

TRANSCRIPT

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

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

Melbourne — 9 November 2012

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Ms C. MacIsaac, president,
Dr W. Chamley, honorary researcher, and
Dr B. Barrett, honorary researcher, Broken Rites.

The CHAIR — On behalf of the committee, I welcome and thank you for being with us this afternoon. We have before us Ms Chris MacIsaac, president, Broken Rites; Dr Bernard Barrett, honorary researcher, Broken Rites; and Dr Wayne Chamley, honorary researcher, Broken Rites. Before we commence this afternoon's proceedings I will just run through a few preliminaries with you.

All evidence taken by this committee is taken under the provisions of the Parliamentary Committees Act, attracts parliamentary privilege and is protected from judicial review. Any comments made outside the precincts of the hearings are not protected by parliamentary privilege. Witnesses may be asked to return at a later date to give further evidence if required. All evidence given today is being recorded. Witnesses will be provided with proof versions of the transcript. Please note that these proceedings are not being broadcast.

Following your presentation, committee members will ask questions relating to the inquiry. I will ask you to commence your presentation in a moment or so. We have allocated an hour to you, and members will have the remaining hour to ask questions of you. Again, on behalf of the committee, I thank you for being with us this afternoon.

Dr CHAMLEY — Can I just ask, will these be the questions in your letter, or those questions and possibly other questions?

The CHAIR — There will be a range of questions.

Ms MacISAAC — Good afternoon. Firstly, let me say on behalf of Broken Rites — we are representing Broken Rites here today — we feel a great responsibility to speak up for the victims we have been involved with for over 20 years. Most of these victims do not get a voice anywhere. They find it hard to get their stories out. They find it hard within themselves to understand that they have been sexually abused. It is such a complicated situation for most victims. There are outside things that affect them, such as family, the culture they belong to and so on and so forth. We would hope that we will put to you people and get across where victims come from.

We are a very small group of people. As I said, we have been working now for 20 years. The number of victims that we must have seen would be many, many thousands. As a small group we have never been resourced to have accurate figures on this, but I think we can put forward a very good picture of what has gone on. The volunteers who work with Broken Rites are basically from Catholic backgrounds, but our approach to victims is a non-denominational one. We take people where they are. Most of the communication is by phone, but it takes a long time to build trust with those people to get them to talk to you. So often we are the first people they ever speak to.

We are not anti-Catholic. We are not here in any way to condemn the Catholic Church, but I can tell you we have been here to pick up the pieces and give Catholic victims a chance to become survivors more often than not. This has been of special assistance to people who have been abused within the Catholic Church, but because of what has happened to them — being abused by priests and brothers — they find it impossible to talk to anybody from the church or to go near a church. This is one of the effects of being abused like this.

Our time is spent assisting the victims. It has not been our intention, though, to carry out surveys or collect data in order to record and have numbers of victims and offenders. As I said, we have never been resourced to do that, but we would fear that if we had been, that would have changed the dynamics of our group. We are simply a support and advocacy group. People relate to us because we have been victims ourselves. That is our understanding of what a victim support group is. They go and see professional people in other contexts, but with us they feel part of something. They feel that they have a rapport with us; they feel that we understand them. On that basis, I think that is at the core of how we have achieved so much with our work.

I can assure you, though, that in this contact with victims, and as you will see as the presentation goes on, a lot of the accounts are really chilling. It is shocking, and, as people involved in trying to assist people, if we are not still shocked, it is time to give it up, because there is absolutely no way that you can justify the terrible things that have happened to people as children, particularly within organisations where the people who run them should have known better, and the people who abused and were offenders should have known a lot better.

Our website has been of great assistance to a lot of people because victims always tend to think they are the only one. Their story is the worst story; they have got the best evidence sometimes about this. It is part of the situation — to be locked into, central to themselves, what has gone on in their own situation. Our website opens the door for them. They see that offenders have been before the courts and have gone to jail. They might see their offender there, and often what that does is remove a lot of guilt because it is about being ashamed of what happened to them — the conditioning of them when they were being groomed by the offender. They still carry that guilt, and that has the worst effect. It just goes on.

When you hear a victim — you can hear it in their voice on the phone, you do not have to be sitting in front of them. I have sat with victims too, but even on the phone — they will say to you, ‘Oh, is that so?’ And you can feel that something is being lifted from them. That is what giving information out does. That has been a very big and important part of Broken Rites’ work.

We understand now, too, the trauma in disclosing church sexual abuse and why victims do not come forward for a long time. Most of our calls are from victims who were abused 10, 20, 30 years ago and they tell you things like ‘I suddenly saw my 13-year-old son — and that’s when I was abused; I was 13. He is only a child; I was only a child’. But they had never thought of it like that until that particular time, and then they might have seen something in the media about us and they have decided to ring up. As I say, when you hear that in their voices, the pieces starting to fit together, you realise that these people need help and that is what we are there to do.

We believe that Broken Rites being independent and having no connection at all with any church or organisation creates quite a safe place for victims. It is one of those types of situations where I think, and I have heard this directly from victims who have been through church processes, that the whole time they felt restricted in what they could say. They felt that if they said too much, it might cause the people listening to them to turn away from them, so they could not trust, whereas with us they felt, as I have said, this rapport and they have opened up.

Our aim in terms of helping victims is to try to give them advice on what they can do — advice that they can take or leave. It is up to them. That advice really amounts to what the situation is with reporting to police, what their rights are, how they can seek help in doing so and exactly where to go, too, because that is very important as we have heard this morning from the police. Then we also give information about civil claims and about church process, and this knowledge empowers the victim and enables them to take action and to try to improve their situation and to try and obtain justice.

I have said that if we still are not moved and shocked by the stories that come to us every day, then we should finish; we should stop. I keep thinking to myself, ‘Well, you know, there can’t be much more’, but every day we get new stories — new people ringing us with their stories. Twenty years is a long time. We hope that somewhere there will be a breakthrough and victims will be helped. At this point in time, and over the 20 years, I do not think there has been a lot of improvement in terms of how organisations and churches — and in particular the Catholic Church, which has had a huge volume of sexual abuse within its ranks — have handled it. Too much of the handling in terms of process and response to victims is just window-dressing. The victims do not come away feeling they have received justice.

That is why we come before you people today — to make sure that there can be recommendations made to government that will change the plight of the victim who comes in with a little pile of evidence under their arm. They want to see their perpetrator pay the price for harming them, and they want to see the institution that allowed this to happen also having to act in a responsible way.

I would like now to introduce my two colleagues who are with me today who are going to present a lot more information to you. Doctor Bernard Barrett is going to present material to you. Bernard has worked with Broken Rites since 1993. He has been actively involved and has worked tirelessly for us assisting victims with criminal and civil claims. This work includes working on and interviewing over the phone but also going out and meeting with victims including even jail visits. This takes enormous dedication. Also a large amount of his time has been spent attending criminal court appearances and mediation sessions.

Researching court documents and compiling reports has also been a major part of Bernard's contribution to Broken Rites. Some of his research is published on the Broken Rites website. His work has been proven to be concise and accurate information which is of value to law enforcement agencies, solicitors and others engaged in obtaining justice for victims. Examples of Bernard's research work are provided in his submission, 'Revealing the Catholic cover-up'. I will hand over to Bernard, who will speak to you.

Dr BARRETT — My paper is just four pages, but it is very concise. It is the one headed 'Revealing the Catholic cover-up'. I am going to read just the first six lines of that, and then I will ad lib for the rest of the time, but I will not talk for very long. I will read these six lines:

This submission cites some Victorian articles from the Broken Rites website to demonstrate the church's concealment of child sex crimes. Too often, by protecting the criminals, the church authorities have aided and abetted these crimes.

These are not 'ancient' cases. The victims and their families are still feeling the effects in 2012.

These four pages are just some examples of the Victorian cases that Broken Rites has been concerned with in the last 20 years. I will not comment on every one, because there is a total of 51 Victorian case studies there. There are more than 51 Victorian offenders, but we have picked out these 51 as samples.

I just want to comment on a dozen of these very briefly. I have numbered the 51 in the new copy — I hope you have the new copy I have given you. I have written 1, 2, 3, 4, 5, 6 down the left-hand column, down as far as 51 on page 4, so that if I am referring to no. 12 or something, you can find it quickly.

