would believe their story? It was highly
35 unlikely that even their parents, let alone others in the Church, would hear
36 a word of criticism or complaint against the priest who was held in such
37 high regard by one and all.

38
39 They had nowhere to go. These young children had to endure their pain –
40 often accompanied by guilt and shame – alone. Is it any wonder that so
41 many of these victims are so angry? Is it any wonder that so many of
42 these victims have been so seriously damaged? Is it any wonder that so
43 many of these victims suicided?

1
2 This unaccountable, unchallenged total authority for the individual clergy
3 and prelate also existed collectively in the institution of the Catholic
4 Church. It would be hard to name any institution who has for so long
5 exercised such authority throughout the world.

6
7 The Catholic Church has unapologetically constantly claimed the high
8 faith and moral ground. Throughout periods of history, it has asserted that
9 the Catholic Church alone is the one, true Church. The Pope has claimed
10 infallibility. It has claimed divine truth on matters of faith and morals. It
11 is a supremely confident institution not inclined to accepting it may have
12 made a mistake, that it may be wrong, that it may have problems.

13
14 Just as it was so difficult for an assault victim to inform a parent, until
15 recently so it was for anyone raising this problem with the hierarchy. For
16 any number of reasons, far beyond my competence or the scope of this
17 document, there is a mindset within the hierarchy of the Catholic Church
18 that avoids or denies that it may even have a problem. And even if a local
19 bishop accepts a complaint as valid, how can they achieve a just outcome
20 through the highly controlled internal structures of the Catholic Church?

21
22 I even suggest that there are those still in authority in the Catholic Church
23 – particularly in Rome - who do not believe they are accountable to the
24 State and Civil law. They are so sure of their divine mandate that places
25 them above Civil law. They equate the law of the Church as the law of
26 God which is higher than the law of the State.

27
28 As such, with this religious belief, there is no requirement to be
29 accountable to anyone, but God – even on serious criminal matters. For
30 them, the law of the Church and God, that they exercise, prevails over
31 laws of the world. Such a mentality allows them to avoid or deny criminal
32 activity by Church personnel without any crisis of conscience or pastoral
33 and personal responsibility.

34
35 Associated with this divine self-image issue is the hierarchy's
36 unwillingness to publicly admit fault or failure. As this mystique of
37 perfection has prevailed for so long, it is not possible to admit that priests
38 can be criminal sexual deviants. Perhaps there may be the odd "bad
39 apple" who succumbs to the wiles of the Devil, but there is no possibility
40 of a more general problem within the Church.

41
42 The Pope and bishops have a dilemma insofar as if they publicly admit
43 serious problems with the clergy, they risk Catholics, especially those

1 who are still totally trusting and accepting of the Church, losing faith in
2 the authority of the Church. It is this model of the “Perfect Church”, that
3 existed for centuries until relatively recent times – and still exists in many
4 cultures today - that does not permit the possibility of error or failure.

5
6 My final point on accountability is the reluctance of politicians to call the
7 Catholic Church to account. One factor is the number of loyal Catholics
8 who are also politicians. The other, and more significant, is that the
9 Catholic Church is seen as far too powerful for governments to take on in
10 any challenging or confrontational way.

11
12 We have seen the widespread reality of clergy sexual assault of children
13 throughout the world, but we have not seen a commensurate response by
14 governments to hold the Catholic Church accountable. In this regard the
15 Premier of Victoria, and his colleagues, should be given praise for their
16 courageous decision to investigate a matter that potentially may cause
17 public embarrassment or problems for the Catholic Church.

18
19 All of the above also rule out the appropriateness of the Catholic Church
20 creating “in-house” internal structures to deal with this problem. There is
21 a legitimate place for the Church to have an “in-house” professional
22 standards body for breaches of Church law and for any other behaviour
23 that is inappropriate, but not for criminal matters.

24
25 Ultimately, every individual and every organisation, irrespective of their
26 position or standing in society, is accountable according to civil law.

27
28 As such, all potential criminal activity is clearly the responsibility of the
29 police and the civil courts.

30 31 32 MELBOURNE OR ROME

33
34 Who, in the Catholic Church, had the ultimate knowledge and
35 responsibility?

36
37 Up until recent times I sadly thought that it was predominantly the failure
38 of Melbourne. Now the evidence points towards Rome.

39
40 I could never reconcile the obvious decency and integrity of the then
41 Archbishop and his advisers with their chosen response – or lack thereof.
42 So I must admit it suits me emotionally to pass the buck to that not
43 particularly loved group – the Romans.

1
2 Recent revelations about Rome apparently reserving decisions on
3 worldwide clergy sexual assault to itself gives more weight to this
4 position. It appears Rome's intention was to keep all areas of clergy
5 sexual abuse a "secret of the Holy Office". Threats to bishops, allegedly
6 of "excommunication", only heighten the indication that Rome applied
7 stringent control to ensure world-wide bishops complied with their
8 directions.

9
10 This control also reflects the centralisation of the universal Church, under
11 the leadership of Pope John Paul 11 where Episcopal Conferences and the
12 local authority of bishops was removed back to Rome, and this has
13 continued under the strong central authority of Pope Benedict XVI.
14 We now know that all decisions on clergy offenders are the responsibility
15 for the Congregation for the Doctrine of Faith in Rome. These documents
16 are easily found on an Internet search. There are serious process questions
17 if every clergy assault case in the world needs to be judged by the CDF.
18 Up until recently, it was reported that the CDF secretariat responsible for
19 processing all cases in the world only had eight staff.

20
21 Also, by everything going to Rome it gives the Vatican total power and
22 control of the problem throughout the world. I very much doubt that a
23 Parliamentary Inquiry in Australia would gain access to files and
24 information from the CDF in Rome. As such, it doesn't matter what we
25 think in Melbourne or Australia. It matters only what happens in Rome.

26
27 A major problem of Rome judging all cases is it potentially removes vital
28 information from criminal investigators in Australia. If all relevant
29 documents and files have been referred to Rome for their consideration
30 and judgement, this could materially hamper criminal investigations and
31 subsequent judicial processes in Australia.

32
33 Also, by the Vatican reserving all clergy assault cases to the CDF it raises
34 the issue of protracted bureaucratic time taken to process cases.
35 Anecdotally, it is claimed that some cases have taken many years to come
36 to judgement in Rome.

37
38 More importantly, by removing ultimate decision-making from the local
39 Bishop it also reduces the important considerations of local personnel,
40 knowledge, history, culture and civil police processes.

41
42 With all considerations and judgements coming from Rome, it also
43 reduces opportunities for victims and their lawyers to represent their

1 particular case to the ultimate decision makers. It also eliminates accepted
2 legal processes for a possible review or appeal against that judgement.

3
4 I come back to what is probably the major principle behind concerns of
5 the Church investigating itself. No-one would object to the Church
6 managing processes on matters of internal discipline or morality?

7
8 Indeed, it would be most appropriate for each Diocese to have an ethical
9 standards office or officer to monitor serious breaches of professional
10 standards that are not criminal in nature. However, with clergy sexual
11 offences against minors we are dealing, not with breaches of professional
12 standards, discipline and morality, but with statutory crimes that should
13 be investigated by the police and put before the Department of Public
14 Prosecution to determine if the matter should be brought to trial.

15
16 Putting the above point into context, would it be acceptable for the body
17 that is responsible for Boys Scouts throughout the world to investigate all
18 cases of assault by scout masters? The Boy Scout movement has great
19 respect, is 104 years old and has 28 million members. Even so, would the
20 Australian police and politicians allow only an internal investigation of
21 allegations of criminal activity in Melbourne to be determined by the
22 leadership of the Scout Movement in Geneva, Switzerland?

23
24
25
26 “CRIMEN SOLLICITATIONIS”
27 (Latin for “the crime of soliciting)

28
29 The relatively recent exposure of the then secret document of 1962,
30 “Crimen Sollicitationes”, later referred to by Cardinal Ratzinger (now
31 Pope Benedict XVI) in 2002 appears relevant.

32
33 Although its focus was on priests’ sexual abuse specifically in the
34 Confessional, and not the general clergy sexual assault of children, a
35 review of the document reveals the general principles and processes
36 required by Rome of local Bishops/Churches where priests abused their
37 role for personal sexual advantage.

38
39 This document’s focus appears to be about the crime of a priest soliciting
40 in the confessional. Obviously, using the Sacrament of Penance for sexual
41 purposes is an additional scandal over and above the abuse itself.

42

1 Some say that this document is not relevant as it had the more specific
2 Confessional focus. I suggest the principles and policy of “Crimen
3 Sollicitationis” would apply to all areas of clergy child sexual assault –
4 irrespective of whether it happens inside or outside the confessional.

5
6 Also, in Melbourne, it would be hard not to come to the conclusion that
7 some clergy sexual abusers, albeit a very small percentage, did indeed use
8 the Confessional as a way to cultivate young children and establish
9 intimate relationships culminating in sexual assault. As such, “Crimen
10 Sollicitationis” is indeed relevant.

11
12 In this context it is worth noting the clergy abusers who had a high profile
13 ministry to the Confessional in Catholic schools, particularly in the 60’s
14 and 70’s. While not casting a slur on the many exemplary School
15 Chaplains, the devotion of the abusing clergy to this particular priestly
16 duty, especially in boy’s secondary schools, was rather obvious. I would
17 suggest their focus was more on sexual cultivating and gratification rather
18 than the healing, penitential aspect of the Sacrament.

19
20 As such, I maintain that even if not physically abused, many Catholic
21 schoolchildren were exposed to an abuser in a sacred and trusting
22 environment. Catholic schoolboys often recall feeling uncomfortable in
23 the confessional where some clergy had a preoccupation with adolescent
24 masturbation and associated sexual activity. The “kids at school” all knew
25 and identified the sleazy priests. It was sad that the teachers did not have
26 such awareness.

27
28 Because of the confidential nature of the Confessional, it is unlikely that
29 much information will become public about any negative encounters with
30 clergy who inappropriately abused this sacramental forum.

31
32 However, the accepted misbehaviour of Searson in the confessional was
33 highly unlikely to have been a situation unique to him. It is important to
34 say that he was not proven “Guilty” in a court of law for sexual abuse in
35 the confessional. However, the Melbourne authorities appear to have
36 accepted that sexual assault did happen when it withdrew his faculties to
37 “hear the confessions” of children in his parish school.

38 39 40 THE SACRAMENT OF PENANCE WITH CHILDREN

41
42 As the reputation of the priesthood has been damaged by this scandal, so
43 has the Sacrament of Penance. This is far too complex to explore in

1 detail, and not particularly the focus of this paper, but the issue addressed
2 by “Crimen Sollicitationis” has damaged the practise of this sacrament.

3
4 Just some thoughts:

- 5
- 6 • the very low percentage of active Catholics (especially in the
- 7 Western world) celebrating the individual Sacrament of Penance,
- 8 or more commonly known as “going to Confession”.
- 9 • the withdrawal by Rome of the Third Rite of Reconciliation (the
- 10 communal celebration) which had been so strongly accepted by so
- 11 many Catholics.
- 12 • the conservative criticism of the “primacy of conscience”.
- 13 • the previous pre-occupation with sexual “sins” as the major matter
- 14 of traditional confessions.
- 15 • The question of psychological, emotional and moral maturity of
- 16 children of current individual confessional age (usually about 7 or
- 17 8) in relation to conscience and sin.
- 18 • The content of early childhood confession where the “sins” of
- 19 young people so regularly include “telling lies”, “being unkind to
- 20 my brothers and sisters” and “being disobedient to my parents”,
- 21 etc.. On a humorous, but also rather sad note, my cousin recalls
- 22 confessing “adultery” at his first confession. He had simply looked
- 23 up the list of “sins” in his catechism and proudly confessed this to
- 24 the priest.
- 25 • The risk that private “spiritual counselling” in the confessional by a
- 26 problem priest could be so focused on sexual “problems” that it
- 27 could damage adolescent sexual development and maturity.
- 28 • The risk that a clergy sexual predator could use the confessional to
- 29 obtain private information and develop a mentor relationship so
- 30 giving the priest an increased opportunity to cultivate a potential
- 31 victim outside the Confessional.
- 32 • the continuing possibility of both abuse of the child and false
- 33 accusations against the priest in the individual celebration of the
- 34 sacrament (even allowing for the positive physical and procedural
- 35 changes that have been introduced to minimise this risk)
- 36
- 37
- 38
- 39

1 It would be hard to find a person, Catholic or otherwise, who does not
2 respect the seal of secrecy associated with the Confessional. This is
3 regarded as the highest form of confidentiality, and underpins the
4 traditional faith of Catholics in relation to their priest in this
5 sacrament.

6
7 However, today this is being questioned. It is because it is seen as a
8 possible barrier to the reporting of the crime of sexual assault of a
9 child.

10
11 One critic of this absolute confidentiality is Senator Nick Xenophon of
12 South Australia who passionately believes “the laws of the land trump
13 religious practices. The protection of children should come before any
14 other consideration. Freedom of religion is one thing, but it shouldn’t
15 mean anyone is free to ignore their obligations to report this most
16 serious of crimes....No Church should be complicit in the cover-up of
17 child abuse just so some paedophile can try and clear their
18 conscience”.

19
20 Whereas there is no question about the importance of the seal of
21 confession, there must be a secular question about its absolute
22 character.

23
24 I agree with Senator Xenophon on the principle that a religious law
25 cannot take priority over a civil law. But another aspect is freedom of
26 religion, that most democracies regard as one of the key planks of a
27 civilised society.

28
29 A concern I have is not the Senator Xenophon point of an abuser using
30 the Confessional “...to try and clear their conscience”. It is more the
31 possibility of a paedophile abusing the Confessional.

