

# TRANSCRIPT

## FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

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

Melbourne — 23 January 2013

#### Members

Mrs A. Coote

Ms G. Crozier

Ms B. Halfpenny

Mr F. McGuire

Mr D. O'Brien

Mr N. Wakeling

Chair: Ms G. Crozier

Deputy Chair: Mr F. McGuire

#### Staff

Executive Officer: Dr J. Bush

Research Officer: Ms V. Finn

#### Witness

Ms C. Rafferty.

**The CHAIR** — Thank you, Carmel. We might now recommence with the public part of your evidence if you would not mind. Please begin.

**Ms RAFFERTY** — Thank you very much for the opportunity that you have created — the Victorian government has created — by establishing this inquiry and for the opportunity to be able to report my experience and contribute that to your evidence. I thank every member of the committee for your dedicated and committed efforts in allowing victims to be heard. I thank the Australian government for establishing a royal commission and for the opportunity, hopefully, to change our laws, which I believe is the most important thing, and to change policies, processes, procedures and methods of accountability so that children — your children, your grandchildren, everybody's grandchildren and their children — will be safe in the future. I hope that victims may now be properly cared for, as Graeme mentioned, and properly compensated.

I think that any child who comes across this in primary school, secondary school or tertiary — it is usually before that — has not a chance of establishing life anywhere near the way we would hope, let alone being able to look after their family if they have a family. I thank everyone who has come forward to tell their stories, especially on behalf of those who cannot speak for themselves.

I grew up a Catholic. My actual surname is Rafferty, which is my maiden name, which I reverted to 20 or so years back after divorce. I have four children, and I am very proud that two of them are here today. I thank them for being here. I grew up in the Catholic ethos. In fact my dad was educated under the Marist Brothers as an orphan after his parents both died when he was quite young. I am a dyed-in-the-wool Catholic too I suppose you would say, but I am very undyed in lots of ways at the moment.

I had always wanted to go teaching. From about eight years of age I had wanted to go teaching. I believed that one day I would be able to do that, but as the oldest of a family of eight the time was not right and I had to contribute to the family at the time. Later on I got to teachers college in mature age, when the last of my four children went to school. I am a former Catholic primary school teacher.

Twenty-six years ago as a mature-age graduate I entered Catholic Education as a community liaison officer/teacher following my work on a MACMEE project on migrant and multicultural needs in education. I was recommended by the Catholic Education area consultant at the time and commenced at the beginning of term 2 in 1987 as a special resource person on the disadvantaged schools program at Holy Family School, Doveton within months of Graeme Sleeman's resignation. I was there at the beginning of term 2, recruited sometime during term 1, after having taught for a few weeks for the very first time at St Mary's, Dandenong. That was the beginning of my career. I had plans for my career.

My submission includes collusion, cover-up and gross negligence throughout the Catholic system, if I may say so. It deals with how children and staff at Holy Family School, Doveton, coped with a predatory priest — may I say that? — and how the problem was handled by archdiocesan personnel and the Melbourne Response. It describes the secret task force of the Melbourne Catholic archdiocese, its activities and the lengths they went to to close the door on the truth leaking out. It highlights gross negligence by the Melbourne Catholic archdiocese in allowing a predatory priest to be in charge of children for decades, and it makes some recommendations.

When I commenced in the school teachers started coming to me to inform me that the former principal had resigned over the priest. A teacher who was working for a few odd emergency teaching days at that stage under the new principal explained that she had been forced out of her job by the Catholic Education Office area representatives — men from the CEO. Her concern was that the door must be kept open, with teachers standing guard, when children were in the confessional. There seemed to be a big feature on confession. I disagree with this guilt-making policy of teaching children about being guilty when they are so young.