Just commenting very briefly on a dozen or so these, I will start from the top. Father Ridsdale from the Ballarat diocese was one of the first cases that we uncovered. It was Broken Rites that really uncovered this case and got it up and running and exposed it. Ridsdale had been a priest in the Ballarat diocese in western Victoria for a long time, since the 1960s. He was known as an offender by his colleagues and by his superiors certainly by the early 70s, because in the early 70s the new bishop arranged for Ridsdale to go and get counselling for his sexual problems. Then at various times throughout the 70s and 80s Ridsdale was sent away for further 'treatment' to Melbourne and to Sydney eventually, so all his 30 or so fellow priests would have known that he was in the sin bin. But still everybody kept quiet about it, and it was not until Broken Rites was formed in 1992 and we started doing this research that we came across Ridsdale in 1993. Then we had him in court again and again. We went along to his committal hearing with the magistrate and then we went along to his trial and to his sentencing.

In the course of that we uncovered the fact that Victoria Police had investigated the bishop of Ballarat in 1995 in a project called Operation Arcadia, because in most Australian states, including Victoria, it is a crime to conceal somebody else's crime. This secondary crime is not very often prosecuted, although it will happen, I think, in Australia now, starting in New South Wales — probably in the Newcastle area — very soon.

Operation Arcadia was carried out by Victoria Police in 1995, to determine whether the bishop of Ballarat had knowingly concealed a felony. A felony is a very serious crime like robbery, murder or rape, as distinct from a misdemeanour like shoplifting and that sort of thing. The bishop apparently, when he was investigated, told the police that, 'Look, you know, I didn't know he was committing felonies'. In other words, 'I didn't know that he [Ridsdale] was actually penetrating these victims. I thought he was just committing, you know, indecent assault'. Indecent assault can get you three years jail but a penetration offence can get you five years jail, or something like that. Because the Victorian law apparently was aimed at felonies rather than misdemeanours, the police looked the other way and it just did not go anywhere. So the bishop retired — took early retirement — and has been given a house down on the coast.

I will press on very quickly; I will not go through all these. No. 2 is the famous or infamous O'Donnell case. Father O'Donnell was a priest in the Melbourne diocese for 50 years — that is half a century — but all the time his superiors and his colleagues looked the other way, until in 1993, September it was, 19 years ago now, I happened to meet a victim of O'Donnell. We call this victim Damian on our website. It is not his real name — we do not use victims' names — but we call him Damian. I met Damian and he mentioned this Father O'Donnell and I got very interested. We saw Damian again and again and eventually we arranged for him to have a chat with detectives. He did that, and the result was that after 50 years Father O'Donnell was finally brought to justice. That was in 1995.

The next one, no. 3 — I am not going to go through all of these — is very interesting. It is a very interesting piece of detective work, or research work if you like, involving Father Paul David Ryan in the Ballarat diocese. He had been recruited by the bishop of Ballarat as a candidate for the seminary and then was protected by the church throughout the 1970s and 80s. They could not always keep him in a parish because parents objected to him and the church had to keep pulling him out of parishes. They sent him off to America actually, to the USA — he had about eight trips to America at church expense — and he came back. But finally in 2006, which is very recent, thanks to work by Broken Rites but also by a very astute detective down in Warrnambool, Colin Ryan, Father Ryan was in court and was jailed.

I will comment on 4, 5 and 6 very briefly. No. 4 is interesting because this Father Pickering had friends in very high places in the hierarchy, and they looked the other way. He survived until one of his victims finally approached the Melbourne archdiocese in the early 1990s and when we heard about it we did some work on Pickering, but unfortunately when that first victim made his inquiry at the church office Pickering was tipped off and he caught the next plane out of the country to England, where he came from originally, and Victoria Police were not interested in spending money and time on bringing him back from England. The church said they did not know where he was, but in fact the church did know where he was because he had superannuation entitlements and they were looking after those.

I have just two more comments on this page. No. 5 is Monsignor John Day, who flourished in Mildura. That was his big parish. He had a total of 50 years in the priesthood, and during that time he was an offender 24/7 — he did it any day of the week and did it to anybody, boys and girls both. But when we heard about it in about 1993, he had already died, unfortunately, so he could not be arrested and charged. But we discovered a detective in Mildura who had investigated Day. But this detective, Denis Ryan, was pushed off the case following pressure from church people. That enabled Monsignor Day to survive in Mildura for a few more years until finally the church gave him a trip overseas and he came back and got a quieter parish down on the south coast.

There is also another detective from Mildura, Detective Sergeant George Baddeley, whom I have interviewed. I have interviewed both these detectives, and I saw George Baddeley just the other day for a cup of coffee. He was there at the same time as Monsignor Day in Mildura and the same time as Detective Denis Ryan. George Baddeley was a detective sergeant, and he overlapped with Dennis Ryan. George Baddeley came along as a

detective sergeant at about the time that Dennis Ryan got the push. But Dennis Ryan got out of the police force because he could not stay in — it was just too difficult.

Detective Sergeant George Baddeley is now retired. He is prepared to give evidence about this. I sent an email to the inquiry about a month ago on George's behalf; he has not got email. I said I would let the inquiry know that he was available.

Just one comment more on item 6 and then I will move on to the next page. Item 6 is the famous — infamous — Pidoto case. He had 25 years in the priesthood. We finally got him into court in 2001 and then again in 2007, and he was jailed. But an interesting thing about him is that he even offended at the seminary. As an ordained priest working in parishes, he would 'befriend' a boy and then take him along to the Corpus Christi Seminary, which is the seminary training priests for all the Victorian and Tasmanian dioceses, and he even abused a boy in a room at the seminary one night — no problem.

I will turn over to page 2 and just pick out a couple here. No. 12, second from the top on page 2, is Father Wilfred Baker. He survived for a long time in the Melbourne priesthood. He had gone to school at Assumption College in Kilmore, and one of his classmates there was a future bishop, Bishop Peter Connors. The church covered up for Baker all those years until finally, with the help of Broken Rites, some victims got him charged and convicted and jailed. But it would be interesting to find out what Bishop Peter Connors, who is now the bishop of Ballarat, knows about all this. I just put that as a question.

Moving down a couple of items to no. 15 on page 2, Father Fasciale — an Italian name. We found some victims of his in about 1994 or 1995, and they went to the police sexual assault unit and had a chat there. The police decided to charge Fasciale, which they did, and he was summonsed to appear at a court on a certain day, but he rang in sick. He could not turn up. He was too sick to attend court, and then about a week later he died, before the next adjournment date of the court.

So he was dead and could not appear in court, but the church gave him a marvellous funeral at St Mary's basilica in North Melbourne, a very large church. There was a huge crowd there — a lot of Italian community people there — and four bishops. A lot of priests, his colleagues, turned up, but up in the altar, helping to celebrate the requiem mass, were all these priests, including four bishops from Victoria: Bishop George Pell, who was then an auxiliary bishop of Melbourne; Bishop Peter Connors; Bishop Eric Perkins — all from Melbourne diocese then — and Bishop Noel Daly from the Sandhurst diocese in Bendigo. So Father Fasciale got a really good send-off there from his colleagues — a very respected criminal.

Moving down about four items to no. 19, which is the famous Klep case. He was a priest in the Salesian order, which is not the Melbourne diocese, but he worked in Melbourne. Broken Rites discovered by chance in 1994 that he was convicted in the Melbourne Magistrates Court of a child sex offence. We were in the court that day for another case, and we were chatting with somebody at the registrar's desk, checking on various things, and somebody mentioned that in the other room there was Father Klep. So I went and inquired about that, and, sure, he had just got convicted. I had missed it. He got convicted just an hour or so before of indecent assault of a boy at Rupertswood Salesian College in Sunbury, but the church lawyers very wisely announced they were going to appeal, and they had 28 days to do so. This stopped the media from reporting that conviction — the media would have to wait 28 days to see if there was an appeal lodged. There was no appeal, but the media lost interest in it after that, so it never actually got mentioned in the media apart from a paragraph in the Sunbury local newspaper.

After that, his superiors — the Salesian fathers — arranged for him to transfer to a mission in Samoa, which is very nice. There is no Broken Rites over there, no *Four Corners*, no *Melbourne Age*, no *7.30* and no *60 Minutes*. He went over there, but to get there he had to fill out immigration forms and the usual questions for getting into Samoa 'Have you ever been convicted of a criminal offence?'. The answer was 'No'. So he got in there, and he practised there until Broken Rites realised he was there. To cut a long story very short, we

exposed the fact that he was there and the church forced him to come back to Melbourne, where he faced the police. He was in court in 2005 — it is a very recent case — and he got jailed.

Moving down to no. 22, which is about four items further down — Irwin. We have a heading there that the church hid the crimes of Brother William Irwin, filed as ‘strictly confidential’ — that is, the file on Brother Irwin’s offences was marked in the church files as ‘strictly confidential’. That is in the article on our website.