32
33 Unfortunately, because of the seal of secrecy, a paedophile can use the
34 Sacrament of Penance as a legal strategy to ensure no-one can speak
35 out about him.

36
37 This actually happened to me while I was a priest.

38
39 When I was in the parish of Belgrave a victim came and made explicit
40 allegations against a priest. Immediately I had a call from that priest
41 asking if he could come and talk with me. We had an open and frank
42 conversation and at the end he said, “I want you to hear my
43 Confession”.

1
2 We were simply sitting in chairs in my lounge and I was surprised and
3 taken aback by this unexpected request, and without any delay he
4 launched into the confessional formula with his specific content.

5
6 When he left, I was feeling used as I really don't believe he came to
7 talk. I don't believe he came in genuine remorse for absolution. I
8 believe he cunningly took me out of the public forum by binding me
9 through the absolute confidentiality of the Confessional seal of
10 secrecy. I believe this was his clever strategy to minimise his exposure
11 as a criminal sexual abuser of the child who had entrusted his abuse to
12 me.

13
14 My only consolation was this priest ultimately was convicted without
15 me being involved in any way.

16 17 INSTITUTIONAL SIN

18
19 The Catholic Church has always taken the high road on morality, and
20 has never been shy on naming sin. Many of us grew up on lists of
21 "venial" and "mortal" sins. Rome has no hesitation in naming as
22 sinful many of the failures of individuals and society.

23
24 Whereas it has no reluctance to identify and name sin in others, there
25 seems to be a limited response in publicly acknowledging failure and
26 sin in its own behaviour.

27
28 The abject failure in the Church's denial and "cover up" response to
29 the personal sins of priests, over at least a 50 year period, cannot avoid
30 moral recrimination. The old catechism definition of sin was "any
31 wilful thought, word, deed, or omission against the law of God". For it
32 to be a serious sin, there had to be serious matter and full consent.

33
34 By its own definition, the leadership of the Catholic Church acted in a
35 seriously sinful way by its omission to respond to the behaviour of its
36 criminal clergy, by its omission in caring for the children who were
37 victims of crime, and by its actions in transferring known criminals to
38 other appointments where so many other innocent children
39 subsequently were sexually abused.

40
41 Is it too much to ask that the leadership of the Catholic Church take
42 responsibility for its "sins of omission", let alone any of its other more
43 deliberate cover ups?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

If the Catholic Church ever hopes to again be a legitimate moral compass in our world, it must look in the mirror and face the institutional sin of this scandal.

THE CHURCH’S LEGAL STRATEGIES
IN DEALING WITH
CLERGY SEXUAL ASSAULT

I know little or nothing about the criminal or civil law.

However, every point listed below has at least one personal, significant story I can apply to legitimise my point. There may well be a fair and reasonable counter to some or many of these points. If so, I invite enlightenment on what may be a simplistic, subjective interpretation on my part. I look forward to the response of the Church lawyers on my allegations of some of their strategies.

I would need more time and research to be definite on my opinion, but my experience is that the following legal strategies all have a basis in reality, and arguably can be shown to be a consistent pattern of response by “The Church”.

Some of the legal strategies of the hierarchy when faced with serious allegations of clergy sexual assault include:

- avoid public scandal at all costs
- protect the reputation of the priesthood and the Church at all costs
- admit nothing when approached by a person with allegations
- admit no previous knowledge of similar allegations
- keep records of serious allegations of previous sexual assault in a separate private file, not in the more readily accessible general clergy personnel file.
- keep the allegations confined to a small group of trusted insiders

- 1 • avoid communication with others involved in the situation as later
2 it is easier to hold the line of not knowing about the allegations
- 3 • show no overt sympathy, empathy or encouragement to the victims
- 4 • be unwelcoming, or even intimidating, to those making allegations
- 5 • avoid any action implying knowledge, until it inevitably becomes
6 public by the actions of the police or media.
- 7 • Transfer the problem priest from the parish of the allegations as
8 quickly and as quietly as possible.
- 9 • If there is a major pending Church/parish occasion where the non-
10 presence of the offending priest would cause questions, (e.g.
11 Church Opening/Priest's Anniversary or retirement) delay the
12 transfer or removal until after the public function.
- 13 • At the public function, publicly praise the offender for the good he
14 has achieved in his parish ministry.
- 15 • Do not inform anyone in this process of the real reason behind the
16 transfer of the problem priest
- 17 • Do not alert anyone in the new appointment for the real reason of
18 the transfer.
- 19 • Delay and prolong the legal process as much as possible
- 20 • Use ongoing adjournments on grounds of "ill health", and other
21 technical legal process devices.
- 22 • When court is inevitable, at the last minute enter a plea of "Guilty"
23 to eliminate a public trial and further media exposure/scandal.
- 24 • Enter into "out of court" settlements if going to Court would mean
25 public exposure of scandal details.
- 26 • Mediate in the Church's internal forum/structure wherever possible
27 in lieu of proceeding to criminal/civil trials.
- 28 • Offer financial compensation with strict confidentiality agreements
- 29 • If a civil writ is looming, make clear to the complainant(s) that the
30 Church will "strenuously defend" their position.
- 31 • Ensure that there can be no legal link between "The
32 Archbishop/Archdiocese" and the offending "Parish Priest" in a
33 normal employer/employee relationship.
- 34 • Ensure there is no legal entity, such as "The Church" or "The
35 Archdiocese", to eliminate legal responsibility and restitution.

36 37 38 IS CHURCH LAW SUPERIOR TO CIVIL LAW?

39
40 The vast majority of Australian citizens would regard the laws of our
41 state or nation as superior to the laws of any organisation or institution –
42 including the Catholic Church.

1
2 We constantly cite the line, “no-one is above the law”.

3
4 However, there are indications that the hierarchy of the Catholic Church,
5 when placed in a position of conflict of interests, consider their primary
6 responsibility is to the well-being and laws of their organisation rather
7 than the well-being and laws of their society.

8
9 Everyone understands that all major organisations/institutions have their
10 own constitutions, policy, procedures and rules for those who belong to
11 this group. Every organisation/institution needs to clearly define what
12 gives identity and how best to live according to the principles or charter
13 of that organisation/institution.

14
15 No-one would deny the right of the Catholic Church to have its own
16 Church law – which is referred to as Canon Law. The Church reformed
17 its Canon Law in a major way in 1983. Prior to this, the previous revision
18 of Canon Law in the Catholic Church was in 1917. This 1917 Canon Law
19 operated for much of this relevant period of clergy sexual assault of
20 children in Melbourne from the 1950’s onwards.

21
22 Apart from Canon Law, the Catholic Church also has Divine Law which
23 they hold comes from God. So the Pope and Bishops lead a specifically
24 religious body that is directed by a combination of Divine (God) and
25 Canon (Church) law.

26
27 Also, all Catholic bishops take vows of obedience to the Pope. In the
28 context of their understanding of Divine/Canon Law and their vows of
29 obedience to the Pope, when faced with allegations of serious sexual
30 assault by clergy, I suggest local bishops considered themselves
31 ultimately answerable to the Pope and God - which justified them not co-
32 operating with local civil law/authorities.

33
34 I am confident that, in most cases, a local bishop has great respect for the
35 civil law. Normally, civil and canon law will be in harmony as they are
36 both based on common principles of justice. But, as we know so well, the
37 management of clergy sexual assault in the Church has not been
38 consistent with the expected standards of society.

39
40 The dilemma for a local bishop, when faced with serious criminal
41 allegations of clergy, is whether to co-operate with civil authorities or
42 attempt to deal with the matter within the structures of the Catholic
43 Church. If they think or know that the Pope wishes this matter to be kept

1 strictly “in-house”, it explains their reluctance to refer criminal
2 allegations to the police.

3

4 I wonder if the hierarchy see the Sexual Crimes Squad as something like
5 the Tax Office. Although they know there is a problem, they hope that it
6 will not be discovered, investigated and prosecuted. If it is not discovered
7 and investigated by the Sexual Crimes Squad (or the Tax Office), by
8 strictly controlled “in-house” management, they just might get away with
9 it not becoming a public scandal.

10

11 In recent weeks, we have seen the first case of an Australian Church
12 leader, Father Tom Brennan of Newcastle, being charged with concealing
13 a crime in relation to clergy sexual assault of children. It appears the
14 charge is misprision of a felony i.e. failure to disclose a serious crime.
15 In the USA, Monsignor William Lynne has just been sentenced to jail for
16 3-6 years. He was not an abuser, but he was found guilty of being in a
17 position of authority where he knowingly concealed criminal activity.
18 Among many other criticisms, the judge in this case said to Lynne, “You
19 knew full well what was right, but you chose wrong.”

20

21 Bishop Robert Finn, in the USA, has just been convicted of a related
22 offence. He was given a “suspended sentence of two years’ probation”.
23 This conviction is a legal precedence that will send ripples of concern
24 throughout the American hierarchy, and generally throughout the world.

25

26 I am not a lawyer but perverting the cause of justice, being an accessory
27 after the fact of a crime, and imprisonment of a felony are terms now
28 being seriously canvassed in response to the way the hierarchy in
29 Australia “covered up” criminal behaviour. There is particularly strong
30 criticism of bishops and religious leaders who transferred known problem
31 priests to other parishes, dioceses or countries.

32

33 Over twenty years ago, there was an extensive police investigation
34 (Operation Arcadia) that concluded that a Victorian bishop knew about
35 the criminal activity of a serious serial clergy offender who was
36 transferred to other parishes, dioceses and sent overseas. It is worth
37 noting that the offences of this priest were so serious that in 1994 he was
38 sentenced to 18 years imprisonment, and then again in 2006 was
39 sentenced to 13 years imprisonment.

40

41 Many people, including myself, can testify to serious specific failures of
42 responsibility and accountability in this matter in the Melbourne and
43 Victorian Catholic Church.

1
2 However, the relationship between church and civil authorities becomes
3 even more of a problem when we focus on the ways of Rome. I doubt the
4 Pope and relevant Cardinals would give a second thought to the local
5 civil laws that operate in Melbourne, Newcastle, Philadelphia, Kansas,
6 Boston, Dublin and the other jurisdictions throughout the world where
7 this scandal of the hierarchy's knowledge of clergy sexual assault of
8 children has been exposed, documented and even prosecuted.

9
10 Another problem is that in reality, the Victorian police have no
11 jurisdiction over officials in Rome when it relates to allegations of
12 criminal activity by clergy. Why would Rome, that has so consistently
13 "covered up" the degree of this world wide scandal, suddenly become the
14 "responsible corporate citizen" and co-operate with Victorian Police?
15 I wish the Victorian Inquiry, the Victorian Police, and the Victorian
16 Coroner (in relation to suicides) luck in obtaining any relevant
17 information, files or personnel if they are now safely secure in Rome.

18
19 Most people, especially those who are not Catholics, cannot understand
20 this apparent contradiction of Rome and the hierarchy. It becomes more
21 understandable when we understand the ecclesiastical mindset of bishops
22 who appear determined to protect the reputation and assets of the Catholic
23 Church – and who ultimately believe their first duty and responsibility,
24 even in this serious criminal matter of clergy sexual assault of children, is
25 to the Pope and God.

26 27 28 CONFIDENTIALITY AGREEMENTS

29
30 I understand that confidentiality agreements were part and parcel of the
31 internal mediation, or any "out of court" settlements of the Archdiocese
32 of Melbourne.

33
34 In June 2002, following a "60 Minutes" program (in which I was
35 interviewed by Richard Carleton) the media challenged these
36 confidentiality agreements as tantamount to a "cover up".

37
38 The Church denied that confidentiality was being used to buy the silence
39 of victims. Then Archbishop (now Cardinal) Pell specifically refuted it
40 was "hush money".

41
42 Cardinal Pell immediately went on record in the media rescinding all
43 confidentiality agreements. He was joined by the new Archbishop of

1 Melbourne, Denis Hart and the then Vicar General, Monsignor
2 Christopher Prowse. Individually they all issued virtually identical
3 statements making it clear that those who had accepted settlements from
4 the Archdiocese of Melbourne had been released from confidentiality
5 requirements.

6
7 In addition, then Archbishop Pell and Archbishop Denis Hart, took out
8 advertising in the media clearly declaring any confidentiality agreements
9 as no longer binding.

10
11 Their point was the Church was not involved in a “cover up”, ex gratia
12 compensation was not “hush money”, and this removal of all
13 confidentiality agreements indicated the Church’s good will in this
14 matter.

15
16 However, as I only know too well, not all confidentiality clauses have
17 been rescinded. Despite strenuous efforts over the last three years to be
18 released from confidentiality, I have not succeeded in getting the
19 Archdiocese of Melbourne to release me.

20
21 Yet another matter of concern was my confidentiality clause was
22 executed by the Church lawyers in June 2003, exactly one year later. I ask
23 how can the Archdiocese make such clear public statements releasing
24 everyone from confidentiality in 2002, and then privately initiating a
25 particularly stringent and universal confidentiality clause only one year
26 later?

27
28 At the time of the Agreement in 2003, I was unaware that my contract
29 was different to other contracts. I had assumed that this was a general
30 contract for all people accepting settlements from the Archdiocese, and
31 was simply a matter of organisational process to finalise the settlement.

32
33 This matter of confidentiality has become such an important principle,
34 and remains a major problem for me. Apart from having serious personal
35 legal implications for me and my family, it also raises so many ethical
36 questions.

37
38 In a recent editorial, “The Age” questioned how the Church could justify
39 confidentiality as part of a settlement in regard to clergy sexual assault of
40 children. I have previously raised this specific matter with Mr
41 O’Callaghan. His response was minimal and not particularly illuminating.