The assistant principal explained that she had taught under the priest, Searson, at Sunbury, where he had been conducting one-to-one sex education lessons. That is what they explained to me. The bishop at Sunbury at the time had been forced to deal with Searson, and they moved him on to Doveton. This teacher, the assistant principal, was adamant that children were not safe around the priest at Holy Family and that staff must be vigilant. The beginning of my career was 'You have to be so, so vigilant because of the priest'.

When I was being recruited for the job I had to see the priest in my parish. The priests had all that authority. You had to get a reference from your own parish priest at the time to apply for a job. That parish priest said to me, 'You don't really want to work for him, do you?'. I asked him why, and he could not really explain or did

not really have any more information to give me or did not want to — I am not sure about any of those. However, he said to me, ‘All right, but just come and see me every now and again and let me know how you are getting on’.

Evidently the area consultant had got in touch with the principal at St Mary’s, Dandenong about her recommending me for this position, so she spoke to me. She said, ‘You know there have been problems at Doveton, don’t you?’. I said, ‘I do not, so can you tell me what they are?’. But, no, I was not told. No-one would tell me what they were. Anyway, that is digressing slightly, but we now know this priest was the sixth abuser of some sort to go through Doveton over 35 years.

When I went to him for my job interview — as Graeme has been explaining, even if the school accepted you and the principal accepted you, you still had to go to the priest to be approved — he put me through a very strange sort of an interview, which was not really about me. He said to me something about, ‘Those children there read dirty magazines and masturbate’. I was just about freaking out, thinking ‘I had better not take this job. I had better not take this job’, but there were certain reasons why I needed to take the job. I could not get out of the door quick enough. He said to me, ‘I used to take boys on camps’. I thought I remained reasonably calm and cool, and I must have passed his test. I was then employed at the school.

Soon after I was employed there the teacher aide brought me an October 1986 copy of the *Dandenong Journal*. It had a front-page article about how 60 parents and parishioners had signed and submitted a petition to the archdiocese demanding the removal of the priest within a fortnight. The whole school cluster was up in arms about the impending resignation of their principal.

In 1987 when I started at the school it was a vibrant, thriving learning place. The special resource role was an overall school role, so I gained a wide view of policies, programs and all sorts of things and the community. There was a great legacy left behind, and everyone appeared to be thriving. There were far fewer boys than girls in the upper classes, and photographs show that, as parents had removed children. Under everything ran an air of hyper-vigilance. However, the principal, the assistant principal and all the teachers continually strived to keep the children safe, as well as do a good teaching job.

Soon after I commenced at the school a Catholic Education Office representative attended a staff meeting and directed staff that we had to record all issues with and concerning incidents of the priest’s behaviour. The principal was made responsible for keeping these records and for reporting it to the area consultant of the Catholic Education Office. The general belief, though, was that the information would get ‘lost’ once it reached the Catholic Education Office, their expression for how things were not being handled — or being handled.

After three years the disadvantaged schools funding and program was discontinued, and then I began full-time in-classroom teaching in 1990. I think the first year I had a grade 2–3 composite, the next year I had a 3–4 composite but it was not until 1992, the third year, that I had a grade 5–6 class for the first time. Of course I was then confronted with the altar boy situation. In 1991 Searson was exhibiting violent desperation in his what looked to me like, although I did not know the word then, grooming attempts. He then began frequenting the boys toilets several times a day. It was the final straw, a big concern to us. The principal authorised the three years 5 and 6 teachers to make a deputation to the area bishop for the south-eastern area at the time, who was Bishop Pell, to advise him of the danger to children and the need to remove the priest.

At the end of 1991 the principal retired with ill health and the assistant principal assumed a position in another school after 13 years of teaching under Searson in Sunbury and Doveton. In 1992 a new male principal was appointed. His reputation of being not for the staff but for the management preceded him. A fortnight into the school year — remembering this is the beginning of my time with the grades 5 and 6 and altar boys — a student complained to me that he did not like the way the priest was touching him, and when a Doveton-Hallam Community Health Centre worker conducted the sex ed. program, which was part of the yearly curriculum in the school, the same child’s reaction raised our serious concerns.