Moving across to page 3, I just want to pick up another three here.

As I said before, the church recruits people to become priests or to become Christian brothers or whatever — Marist brothers — then it turns them loose on whoever. No. 29 is interesting; 29 is a psychologist named Ronald Conway, who was very popular with the Melbourne church authorities. They used him to screen applicants for entering the Melbourne seminary. He, for example, interviewed Father Paul David Ryan before he was Father, so Mr Paul David Ryan — the item on the first page, item 3. He was partly responsible for getting Paul David Ryan into the seminary and also interviewed Paul David Ryan again later on when Paul David Ryan got into trouble, but the church kept Paul David Ryan on, and so on. So there is an example of how the Catholic Church ‘screens’ the trainees for the priesthood.

Going down towards the bottom of the page, no. 37 — Father Raymond Deal. There is an article about him. It mentions the fact that Archbishop Little gave him a glowing character reference when Deal was in court after he had been convicted and he was being sentenced, but it is good to have a good reference from the archbishop seeking a lenient sentence.

No. 40, down towards the bottom of page 3 — Julian Fox. He has been around for a long time but not in Australia. He is a Tasmanian who worked in the Salesian order, mainly in Melbourne — for example, out at Sunbury in Rupertswood College — but he does not come back to Australia much these days because the Victorian police want to interview him. So the church has given him a job in Rome, and he stays in Rome. That is his base, but he travels the world. He holds seminars in other European countries and in Asia, but he does not seem to come back to Australia to visit his relations. That is about all I will comment on. That is at the bottom of page 3.

On page 4, no. 44, Father Paul Pavlou, I have noted that that is a very recent court case. He was ordained in 2006, which is very recent, and he was then convicted of child sex crimes that he committed in that same year after being ordained. These are not ancient cases.

Even when the offence did occur a long time ago, the victims do not regard it as ancient. The victims are still affected. The impact goes across the whole family, to their partner — and often there are marriage break-ups — to their children and to their parents, if the parents are still around. Often of course the parents have died, and the reason why victims have kept quiet about this for so long time is that they do not want to hurt their parents by telling them that Father Bloggs or Brother Smith had abused them, because the parents will be upset to hear it. The parents might not believe it, the kid thinks. It creates a lot of trouble. The kid might get into trouble at school for ‘telling lies’ — in inverted commas. Often the kid has to wait till the parents are off the scene.

Sometimes it is grandma who is the problem — she does the flowers for the altar. But after grandma dies perhaps the victim can come forward. But often the victim cannot because mum might have entertained the priest or the marvellous brother for lunch on Sundays and dad might have played golf with the offender. Often the priest might have done the victim’s wedding ceremony. That is why a lot of these things are not reported until many years later. But it means that the victims are still suffering, and it is still a criminal offence, and the cover-up is a cover-up.

Up till now a lot of the interest in Australia has been in what Father Bloggs or Brother Bloggs did with his right hand or his left hand to this boy or this girl — in other words, the actual offence — but Broken Rites is very much concerned with the Catholic cover-up, as this four-page document of ours is headed. It is the cover-up that we are really concerned about, and the cover-up is still going on. Even when an archbishop makes a statement about this inquiry, there is still a cover-up in that statement. They are not just facing the truth. It is the cover-up that we are concerned about. That is all I have to say.

The CHAIR — Thank you very much, Dr Barrett.

Ms MacISAAC — Thank you, Bernard. Dr Wayne Chamley has been with Broken Rites since 1996. Wayne is the author of our Broken Rites submission to this inquiry. Wayne has brought to Broken Rites his expertise in mental health. He has worked closely with victims enabling him to have an insight into the lasting effects of sexual abuse. Wayne's work with victims has given him an opportunity to see firsthand the lack of effectiveness and the shortcomings of the internal church and other organisations' abuse processes.

Wayne's work with St John of God victims is worthy of special mention. These victims being physically and mentally challenged before being abused brought many problems, especially in understanding their accounts of how they were abused. By seeing many of these victims in a social setting month after month, Wayne created a safe place for them to trust and tell their story. Without this dedication much would have never been known about the sexual abuse of these men.

Wayne, on behalf of Broken Rites, researched and prepared the submissions for the migrant children, stolen generation and forgotten Australians Senate inquiries. Victims of sexual abuse from all these sections of society have contacted Broken Rites. There would be many victims who, because of Wayne's work, now call themselves survivors. I will hand over to Wayne.

Dr CHAMLEY — Thank you. Good afternoon. You would be aware that the media has picked up on aspects of the submission to the inquiry, and I will come to the submission, but I would like to read into the record a statement beforehand. I have distributed that, and there are three accompanying documents to the matters I want to raise with the committee, so I will start.

I wish to record some brief comments on the submissions made to the inquiry by the Salvation Army and the Catholic Church. On the Salvation Army submission, an organisation with such a high public profile — and I should point out that I have done advocacy work for victims who were in the Salvation Army system — has managed to produce a document of eight pages. This is an insult to the Parliament of Victoria, to the people of Victoria and, in particular, to the hundreds of persons who became child victims of officers and employees of this religious organisation.

Throughout the document reference is made to the use of lawyers and legal process. This confirms the statements made in our submission that essentially the corporate end of the Salvation Army, the head office brigade, has no policies or processes at all, despite what they claim. It is not prepared to inform any party of its position in these matters, and any person who wishes to seek justice can go to the courts and take his or her chances. Of course the organisation's hierarchy knows that very few victims and their families will be able to afford to do this, and so nothing happens. I am aware that you have received 300 statutory declarations from clients of Ryan Carlisle Thomas, and many of those will be persons who had experience of the Salvation Army system.

With the Catholic Church we have the document 'Facing the truth'. This I regard as a submission which is both safe and convenient. What is most noticeable to me are the various bits and pieces of information and documents that the Catholic bishops and the heads of religious organisations have chosen not to include or disclose. I have provided copies of important ones to the committee, and I shall refer to these. You have three documents: 1, 2 and 3.

My reaction to 'Facing the truth' is that the author has written a document which tries to minimise the record of the Catholic Church, describing a picture for Victoria in the context of the church's situation in a range of countries, by selecting a small number of inquiries and reports about the problem. These reports have been produced in Australia and overseas. Then, by referencing the Protecting Victoria's Vulnerable Children inquiry, it makes comparisons about child abuse and response by church members with abuse and response in the broader community in Victoria, including the transcript of the radio interview between Neil Mitchell of 3AW and Ms Carol Worth from the Centre Against Sexual Assault. This is the public relations clincher.

Readers of the document might gain the impression that most of the sexual abuse of children by priests and religious occurred in Victoria during an interval of about 30 years only. This is not correct, nor is it substantiated. In fact the public record goes the other way.

'Facing the truth' makes no reference at all to either the Australian Senate's inquiry into the child migrant schemes or the inquiry into children in institutions. The children in institutions inquiry received the greatest public response, in terms of public submissions, of any Senate inquiry in the history of this nation — 654 public submissions and countless submissions which were requested not to be put on the public record. It ran for two years. This is despite the fact that hundreds of citizens made submissions to these two inquiries and the reports identified child maltreatment and sexual abuse by members of the Salvation Army and the Catholic Church on page after page.

The two reports clearly established that children who ended up in the 'care' of the Catholic Church were subjected to widespread sexual abuse, procurement for sexual purposes by other adults, severe and unwarranted physical abuse, criminal assault, prolonged solitary confinement, exploitation, unpaid child labour, slavery, starvation, administration of drugs and provision of alcohol, and these practices went on at various times and to varying degrees during most of the past century. That is documented. The Catholic Church does not even reference the reports or the inquiries.

Another feature of 'Facing the truth' is that the author does not appear to have made any attempt to record what was allowed to happen and what was enabled to happen. I think this is a key thing for this committee, and we said that in our covering letter: what was allowed to happen and what was enabled to happen. This would have required the obtaining of sworn statements from former and current bishops, from former and current vicars general and from former and current heads of Catholic education offices. These people must have been receiving complaints from parents about things that had been done to children. What did they do? The Family and Community Development Committee may make inquiries of such persons who held these positions.

I want to suggest to the committee that it needs to realise what we are dealing with here. In earlier testimony given to this committee Professor Desmond Cahill described the situation the Catholic Church had created as 'a holy and unholy mess'. My view is that it is more than a mess. I suggest that the committee is presented with a situation where religious persons with recognised status as a priest, brother or nun have been prepared to offend against children and disregard the laws that govern our society over many years. At the same time the same persons have disregarded even the canon laws that govern their own moral codes. They have also been prepared to disregard community expectations and cover up offences, and no-one has been prepared to take action against a known offender.