42

1 It is understandable if the victim requires confidentiality for privacy. But
2 I can see no reason why the Church demands confidentiality – except to
3 minimise public knowledge. Also it is questionable if a party that
4 potentially may be involved in criminal activity can demand silence from
5 the aggrieved party.

6
7 The only escape clause in the particularly stringent, universal
8 confidentiality clause enforced by the Catholic Church of Melbourne is
9 “.. unless compelled by law to do so”. I am not sure what this means? I
10 asked Mr O’Callaghan for clarification on this, and other legal
11 technicalities of my contract, but received no response. The word
12 “compels” implies external pressure or obligation. The “Oxford
13 Dictionary” defines “compel” as “force or oblige to do something”.

14
15 So, as I understand it, because of the Church’s confidentiality clause, I
16 cannot approach the police if I suspect there is criminal behaviour. I can
17 only communicate once the police somehow have become aware that I
18 may have knowledge. They need to initiate contact with me and “compel”
19 me to co-operate for an interview or to give evidence in court.

20
21 This scenario is not hypothetical. It is a current reality. A victim advocate
22 has requested I give my information to the police. I have advised that I
23 am legally unable to do so, until the police make formal contact with me.
24 If they “compel” me to co-operate, then I am permitted to communicate
25 information to them. Until then, I must remain silent, or risk being sued
26 by the Catholic Church.

27
28 This aspect of the confidentiality clause, as currently enforced by the
29 Catholic Church in Melbourne, is highly questionable. It indicates a
30 “cover up” strategy to silence people with knowledge unfavourable to the
31 Church, and could even be perverting the course of justice.

32
33 Following my conversation with the journalist Paul Kennedy, and the
34 parents of the two major victims in the O’Donnell case, Anthony and
35 Chrissie Foster, on 30/11/2009 I received an email from Melbourne’s
36 Independent Investigator, saying “..... Could you tell me why you did
37 not, as seems to be the case observe its confidentiality clauses?...”

38
39 Firstly, the formal, public comments of Monsignor Prowse, Archbishop
40 Cardinal Pell and Archbishop Hart speak for themselves and there
41 appears no ambiguity.

42

1 Secondly, and most importantly, my specific “ex gratia” payment was not
2 offered as a “victim” of sexual abuse”. It was for wages compensation
3 from Fr Searson’s failure to remunerate me appropriately in my three
4 years in Sunbury.

5
6 I immediately responded by email to the Independent Investigator on
7 1/12/2009 on this confidentiality issue saying:

8 “... on the confidentiality issue.... my clear recollection is that he
9 (Archbishop George Pell) definitely rejected the position that people
10 compensated under the scheme were compelled to comply with
11 confidentiality issues... In this context, I am at peace that I have not
12 breached confidentiality... **If I am in error, I would appreciate this
13 point to be clarified** (my emphasis).....”

14
15 It is important to state that I received no response of clarification from
16 Peter O’Callaghan informing me that I was “in error”.

17
18 So, in good faith, I started on the initial substantial draft of this paper on
19 the basis that the above Press Statements of the Church leaders clearly
20 stating that confidentiality agreements do not apply in these
21 circumstances in the Archdiocese of Melbourne was still the public and
22 legal position of the Archdiocese of Melbourne.

23
24 In fact, unaware to us both, there had been a technical problem in
25 communication. In fairness to the Independent Commissioner (Peter
26 O’Callaghan), he had replied to my request for clarification but
27 unfortunately he sent it to the wrong email address.

28
29 He was adamant that he had formally advised me that I was in
30 contravention of the confidentiality clause. I was equally adamant that he
31 had not informed me on this matter. After a lengthy period of time, Peter
32 sent a copy of the email to me as proof of his position. The only problem
33 is that the attachment, supposedly proving his communication, had been
34 sent to another person with the same Christian name, and not to me.

35
36 If, as Peter O’Callaghan claims, I am still bound by confidentiality I
37 argue that it raises serious concerns over the integrity of the Press
38 Statements of the above Church leaders of Melbourne. What would it say
39 about the integrity of the Church leaders if they made public Press
40 Statements unequivocally saying confidentiality no longer applies, while
41 knowingly allowing their lawyers to issue contracts with continuing
42 confidentiality clauses?

43

1 Peter O’Callaghan informed me that any dissemination of the document
2 would “oblige him to refer the matter to the solicitors of the Archdiocese”
3

4 My experiences with Peter over the last three years has resulted in me
5 know being more inclined to the view that the vigorous application of the
6 confidentiality clause in the Agreement of 2003 is an effort to silence an
7 “insider” who knows too much.

8 I have complied strictly with Peter O’Callaghan’s instructions on
9 confidentiality – only for the sake of my family.
10

11 Whenever I have been approached I have always replied that I am not
12 able to speak to anyone on anything to do with this subject. One person
13 who rang me wanting to talk about this subject was a senior priest. He
14 was outraged that I was bound by confidentiality and would not speak
15 with him.
16

17 It is not imperative that my voice is heard. There are plenty of victim
18 advocates doing this so well. My policy is that if I cannot speak, I will
19 support those who can.
20

21 Also, if I can’t speak I can steer people making inquiry to those who can.
22 For example, with the Gladstone Park story alone, if I cannot speak there
23 are six people who will – the School Principal, the Magistrate, the
24 Lawyer, the Canon Lawyer, the Father of the child, and the victim. I
25 know that each and every one of these people is prepared to tell the full
26 story of Gladstone Park and Bill Baker. And, of course, Father Baker is
27 still available to confirm the accuracy of my account.
28

29 As I conclude this section on confidentiality, I need to return to a most
30 important fact. The mutually accepted basis of the “ex gratia” payment
31 was for recompense of salary withheld from me by Fr Searson in 1981-
32 83. The actual agreement gives another reason for the “ex gratia”
33 payment, which I do not accept as fact.
34

35 I argue that this, in itself, is grounds for the contract to be deemed as
36 invalid. This is not a matter for this paper, and may need to be resolved in
37 another forum on another day. However it does indicate the complexity of
38 the issue and the ruthless attitude still employed by the Archdiocese of
39 Melbourne in matters related to this issue.
40

41 For me, it is entirely unsatisfactory to have such a serious unresolved
42 legal matter with the Archdiocese. Also, I am not prepared to live with
43 this litigious cloud over me and my family that may be initiated by the

1 Church's lawyers, now or any time in the future, when they consider I am
2 in breach of this contentious agreement.

3
4 I forwarded a 40 page document to the Archdiocese of Melbourne
5 rebutting a number of Peter O'Callaghan's positions and putting
6 legitimate alternate views that are worthy of further independent review
7 and consideration.

8 He replied in a detailed 15 point paper, on 18 October 2011, basically
9 repeating his initial finding of a year ago. Realising it was futile engaging
10 in a relatively one-way email correspondence with Mr O'Callaghan, I
11 decided to personally approach the Vicar General, Monsignor Greg
12 Bennet.

13
14 I had a meeting with Greg and the Business Manager, Mr Francis Moore,
15 in an attempt to resolve this problem. I found them both to be welcoming
16 and fair. In the limited time available to us, we discussed many complex
17 legal and ethical matters, and respectfully listened to each other's views.

18
19 They informed me that I would receive a definite decision on this specific
20 matter of confidentiality from Archbishop Hart within 14 working days. I
21 was reasonably hopeful that the response would be mutually satisfactory
22 and this confidentiality saga of almost 3 years would be over.

23
24 I now need to add that on 1 May 2012 I received a letter from the Vicar
25 General informing me that the Archdiocese of Melbourne had rejected
26 my request and with the exception of a relatively minor modification was
27 maintaining this confidentiality clause.

28
29 It is also important to record that I was advised to engage a lawyer for
30 further communication with Mr O'Callaghan. I did this, and on
31 1 February 2012 my lawyer wrote to Mr O'Callaghan informing that he
32 was acting on my behalf and requested certain information. My lawyer
33 informs me that, to date, there has been no acknowledgement or response.

34
35 I wish now to move on from these personal, legal, technical areas of
36 confidentiality to matters more directly related to clergy sexual abuse of
37 children.

38
39
40
41
42
43

1
2
3
4
5
6
7
8
9
10
11
12
13
14 CELIBACY
15 AS A REQUIRED CONDITION
16 OF PRIESTHOOD
17 IN THE ROMAN CATHOLIC CHURCH
18
19

20 Celibacy is not a matter of faith and morals that cannot be changed by the
21 Church. The great Doctor of the Church, St Thomas Aquinas held in his
22 Summa Theologica (II – IIa, 88, 11) that as the celibacy requirement was
23 Church Law, it could be reversed at any time by Papal or Conciliar
24 authority.
25

26 Why is it that only the Latin rite remains locked into this priestly model?
27 Do other adults, even the Vatican hierarchy, have the right to exclude
28 such a fundamental human right, such as marriage, to their workforce?
29 Why is celibacy intrinsic to priesthood? Would priesthood be diminished
30 in any way if celibacy as a compulsory, universal condition was waived?
31 And has the principle of universal, compulsory celibacy for priests of the
32 Latin rite already being broken by the acceptance of married former
33 Anglican priests into Catholic priesthood?
34

35 On celibacy, I would also like to offer my thoughts that apart from
36 celibacy, the living/working arrangements of most diocesan priests are
37 not conducive to good emotional health.
38

39 Some of the presbytery living/working situations are so bizarre that they
40 actually contribute to the problems many priests experience. Who else in
41 our society would live and work for “24/7” for up to 3 or more years with
42 a total stranger normally with a significant age difference and a definite
43 power imbalance? Married people are of a different sex, the same age and

1 live by free choice, and yet we know the statistics of unhappy
2 relationships, separation and divorce.

3

4 Clergy live together by the appointment of the Archbishop. Putting it
5 another way, if a condition of your employment was to live and work in a
6 common house for 3 years or so, how many employers and employees
7 would survive?

8

9 These days, especially in rural Australia, most clergy live in a single
10 priest parish. This may lessen the tensions of difficult “in house”
11 relationships, but it heightens the isolation, loneliness problem
12 experienced so often by clergy.

13

14 Sometimes I think “aleness” is a better word than “loneliness” when it
15 comes to a priest’s life. So many factors can reinforce the aleness
16 experience of a priest with damaging consequences.

17

18 It is a tribute to the goodness and resilience of most diocesan priests that
19 so many do so well despite the odds stacked against them. In my 10
20 parish appointments I had only 3 difficult presbytery experiences – one
21 with a sad man with an obvious problem, one with a mad man with
22 multiple obvious problems, and one with a good man who suffered as a
23 result of his loneliness and had lifestyle issues that impacted on our
24 shared living and working.

25

26 I now wish to explore some of the complex issues associated with
27 obligatory, universal celibacy and reflect how priests respond and cope
28 with celibacy. The “groups” are obviously not necessarily neatly accurate,
29 and there would be other groups and multiple variations on this theme. I
30 don’t pretend that this list is exhaustive, but I do think it is indicative.

31

32 If you are a priest reading this, where do you fit? If not in any of these
33 “groups”, how would you assess your priestly ministry in the reality of
34 obligatory celibacy?

35

36 In fairness, it is important to the integrity and decency of the committed
37 clergy to start with the “successes of celibacy”.

38

39 There are many priests who have freely and successfully integrated their
40 sexuality in the celibate life of a Catholic priest. For them celibacy is
41 indeed a gift and a charism, and it is freely chosen and embraced. They
42 have dedicated themselves to selfless service of God and his People.

43

1 Many of these men are found in Religious or Monastic life, but also a
2 significant number of Diocesan priests have integrated their celibacy and
3 ministry in a healthy way. I find these men to be extraordinary in the true
4 sense of the word. I suspect these men would choose to remain single,
5 even if they had the freedom to marry, as celibacy is so valued and
6 integral to their priesthood. It is fair to assume that many of today's
7 priests are in this integrated category.

8
9 The next group I suspect may be the majority of diocesan clergy. They
10 have committed to priesthood fully aware of the obligation of celibacy
11 and, by and large, accept the reality as it is and live a celibate life with
12 reasonable acceptance – not because they necessarily value celibacy, but
13 because that is just how it is.

14
15 There are others that accept imposed celibacy as a condition of exercising
16 their valued ministry as a Catholic priest, even though they do not value
17 celibacy or see it as integral to priesthood. Because of their commitment
18 to priesthood, they manage to successfully live out their celibate lifestyle.
19 However, if ever given the freedom, I suspect some would choose to be
20 married priests.

21
22 Another group is priests who live their lives directed by the laws of the
23 Church. In the seminary there was a prevalent way of thinking that
24 believed “Keep the law and the law keeps you”. It is not for them to
25 think, they simply obey. As celibacy is a law of the church and is required
26 to be a priest, so be it. But similarly, if the Church changed the law and
27 allowed married priests, perhaps some would then also be open to that
28 option.

29
30 Yet another group is what I call the “religious bachelors”. They are
31 pragmatic and realistic. They don't particularly value celibacy, but have
32 worked out a lifestyle that suits them and they are content, and
33 accommodate and integrate celibacy in their lives.

34
35 There are others who, irrespective of whether they value celibacy or not,
36 struggle to live the celibate life, but try desperately to do so as they value
37 their priesthood so highly. By and large, they succeed. However, they
38 also know the gap between the expectation of life-long perfection and the
39 daily practise in regard to celibacy. They live the tension of trying to be
40 celibate while not always succeeding.

41
42 There are others who have a negative view of sex/sexuality and see it as a
43 constant threatening presence in their priesthood. They cope by

1 repressing their sexuality and becoming, as much as humanly possible,
2 asexual.

3
4 There are others who realise they need strong, continuing personal
5 relationships and choose the constancy of their fellow clergy. This
6 enables life-long and valued clergy friendships to develop. These clergy,
7 while also valuing and enjoying relationships with lay people, tend to
8 socialise with each other on their “day off” and on annual holidays. This
9 peer group friendship and support enables these men to live out their
10 ministry with satisfaction.