The DHCH — the Doveton-Hallam Community Centre; I believe it is now Cardinia Casey Community Health Service — advised me that a former female student was now in counselling over an incident of sexual abuse by Searson two years earlier. I advised the principal, which is what we had been directed to do, who warned me to CYA. Do you know what? I did not even know what it meant. I had to ask him, ‘What’s CYA?’. ‘It’s CYA — you have to CYA and I have to cover mine. There’s a principal out there who lost his job over this six years ago

and hasn't had a job since, so you have to CYA and I have to cover mine', he repeated. He also told me not to talk about it outside the school except with the DHCH worker.

I asked the principal for pastoral care for staff responsible for children in the light of this information but was told there was none. In teachers college I had done a special in-service course at one time, which taught us about pastoral care in Catholic schools and the importance of the safety of children. Care for staff was mentioned very strongly during that time, so I thought I could ask for some pastoral care for the teachers under these circumstances. However, both the principal and the Catholic Education Office area representative at the time separately several times advised me not to speak about it and said that it was being handled. The DHCH introduced me to police. The police person advised me that they were unable to act unless parents pressed charges and the priest had a reputation for pressuring parents into not pressing charges. Police advised me to document everything — I was supposed to be a teacher.

Children continued to report to teachers and beg for safety. Children came running inside to a teacher hysterical on two occasions when the priest was trying to single out a child and force the child into the presbytery to discuss why that child refused to serve on the altar. The same student mentioned earlier — normally a happy level-headed youngster who participated fully in school life — who became hysterical made a further disclosure in that condition of being made to go into the presbytery, where something inappropriate, which he described to me, had taken place sometime in the previous year, and he was traumatised by the prospect of a repeat.

Aware that my job would be threatened, in early August I reported my concerns to a priest in the Melbourne archdiocese who had a profile in the media and a role in the Catholic Family Welfare Bureau. He promised something would be done. One morning at 8.30 the same student reported to me that two girls were in the hall vacuuming with the priest and the door was locked. I obtained the key and met the priest's steely stare as I opened the door to check.

One day at the end of lunchtime eight grade 6 boys came racing in very upset and voluble, clamouring that the priest was following them around the playground, and the playground duty teacher corroborated this. It was about them not wanting to serve. Allowing them to talk until they calmed down, I asked them two questions: 'Why don't you want to serve?' and 'What is the worst that can happen if you do?'. Their further clamouring prompted me to allow them to express their feelings on paper at their own desks in their own rooms. Their writings were very concerning. Out of respect for those children, who hopefully have all now made it to adult age and who I am aware are dotted around all over the world and whose permission I have not sought, I cannot share with you any of those writings, but they certainly were very concerning. The principal's position was that there was nothing conclusive in those writings.

Children, teachers, parents, cottage parents, social worker, DHCH, police and eventually the Police in Schools officer were all complaining to me about Searson and the safety of children.

I was asked a question in more recent times: why were they coming to me; I was just a teacher. I looked at the school photos and I realised why. The assistant principal had relocated, the principal who had been concerned with it in between, the principal who had resigned and the one we had currently had gone. The priest had not replaced the assistant principal; he had selected someone else on the staff who was from another culture and who I believe is still there and very faithful and loyal to the Catholic ethos. People just started coming to me I suppose because I was older — let's face it — and I had had this role for three years in another way, which put me a lot more in touch with parents. I guess that is why they were coming to me. So that is what was happening. A lot of them were coming to me and complaining, 'Where could I go?'.

The cottage parent and the Doveton-Hallam Community Health Centre arranged for police to interview children one Saturday at the Doveton-Hallam Community Health Centre, but police let us know that they were unable to get enough spoken evidence, although they believed one child in particular was not telling them everything. We know now that they often do not disclose for years — decades.