I would like to read into the record a dictionary meaning of the word 'anarchy', and I quote, 'a state in which there is widespread wrongdoing'. Persons are behaving in ways that ignore sets of rules and even laws, and these persons are unable to be controlled and are unaccountable. I regard the situation of the Catholic Church on this issue as an example of true anarchy.

The inquiry has so far been informed about two serious deficiencies regarding the response of senior clergy and religious to these complaints. The first is the failure to inform police, and you had Victoria Police indicate here that not a single case had been referred to them — not a single case. The second follows on from what Dr

Barrett and Professor Parkinson said about the moving of known paedophiles around the country or even overseas.

There is a third dimension, I think — and this is what the inquiry might look into — that needs to be considered and possibly investigated. This is the consistent failure of bishops to take early action to laicise serial paedophiles. Instead of being cast out of the church these offenders have been able to remain within the church, to continue in pastoral, educational and nursing roles and to have continuing access to children, sometimes for decades. The failure has turned out to be a disaster for many children because these active paedophiles went on preying on children year after year.

The committee needs to find out why there have been these delays and whether there has been any influence from outside Victoria — even outside Australia — in bringing about such a delay. I refer to document 1. This is a draft opinion piece I wrote some time ago but never published. The main points, to summarise, are about a canonical document — this is a Vatican document — *Crimen Sollicitationis*. In 2001 Cardinal Joseph Ratzinger, who is now Pope Benedict XIV, as the prefect of the Vatican's Congregation for the Doctrine of the Faith, issued a letter to 'Bishops of the entire Catholic Church and other ordinaries and hierarchs having an interest'. The letter attempted to clarify some of the canon law codes and constructs in this papal document, *Crimen Sollicitationis* — the crime of solicitation.

This canonical document had been issued as far back as 1962 following the conduct of a papal commission, which was commissioned by Pope John XXIII. When the existence of this canonical document became known during a compensation case in the US it received widespread media reporting in both the USA and Europe. The general line of the reporting was the media's questioning as to whether the document authorised Vatican officials to intervene in cases where a local bishop might be taking action to laicise a priest who had sexually abused a child. In Britain, two cardinals went on the attack against the BBC, claiming that the document related only to the sexual abuse of a child during the sacrament of confession and that the penalties were because of the violation of the sacrament, not the violation of the child!

Document 2 is a translation from the Latin of Ratzinger's letter. As I read it, it extends this canonical document to a list of moral crimes, including the abuse of children. These would now be covered under *Crimen Sollicitationis* and its processes. In regard to a complaint about a child being sexually abused, a bishop could respond to complaints of sexual abuse by first conducting an evaluation of the complaint. In cases where the bishop judged the complaint to have merit, a 'preliminary investigation' could then be conducted. Upon completion of the investigation the bishop is required to notify the Congregation for the Doctrine of the Faith and the Vatican of the findings. In cases where the victim was a minor — below the age of 18 — further action against the priest under canon law 'is reserved to the apostolic tribunal of the Congregation for the Doctrine of the Faith'. In other words it all reverts to the Vatican; it is taken out of the bishop's hands, maybe — this is my interpretation.

Action by this 'apostolic tribunal' can then be taken within 10 years, and where the case involves a child the 10-year period does not have to commence until the child reaches 18 years of age. In other words, they never wanted to face a case of child abuse. It was always about dealing with a person who was now an adult. They never wanted a child to be up there in the bright lights; always an adult. Furthermore, such cases are 'subject to the pontifical secret', whatever that is.

On the face of it *Crimen Sollicitationis* and its associated codes and procedures have been a disaster for the safety of children around the world, if I am right. I am not saying I am right. I think the committee needs to get advice on how this all works.

The third document is titled 'A manual for canonical processes for the resolution of complaints of clerical sexual abuse of minors'. Some of it appears to incorporate the requirements and the edicts of Ratzinger's 2001

letter. It looks like the manual is the formal arrangement set in place and directing all bishops. There are a couple of other interesting sections in this manual. Section B is titled ‘Civil reporting requirements’ and states:

The diocesan bishop will comply with all applicable civil laws with respect to reporting of allegations of sexual abuse of minors to civil authorities and will cooperate in their investigation.

This must be of real interest to the Victorian police. Why were they not complying with their own moral canonical directive to comply with civil authorities?

And then there is section D, which talks about the rights of the accused cleric and, later on, support for the cleric. It states:

If the priest or deacon is not dismissed, provision is to be made for his decent support when he is not given a ministry that would see to his sustenance...

Indeed, the Diocesan bishop is also to provide for a dismissed cleric who is truly in need because of the effects of the penalty...

The manual says nothing about a victim. The word ‘victim’ does not appear. It says nothing about recognising a victim’s rights or how a church authority might respond to a victim who is making a claim that is proven. We think this is an important aspect. We think there are these three facets: failure to report to police, moving paedophiles around and the question of whether there is some requirement to conform with external canonical directives. That is the end of my prepared submission.

The written submission from Broken Rites lists a whole range of things. You can form the view that it has all happened and it is all over, but it is not. One area in which it is not now over is that of the fly-in priests. I list two cases where priests appeared to be able to just rock up and take up a job in a parish somewhere for whatever period of time with no questions being asked. We refer to Father S giving religious instruction to the mother and the girl, and then the mother finding him in bed naked with the girl. Then there is the other one, the Hungarian. I did not mention that with the Hungarian we received complaints from a woman that he was stalking her as well as having a girl living in the presbytery with him. These characters are exposed and they disappear; they vanish. They are atomised in 24 hours. Somebody must know what is going on. Where do they get the airfares?

St John of God is a serious saga. This was first put on the public record in 2002 at the Senate inquiry into Children in institutions, and I wondered whether it conformed to the terms of reference of this inquiry. It seemed to me there were some aspects that were worth mentioning. One was that I worked for about 10 years with these men. You have to understand the situation with some of these fellows. The ones that were orphans or had profound intellectual impairment sometimes had no family. The family drops them off at the gate and drives away. These are men with intellectual impairments; a mild impairment would be Down’s Syndrome, but a serious impairment would be with physical abnormalities, not able to talk clearly — it takes you a long time to be able to understand how they speak. They can speak, but you have to understand them. These are men who were just left on their own, as it were, and tragically with the St John of God system, they ended up surrounded by a ring of predatory paedophiles who were active for a minimum of 25 years. There were at least 9, probably 12 and possibly 15; and I think this religious order was penetrated by an organised ring of paedophiles.

If you are a paedophile, your *raison d’être* is to get access to children and you will suffer various physical hardships and uncomfortable aspects of life, because what you are on about with your fantasies are children, children, children all the time. I think this order was penetrated by a group, and there are big questions still about this religious order. It is based in Sydney, and no longer does it have any religious members working in Victoria, but I include in the submission some financial wheeling and dealing that I would love to have investigated — I do not know that this committee can do it — where it seems to me that it created a public not-for-profit company limited by guarantee called St John of God Services Victoria. It placed that company

between itself and its clients, and by that means it was able to have that public company become the tenant renting its properties, and then the tenant was subletting to the residents, the individual men. In this way, for years, it has been able to channel money up into the coffers of the religious order with no questions asked.

A matter that I hope the committee will consider — a question — is whether this religious order and this organisation, and also the order of the Christian Brothers, are fit and proper organisations to operate in Victoria. How can the Victorian government through the Department of Human Services be putting up service contracts to an organisation like St John of God Services Victoria and the trustees of the religious order, given their record? I would have thought that it is possible to get a reputable organisation to come in, take over the respite services and just tell them to disappear — out. Without that there is no comeback and they just go on and on. We believe that they have engaged in a widespread defrauding of the commonwealth over these houses, the community residential units. They received money from the commonwealth to purchase houses; in fact they already owned the houses, and they never purchased the houses at all. If you go back and look at the deeds, they were the owner of the property before the commonwealth money was received. Where did the money go to? They sold this farm at Lilydale for \$2.4 million; they bought a nursery for \$400 000 — where did the other \$2 million go to? I understand that this crowd have recently sold quite a few of their assets to somebody else. Nobody knows who owns the properties anymore, I do not think, but I suspect there is something going on.

There has been questioning about these two things that I included in the submission — that is, the possible death of two inmates and the incarceration of inmates in psychiatric institutions. All I can say is what was told to me — that three residents independently told me about this boy who was attacked by a pack of four and eventually thrown down a staircase, and was taken to the infirmary and was never seen again. What happened we will never know, but if you had children who had no family, the family would not even know that the person was deceased because they never had contact with the child ever again. The second one was a boy who told me he woke up in bed and the boy in the bed beside him — who had only recently arrived and had been the subject of an attack — was dead. I can only put it on the record.