11
12 There are others that cope by being as self-contained as possible. They
13 tend to minimise their need for intimacy, especially with women. This
14 enables them to move from one appointment to another with relative ease.
15 Some of these men are involved in general clergy social and spiritual
16 group activities that support them in their priesthood. However some,
17 who make this choice to minimise relationships, do not have peer support
18 and live a private and alone life.

19
20 There is another group of clergy who develop a valued, intimate
21 friendship with a significant woman. They enjoy a particularly close and
22 intimate long-term relationship, often on a specifically spiritual level, and
23 do so while maintaining celibacy.

24
25 There are others who simply cannot live the celibate life, but live with
26 their “failure” reconciled in the greater good of being a valued priest.
27 They see the good work and worth of their priestly ministry as more
28 significant than their personal struggles. They have just given up on
29 celibacy.

30
31 There are others who thought they could be celibate for life when they
32 were young and altruistic in their early 20’s, but with the complexities of
33 life, personal needs and relationships have given up on their effort to be
34 celibate. They have worked out a way to live with their contradictions.

35
36 There are others who are wracked with guilt and scruples because their
37 personal lives do not reflect the lofty celibate ideals proclaimed by their
38 Church. These men constantly struggle and live under intense internal
39 pressure as they struggle to reconcile their “failures”.

40
41 There are others who do not cope with celibacy, but refrain from
42 engaging in any sexual activity with others. They have a self-contained
43 sexual lifestyle that does not obviously impact upon their public ministry.

1
2 There are others who live their lives in separate compartments. While “on
3 duty” they operate as a priest – often in a strict and conservative way.
4 When “off duty” they relax and live out their sexuality as they see fit.

5
6 Then there are the small minority who really are damaged, stunted,
7 immature men incapable of either healthy adult sexual relationships or
8 celibacy. Their lives are an intense internal contradiction and, as we have
9 seen, can erupt in the abuse of children and others with its subsequent
10 personal damage and public scandal.

11
12 We know that celibacy was not a constant requirement of our Church for
13 the first millennium. From the 4th century onwards celibacy had a patchy
14 history and was part of priesthood at some times and in some places. We
15 know the history behind celibacy’s formal introduction at the Second
16 Lateran Council in 1136 to address the practical problem of alienation of
17 church property through inheritance disputes between clergy and the
18 Church.

19
20 It was at this Council, in this context, that celibacy was introduced as a
21 universal and compulsory law. We know that it was accepted as a Law of
22 the Church and was therefore able to be changed by the Church as
23 required. We know that the Latin rite alone continues to demand
24 obligatory celibacy as a condition of priesthood. And sadly, we know that
25 optional celibacy is banned from discussion by Rome. Along with female
26 clergy, it is not allowed to be discussed, to even be put on the agenda.
27 This Roman intransigence and refusal even to address the issue leaves our
28 clergy and our Church suffering.

29
30 Another reflection I have on imposed celibacy is the problem of the
31 Roman Church placing the bar at perfection and expecting all their priests
32 to successfully jump that bar for 50-60 years. If you demand perfection,
33 you cannot be surprised when there is failure. Even the Gold medallist
34 high jumper at the Olympics is allowed two failures before being
35 eliminated..... and he is the best in the world. It may not be a perfect
36 analogy, but it still has some validity.

37
38 And yet, our Roman Church still holds onto this brittle façade of celibacy
39 and continues to insist that all priests be celibates for life. Can we really
40 be surprised when sexuality finds some form of physical expression in the
41 lives of a significant number of clergy?

42
43 Celibacy is not the problem in itself. Imposed celibacy is the problem.

1 If celibacy was optional, the free choosing of celibacy would be valued
2 and respected – as it is in monastic life and other religious denominations.
3

4
5 With the diminishing numbers of parish priests, there is now usually only
6 one priest in a house, where a generation or two ago there would have
7 been 2 or 3 priests in every presbytery. Many of these Parish Priests,
8 already living and working alone, also have other specialist duties in the
9 Archdiocese. Parishes are being amalgamated and grouped together
10 under the care of one Parish Priest with a consequent expansion of their
11 administrative, educational, pastoral and sacramental responsibilities.
12 Apart from celibacy, the workload on so many priests must be
13 questioned. So much is now expected from so few.
14

15 The Roman Church speaks of celibacy as a “gift” or charism. For so
16 many diocesan clergy, it is not a valued gift. It’s a centrally mandated
17 Church requirement of priesthood based on historical circumstances. For
18 some reason, unknown to most believers, Rome is intransigent in
19 demanding two highly arbitrary criteria to be a Roman Catholic priest –
20 to be male, and to be celibate. It is worth noting, that in recent years,
21 Rome has become even more insistent that the ordained ministry be
22 limited only to single males.
23

24 I wonder if Rome permitted a plebiscite of worldwide clergy how many
25 would vote to maintain the current discipline of mandatory celibacy. My
26 experience of years of clergy seminars and gatherings was that celibacy
27 was not regarded positively by the vast majority of clergy. It’s all very
28 well for Rome to promote celibacy as this great universal gift to the
29 priesthood, but I suspect a significant number of worldwide priests do not
30 share their enthusiasm.
31

32 I also think there is a cynicism in the general community about celibacy
33 that has increased following media exposure of so many scandals. The
34 line, “They may be priests, but they are still men” reflects disbelief that
35 celibacy is liveable.
36

37 Whereas there was an argument that celibacy was counter-cultural and a
38 positive sign of contradiction in a “sex obsessed” society, the public
39 failures of celibacy have severely diminished this position.

40 Again, stating the obvious, marriage is not the panacea for all problems
41 associated with celibacy. Whereas many priests would find fulfilment and
42 happiness in marriage, there would also be the reality of divorce and
43 family dysfunction and distress. The fact that marriage may not work out

1 well for all people does not mean that people should not have the freedom
2 to marry.

3

4 Again, stating the obvious, the freedom for priests to marry would not
5 eliminate clergy sexual abuse of children. Married men also abuse
6 children, and men with the disposition to abuse children will do so
7 irrespective of whether they are married or single.

8

9 And yet, because we place such a high value on marriage and family, it is
10 reasonable to expect that many priests would lead a far happier life if they
11 had the love and support of a wife and family.

12

13 The celibacy issue is extremely complex. It's not as simple as sex or no
14 sex.

15 I've always held strongly that the paternity factor is one of the powerful
16 forces that does not receive much public airing. Personally, and I think
17 I'm not alone on this, I found it very difficult not having my own
18 children. We are generational people and deep within our being is the
19 desire to bring about and nurture new life. The reality that clergy cannot
20 have children, grand-children and a continuing family history is an issue
21 worth exploring further in this context.

22

23 Most of us yearn to "grow old" in the company of our loved ones and
24 have them with us when it is our time to die. We need the mutual love
25 and support, in all the stages of life, that marriage and family offers. I
26 repeat, "It is not good to be alone".

27

28 I now want to return to the paternity issue, not in the healthy context of
29 family life, but in relation to the sadness of clergy child sexual abuse.

30 I well remember the shocked reaction of Bill Baker when I raised with
31 him the abuse of the 12 year old boy in Gladstone Park. He was shocked
32 and said, "I love the boy. I'm like a father to him". I think I understand
33 what he was saying, even though it was so incredibly unhealthy.

34

35 And it was interesting that when the father of this boy came to the
36 presbytery to make the formal allegation his opening words were not ,
37 "Why is the Parish Priest having sex with my boy?", but "Why won't
38 Father Baker allow me to be the father to my child?" This could well be a
39 misplaced yearning for paternity, and not in the healthy sense as raised in
40 the above paragraph. Perhaps there may be a subtle link to this deep
41 human yearning and child abuse. Again, I'll just pose the issue, and leave
42 the "answer" to the experts.

43

1 As I've said so often on these associated topics that surface in the context
2 clergy child sexual abuse, this is neither the time, nor the forum, nor do I
3 have the expertise to go further on the issue.

4
5 Before concluding this section, I would like to explore the difference
6 between diocesan and religious priesthood and also the place of
7 seminaries in relation to the sexual formation and development of priests.

8
9 I briefly alluded to the fact that most diocesan priests live alone, while
10 religious priests live in community. I'm sure there must be a range of
11 particular problems related to sexuality, and other issues, in religious life
12 – but, at least, there is a community that offers real day-to-day living and
13 support.

14
15 As I was a diocesan priest, I have had very limited contact and knowledge
16 of priests living in religious communities. My observations are that, as
17 well as all the usual good reasons for being a priest, so many religious
18 order priests seem to have a strong identification with the charism of their
19 founder which motivates their ministry, and also appear to enjoy genuine
20 bonds of affection with those in their particular community and their
21 Order more generally.

22
23 Again, with little knowledge, I wonder if religious priesthood will be
24 more the way of the immediate future while celibacy remains a
25 mandatory requirement to be a priest. It is worth noting that whereas a
26 generation ago, most Melbourne parishes were staffed by diocesan
27 priests, now there is an increasingly strong trend for these parishes to be
28 staffed by priests from Religious Orders. It appears that diocesan
29 priesthood is declining, and it will be interesting to see if this trend
30 continues.

31
32 Also, in relation to celibacy, it could well be that in the future men called
33 to living in religious community freely accept celibacy, whereas diocesan
34 priests could be free to choose celibacy or marriage.

35
36 Relevant to this reflection on celibacy/ministry is the role of the
37 seminary. I entered the diocesan seminary at Werribee in 1969 along with
38 41 other young men. All, but a handful, were young 17 or 18 year olds
39 straight from school. Most of us had grown up in strong Catholic
40 families, attended Catholic schools (usually single sex) and were involved
41 in active parish life.

42

1 Although we were very much the products of the 1950's society and
2 church, we had been exposed (in a minimal way) to some of the
3 extraordinary society and church change of the 1960's. It was
4 immediately following the Second Vatican Council, and while we may
5 not have understood, we were aware that we were to be part of an
6 exciting renewal period within our church and the world.

7
8 That been said, there is little doubt that most of us had limited worldly
9 experience beyond our family, school and parish. I doubt if many had
10 ever experienced a significant female friendship. There was an abundance
11 of altruism and good will, but it was also in the context of naivety and
12 personal, emotional and sexual immaturity. That is how many of us
13 entered the seminary, and I suspect our personal development over those
14 formative years was slower than if we had continued to live, study and
15 work in the general society.

16 As such, I do believe young men were ordained for parish ministry who
17 were not sufficiently mature for the task and challenges – particularly
18 with celibacy – that was expected of them for the rest of their lives.

19
20 Of the 12 men ordained as priests with me for the Melbourne
21 Archdiocese in 1975, only 1 remains on active diocesan appointment.
22 Two others are still priests, but not on diocesan appointment. This
23 incredibly high attrition rate suggests, to me, that so many of us, despite
24 our good intentions at the time, were not sufficiently emotionally and
25 socially mature to deal with the complexities of life and relationships that
26 we were to face.

27
28 As argued elsewhere in this paper, I tend to regard sexual immaturity
29 (rather than orientation) as a major contributing factor in clergy sexual
30 abuse of children. I am aware that seminaries are very different today
31 than in my time, and a much greater emphasis is now placed on emotional
32 and sexual formation, but I still wonder if this seminary style of
33 formation is not a contributing factor in the clerical culture that can lead
34 to significant sexual abuse.

35
36 A colleague once said that the unusual lifestyle of the seminary often
37 appeared to make “the abnormal seem normal, and the normal abnormal”.
38 I tend to agree with this reflection, and believe our limited formation
39 contributed to some clergy lacking the required insight and empathy
40 when confronted with the crime of sexual assault on children.

41
42 A final comment on celibacy.....

43

1 I argue that changing the discipline of celibacy to allow priests to marry is
2 not at all a radical step. It is simply re-affirming how highly we value
3 marriage and family life, and all it is doing is giving the freedom to marry
4 to all people - irrespective of their calling in life.

CELIBACY AS CONTROL

9 It is far easier for Rome (and each Diocese) to organise and control their
10 “troops” if they do not have a wife and family. Moving single priests
11 from one appointment to another at short, or no notice, is a relatively
12 simple logistical operation. Just pick up the phone and tell the priest of
13 his new appointment and starting date. In this situation a local priest can
14 be like a pawn on the Archdiocesan chessboard.

16 Another practical difficulty for a middle-aged priest, who is struggling to
17 live out his priesthood, is the limited resources he has as a single man.
18 Up to date, his physical and financial needs have been met by the Church.
19 But he owns nothing. Apart from minimal savings of his stipend he may
20 have no other assets. What options has he for moving on from ministry,
21 getting a job, buying a car, renting a house and meeting his own social
22 and living needs?

24 These are just a couple of issues of a much more complex situation which
25 shows that it suits the vested interests of the Roman Church to keep their
26 workforce single.

ANGLICAN MARRIED PRIESTS ARE NOW CATHOLIC MARRIED PRIESTS CELIBACY IS NO LONGER A UNIVERSAL OBLIGATION

34 In recent years, married Anglican priests have been accepted as married
35 Catholic priests.

37 By definition, this means that the ruling of the Second Lateran Council of
38 1136 has been altered – as the Church has every right to do.

40 By dispensing the discipline of celibacy to accommodate these married
41 Anglican priests to be married Catholic priests, Rome has accepted that
42 celibacy is no longer the universal, compulsory obligation of the Latin
43 rite priesthood.

1
2 It is obvious that as soon as there is an exception to the law, it is no
3 longer absolute.