Four months after my complaint to the archdiocese and two months after the boys wrote down their feelings, in late November, without notice, I received a letter from the principal raising 'concerns about your teaching career' — full of accusations. The Catholic Education Office rep. and principal had consulted in the principal's office that morning. Colleagues were appalled and stated that they believed I was being made a scapegoat for the problem of the priest. The union president made a similar statement.

The Catholic Education Office representative summarised my options — I went and made a visit a bit later; I went and saw him at his office — by saying there were no jobs or swaps for me, even though I had appealed for a swap, and I had to wear it or resign, adding, ‘You must have done it, because where there’s smoke there’s fire’. Not that he spelled out what I had done.

The Catholic Education Office pastoral care department, which I then located, which did not exist before, advised me to look for employment outside teaching and that they knew the hierarchy and the bishops were covering up. The principal refused to enter into discussion and subjected me to covert workplace bullying and subversive alienation. I applied for teaching jobs with no response and arranged to check via a senior recruiter in a secondary school, and this confirmed what I had suspected, which was that the principal was giving me negative phone referrals.

Three months later the principal advised me that the two Catholic Education Office representatives had got their heads together, he said, and planned to send me to another school, but I found out that school was due for a redundancy at the end of the year, similarly to Holy Family. I received no pastoral care, job offer, help or any support. I felt bullied, humiliated, isolated and traumatised by the principal and the Catholic Education Office personnel. My health gave out as did my sick leave, and I was forced to resign in late March 1993.

The Police in Schools office called me to advise me, four days later, that the priest had used a knife to threaten a girl when she and a friend were putting up overheads in the church. Would I go to the vicar-general? The police stepped in, but parents decided against pressing charges, and the police in schools officer went to the vicar-general.

I approached the Catholic Education Office, the Catholic Family Welfare Bureau and the director of Catholic education, but I gained neither a job nor any help of any description. All this did was generate a trail of archdiocesan memos, which I have referred to and some of which I have submitted.

Late in 1996, at the beginning of the Melbourne Response, the Melbourne Response commissioner, Mr O’Callaghan, interviewed me and took a copy of my documentation. He said he did not think he could help me, though. The Archbishop stood down the Doveton priest, Searson, in March 1997 with a PR statement. News media recorded the priest as having conceded to a ban in 1982 when Sunbury parents had agreed not to press charges. The media reported that. The ban was against taking children into the confessional or into the presbytery. The archdiocese, if this was the case, instituted a ban but failed to advise the next principal and failed to follow up. I learnt of this ban from the article in the paper in March 1997.

I again approached the Catholic Education Office regarding reinstatement of my career. I made several fruitless attempts by phone to arrange to see the Director of Catholic education. I visited the Catholic Education Office in the hope of booking an appointment, and I was intimidated by security guards, bullied and abused by a woman consultant in the Catholic Education Office and treated like a criminal in the foyer of James Gould House.

A letter from the Melbourne Response commissioner, Mr O’Callaghan, in August 1999 stated that my complaint was wrongful dismissal but it was not his area or not his concern and that he did not think he could help me. He did say to me that at some stage he needed to settle things regarding the previous principal, who was no longer in the school, before he could think about my situation.

For 12 years many letters from my solicitor to Peter O’Callaghan went unacknowledged. I received a settlement payment from the archdiocese in December 2010 after 14 years, and 18 years after losing my career and after one meeting with Mr O’Callaghan in September 2010. I believe I only achieved this after working on my case almost full-time for two years, advising Mr O’Callaghan in 2010 of new information I had learnt of regarding the handling of things by the archdiocese, and I had written to the Archbishop at the time of the canonisation of Mary MacKillop, actually drawing some parallels about how she and her sisters were reinstated in five months and I was still waiting 18 years later for a resolution of my situation, which I needed to pursue, because at the age I was at I was facing a very grim pensioner retirement. My solicitor’s account listed 12½ pages of single-line entries of actions in my case — a lot of delay.