The other thing is the deviousness of these paedophiles. Of the two men who were incarcerated in the psychiatric asylum, I believe that happened because these two were escaping time after time after time. They were going over the wall out at Cheltenham, they would be wandering around the streets and the coppers would pick them up at 3 o'clock in the morning — see a young boy in his pyjamas at 3 o'clock in the morning — stick him in the police car, try and find out where he had come from and take him back. It starts to get risky for a paedophile if the same victims are going out time after time and meeting with people in the community, and particularly members of the police, because someone might think, 'What is going on here?'. The answer is, 'Let's take these two kids to see some local general practitioners. Let's get a certificate completed under the lunacy act, and I, the alpha paedophile, will countersign it' — and away they went. These two men went into Mont Park as 12 or 13 year olds. One was given so much ECT that when I met him he had very little mental function left. The other was locked up with people with schizophrenia and all manner of people with mental illness, and he was there for three years — what a horrendous experience for a child.

This crowd would stop at nothing to get access to children and to do anything to cover it up, and there are scores of men who have been affected in these ways — who tragically happened to fall into the hands of the St John of God order — state wards, orphans, people just dropped off by their family; and by and large the order has just dismissed them. It is not only in Victoria. There are 67 or so claimants in New Zealand for the same sorts of offences.

I think the other area of our submission is about these processes. One of your questions was about the right sort of process. As far as I am concerned, any internal process that is being run by the church is just the same as having Dracula look after the blood bank. This is a lottery. I have done mediations in the morning and walked out with a settlement which has been accepted by the person I am working with of several tens of thousands of

dollars, and then I have turned up in the afternoon and have struggled to get a settlement of \$6000. It is the same offences, the same perpetrators.

One of the things that I believe the committee needs to look into is the relationship between the church authorities and the church's insurance company, Catholic Church Insurances Ltd. Many of the male religious orders and the dioceses appear to me — from having done the advocacy and working out who is in the room at these encounters — to have public liability cover from this insurance company. The secondary underwriter is QBE, whereas the orders of nuns appear not to have, would you believe, ever had public liability cover. When you are dealing with a woman who is a victim of abusive nuns and various things, it is very hard to get a settlement over \$10 000; whereas when the insurer is in the room I have got a bit of room to move.

There are conflicts of interest all over the place. Would you believe that there is a woman called Sister Angela Ryan who still runs the professional standards office for the Catholic Church, and she was a director on the board of the Catholic Church insurance company? She is running the response process, and she is a director of the company that is involved in making the payouts. I would have thought that was a screaming conflict of interest, which apparently she did not ever see. There are these religious people on boards and committees all getting fees and living happily ever after.

I want to finish with a little cameo. At school we used to get these questions, 'compare and contrast'. I remember when we were studying the French Revolution that it was: compare and contrast life at Versailles with life in downtown Paris. Let us compare and contrast an offending priest who has not been exposed and who has not been subject to a criminal trial, even though there have been numerous payouts made — it is just that the victims have not been prepared to go that way; what will his life enjoyment be as he gets older compared with the victim? He will be housed in a house that he chooses, rent fully paid. All his health needs will be covered. He will have the old-age pension, and he will be getting a stipend of maybe \$10 000 or \$12 000 from a parish fund. He will have an easy way to finance the purchase of a car. He will still be honoured by his family, because they do not know anything about his past predation. He will still be honoured by various people who are conscientious and faithful parishioners, because they do not know either. He will have a pretty comfortable life.

Compare that with, say, many of the victims that we see. I believe 60 per cent of them have post-traumatic stress disorder. I would say that 90 per cent have entrenched psychiatric illness — undiagnosed and untreated. They have been living on the edge of society all of their lives. Because of their condition they have developed major problems with alcohol usage. They have been living in public housing. They have been waiting in queues in the emergency departments of public hospitals for days waiting to get treatment for some physical ailment. Their diets are shocking. They have never had a set of teeth in their life that worked. They cannot afford to get their spectacles renewed, say, every five years. Their fear, as they get older — and they are now in their 60s — is that on the probability basis some of them are going to develop degenerative illnesses like dementia, Alzheimer's and whatever. When you develop those sorts of conditions, you start losing memory. First you lose your working memory, and then you lose your short-term memory. The memory that lasts is your childhood memory. What a memory to be stalking them for the remaining 10 or 15 years of their life. Maybe they will go into an aged-care home, reinstitutionalised again. This is what they all talk to me about — the fear of what is going to happen to them.

The Catholic Church just does not seem to have any idea what these people are facing, and I just cannot understand it. Thank you.

The CHAIR — Thank you, Dr Chamley. I thank the three of you for your presentations this afternoon and for the substantive submission you provided to the committee. I want to acknowledge that, the work you have undertaken and your ongoing advocacy for this issue.

There is one area I would like to ask you about. In your submission on page 17 you outlined four ways in which Church officials are still failing victims, you suggest. I know that you made reference to empowerment, Ms MacIsaac, and I know that there are going to be a number of comments that we have made or you have made this afternoon that have covered a range of issues. I will come back to my question in a moment. I just want to reiterate that that range of issues that you have brought up with us this afternoon and which are in your submission need to be carefully considered, I would suggest. One of these issues relates to parts of your submission. I would just like to reiterate to you that we will be contacting organisations such as yours to ascertain details, validate and conduct an appropriate check of statements made. But going back to my area of concern and the question I wanted to raise with you, what does justice for victims look like, do you think, and how can this be achieved? I know you said there is a degree of empowerment for people, but can you elaborate on that a little further?

Ms MacISAAC — I just go back to Wayne's closing comments there. Victims whose lives do not progress the way we would hope that our children's lives progress. We would hope that our own situations as we get older are provided for because of our ability to work and so on and so forth. People who have been sexually abused as children often are not granted those opportunities in life. Their education has been stifled, their respect for the law was not there so they have got themselves into all sorts of trouble, they become substance abusers and so on to try and just survive from one day to the next. They face a situation where because of lack of resources they have got a very miserable life. So we would like to see that some sort of provision is there in terms of civil law to make up for the deficiencies in their lives.

The CHAIR — I am sorry. That last bit again — the deficiencies?

Ms MacISAAC — The deficiencies in their lives, yes.

Mr McGUIRE — I would like to also acknowledge the level of detail, investigation and historical work, and everything that has been forwarded to us, and obviously there is a lot of information that we will come back to as this process unfolds. I would also like to ask a series of questions just to get more information on the record. I will start off with the organisational details. I know you are saying that you were never funded to do surveys and all the rest of it, but if we could just get on the record: how many victims would you have seen since your organisation has been created?

Ms MacISAAC — That is just an unknown question because historically what has happened is that when there is a lot of publicity we will get a flood of calls from new people. Then that will taper off, and then there will be another burst of publicity or some external reason why people suddenly contact us again in reasonable numbers, and this varies. We would say that possibly, on average, we might have two or three calls from new people per week. But we have never sat down — we have never had the time nor have we been motivated to sit down and work that out. But one can see over 20 years that that is a lot of people.

Mr McGUIRE — Are you able to, as best as possible, give a bit more of a breakdown on how many males or females or age or types of experiences that have occurred even?

Ms MacISAAC — Bernard will do that.

Dr BARRETT — I counted the first 1000 victims we had in the first few months in 1993 and 1994. I stopped counting after we got to 1000. But to answer your question about the breakdown of genders: of that particular bunch of people, and this is in 1993–94, I worked out that about 55 per cent of those were male and those offences occurred when the males were minors — you know 8, 9, 10, 11, 12, 13, 14, 15, 16 — with 12 years of age being a very common age. And of the other 45 out of 100 who were females, a number of those were actually adult women when they were offended against. These typically were women who were having a difficult marriage and the local priest offered to give them some advice or perhaps they sought advice

from the priest about it — ‘You can’t get divorced’ and all this sort of thing. Sometimes the priest would say, ‘Look, love, I’ll come around and help you all I can.’ Of course that led to some serious situations.

The remaining section of females were girls — minors of 10, 11, 12, 13, 14, 15, 16. But it was the males who contacted us — 55 per cent in that first sample. But, look, we had so many phone calls and letters and so on that we could not keep up with the records, and now we get emails and phone calls and we get them on our mobile phones. And as for three calls a week, I think it is more like three per day. I mean, I had five messages on my mobile when I was having lunch. They were from this morning.