4
5 This was the basis of a recent article in “The Guardian” that was re-
6 printed in “The Age” on 18 September 2011 where it reported that with
7 Pope Benedict XVI reaffirming the fundamental value of celibacy, as
8 expressed by Pope Paul VI in the encyclical, “Sacerdotalis Caelibatus”,
9 he also embraced the option in that encyclical “for the possibility of
10 married clergy from other Christian traditions being ordained as Catholic
11 priests”. The opinion piece in “The Guardian” went on to naturally
12 conclude that with this exception to the universal law, “the absolute
13 prohibition on married Catholic priests has gone.”

14
15 In our Archdiocese of Melbourne we now have married priests (former
16 Anglican clergy) as parish priests, and this trend looks likely to continue
17 with the Anglo/Catholic communities connecting to Rome.

18 19 20 21 THE PERMANENCY OF THE PRIESTHOOD

22
23
24 Just as celibacy is presumed for the term of your natural life, so is the
25 priesthood.

26
27 This raises a major problem with how the Church handles clergy sexual
28 abuse of children. People call for Rome to “defrock” offenders, but
29 because of the permanency factor it is not that simple.

30
31 An offending teacher, psychologist, social worker, medical practitioner,
32 nurse, police officer, lawyer, or similar professional can be brought to
33 account before their professional body. If proven guilty of professional
34 misconduct they can be suspended. If proven guilty of criminal activity
35 they can be struck off their professional association and their right to
36 practise rescinded.

37
38 Not so with Catholic priests. Priests are priests for life. Just as they made
39 a commitment to the Church, the Church made a commitment to support
40 them in their living arrangements until death.

41
42 It’s not that easy to “defrock” or “involuntarily laicise” a priest for
43 unprofessional or criminal behaviour. The Bishop may, and normally

1 does, “remove the faculties” of an offending priest. This means they can
2 no longer publicly practise as a Catholic priest, but they are still a priest
3 cared for by the Church until death.

4
5 Related to the permanency of priesthood was the tenure of all Parish
6 Priests prior to the new Canon Law of 1987. Prior to the revised Canon
7 Law, Parish Priests had permanent tenure of their appointment. Not even
8 the Archbishop could remove them – except in extreme circumstances.
9 So, in matters of a complaint against a Parish Priest, prior to 1987 it could
10 well have been a difficult task and process for a bishop to demand the
11 resignation of the offending cleric without his co-operation.

12
13 So, with Baker in 1978 and Searson in 1981-83, Archbishop Little knew
14 he could only remove these clergy on specific and serious reasons. This
15 often constrained the options of the Archbishop. There was the celebrated
16 case in Melbourne where a priest successfully appealed to Rome on the
17 grounds of permanency of tenure.

18
19 Related to this tenure issue was the practical problem the Archbishop
20 faced when then was clear and public conflict between a Parish Priest and
21 the Assistant Priest of that parish. The Parish Priest had tenure and the
22 Assistant Priest did not. So, the only practical course open to the
23 Archbishop was, irrespective of the problem, to remove the Assistant
24 priest who did not have tenure.

25
26 As an Assistant Priest, especially at Sunbury, I was acutely aware of the
27 precarious nature of my appointment, so to minimise this option, in
28 writing, I formally requested the Archbishop to allow me to remain in my
29 appointment. I did this as I had made a strong commitment to the
30 community of Sunbury. Many parishioners had put their trust in me, and I
31 was not prepared to abandon them because the Parish Priest was
32 psychiatrically disordered.

33
34 In summary, while acknowledging that there were very real constraints on
35 a bishop removing a priest from his parish against his will, it must be said
36 that it was possible where there were serious allegations. It would be hard
37 to imagine a more serious abuse by a priest than sexually assaulting a
38 child.

39
40
41
42
43

HOMOSEXUALITY IN THE PRIESTHOOD

1
2
3
4 This is a major issue deserving of much more attention than I can give in
5 this paper.

Page | 36

6
7 Why is anyone shocked that there are homosexual priests?
8

9 No longer is homosexuality the dark secret locked away in the closet.
10 Many families have children who are openly homosexual. Over recent
11 years statistics have shown the significant reality of men and women in
12 our society who are homosexual. Again, whatever is the actual number is
13 largely irrelevant.

14
15 If there is a significant number of homosexuals in our society/church, is it
16 any surprise that we have homosexual men and women in public
17 ministry?
18

19 Also, the caring and creative personality of so many homosexual men and
20 women may incline them to caring and creative lives in areas such as the
21 arts, nursing... and ministry. Priesthood for a caring, creative, spiritual
22 young man, who happens to be homosexual, must be a very attractive
23 option.
24

25 It is indisputable that a significant percentage of Catholic priests have a
26 homosexual orientation, and a significant number of these homosexual
27 clergy have an active sex life - as do their heterosexual brothers.
28

29 Personally, I have the highest respect for many homosexual clergy I know
30 to be wonderfully caring and faithful priests – as are their heterosexual
31 brothers. It is important to note that pastoral care and spiritual direction is
32 not dependant upon sexual orientation or identity.
33

34 Again, I must be careful about simplistic caricaturing, but I can
35 understand how the priesthood would be a most attractive option for a
36 Catholic person not particularly drawn to marriage, perhaps unsure of his
37 sexual orientation, or where there is a definite acceptance of their
38 homosexual identity.
39

40 I can also see if marriage is not an option for candidates to the priesthood
41 that, over time, there will be a lessening of heterosexual men who would
42 also like to be married entering the seminary, and an increasing

1 percentage of men committing to priesthood where marriage is not on
2 their agenda.

3
4 Although most homosexual clergy appear comfortable in ministry, there
5 must be some tension for them to live as a priest when the Roman Church
6 refers to homosexuals as “intrinsically disordered”. I think they just
7 dismiss such comments as not true and continue to minister as priests.

8
9 In the seminary (back in the late 60’s and 70’s) there were obvious gay
10 groups and relationships. Some of this may just be part of adolescent
11 sexual experimentation in an all-male culture. Some of it may have been
12 more directly linked to their emerging or known sexual orientation.

13
14 I know of a number of clergy who came to an awareness and acceptance
15 of their homosexuality many years after their ordination. Like everyone
16 else, they struggled as best they could with the expectation of celibacy.
17 And in a way, celibacy may have slowed down their journey of discovery
18 of their sexual orientation. Being celibate the need to address their sexual
19 identity was not urgent. However, when celibacy became a problem, so
20 too did the issue of addressing and owning who they were as sexual
21 people.

22
23 When I was a priest, the various associations and venues where gay
24 clergy gathered was not a great secret. Some of the more “liberal clergy”
25 tended to gather at “Steamworks” in Melbourne’s CBD, while some of
26 the more “conservative clergy” gathered at “Club 80” in Collingwood.
27 One conservative, traditional “Roman” priest had the misfortune to die in
28 a cubicle at this Collingwood venue.

29
30 Not for a minute am I suggesting that all homosexual clergy are sexually
31 active, just as not all heterosexual clergy are. But a significant number of
32 priests, whether heterosexual or homosexual, are definitely not living
33 celibacy as prescribed by Rome.

34
35 Whereas I have a respect for the majority of gay clergy, there is a group
36 that is as problematic as their dysfunctional heterosexual colleagues.

37
38 I struggle with those who rigidly publicly proclaim the conservative
39 Roman positions on celibacy and morality, yet lead a private double life.
40 It is not for me to judge these priests, but I do struggle to reconcile their
41 obvious contradictions.

42
43 Just one story.....

1 One of this conservative group was in a formal discussion of clergy at an
2 in-service in the early 1980's. The topic was celibacy. Along with some
3 other priests, I was questioning the value and practise of obligatory
4 celibacy. He took a particularly critical stance and maintained that
5 celibacy was at the essence of priesthood.

6
7 When we went for morning tea, we were together at the urn and his exact
8 words were, "I don't know what all the fuss is about. When I want sex, I
9 have it with men, because they can't get pregnant"!!!

10
11 Recently, a distressed work colleague contacted me to say that a priest
12 had made inappropriate sexual advances towards him. The priest he
13 named as the alleged offender was this same person. There is a 30 year
14 time-line between these stories which suggests that celibacy may not have
15 been the true life-style of this particular cleric.

16 A friend of this cleric recently told me that this priest was intending to
17 retire to retire to his house in Thailand to be with "his boys".

18
19 I will not continue further with stories on this topic. It is far too complex
20 and emotive and again is not central to this paper.

21
22 However, I would like to address the view, expressed by some, that
23 homosexuals are more inclined to sexually assault children.

24
25 This is an allegation that homosexual clergy rightfully regard as
26 inaccurate and offensive.

27
28 Personally, I maintain sexual immaturity, not sexual orientation, is the
29 major underlying factor in the abuse of children.

30
31 It is a fact that the majority of victims of clergy sexual assault of children
32 are boys. It is so easy to say therefore that it is a homosexual problem.

33
34 Again, I argue that sexual immaturity is the problem. These limited and
35 damaged men have never developed the ability to enter into an adult/adult
36 peer sexual relationship with anyone, let alone an adult woman. As such
37 they still have an adolescent sexuality that in its immaturity so easily
38 finds its expression with boys (who usually are far more available to a
39 priest) than girls.

40
41 I also suspect the 7 or 8 years in an all-male seminary prior to ordination
42 is a contributing factor. These seminarians may well have come from an
43 all-male secondary school. Often they are young men from 17-24 years of

1 age (although seminarians are tending to be significantly older in more
2 recent times).

3
4 Any sexual yearnings, awakenings or experimentation over this 7-8 year
5 institutional residential period are obviously more likely to find
6 expression in homosexuality rather than heterosexuality. Perhaps the
7 inclination is formed in these crucial developmental years where men are
8 the predominant company.

9
10 Again, I will not explore this further. Whereas I am happy to put forward
11 my personal reflections in this paper, I am acutely aware that so much of
12 this content is far beyond my competence. This is a matter for
13 professional psychologists to research and review in another forum.

14
15 A final story on the link between homosexuality and priestly celibacy....
16 Back in the 1990's the Archdiocese conducted an excellent and honest
17 seminar on "Sexuality" for the clergy that was held over a week in the
18 Clayton seminary.

19
20 As usual, a group of us went through the futile motion of proposing to the
21 Archbishop that he petition Rome to allow optional celibacy.

22
23 Later a good friend of mine, who is gay, came to me and said that there is
24 no way that celibacy is ever going to be changed – as it is the best cover
25 possible for gay clergy. He said that because of celibacy, gay clergy don't
26 have to be so open about their sexual orientation/practise as people don't
27 question why they are still single at 30, 40, or 50. It is just accepted and
28 presumed that they are good celibates.

30 31 MISOGENY AND CLERICALISM

32
33 Again, stating the obvious, homosexual men are not misogynists –
34 although this allegation is often made.

35
36 Unfortunately in our Church there has been a history of negativity to
37 sexuality and women that has fostered some unhealthy attitudes and
38 practices. Again, this is not the forum to explore this in any detail. But a
39 rigorous historical analysis of attitudes towards women and sexuality will
40 indicate that our Church needs to correct attitudes of the past. It needs to
41 positively proclaim both the role of women in our Church and society and
42 the importance of sexuality in our lives.

43

1 Personally, I think this negativity towards women and sexuality has
2 contributed to a heightened celibate clericalism that is part of the Catholic
3 clergy. I suspect that there are elements of misogyny in the authoritarian,
4 clerical, Roman clergy. That some of these men are also homosexual is
5 consistent insofar as they prefer to live in an all-male environment with
6 minimal feminine presence or influence.

7
8 There is a concern that aspects of this attitude may prevail in the
9 dominant “power group” of clergy in the Church, and from this group
10 comes a high percentage of bishops. If a disproportionate percentage of
11 bishops are being drawn from this relatively small, but influential group,
12 it appears the likelihood of openness to issues such as celibacy and
13 women in ministry will be diminished.

14
15 It is also a concern that these “hard-liners” may be less able to address the
16 complexities and nuances required in responding to this clergy child
17 sexual abuse crisis and scandal.

18 19 20 ONCE AN ABUSER, ALWAYS AN ABUSER

21
22 The above statement is not necessarily correct, but it is the norm and it is
23 the public perception.

24
25 There is a very small percentage of abusers who acknowledge their crime,
26 rehabilitate, have ongoing support, accept continuing supervision and no
27 longer pose a serious threat to children. Unfortunately, criminologists
28 report these to be in the extreme minority of child sexual offenders.

29
30 The reality that we all know, in both the Church and society generally, is
31 the vast majority of child sexual offenders do not acknowledge their guilt,
32 rationalise and justify their behaviour and see themselves as the victim.
33 This is an unusual crime where the perpetrator can be deluded into a false
34 reality. This is an unusual crime where being free and unsupervised after
35 “doing the time” does not apply. The risk of recidivist behaviour with
36 these crimes is unacceptably too high.

37
38 Another contributing factor to heightened risk after release is that most
39 clergy child sexual offenders tend to be located in the same prison facility
40 for their own protection. Criminals have a particular hatred of “rock
41 spiders”, so these clergy need to be isolated and protected. Clearly, this
42 means being in each other’s company where mutual reinforcing of their
43 warped view of life becomes a potential problem. As they are so often

1 despised and shunned by society, they may only have each other. This
2 creates the risk that a released offender has a social network that can too
3 easily become a paedophile network.

4
5 In most instances, the offender remains a continuing, if not even a
6 heightened, risk upon release from jail or completion of their court orders.
7 Fortunately, most are permanently on the Sex Offenders Register.
8 However, in itself, this does not guarantee safety for children from these
9 predators. It is relatively easy for an offender to move into a new
10 community and, under anonymity, engage once again in abusive
11 behaviour.

12
13 We often hear criticism that the Church has not “defrocked” these clergy
14 offenders. The immediate outrage reaction is to demand these men be
15 permanently removed from ministry. However, there is some argument
16 that by expelling them we just cut them loose into society where they
17 become further isolated and emotionally damaged.