I introduce the topic of the Secret Task Force. Six weeks after my career loss I was introduced to a person claiming to be an investigator employed on a secret task force for the archdiocese of Melbourne. I now use ‘STFI’ interchangeably for the ‘secret task force investigation’ and for the ‘secret task force investigator’. STFI

impressed upon me that the role and investigation must be kept secret and that it would be denied if it ever came out. A secret task force of the Catholic Archdiocese of Melbourne appears to have been engaged in an investigation at Holy Family parish and school regarding the priest in the months of September, October and November 1992. The document ‘Australian Catholic Bishops Conference Special Issues Subcommittee, Protocol for dealing with allegations of criminal behaviour, Plenary meeting April 1992’, with its insurance policy attached, details the establishment of special resource groups for dealing with allegations of criminal behaviour. STFI claimed the secret task force was commissioned by the board of four area bishops. There were bishops in south-eastern area, eastern area, western area and northern area at the time.

Protocol 3.4 of this particular document states:

The investigation, required by this protocol, and resolution of allegations of criminal behaviour against the accused shall be the responsibility of the competent ecclesial authority whose responsibility is personal. Whilst this protocol requires that others may assist with the process of investigation and make recommendations, it is the competent ecclesial authority personally who bears the responsibility for decisions.

Also:

‘Competent ecclesial authority’ means the bishop, the major superior, the superior as herein defined for the purposes of the protocol.

I might say here I can see perhaps how, if they move bishops around or if they move priests around, the responsibility is claimed to rest with that particular bishop or superior at the time, and they may be receiving a perpetrator who they know nothing about — his previous history — and then they are responsible.

Protocol 5. 2 states:

There should be established by the Provincial Council, in such Ecclesiastical Provinces as the Australian Catholic bishops special issues committee recommends, a special issues resource group consisting of personnel who are skilled in dealing with allegations of criminal behaviour.

STFI described duties as: providing advice or counselling; conducting investigations; assisting with investigations and managing contact with media.

Protocol 5.2.1 states:

The personnel of the relevant special issues group are to be available to the competent ecclesial authority as each case may require for the purposes of assisting such authority by:

providing advice;

conducting an investigation;

assisting with an investigation;

and —

managing contact with media.

STFI claimed that the Catholic Family Welfare Bureau priest I had been to see was responsible to the board — a board of bishops mentioned. STFI was responsible — this person claimed — to report regularly to that priest.

Protocol 5.2.3 states:

Membership of special issues resource groups shall include at least one priest as well as other professionals skilled in the relevant social sciences.

STFI claimed that the vicar-general had delegated to STFI the task of investigating the priest at Holy Family school, providing STFI with the file on Doveton late in August 1992. That was within a fortnight of me having gone to the Catholic Family Welfare Bureau priest with my concerns about the safety of the children at Holy Family school, Doveton.

Protocol 6.1:

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

So STFI claimed to have conducted an investigation into Searson, in the church, presbytery and school, beginning in September, building up in October and coming to a head at the end of November 1992. It claimed to have investigated priest-altar boy interactions at Saturday night mass over four weeks in September; that the investigation changed focus in October; and that the priest, Searson, then refused to stand down while being investigated when directed — first verbally by the STFI, and second by a letter stamped by Archbishop Little and hand delivered by the STFI to the priest.

So the STFI claimed that the priest, Searson, contacted a canon lawyer in Rome and obtained an injunction, and also claimed to have obtained the priest's permission to check his phone bill confirming his 45-minute call to Rome and to have then rung Rome and consulted a canon lawyer, who advised that 'knowing is one thing but proving is another' and that they could not act without proof.

Protocol 9.4 says:

If the accused refuses to take administrative leave or is otherwise uncooperative action may be taken in accordance with the provisions of CIC can. 1319. In such circumstances specific advice should be sought from an expert in canon law.