Ms MacISAAC — That just shows it is sort of erratic, for want of a better word. We get huge numbers at times and then it slows down, but on average perhaps two to three new people — new victims — ringing us per week. I mean there might be 15, 20, 30 calls in a week from people who have contacted us previously but it is the count of victims that we are looking at and we suspect two to three per week. And that would mean in a busy time there could be 10 or 20 new ones in a day, but then it will taper off and you might one a week for a while or something.

Dr BARRETT — Can I add to that? We do not obsess over numbers. I know people like to say, ‘Well, look, you know, there has been X number of thousands killed and sexually abused in Australia this year or last year or whenever, or in the last 10 years, or something’. We do not go in for those figures because they are meaningless, because the important point to remember is that most church victims, especially Catholic Church victims, remain silent. They never contact anybody — the police, Broken Rites or anybody. If they do contact somebody, they might go right to the very top and contact the church — in other words, the offender’s colleagues. I have said before that there are cases where offenders had friends in high places, and if somebody complains to the bishop’s office, the bishop can say, ‘Leave it to me. I’ll deal with it.’ Oh, great!

Of course the offender, like Father Ronald Pickering, the fourth item on my first page — he caught the next plane out of the country and did not come back. When the police went to the church to ask what is Pickering’s address in the UK, the archbishop’s office said, ‘Oh, we don’t know. Sorry, don’t know’. But I knew his address and other people knew his address. Victims knew his address. But the church — ‘No, no, we know nothing.’ It is called the Sergeant Schultz syndrome, where Sergeant Schultz says, ‘My eyes are closed; my lips are sealed; I know nothing’. That sums up this whole system.

Most victims remain silent. Some approach Broken Rites, if they hear about us or, if they are googling and they google the name of their offender or the name of their school or the name of their orphanage, up comes the Broken Rites website and they search down through that. They might find their offender there — or they might not, because not all our material goes on our website. Our website, like this four-page document here, contains some case studies, some examples. Lots of people, when they check our website, say, ‘Oh, well, I can’t find Father Bloggs there, so he must not have been an offender’, but in fact we probably have some stuff on Father Bloggs but we have not written it up yet.

Dr CHAMLEY — Can I just add something to that?

Mr McGUIRE — Yes.

Dr CHAMLEY — We are beginning to understand how sexual abuse of a child affects the adult. This has been in the last 10 or 15 years of investigation. When a child is sexually abused or experiences extreme physical abuse, it affects a particular part of their brain, their midbrain. The midbrain is fully organised and fully functional by the age of 14, so it is in its dynamic stage of development. The midbrain ultimately controls two major things: the regulation of our emotions and the formation of memory — not the deposition of memory; we form memory and then we deposit it.

The consequences of that part of the brain controlling those two functions are that when memories are deposited, they are coded with emotion. Emotions are turning out to be chemicals. These people are laying down negative emotions which are recorded forever. These abusive situations and prolonged states of fear ravage the midbrain. The consequence is that they can never trust anyone. They spend their life unable to trust anyone. Is it any wonder they are not going to complain and say anything? Because they do not believe they are going to be believed.

The men particularly become loners and get interested in alcohol et cetera. The women start self-harming. You have this split in the population of what goes on. This is a big factor in the fact that so many people who will have experienced predation by these animals do not ever disclose it, because they cannot trust anyone.

Mr McGuire — Thank you very much; that is important. We are just trying to get this on the record for the better understanding of it, and I think this is important. Can you also give the committee some understanding of where and when different experiences took place and the breakdown of complaints, as best you can, on different organisations or religious faiths, be they Catholic, Anglican, Jewish or other organisations? Do you have that level of detail or can that be provided?

Ms MacISAAC — The majority of calls that come in to Broken Rites are about complaints against Catholic clergy and brothers. We have had a small smattering of Anglican cases — small in comparison to the numbers that are Catholic. We have had some Salvation Army cases that have been mentioned before; some comment on Jewish cases, but I have not actually dealt with a victim of Jewish background; and there has been a smattering of others — Seventh Day Adventists, Pentecostal and so on. But in comparison to the Catholics, you would have to say that at a guess 90 per cent are Catholic and the other 10 per cent make up the rest.

Dr Barrett — Can I add to that?

Mr McGuire — Absolutely.

Dr Barrett — People must not get the idea that Catholics are worse than Baptists, Methodists or whatever — or Protestants or atheists. The point is that when we started this 20 years ago we were ecumenical, we were beginning our research and exploring. Although we all come from a Catholic background — born, bred, baptised and educated Catholic — we were not sectarian; we were looking at all cases of church sexual abuse anywhere. But in fact in my four-page document the very first priest is Father Gerald Ridsdale. Once we cracked the Ridsdale case in 1993 — it was all over the place; Channel 9 flew helicopters down to the Warrnambool court to get shots of him arriving at the court, and the ABC interviewed victims over the phone from down there — then of course this attracted the attention of Catholics. People rang and said, ‘Look, it wasn’t just those 12 people’ — whatever it was — ‘who were victims of Ridsdale. I’m a victim of Ridsdale’, or ‘My brother is’, or ‘My sister’, in some cases.

We got calls from other people saying, ‘Look, it’s not just Ridsdale. Father O’Donnell’ — we heard from a young man called ‘Damian’, who is on our website. Then we got a victim of Paul David Ryan and a victim of Pickering. I have forgotten what we called him in our article; we never use real names. We then began specialising in Catholic cases for that reason. Because we are part-time, donating our time free of charge — pro bono — to the victims, we just cannot cope with helping victims from other denominations. I tend to specialise in the Catholic ones because I understand the culture. I would find it very hard to handle a victim from a Muslim or Jewish background. I would have to go back and do some research on what to look for. So we have become typed as specialising in Catholic cases, but I would not like people to draw conclusions about figures.

Mr McGuire — If you can provide any other detail on that. We are just looking for the patterns and why people get involved and that sort of thing.

Mrs COOTE — Dr Chamley, Ms MacIsaac and Dr Bernard Barrett, I would like to thank you very much indeed for the information you have given us today but certainly the supporting information that you had given us in preparation for today. I thank you very much indeed, and I found it to be very comprehensive.

I am pleased to have heard in your presentation today that you have dealt with a number of the timing and emergence of allegations issues — you know, the historical emergence and the delay in reporting — but I am particularly keen to understand some of the trends that you have established. For example, you have said that you have been following a lot of this since the 1980s and you were looking back into some of the historical evidence.

Today, Dr Barrett, you spoke at length about or you mentioned the priest Pavlou and you explained that he was probably the most recent one, having been ordained in 2004 according to your information, and the first complaint surfaced in 2006, and he was convicted in 2009. So they are fairly recent times. Could you tell me, please, if there is a difference in the trends around the early work that you have done in comparison with the work that you are now doing that is recently coming to light, and as you said yourselves, with emphasis on the Catholic Church?

Dr BARRETT — I can comment on that. There is always a time lag in people reporting their abuse, as I said before, and it is very hard to say whether there are more crimes being committed in 2012 than in 1971; there is no way of telling that. But it is all done in secret. And what we are concerned about of course is the cover-up, the culture of silence; that is our main concern.

But I saw somewhere that one of the church spokesmen recently pointed out that most of the offences occurred in the '60s and '70s and '80s — not many, he said, in the last 10 years. But, look, there is a time lag, and also people die. We get calls from people of all ages. We do not get calls from 12-year-olds, because they are busy on their phones ringing up somebody else. But we get calls; a lot of calls come from people 35, 45, 55, 65, who are coming out now and revealing that they were abused when they were 12 or 14 or 15. But they might not have had a phone in those days. When I was abused at the age of seven and a half my mum did not have a phone and I was in an institution where there was no phone, and you were not allowed to send letters out unless you showed the reverend brothers what you were writing.

There is no way of drawing any conclusion about whether the offences are worse in one particular year than in another year, but certainly you cannot really say that all this started in the 1950s, as somebody tried to say recently, some church spokesman. The thing is that offences that occurred in 1930s happened to people who might now be done dead. If somebody was abused in 1930 at the age of 10, that person would be 90 or something by now, or dead. We do get calls from people in their 60s and 70s who were abused in the late 1940s or the 1950s, but there is no way, and we have got no desire, to draw up some figures demonstrating whether things are worse in one year than another year. I know figures are very seductive and a lot of people like to work out percentages, but we do not do that. These are all case studies and there is that time lag, and anybody who got abused in the 1920s is dead, you cannot ask them, and in fact the offenders will be dead as well.

Mrs COOTE — It is just that from 2004 presumably some of the people now, in 2012, if they had been, say, 14-year-olds then, would be starting to come through to Broken Rites to give their stories; presumably they would now be in their early 20s. Is it not a trend that is coming through that you can see?