18
19 As I understand it, the Christian Brothers have chosen to keep these men
20 in their fold. The rationale appears to be that the religious community
21 really know these broken people and can offer practical compassionate
22 support upon release from jail. They do not allow them to be “thrown out
23 onto the streets” with all the consequent additional problems of isolation,
24 homelessness, poverty, depression and addiction.

25
26 By keeping them in their religious community, they can also monitor or
27 supervise the continuing behaviour of these men. They can expect and
28 demand continuing counselling with the hope of rehabilitation. At the
29 very least, by keeping offenders in religious community it minimises the
30 risk they may otherwise be to children. Obviously keeping them in
31 religious community does not mean having ministerial access to children.
32 It appears that some religious communities employ these members in
33 non-public maintenance/administrative/finance roles where they still
34 contribute, without being a threat.

35
36 As such, despite the trenchant criticisms, I think the Christian Brothers
37 have acted wisely and have provided society with a possible post-
38 custodial model for clergy child sex offenders. Admittedly the nature of
39 religious life in community lends itself more to this option. It does not
40 readily translate to diocesan priests who tend to live individually and not
41 in community. However, irrespective of the practical challenges, the
42 principles of continuing responsibility, care and consequent safeguarding

1 of children apply to any Dioceses and Religious Orders who have had
2 their members convicted of these crimes.

3
4 Clearly I do not have the expertise to offer solutions to this problem. I
5 simply raise it in the hope that the relevant professionals will address this
6 in the over-all complexity of this problem. The reality is that Judges will
7 not “throw away the key” or that offenders will never be seen again and
8 so can “rot in hell”. Those convicted of these crimes will, in a relatively
9 short period of time, be released back into society. As a Church, we were
10 very much part of the problem. We now need to be part of the solution.

11 12 13 14 15 16 FEMALE PRIESTS

17
18 Again, to repeat a common line, this is neither the time nor place to
19 explore this most important issue in detail.

20
21 Rome has two criteria for ordained priesthood – to be male and to be
22 single.

23
24 However the female question is most pertinent to the clergy sexual abuse
25 of children as is the celibacy issue – if not more so.

26
27 I wonder if the perpetrators of child sexual assault would have got away
28 with decades of abuse if there had been more married priests active in the
29 clergy.

30
31 Even more so, I wonder if these criminals would have succeeded for so
32 long if we had women active in the clergy.

33 34 35 36 AUSTRALIAN EPISCOPAL LEADERSHIP

37
38 It has been most encouraging in recent times to hear more bishops in
39 Australia publicly voicing their concerns and commitments to addressing
40 the real issues associated with the clergy sexual assault of children.

41
42 This just did not happen in the previous 50 years when the hierarchy was
43 increasingly being alerted to the problem deep within its clerical ranks.

1 There was, most unfortunately, a deafening silence from the Catholic
2 hierarchy, with a few notable exceptions.

3
4 Here I would like to pay a strong tribute to the former Auxiliary Bishop
5 of Sydney, Geoffrey Robinson, who pioneered so many of the responses
6 in the 1980's and beyond. He initiated national programs and standards to
7 assist victims and educate the clergy. He wrote a book, "Confronting
8 Power and Sex in the Catholic Church – Reclaiming the Spirit of Jesus"
9 which did not win him many friends in the hierarchy.

10
11 In the face of so much rejection and criticism it was so good to see
12 Bishop Pat Power (of Canberra/Goulburn) come out publicly in support
13 of Geoffrey Robinson where he wrote:
14 "It was largely his (Robinson's) leadership among the Australian bishops
15 which led to the publication of "Towards Healing" which gives protocols
16 for receiving complaints of abuse by Church personnel, and also
17 "Integrity in Ministry" which sets standards of conduct for those involved
18 in the ministerial life of the Catholic Church."

19
20 I am not privy to any inside information, nor do I personally know
21 Geoffrey Robinson. I am simply responding to what is on the public
22 record, and sadly it appears he has paid a high personal price for his
23 commitment and honesty.

24
25 Last year on Pentecost Sunday (24 May 2010), Archbishop Mark
26 Coleridge of Canberra/Goulburn wrote a most considered and challenging
27 Pastoral Letter on this topic and spoke with passion and commitment on
28 the ABC's Encounter program. He stated most clearly that "the story of
29 sexual abuse of the young within the Church has been the greatest drama
30 of my 36 years in the priesthood..."

31
32 In a most substantial document he goes on to wrestle with the
33 complexities and contradictions of the issue, not pretending to arrive at
34 simplistic solutions. There are so many insightful comments that deserve
35 quoting, but best should be read in the context of his entire reflection.

36
37 He understands that this is a "time of crisis for the Catholic Church" and
38 holds out hope for both the victims and the Church emerging from the
39 darkness of the present pain. He concludes his presentation with, "My
40 deepest and most heartfelt prayer is that the same promise of life out of
41 death may sustain the survivors of sexual abuse whose faces I have come
42 to see and whose voices I have come to hear".

43

1 I have known Mark well since we entered the seminary together in 1969
2 and our paths have crossed many times, particularly through a wonderful
3 friendship he enjoyed with my parents. Mark is a strong, definite and
4 passionate person. He was a rather formidable presence as a spokesperson
5 for the Melbourne Church when he appeared to be of the view that we
6 were predominantly dealing with multiple failures by individuals, rather
7 than any systemic problem. Now that he has “seen the faces and heard the
8 voices” of the victims I trust and hope that he will be at the forefront of
9 whatever now needs to be done.

10
11 On 1 July 2010 Archbishop Denis Hart of Melbourne issued “A Pastoral
12 Letter on Sexual Abuse” that was read at all Churches in the Archdiocese.
13 There is no doubt that he is clearly horrified by the extent of betrayal by
14 priests who have so severely damaged innocent children. Among many
15 things he says:

16 “.... With great humility we acknowledge the crimes of the perpetrators
17 who have done great harm. We recognize that in the past we have not
18 always dealt appropriately with offenders. We have had to learn from our
19 mistakes, and continue to do so. For me personally, this is one of the
20 saddest times of my 43 years in the Catholic priesthood. Sexual abuse in
21 any form, and any attempt to conceal it, is a grave evil and is totally
22 unacceptable...”

23
24 He later says:

25 “...The Pope has more recently described the sex abuse scandals as a
26 “terrifying crisis” that comes from inside the Church – not from
27 outside..... He has pledged that the Church will do “all in its power to
28 investigate allegations, to bring justice to those responsible for abuse and
29 to implement measures designed to safeguard young people in the future”

30
31 Also in May 2010, Bishop Michael Malone of Maitland/Newcastle issued
32 a letter of apology to the community where, among other things, he said,
33 “.... Since (a gathering in the diocese with abuse victims in 2008), there
34 has been a litany of revelations about the Catholic Church, including our
35 own diocese... When people read, hear and see these stories, questions
36 arise and uncertainty grows. How was it allowed to happen? Did the
37 church put perpetrators before victims? Is the church still covering up?
38 Has anything really changed?I acknowledge that we live in a
39 broken world and that ours is a wounded church. As Bishop of
40 Maitland/Newcastle, I am committed, with the diocese, to strive to mend
41 what is broken, to bind what is wounded and to seek forgiveness for our
42 failures.”

43

1 Recent media reports claim the Maitland Diocese has recently made a
2 multi- million compensation payment to victims of abuse, and further
3 victim compensation is expected.

4
5 Following Archbishop Hart's letter, Cardinal George Pell of Sydney
6 issued a supportive statement where he said that abuse by priests fills him
7 with "horror and disgust". He says:

8 "...in his (Archbishop Hart's) apology to the victims, in his concern that
9 they be treated compassionately and justly, and in his sense of desolation
10 and betrayal at the crimes priests have committed, he speaks for me
11 too..."

12
13 Bishop Peter Connors of Ballarat also recently echoed this support in the
14 spirit of an apology and statement he had issued three years earlier.

15
16 Recently, Peter has been the recent focus of intense media attention
17 (particularly in Melbourne's "The Age") following the conviction of
18 Brother Robert Best, the former Principal of St Alipius' School in Ballarat
19 East. Best has just been sentenced to 14 years gaol for multiple claims of
20 sexual abuse of very young children in his care over a lengthy period of
21 time.

22
23 Sadly, according to police and victim network sources, there have also
24 been consequent suicides of a disturbingly large number of victims
25 directly connected with St Alipius, Ballarat. This has been recently
26 documented on the front page of "The Age" newspaper which listed those
27 who had suicided from St Alipius' and other places.

28
29 Inevitably there will be yet another spate of adverse media focused on the
30 Church and its hierarchy as a result. For those of us who have been
31 involved for so long, this is just another story following so many others
32 over the years and we are neither shocked nor surprised. There is a
33 pattern that this media exposure of high profile clerical crimes brings
34 increased allegations, charges and convictions from previously unknown
35 victims. The sad and tragic story just continues.

36
37 This regular public regurgitating of the crimes of clergy abusers should be
38 enough, in itself, to motivate the hierarchical Church to try and draw a
39 line, face the sad reality, apologise and make appropriate restitution,
40 reform internal disciplines and structures, and allow this scandal to
41 become history.

42

1 A colleague of Best, Brother Edmund Dowlan was also at the same
2 appointment and has been convicted and jailed as a serious serial abuser.
3 Incredibly, this is the same parish that, at the same time, had the notorious
4 paedophile priest, Gerald Ridsdale, who is possibly Australia's worst
5 clergy abuser of children.

6
7 Peter Connors has made comments on the ABC "7.30 Report" and in the
8 media that good structures are now in place and the Church's
9 investigations have done well in recent years. This is true, but a cynical
10 community will still need more than these words of reassurance as the
11 deposit of trust in the hierarchy and their public statements is particularly
12 low.

13
14 Peter has also indicated that he will be supportive of an inquiry, and this
15 is good news. I also suspect Peter would be a most important player in
16 any co-operative inquiry into sexual assault of children. He has so much
17 knowledge on this subject because of his leadership roles over the last 35
18 years where he has had to deal with the consequences of a considerable
19 number of clergy scandals. He was the Vicar General in Melbourne at a
20 time when reports of clergy abuse were being made, and then he became
21 the Bishop of Ballarat where he inherited a scandal that has been
22 probably more intense than anywhere else in Australia. I suggest no-one
23 knows the story of clergy sexual assault of children in Victoria better than
24 Peter Connors. I recommend the Victorian Inquiry seek the co-operation
25 and vast knowledge of Bishop Peter Connors.

26
27 Bishop Pat Power of Canberra/Goulburn wrote in "The Canberra Times"
28 in April 2010:

29 "The current crisis facing the Catholic Church arising out of sexual abuse
30 is arguably the most serious challenge the Church has faced since the
31 Reformation in the 16th century.....

32 The reform needed by the Church today will involve much more than just
33 "tinkering around the edges". Issues such as the authoritarian nature of
34 the Church, compulsory celibacy for the clergy, the participation of
35 women in the Church, the teaching on sexuality in all its aspects cannot
36 be brushed aside.

37 Listening must be a key component of reform and, at times, that will
38 involve listening to unpalatable truths. It needs to be recognised that all
39 wisdom does not reside exclusively in the present all male leadership of
40 the Church and that the voices of the faithful must be heard...

41 I wish to re-state that there is a whole body of faithful Catholics who are
42 saying "enough is enough"....."

43

1 I'm not in a position to quote every bishop in Australia, but I think the
2 hierarchical pendulum has swung from avoidance and denial to
3 acceptance and action. I'm sure there are many other bishops in Australia
4 saying and doing very good things on this difficult matter. Even if there
5 are still some shell-shocked bishops with their heads in the sand, the
6 consensus among Church leaders in Australia is most supportive of
7 victims and committed to action to ensure history does not repeat itself.

8
9 How important it is now that the collective leadership of the Australian
10 Church "walk the talk" and bring about the required changes, including
11 challenging structural and systemic changes.

12
13 It is so important that the above statements of our Church leaders are
14 more than a Public Relations exercise in damage control aimed at
15 appeasing the anxieties of the faithful Catholics at Sunday Mass. These
16 public statements must be the platform for courageous and honest
17 reflection and action where the Australian Church can have a voice, and
18 our voice be heard and received both throughout Australia and in Rome.

19
20 History will judge us all, not by what we say, but what we do. It is easy to
21 do good things in a friendly and comfortable environment. It takes
22 something very special to do it in a potentially hostile environment where
23 individuals (even including bishops) may pay the cost for their beliefs.

24
25 The challenge to enact principled change for the children sexually abused
26 by clergy is now before the Australian Bishops. Later, I intend addressing
27 the need for episcopal leadership in the context of taking the initiative and
28 co-operating with civil authorities in the common pursuit of truth and
29 justice.

30
31 The Australian Church may not have the clout to significantly address
32 this scandal at the level of the universal Church, but surely there is
33 nothing stopping Australian bishops leading the way in their own
34 dioceses and nation.

35 36 37 VATICAN LEADERSHIP

38
39 Although there is so much Australian bishops can achieve in Australia, it
40 is fair to say they do not have the same authority or influence in the
41 Universal Church.

42

1 The more we look at the problems of clergy sexual abuse of children in
2 Australia, the more it seems the hand of Rome was controlling the
3 response – which was appallingly inadequate.

4
5 It is now time for Rome to stand for what is right and be associated with
6 an honest and genuine response to this world wide scandal.

7
8 If Rome remains intransigent, frustration and alienation will continue to
9 build throughout the world.

10
11 If Rome is open to change, victims can be assisted, clergy can be
12 supported, and structures put in place to minimise future damage to
13 children in our care.