After we teachers had completed the confirmation program on 22 November 1992, on 24 November the principal handed me 'the letter'. The Catholic Family Welfare Bureau priest rang me twice — once before and once after I received the letter. At no time did he explain what was going on.

Protocol 6.4.3 states:

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

Now I know it is mentioning families, however I was never informed that there was any investigation going on at the time:

The competent ecclesial authority shall immediately refer the matter to the ... special issues resource group.

An interesting protocol, 7.3:

No admissions should be made to the complainant or ... any other person that.

... the accused is guilty

... that there is any liability in damages.

... that any particular course of action will follow any investigation.

STFI claimed that my alienation/bullying/job loss was related to the investigation. The secret task force revealed itself in 1993. I met this person six weeks after I lost my, and then six weeks after that I allowed this person to take my documents to the archbishop with a covering letter. Now, this person reported to me that the archbishop actually looked at the first page and second page and went white as a sheet, and that would be where I had written, 'Archbishop, you are responsible', I presume. Anyway, I had written that. STFI also advised me that I would receive a letter of acknowledgement within about six weeks. We know now that was rather naive of me to even think that might happen. No letter arrived. My brother turned up; he came from overseas and found me in this situation. He asked me, 'Did you get the letter?'. I said, 'No'. He said, 'Let's go and see the vicar-general'. He made an appointment for about 1 o'clock one day, and at 3 o'clock we were in his office.

Now this vicar-general was newly appointed in late January 1993, so he was a different vicar-general from the one who had presented the STFI with the file on Doveton, as claimed. It turned out that the bishops had not informed their new vicar-general of the bishop's task force, nor of the secret task force investigator. Honestly this vicar-general was really completely mystified, and I believe the bishops put him in that position because he did not know what was really going on. He had had an offshore appointment for many years. He found himself in this situation.

He tried to locate my documents, and when they could not be located he then requested that I furnish him with another copy. I had a copy at home, but I had also left a copy with this STFI person and I decided I would go and get that copy back from that person. So I made a phone call, contacted that person and arranged to go straight out there and pick up my document. But before I had even opened my mouth on that phone call, the STFI knew I had been into the vicar-general's office. There were two occasions when that happened — when I took the document back in — —

**The CHAIR** — Carmel, I do not want to interrupt your train of thought here but we do have the document and we are very interested to ask some questions of that, so I am wondering if you have got any more points. I know you have made some very relevant points in this, but we are very keen to ask you a little bit more about the document. If you could perhaps precis that.

**Ms RAFFERTY** — Go past that?

**The CHAIR** — I am just conscious of where we are and I am not sure how much more you would like to tell us in relation to the document, but I know committee members are keen to ask you questions about the document.

**Ms RAFFERTY** — I have not got any more of the document here. I put in a little bit of how it was revealed to me.

**The CHAIR** — And how was it revealed to you?

**Ms RAFFERTY** — Mainly by the vicar-general not knowing anything about it and asking me to furnish him with a copy. When I spoke to her she knew straight away, before I had got home, that I had been in there. The second time he asked me could he have that person's phone number, and I decided I had better contact that person first and ask permission to pass on the phone number, because I was starting to get a bit uncomfortable about who knew what. And on that second time that person knew straight away that I had been in to the vicar-general. The vicar-general did not know this was going on.

**The CHAIR** — Are there any other points or other evidence you want to present or would you like us just to go to questions now in relation to this document?

**Ms RAFFERTY** — If you want to ask me questions about the document — —

**The CHAIR** — We are very keen to ask you some questions.

**Ms RAFFERTY** — Do you want me to go on with any of that afterwards, or not?

**The CHAIR** — We might come to it, but if you have any more points that you would like to make to us, please do.

**Ms RAFFERTY** — Probably a couple of points. One is that 10 days later the STFI informed me Doveton had been made a caretaker parish, so something was happening, and that the priest was required to report to the cathedral daily and was being assessed by two doctors. Six weeks later the vicar-general advised me a diagnosis had been made of the priest, and that was psychopathic tendencies. They left him in the parish for another 4½ years after that. A month later I confronted the Catholic Family Welfare Bureau priest about the STF, secret task force, and the investigation, which he totally denied, claiming the investigator was fantasising the whole thing. The STFI person claimed to be being paid by the archdiocese through the Catholic Family Welfare Bureau, maybe.