Ms MacISAAC — I think in the main, though, the people who call in are older than in their early 20s. I think there are very few that would be less than 30; they would be more like 40. I think when we began and in the first 10 years victims rang more out of their basic needs: they were in difficulties financially, needed help and support. We have seen a bit of a trend away from that in the sense that now we have got more people who have succeeded in life and who have managed to educate themselves despite this coming forward, and that is

simply because there is an acceptance now in society that this did happen and so they do not feel so out of step in wanting to come forward.

They will say this to us: that they are coming forward to add their story too because they see it as such a blight on the church and on society that they as children at that age were abused. Some of them recognise that those in prior years were not as articulate, were not as able to do anything about their situation, but these people coming through now feel that they can and they want to help, and so that is why there is that sort of shift.

Another thing that makes a big difference too, I think, as to why people report is if they sense within their family situation that there is an acceptance that in general this happened, that breaks down some barriers too, and that helps them.

Dr CHAMLEY — If I can just add, maybe there are a couple of other dynamics here also. One is that priests are now getting very old. They are not the 40-year-olds that they were 30 years ago, but also they are getting fewer in number. It may be that this phenomenon is not occurring as frequently now because there are not as many priests, but also, there is now such public awareness so the risk of being exposed is a lot higher. I wonder about whether we are beginning to see this other trend, and that is the fly-in priests — these visiting priests. If it is good enough for an Australian bishop to take a problem priest and shanghai him over to Samoa or to the Vatican or whatever, why would a bishop in some other foreign country faced with a problem priest not say, 'Have I got a great place for you to go — off to Australia', and they just rock in? We know of at least seven cases up the east coast of Australia now. One of them is on our website, and this is the case of Father Adelrick D'Cruz. People look at that case. The claim was about one victim, but there were five victims; there were five women making allegations.

Four of them chose not to go ahead, but they were all in his family. He was abusing the female members of his own family for years, and he was still cosseted and honoured by the family, and all these women kept quiet. They were married and whatever. It is a very big issue for a woman to expose this. I have done mediations, and you turn up and the woman is the only female in the room. There is Catholic Church Insurances and their solicitors and the church people and a couple of other hangers-on and me. She is the only woman in the room, expected to divulge great personal tragedy and whatever. It is a terrible imbalance.

I wonder if this visiting thing is a phenomenon we are starting to see, and it needs to be nipped in the bud. For that reason we make that recommendation. The church must be required to come up with a protocol which the police agree to about how they vet these people before they are allowed into a pastoral situation, otherwise nobody knows who they are, where they are or what they are doing. All they have to do is front up and do the religious duties; whatever else they do is their own time and their own business. Nobody knows. It is anarchy.

Dr BARRETT — I would like to add something if I could. Is that possible? Teenagers, if they are abused, just postpone doing anything about it. Then in their 20s, I have found in interviewing older victims, they are busy with their career and perhaps starting a family — that is into your 30s these days. My impression is that we tend to get approached by people who are already into their 30s and 40s and possibly have children now of their own and possibly have teenagers. Then they think, 'I wasn't protected when I was a kid. I want my kids protected, so I'll talk to them about it'. So they might ring Broken Rites, but they will probably ring the bishop or Towards Healing instead. They do not ring the police; they have seen too many channel 10 American courtroom dramas where it is unpleasant, which does not apply to Australia. I think that is the reason why it is very hard to draw any conclusion about trends.

Also there is that point that the climate in families might have changed. In the past kids were overwhelmed by the cathedrals, the frocks the clergy wore, the saints, the miracles, the popemobile, 'Thou shalt not' and all the very strict moral code and everything, virginity, chastity and so on — excepting for priests, of course. But now, these days, I think, although we still have cathedrals and everything, miracles do not seem to happen so much these days — only in Italy and Malta and places like that. There are not many miracles in Australia. So

times do change, and it could be now that people might be taking a different view of things, and that is why we are getting calls now from people who are in their 40s and 50s who are prepared to come out.

The attitude of the family — of the parents and grandparents — might have changed. In the past kids were too frightened to offend their parents or their grandparents, but now they are more daring, and I suppose by the time they are 30 or 40 they can come out more easily. We just do not know. It is very hard to draw conclusions about this. I certainly would not have any figures about it.

Dr CHAMLEY — I would just like to give you one — —

Mrs COOTE — I could be in big trouble because I have asked too many questions.

The CHAIR — I would like the other members just to have an opportunity, if you do not mind. I know there is much to be said, but I have asked Ms Halfpenny if she could ask a question.

Dr CHAMLEY — Sure.

Ms HALFPENNY — Thanks for the information you have given and also for your ideas and suggestions about what else we should be looking at and so on. Just getting back to the processes, in particular you talked in your documents about, say, Towards Healing and the processes, and you give some examples. Could you just for our benefit step through maybe one or two examples of a person who has gone through the process, because you give examples — for example, where a church representative raised things about if you are bankrupt or how many partners you have had as a woman as derogatory comments. Could you go through an example of what a person needs to go through then? In addition to that, the police put in their submission some letters that have been received from, I think, the Melbourne Response. They sort of imply discouraging victims to go to the police. Do you have any of those documents as well? The third issue is alternative resolution procedures; what do you say about that, other than the criminal justice system?

The CHAIR — There is quite a lot in those questions, but thank you, if you could, just to give members an opportunity. I am just conscious of time.

Dr CHAMLEY — Getting to the Melbourne Response first — and we said this in the submission — I cannot believe that it is even allowed to operate. Under what legal authority can some clergyman who was formerly the Archbishop of Melbourne set up a quasi-legal star chamber of his own, with transcripts, evidence and cross-examination? Under what legal authority is that done? I have only done one case, for a woman, and Peter O'Callaghan, QC, said to this woman — and everything is recorded, so you can ask him for all the tapes — right at the start, 'Do you understand the process? I am Peter O'Callaghan, QC, da, da, da. I have the powers of a sort of royal commissioner'. I nearly fell out of the chair. I thought, 'What act of Parliament set up that?'. But that is his mindset — that he has the powers of a royal commissioner. So these victims believe that, and they go humble.

With Towards Healing — you can call it whatever you like — I have had two cases where they brought in papers saying both these men were declared bankrupt, women were being asked about relationships, men were being given copies of school magazines describing Billy Smith as a jovial character — real putdowns. When that happens I arc up straightaway, but I am not at every mediation. Many of these people go in alone or go in with a family member, and they are just undermined. The lawyers rock in there, and the first plan of attack is to king-hit the victim, if they can get away with it, and soften the person up.

The other dimension to it is you can have — like some of the St John of God cases; it took six years to get them to mediation — the same person employed by the church who is the 'facilitator', who starts meeting the person and getting the show on the road, who then turns up as the mediator, the same person, and then they are

running psychological services for counselling. It sounds like a conflict of interest to me. And they are on the church payroll. They have a stable of these people.

I have had independent mediators tell me that they have been pressured between a morning mediation and an afternoon one where they are going to be the same mediator — that the church people did not believe they were partisan enough in the morning and they better lift their game in the afternoon. I have had barristers tell me that. It is open slather: anything goes. I know they wring their hands and talk in humble voices, but in the cut and thrust of the mediation when I know I have one chance to get a house for this person, I have one chance to fix up their accommodation, then it is boots and all.

Ms HALFPENNY — Do you have any of the similar letters that have been sent — —

Dr CHAMLEY — As I have said, there is nothing on paper. It is all done with phone calls: ‘The time will be 10 o’clock and da, da, da’. There is very little on paper. There are a few bits of paper given to, say, the claimant, but nothing to an advocate. Psychiatric reports: they belong under law to the person who is the subject of the report. The church will not hand them over. I sometimes get a psychiatric report 20 minutes before the start, so I do not have a few days to work through the psychiatric report and size up what things might be challenged here. I am not given the time to do that.

Ms MacISAAC — I think the biggest problem is it is not transparent. As Wayne was saying, reports are withheld and so on. We hear this constantly: when people go to Towards Healing even the contact report that is taken, they do not see it. The assessment report that is made, they do not see it. I constantly say to people, ‘Ask for it’. ‘But I didn’t think I was allowed to’, they will say. There is this imbalance of power that is there between the people running Towards Healing and the victims themselves.

The yardstick in terms of what is paid to the victim: with the Melbourne archdiocese the mean is perhaps about \$40 000 to a victim. With Towards Healing the church authorities involved have taken on the same practice of paying about the same amount or trying to keep their amounts of money to about the same. Occasionally, though, there are some reasonable payouts at the top end, and there are some very low ones at the low end, too. But if you take those sorts of amounts into account, that is going to do very little to help that person. Remember who picks up the slack: it is the society and governments who have to pay then for the care of these people whose lives have been broken.