14
15 The words of Bishop Geoffrey Robinson best articulate this challenge to
16 the Pope and his Vatican advisers.

17
18 “.... The danger for bishops today is that they can think they have done
19 everything within their personal power and that the rest is up to the
20 pope.....they have to use whatever means they can to convince him that
21 there is a scandal that will cripple all the Church’s activities unless and
22 until it is confronted....One must ask, Where is the papal statement
23 addressed directly to victims, with the word “sorry” proclaimed clearly?
24 Where is the papal promise to investigate every possible source of abuse
25 and ruthlessly to eradicate it? Where is the request to those Institutes
26 especially set up to treat offending priests to present their findings on the
27 causes? Where is the request to bishops to coordinate the studies in their
28 territory and report to Rome? Where is the document placing everything
29 on the table, including such things as obligatory celibacy and the
30 selection and training of candidates? With power go responsibilities. The
31 Pope has many times claimed the power and must accept the
32 corresponding responsibilities..... within the present structures of the
33 church, the Pope alone has the power to confront this problem in its
34 deepest sources....”

35
36
37 THE 2012 VATICAN CONFERENCE
38 “TOWARDS HEALING AND RENEWAL”

39
40 It was some encouragement that the Vatican hosted a conference at the
41 Pontifical Gregorian University on 6-8 February, 2012 on this scandal.

42

1 Despite an Internet search I could not find an agenda for this conference,
2 nor a list of its 200 participants.

3
4 It would appear that both the agenda and the list of participants
5 predominantly reflects the prevailing policy and practise of the Vatican.

6
7 Prior to the conference, the Prefect for the Congregation for the Doctrine
8 of the Faith wrote to all Episcopal Conferences throughout the world with
9 specific guidelines for both developing local strategies and responding to
10 this conference.

11
12 Not surprisingly, it is known he participated, as did Cardinal Cormack
13 Murphy O'Connor, two identified clergy who conduct residential
14 treatment programs for clerics and Sheila Hollins who is a Professor of
15 Psychiatry and a member of the House of Lords in England.

16
17 It would be interesting to know if victims, victim support groups,
18 outspoken clergy, or secular professionals with any views challenging the
19 "status quo" of Rome participated in this conference.

20
21 I was not aware of any process of public consultation either within the
22 Australian Catholic Church, or the broader community, on this most
23 important matter.

24
25 If I missed relevant information, I ask that this be forwarded so I can
26 report fairly on this conference.

27
28 This conference has now come and gone without any feeling that it was a
29 watershed moment. One outcome is that each Bishops' Conference must
30 have developed a strategy for handling this problem by May 2012.

31
32 However, a preliminary reading of texts indicates the Vatican still sees
33 this as an internal Church problem, rather than criminal activity.

34
35
36 Rome , recently, sent a letter to all bishops on this matter of abuse.

37
38 The full text of Cardinal Levada's circular letter from the Congregation
39 for the Doctrine of the Faith (CDF) to the Episcopal Conferences
40 throughout the world is available on the internet.

41
42 Its purpose is "to assist Episcopal Conferences in developing Guidelines
43 for dealing with cases of sexual abuse of minors perpetrated by clerics."

1
2 To be fair, it is written to Bishops who know how to read and interpret
3 Vatican documents. However, reading it as a layman does nothing to
4 inspire confidence. It is a classically legal document with emphasis on
5 Canon Law and internal processes.

6
7 It is a matter of concern that it explicitly reaffirms the central power and
8 authority of the Vatican saying, "... the matter must be referred to the
9 CDF which will make the definitive judgement on the guilt of the cleric.."

10
11 The fact that Rome has decided to judge all cases of clergy sexual assault
12 of children throughout the world must be particularly disconcerting to
13 politicians and police officers in local jurisdictions.

14
15 In fairness, after a brief introduction this document begins with general
16 considerations on "The victims of sexual abuse" and "The protection of
17 minors". However, in these areas where so much could have been said, so
18 little was. A total of eight lines is given to these central issues, with four
19 of them been a quote on the Pope as an "eminent model of availability to
20 meet with and listen to the victims...".

21
22 I want to now give the quote in this document attributed to the Pope from
23 his "Pastoral Letter to the Catholics of Ireland".....

24 "You have suffered grievously and I am truly sorry. I know that nothing
25 can undo the wrong you have endured. Your trust has been betrayed and
26 your dignity has been violated".

27
28 Again, I have no doubt that the Pope is genuine in expressing his deep
29 sorrow. However, his statement "... nothing can undo the wrong you
30 have endured..." although being true, does not take the next step of
31 saying something to the effect of, "... however I pledge to do all in my
32 power to ensure your needs are met and that children of the future are
33 spared the sufferings you have experienced."

34
35 How inspirational it would have been to see an action plan to follow
36 those words. How genuinely healing it would have been if the Pope had
37 pledged a thorough and rigorous open investigation into the problems, not
38 just of Ireland, but of the Universal Church.

39
40 This topic virtually starts and finishes with focusing on the Pope and his
41 words of sorrow, rather than address in any substantial way the topic
42 under consideration – the victims of sexual abuse.

43

1 With this current Pope-emphasis in the Catholic Church (that reached
2 great heights in the pontificate of Pope John Paul II) it concerns me that
3 we are developing a “Dear Leader” cult more in line with lunatic
4 totalitarian regimes. It appears now that any criticism of the Pope is
5 tantamount to religious treason. Anyone within the Church who voices a
6 view other than that of the Pope is named as “disobedient” and faces
7 retribution from Rome.

11 WHERE ARE THE FILES?

13 It is now public knowledge, as quoted above, that the Congregation for
14 the Doctrine of the Faith has taken to itself the responsibility of deciding
15 these serious cases of clergy child sexual assault.

17 This raises the question of the location and availability of files and all
18 relevant documents. If the police in Victoria, or a National inquiry,
19 requested access to these documents, would they still be in Melbourne or
20 have they been transferred to Rome? If in Rome, would the Vatican co-
21 operate with Australian authorities?

23 If these documents have been transferred to the safety of Rome it is
24 highly likely that they are now beyond the jurisdiction of the Victorian
25 Police and any other Australian authorities.

27 If files and documents were transferred to Rome, have copies being made
28 and kept in Melbourne?

31 UNTIL DEATH SOLVES THE PROBLEM

33 In Melbourne we have victims now aged in their 70’s who were abused
34 as children in the 1950’s. A friend of mine was a 1950’s victim. Now
35 members of the next generation of his immediate family have become
36 victims at the hand of the same abusive priest.

38 The child I supported in 1976 is now in his mid 40’s. The trauma to him
39 and his family has caused ongoing problems that are too complicated and
40 private to deal with here.

42 A friend of mine who has never made an official complaint, let alone
43 spoken openly about the abuse, says he was abused by 3 priests (all who

1 were subsequently jailed for serial sexual assault of young boys) is in his
2 late 50's.

3
4 Archbishops and Vicar Generals have died or retired. Clergy offenders
5 have died. Parents, siblings and victims have died. Others are in the
6 twilight of their lives.

7
8 Clearly with the passing decades it becomes more difficult to hold an
9 independent investigation. Memories and stories can fade. Rumours and
10 falsehoods can become supposed fact and truth.

11
12 It is my concern that holding out until the death of the generations of
13 abused children from the 1950's onwards is the deliberate strategy of the
14 institutional Church. Just hold the line long enough and all the players
15 will soon be either dead or their stories can be discounted because of the
16 passing of time. If all those involved in this story die, so too does the
17 scandal.

18
19 Fifty or sixty years is nothing to an institution that has survived so many
20 crises over 2000 years. Yet for victims of sexual assault ten, twenty,
21 thirty, forty, fifty or sixty years of trying to deal with this abuse is an
22 incredible personal burden. This is even more so for the countless
23 unknown victims who are yet to disclose or tell their story of abuse.

24
25 Most people focus and deal with the events of our lives. Matters of
26 personal and community importance need to be addressed in our time.

27
28 However, Rome seems content to manage this apparent temporary
29 aberration with the resilience and confidence of an organisation that has
30 prevailed over greater problems than this in the past, and will continue to
31 do so in the future.

32
33 As such, I suspect it has been the strategy of the hierarchy to avoid and
34 deny all knowledge of this long-term problem in the hope that these
35 scandals, that can cause so much negative publicity and damage to the
36 Church, can be consigned to history with the death of those abused
37 generations.

38
39 Most significantly, with the death of former Church officials, particularly
40 bishops, legal redress is no longer an option for victims. Current Church
41 officials argue successfully in law that they cannot be held liable for any
42 failings of their predecessors.

43

1 Surely, we owe it to the many known, and unknown, abused children of
2 the last 60 years not to let them die with this scandal largely unaddressed
3 and unresolved.

4
5 It is so good that the Victorian Inquiry can now hold the Catholic Church
6 accountable, and allow victims the dignity of dying knowing that their
7 personal story was actually heard and believed.

8
9
10 ABUSE FATIGUE

11
12 Why is this subject so peripheral in our church and society today?
13 Why do so many obviously good people seem reluctant to talk about, let
14 alone get involved in the process, on this topic?

15
16 Personally, I do not believe it is disinterest or apathy.

17
18 To start with, there are just so many my worthwhile “causes” in our
19 world. This is but one of so many vying for attention and priority.

20
21 Also, I think the vast majority of Catholics have been so shocked and
22 emotionally over-whelmed by this ugly scandal that the only way they
23 can cope is by avoiding it. Understandably, most switch off. They are not
24 to be criticised for not wanting something so intrinsically ugly to be part
25 of their life. This is natural and to be understood, as we are collectively
26 suffering from abuse and shock fatigue.

27
28 Most Catholics now have such minimal expectations of their hierarchy.
29 Why would they now do the right thing when they have failed so
30 spectacularly for over 60 years? Why bang your head up against the
31 proverbial brick wall? Along with abuse fatigue is abuse impotency. We
32 just cannot see how anything we do will cause anything to happen – so
33 why waste our precious time and energy on such an obviously futile
34 cause?

35
36 I believe many tragic stories lack impact unless touched personally. There
37 are so many priests and parishioners who fortunately have never come
38 across this problem personally. All they know is the media stories, the
39 statistics, and the consequent professional training and awareness
40 programs conducted by the Archdiocese. It’s all a bit “out there” – it
41 doesn’t affect me. In fact, because it hasn’t been their experience, they
42 may even feel that it is much to do about nothing – or, at least, very little.

43

1 An analogy is the road toll. We all know the statistics. In Melbourne last
2 year about 370 people died on our roads. This isn't too bad as a decade
3 ago it was over 1000. We are doing relatively well on this front. In 2011,
4 287 Victorians lost their lives on the road. To date (April 12) this year a
5 further 89 people have died.

6
7 This is relatively normal and no cause for concern. There is no great
8 public outcry demanding better safety standards on our roads. Road
9 deaths are a cost we are prepared to pay for the convenience and benefit
10 of driving our cars. Like sexual abuse, most of us fortunately are not
11 directly touched by this tragedy, so it becomes yet another general issue
12 of concern. These remain rather dispassionate statistics. We know it is
13 real, but it is something that happens to other people. We read it in the
14 papers, see it on the television news and have a brief response of
15 futility... and then move on to the next news item.

16
17 I have never been overly attuned to the road toll, until earlier this year
18 when our youngest daughter was one of this year's 287 people killed.
19 There is a sticker on some cars "Touched by the Road Toll". How
20 different it is when we have been touched by the experience. We can
21 never be the same again. We become so attuned to each subsequent death.
22 We feel less secure on the roads. The intensity of loss and distress is
23 beyond imagining – and so it is with clergy sexual assault of children.

24
25 The reality is that most people who are involved in public activism for a
26 cause have been personally touched by that experience. It increases and
27 focuses the passion to respond, to try and ensure that no-one else has to
28 go through this unnecessary suffering. Often public activists are labelled
29 single-issue zealots, or obsessive personalities. In a way this is true, but it
30 is through activism, fuelled by pain, that change for the good happens in
31 our community. So many significant advances have come about because
32 of the tenacity and passion of advocates of a particular cause.

33
34 It is my experience that those who are the story, and those who have
35 actually listened to and believed the abused child's story, develop a
36 passion for truth and justice that simply does not conveniently go away.
37 So many people in our community have never been touched by the story
38 of abuse in any of its forms. How fortunate they are!

39
40 So, those of us who share the passion on this subject should not be
41 surprised or disappointed that those not personally touched by this trauma
42 do not share our drive for action to address and resolve the problem? This
43 is normal. It just means those of us who know the story need to be united

1 and work together to ensure it is heard by those who can do something
2 about it.

3
4
5 THE IMPORTANCE OF CO-OPERATION AND LEADERSHIP

6
7 The preferred model of any inquiry is co-operative, not adversarial.

8
9 We can see the benefit of the Murphy Report in Dublin where the
10 Archbishop of Dublin, Archbishop Martin, was fully co-operative and
11 made all information and documents available. He believe passionately in
12 the need for an Inquiry and upset many of his colleagues by his full and
13 total co-operation with investigators.

14
15 How beneficial it would be if all parties chose to fully co-operate for the
16 common good. How helpful it would be if, in Australia, agencies such as
17 “Towards Healing” and “The Melbourne Response” offered their
18 experienced personnel and documentation to an independent national
19 inquiry to get a fair picture of the over-all problem, with this fair and
20 accurate collective data becoming the base for a just community response.

21
22 In Melbourne alone, Peter O’Callaghan Q.C., has been the Independent
23 Commissioner investigating all allegations of abuse for the past 15 years.
24 His expertise and knowledge is unique. No one can or does know what he
25 knows about clergy sexual assault in Melbourne. How good it would be if
26 professionals in this field freely and willingly contributed their collective
27 knowledge and insights towards the common good.

28
29 Although we don’t, as yet, have a nation-wide Inquiry, we have our
30 Victorian Inquiry. It is hoped and presumed that the full knowledge of the
31 Independent Commissioner and the Melbourne Response will become the
32 basic data for the Victorian Inquiry. I hope, and recommend, that the
33 Inquiry formally request all relevant information from Mr O’Callaghan
34 and the Melbourne Response.

35
36 The same applies beyond Melbourne and throughout Victoria. It should
37 be an expectation that all professionals freely offer their knowledge to the
38 Victorian Inquiry.

39
40 This agenda and responsibility brings its own expectations. Society
41 should expect a higher standard of moral response from a Church, rather
42 than another secular organisation that does not claim the moral high
43 ground.

1 To date, it would be difficult to describe the strategy of the Catholic
2 Church in response to this scandal as open, co-operative and reflective of
3 their proclaimed beliefs and values.

4
5 No-one wants confrontation and conflict. No-one wants the indignity of
6 the Church being subpoenaed reluctantly into the glare of a humiliating
7 public enquiry.

8
9 How good it would be if the initiative for an open and independent
10 national enquiry actually came from the Australian Episcopal Conference,
11 rather than the Commonwealth (or State) Parliament. How good it would
12 be if the wisdom of the Church caused it to act pro-actively rather than re-
13 actively. How much more respect would the Church engender if it had the
14 courage to call for a full and open independent investigation of sexual
15 abuse of all children, not just those abused by Catholic clergy, in
16 Australia.

17 The past is the past, and the poor Church response strategies of the past
18 50-60 years should be acknowledged. There is no value in cheap public
19 shots and attributing blame to good people who may have misread the
20 situation, or may have been overwhelmed by the shock of the abuse, or
21 may have been so poorly advised by their lawyers and superiors.
22 Mistakes happen and can be understood, but they should not be
23 perpetuated.

24
25 We all know the power of dynamic and courageous leadership.
26 Is it asking too much of our Church leaders to not only co-operate in
27 resolving this scandal as much as humanly possible, but to take the public
28 initiative in ensuring that the sexual abuse of Australian children is
29 addressed and resolved once and for all.

30
31 Does the Australian Episcopal Conference have the will to call for such
32 an inquiry that would inevitably bring short-term pain, but long-term
33 gain?

34
35 Do the Victorian bishops and Superiors of Religious Orders and
36 Congregations have courage to offer all known information to the
37 Victorian Inquiry – even if it reflects poorly on the Church’s personnel
38 and strategies?

1
2 It is more than enough for the Victorian Inquiry that, in all probability,
3 thousands of young children have been sexually assaulted in Victoria. But
4 how much more demanding is the fact that some of these victims have
5 committed suicide.

6
7 This takes the Parliamentary Inquiry to a new level.

8
9 What are the statistics on suicide of people who have been sexually
10 assaulted? Obviously we will never know. But there is no doubt that it is
11 significant.

12
13 Detective Sergeant Kevin Carson, in ‘The Melbourne Age’ of 3 August
14 2011, is quoted as saying that 26 young men had killed themselves after
15 being abused in Ballarat. Again, it does not matter if it is 1, 6, 16, 26, 36
16 or whatever. There is no-one denying the reality of sexual abuse suicide.
17 This police officer is quoted as saying that more would be learnt from an
18 inquiry.

19
20 Following Kevin Carson’s revelation that there are 26 suicides directly
21 related to Ballarat, the figure has been upgraded to 35. It is claimed that
22 these 35 suicides are connected to only 2 offenders. If this is true, what
23 might the State (or national) suicide toll be?

24
25 It is so important that the terms of reference of any Inquiry take into
26 account each specific case of suicide where a relative believes that the
27 death of their loved one may be linked to sexual assault as a child. Also,
28 in addition to any Government inquiry, it is imperative that these apparent
29 abuse related suicides be fully investigated by the Coroner.

30
31 Now that the community is aware that so many young men have suicided
32 in Ballarat alone as a result of clergy sexual assault, there is now a moral
33 imperative for the leaders of our Church and Parliament to publicly
34 investigate the circumstances that may have contributed to each of these
35 deaths.

36
37
38
39
40
41
42
43 SOME PERSONAL RECOMMENDATIONS

(A) TO ASSIST THE INQUIRY WITH INFORMATION

1. Each Diocese and every Religious Order in Victoria be required to submit a report to the Inquiry containing:
 - A list of all personnel convicted of child sexual abuse
 - A list of all personnel where private arrangements have been made in response to child sexual abuse.
 - When was the first report of potential abuse?
 - To whom was it made?
 - What action followed this report?
 - Subsequent reports of potential abuse
 - To whom were they made?
 - What action followed each of these reports?
 - A detailed summary of each known offender, allegations raised about them, the response of the Church, and the final outcome.
2. All past and present Victorian Bishops, Vicar Generals and Leaders of Religious Orders in Victoria to give a detailed written account of their management of all allegations of clergy child sexual abuse.
3. All past and present Victorian Bishops, Vicar Generals and Leaders of Religious Orders in Victoria be invited, and if necessary compelled, as witnesses to the Inquiry to discuss and explain their management of all allegations of clergy child sexual abuse.
4. All convicted clergy child sexual abusers to be compelled to appear before the Inquiry to discuss and explain the circumstances of their assault and how it was managed by the Church.
5. All convicted clergy child sexual abusers be requested to be interviewed by professional experts in sexual abuse of children to further understand contributing causes to this abuse.

- 1 6. That all Victorian Bishops and Leaders of Religious Orders
2 write to all priests, religious and lay people publicly
3 requesting them to fully co-operate and make known to the
4 Inquiry any relevant information.
5
- 6 7. That each Diocesan Bishop in Victoria establish a
7 listening/inquiry structure specifically for the purpose of
8 encouraging people to come forward with any relevant
9 information.
10
- 11 8. That a professionally prepared questionnaire be created and
12 distributed to Catholics at all Sunday Masses, on a
13 designated Sunday, encouraging people to come forward
14 with any relevant information.
15
- 16 9. That the same questionnaire be available to the general
17 public through media and social media.
18 10. That the Victorian Inquiry have a facility on their website for
19 people to provide any relevant information.
20
- 21 11. That a professionally prepared questionnaire be created for
22 all Victorian Priests and religious to confidentially provide
23 any relevant information.
24
- 25 12. That the Victorian Inquiry have people available to assist in
26 understanding the culture, structures, processes and
27 personnel of particular Religious organisations.
28

30 **(B) TO ENSURE ACCOUNTABILITY AFTER THE INQUIRY**
31

- 32 13. That a State Ombudsman for Child Sexual Protection (or
33 equivalent) be appointed with the requirement to make an
34 annual report to Parliament.
35
- 36 14. That a Child Sexual Protection Office (or equivalent) be
37 created with appropriate professional staff under the
38 authority of the Ombudsman.
39
- 40 15. A requirement that every Religious organisation involved
41 with children refer any allegations of child sexual abuse,
42 without undue delay, to the Child Sexual Protection Office
43 according to the obligations of mandatory reporting.

1
2 16. A requirement of that every Religious organisation provides
3 a detailed account of any allegations of child sexual abuse
4 each year to the Child Sexual Protection Office.

5
6 17. That the Ombudsman/Child Sexual Protection Office liaise
7 with the Victorian Police and refer any allegations that may
8 potentially constitute criminal behaviour.

9
10 18. That failure of any Religious organisation to provide all
11 known allegations of child sexual abuse to the Child Sexual
12 Protection Office be referred to the Police to investigate
13 potential perverting of justice.

14
15 19. That every Religious organisation has a designated Liaison
16 Officer for effective communication with the Child Sexual
17 Protection Office.

18 (C) CONTINUING COMMUNITY CARE FOR VICTIMS

19
20 20. That a Melbourne based House of Care for victims of clergy
21 sexual abuse be established and operated by the four
22 Catholic dioceses of Victoria.

23
24 21. That there are local provision of services linked to the House
25 of Care in the rural dioceses of Ballarat, Sandhurst
26 (Bendigo) and Sale.

27
28 22. That this House of Care be staffed by appropriate
29 professionals trained and experienced in the care of sexual
30 abuse victims.

31
32 23. Staff of the House of Care are to be funded by the Church.

33
34 24. Staff of the House of Care are to be independent from the
35 Church and accountable to the Ombudsman/Child Sexual
36 Protection Office.

37
38 25. That the House of Care be linked to local health and mental
39 health networks.

40
41
42 26. That the House of Care has an educational role within the
43 Church and the community.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

(D)RENEWAL AND ACCOUNTABILITY
IN VICTORIAN CATHOLIC DIOCESES

- 27. That the Melbourne Response be disbanded and the Archdiocese of Melbourne become a member of the national program, “Towards Healing”.
- 28. That the Archdiocese of Melbourne formally rescind all Agreements and contracts involving confidentiality in matters of clergy sexual abuse.
- 29. That all other Victorian dioceses and Religious Orders rescind any Agreements and contracts involving confidentiality in matters of clergy sexual abuse
- 30. That the Archdiocese of Melbourne establish a Panel of Review for those with continuing grievances with the Melbourne Process.
- 31. That this Panel of Review has the authority to review any outstanding grievances with all other Victorian dioceses and Religious Orders.
- 32. That the membership of this Panel of Review be appointed by the Victorian Inquiry to ensure complete independence from the Church.
- 33. That retired Judge Frank Vincent, currently advising and assisting the Victorian Inquiry, be Chairperson of the Panel of Review.
- 34. That the findings and recommendations of the Panel of Review be binding upon the Archdiocese of Melbourne, other Victorian diocese and Religious Orders.
- 35. That the Panel of Review may determine specific financial compensation.
- 36. That those making application to the Panel of Review may have legal support and representation.

1 37. That there is a change of the current role of the Parish Priest
2 being the Employer/Manager of Parish/Catholic Schools.
3 Responsibility for Parish/Catholic Schools to be with the
4 Director of Catholic Education in each diocese of Victoria.

5
6 38. That the Director of Catholic Education in each diocese of
7 Victoria be obliged, by mandatory reporting, to refer any
8 allegations of child sexual abuse to the Child Sexual
9 Protection Office.

10
11 39. That the Director of Catholic Education in each diocese of
12 Victoria be required to make an annual report of any
13 allegations of child sexual abuse to the Child Sexual
14 Protection Office.

15
16 40. That the Chief Executive Officer of any other Catholic
17 agency in Victoria dealing with children has the same
18 obligations as the Directors of Catholic Education.

19
20 (E) RENEWAL AND ACCOUNTABILITY
21 IN THE AUSTRALIAN CATHOLIC CHURCH
22

23 41. That the Episcopal Conference of Australia and Oceania
24 initiates a full, open and co-operative national inquiry into
25 child sexual abuse, and to seek recommendations on how to
26 minimise this problem into the future.

27
28 42. That the Episcopal Conference of Australia create a
29 designated Sexual Abuse Committee where membership and
30 leadership consists of those who have publicly expressed
31 support for full and open renewal in the Church.

32
33 43. That the Episcopal Conference of Australia/Oceania request
34 and conduct an Extraordinary Synod to review all aspects of
35 clergy sexual abuse.

36
37 44. That experts in this field of abuse prepare professional
38 papers for reflection, discussion and action at this Synod of
39 clergy sexual abuse, and to make recommendations on how
40 to minimise this problem into the future.

41
42 45. These experts to be drawn from a broad cross-section of the
43 community, irrespective of gender or belief.

1
2 46. That this Synod be totally open where there are no restraints
3 on the agenda, discussion or resolutions emanating from it.
4 All sessions are to be open to the public and the media.

5
6 47. That local Bishops reclaim from Rome their rightful
7 authority in their own Diocese and take responsibility for
8 initiating positive local strategies and programs.

9
10 48. That the Episcopal Conference of Australia and Oceania
11 reclaim from Rome their rightful authority and be the peak
12 body for policy and practise in Australia and the region.

13
14 49. That “Towards Healing” be formally reviewed.

15
16 50. That there be only the one National Response Organisation
17 for victims of clergy sexual abuse.

18
19 51. That all Diocese and Religious Orders, without exception,
20 are active members.

21
22 52. That membership of the National Response Organisation
23 includes, in both leadership and membership, participation of
24 a significant number of independent men and women who
25 are not Catholics.

26
27 53. That the Episcopal Conference of Australia and Oceania
28 initiate a review of the Sacrament of Penance taking into
29 account the age, emotional maturity and protective
30 arrangements of children.

31
32 54. That the Episcopal Conference of Australia and Oceania
33 institute a review of the legal status of the Catholic Church,
34 ensuring and enabling that the Catholic Church is a legal
35 entity with legal obligations consistent with all other
36 organisations in Australia.

37
38
39
40 (F) FINAL MAJOR RECOMMENDATIONS

41
42 55. That all other States and Territories in Australia follow the
43 example of Victoria and be encouraged to initiate their own

1 Inquiries into sexual abuse of children by Religious, and
2 other, organisations.

3
4 56. That these preferably be Judicial Inquiries or Royal
5 Commissions.

6
7 57. That following Inquiries at State and Territory level, a
8 national Royal Commission (or its equivalent) compile
9 Australia-wide information and make recommendations to
10 the Federal Parliament for appropriate national legislation.

11
12 58. That the Victorian Parliamentary Inquiry acknowledges the
13 need for continuing investigation beyond the date they are
14 required to report to Parliament.

15
16 59. That this continuing investigation be in the form of a Judicial
17 Inquiry or Royal Commission.

18
19 60. That the person appointed to lead the Judicial Inquiry or
20 Royal Commission be someone already aware and familiar
21 with this matter, such as Judge Frank Vincent or Judge
22 Philip Cummins.