Dr CHAMLEY — Another aspect of that is that often they will offer the claimant as well as the cash payment some ‘psychological counselling’. They will pay for the counselling. It used to be six or eight sessions. Before psychological therapies came onto the Medicare schedules they were paying the full cost of \$130 or \$140 an hour. Now they are only paying the gap. But, as I said, I believe 60 per cent of these men have post-traumatic stress disorder. When a veteran is treated for post-traumatic stress disorder — these figures are a bit old — \$84 000 per veteran to treat them. Eight sessions of counselling, maybe \$1500. It is fantasy.

Mr WAKELING — Thank you very much for your presentation today and for your significant submission. Certainly it has painted a picture which has really helped us in our inquiry. I would like to also draw on your comments about the Melbourne Response and the way in which Towards Healing has been dealt with. On page 20 of your submission you have raised complaints from victims that you have dealt with who have identified that it lacks transparency, victims are not told the contact person’s qualifications or background, victims feel they are grilled by assessors and there is suspicion of what has been reported back to church authorities. Given that, and I understand that there is a lack of documentation, are you able to facilitate for this committee any information, dates or any further information that you can provide to us about those activities that have occurred as part of that investigation?

In your submission you then go on to say that there is concern about whether the process lacks legality. We would certainly like feedback and some more specific information about that issue to enable us to deal more

specifically with this broader issue. I appreciate you may not have that information at hand. Obviously any further commentary you can provide at this stage would be helpful, but that specific information would certainly be of assistance to us as part of our inquiry.

Ms MacISAAC — We could definitely look at various cases, various victims' situations, with how the process with Towards Healing unfolded for them and give you that data instead of taking it off the top of our heads.

The CHAIR — That is fine. Thank you.

Mr O'BRIEN — Thank you again for your work over many years and the extensive nature of your submission. I know but a few of the examples from victims, and I think it is very serious what you have done, and you have to be commended for your efforts. You need to understand that we are taking those allegations very seriously and in a very careful process — for the reasons you have outlined of victims not necessarily wanting to come forward, being carefully handled and using the appropriate authorities.

Echoing Mr Wakeling, you made some further allegations today in your evidence. Your submission is in fact different from some of the web pages, specifically in relation to the allegations in St John of God about the two potential deaths, which may have been murders or other things. We are under parliamentary privilege, but I still wish to be careful because you used the word 'may'. I would like to ask you: have you, for example, reported those specific allegations to the police, or are you aware of the individuals reporting them to the police?

Dr CHAMLEY — No, we did not report them to the police, and I do not believe any of these men have reported their stories to the police. I would not exactly know that. They may have gone and made a statement to police when the investigation of St John of God was going on, and that might have been included in their statement, but I am not to know that. No, we did not do it. I decided to put it on the public record in 2002 and see what happened. Nothing happened.

Mr O'BRIEN — Yes. You have raised it again today. There are no statutory limitations in relation to murder, and I know the seriousness of that — —

Dr CHAMLEY — I am not saying murder, but it is — —

Mr O'BRIEN — Wrongful death. Yes, what has happened — —

Dr CHAMLEY — Yes. But there is that question.

Mr O'BRIEN — That is right. So we would ask you to continue to engage in the process with the police and this committee that we have identified — —

Dr CHAMLEY — Sure.

Mr O'BRIEN — Specifically in relation to your recommendations, they are actually quite discrete in comparison to the wealth of evidence that you have provided. You have provided one page of recommendations, which we understand. There is a wealth of information within that which relates to the issues that we are very much grappling with in relation to mandatory reporting. But we would also ask you, in the way that you did very helpfully today, to outline further issues that you identify as this inquiry continues its processes.

Dr CHAMLEY — About these internal processes or something else?

Mr O'BRIEN — Yes. Particularly in relation to the question of how the Catholic Church has dealt with the issue of priests moving from parish to parish. I have a live question about the shortage of priests. Has the shortage of priests in Australia been a factor that has meant that due to scarcity the church has been protective of priests because it has not had enough of them, so it has then moved the priests it knew were dangerous from overseas to another parish? Have you got evidence — —

Dr CHAMLEY — We will never know, but it seems to me the phenomenon of the fly-in priest is a recent phenomenon, and it seems to be happening more. We know that fewer and fewer Australian ordained priests are in pastoral — —situations.

Mr O'BRIEN — My last question is: why has the church not laicised these priests or even some of these orders for the reasons you say? They are not just questions for Australia; they are questions for the church, as you point out, all the way to the top.

Dr CHAMLEY — Absolutely.

Mr O'BRIEN — So we will follow that. We have seen even over the last weeks with relation to the Savile inquiry that even if people have passed away, there is a benefit to investigating these issues after they are dead. We ask you to continue to engage. We thank you for your efforts. Be patient with our careful deliberations.

Dr CHAMLEY — Sure.

The CHAIR — Dr Barrett, can I just go back to some comments that you made in your presentation. You referred to interviewing a number of detectives; I think you referred to some in Mildura and other parts of Victoria. I am just wondering: there have been a number of reports of investigatory bias where religious organisations have been concerned that have operated to protect offenders. Are you aware of that?

Dr BARRETT — Yes, Mildura is the classic case because it is a long way from Melbourne. That is why Monsignor Day was sent up there: it is a long way from Ballarat. But up there he was protected by church people, local people, including a sergeant, Sergeant James Barritt — not spelt the same way as mine, ending in i-t-t; my name ends in e-t-t. Also there were clergy from Ballarat and I think even Melbourne who went up there to try to put pressure on Dennis Ryan, the detective, to get him out of the police force. They got him out eventually. He is still alive. He would be in his 80s now, but he is still around and has written a book. It has not been published yet. The other detective I mentioned was Detective George Baddeley — that is spelt B-a-d-d-e-l-e-y — who was a younger man and a detective sergeant. He has retired of course. He is very keen to tell his story about the big cover-up in Mildura. Does that help you?

The CHAIR — Yes. Thank you very much. Are there any further questions from members of the committee?

Mr McGUIRE — Just to follow up on that question, are you describing here a systemic proposition from police, or are you describing different police officers trying to act in different ways? Could you just give us more information on that.

Dr BARRETT — Yes. Dennis Ryan, the detective, was not a very senior person; he may have been a detective senior constable. He was a Catholic himself, but that did not stop him from investigating when people came to him to complain about being abused, and these are young people complaining to him about being abused by Monsignor Day. He professionally went ahead and investigated. But Detective Sergeant James Barritt, who was in charge, stopped Ryan from pursuing the case. Other church people in Mildura, Ballarat and Melbourne also put pressure on the police force to get rid of Detective Dennis Ryan. He eventually had to get out, and he now runs a farm up there.

The other detective, Detective Sergeant George Baddeley, who knows all about it and is still around and prepared to give evidence, came in when Dennis Ryan was still there. He knows Dennis Ryan, so he knows about the story too. But it was a cover-up by church people, sometimes using senior police people, because in the police force you have tall people, short people, Protestants, Catholics, the whole works. You have Freemasons, you have members of the Knights of the Southern Cross, which is the Catholic Freemasons, and so on — all that sort of thing going on there. There was pressure from those people but also from local ‘good’ Catholics who wanted to protect the church and protect Monsignor Day, despite the fact that he was committing these crimes against children. We forced the Ballarat diocese to admit it, and they have apologised now at long last — 50 years too late — for the crimes committed by Monsignor John Day.

Dr CHAMLEY — Can I ask that the committee considers one aspect of this — that this is a public health issue. I put the statement by Bill Glaser right at the start of my submission. He is one of the forensic authorities on paedophilia. This is a widespread public health issue. What Chris said is correct; society is meeting the costs in mental health services and public housing.

One of my roles is to accredit psychiatric hospitals, so I cruise all around Australia looking at psychiatric hospitals that have to be accredited every four years. Last year we were in Sydney, and part of the service that was provided from the area health service was the only clinically supervised injecting facility in Australia, which is in Kings Cross. It is treating 540-odd addicts every week with methadone and take-aways and various things. Just in passing I said to one of the nurses, ‘What number of these people would have sexual abuse as a risk factor in their records?’. One hundred per cent — every one of them. These are 30-year-olds. It is a massive public health issue.

It seems to me that one way for society to begin to cut it back is to cauterise particular facets of it, and this church side is a significant facet of it. It needs to be cauterised.

The CHAIR — Thank you for your final comments. On behalf of the committee I thank the three of you again for your presentations to us this afternoon. Your submissions and your evidence has been most helpful. Thank you again.

Witnesses withdrew.