**The CHAIR** — Thank you. You did extremely well to give us an account of your experiences and thank you very much.

**Mr McGUIRE** — Thank you very much, Carmel, for your testimony today. I just want to go to a couple of points. You said reasonably early on in your testimony that there was a report made to George Pell to remove Searson, so that was early days. Whatever happened to that? What was the response to that?

**Ms RAFFERTY** — I was not a senior teacher at that time, and I was not privy to the feedback when it came back. I think they went after school. It was between them and the principal. Generally nothing happened, nothing changed. I do not have any firm evidence.

**Mr McGUIRE** — Was that the point — nothing happened?

**Ms RAFFERTY** — That is the point.

**Mr McGUIRE** — Yes, okay. I am just wondering whether there was some direct feedback though. You did not get a response?

**Ms RAFFERTY** — I do not remember hearing any direct feedback.

**Mr McGUIRE** — You also gave us the insight that Searson was the sixth priest in a row at Doveton in 35 years who was a paedophile. Can you give us any insight into how you think that may have occurred? How could you have had six in that time period?

**Ms RAFFERTY** — It is rather appalling to comprehend. The church has actually paid out over four of them in regard to paedophilia and two in regard to matters relating to women. It is just a very sad indictment as well for a whole group of people, a community of people who were establishing their lives as young families. They were people who were battlers and had to get started. Many of them had emigrated, I think from England in the first years of that particular parish, which was a triangle between Princes Highway, Eumemmerring Creek and I have forgotten the other one, but it is a triangle there in Dandenong. It was established when International Harvester, Amcor and those other industries were established there. These people were brought into work in those factories and in those industries.

It proceeded and from then on it was always a place to where many people came from overseas. At the time when I was there, there were quite a lot of Asians and there were a lot of people from Sri Lanka and India and even some from South America. In most of the classrooms — in the school photos — you would have one or two Caucasians. All these people in their own way were doing the very best they could under terrible circumstances, because what help and encouragement were they getting from their priests? They believed in the Catholic ethos and took themselves to church and sent their children to Catholic schools.

**Mr McGUIRE** — Absolutely. So it was a post-war settlement, they were poor people in a disadvantaged area and they were trying to get on with their lives and improve their circumstances. Is there any insight you can give into how you get that cluster in that area, one of the poorest, most disadvantaged areas in Victoria?

**Ms RAFFERTY** — Are you asking me do I have an opinion on why six in a row were placed there?

**Mr McGUIRE** — Yes.

**Ms RAFFERTY** — Well, for the archdiocesan people who do the placing I suppose they figured out it was a community of people who would not wake up too quickly, if they had a problem priest in their midst, and a community of people who would be, as all of us were, brought up to believe in obedience and loyalty — and the mystique and aura of the priesthood, which was paramount. I do know of one victim who was told that we were ontologically challenged and the priests were ontologically superior. The priests believed that and the church believed that and us humble mortals, especially us humble mortals in the community of Doveton, what hope did we have, really? They went to church and educated their kids and supported their families in the best way they could.

I believe that one of the priests, especially the first one who was not a paedophile priest, was very good to the community. I did interview someone not too long back — had a chat with some people down there one day — one of the founders of the parish. I went to the state library and looked up an article, which I have at home, about the founding of the parish, which was printed at the 25-year jubilee. They were a great community of people, just all pulling together, establishing a place from the ground up in the paddocks out there — no made roads just paddocks; they started from the beginning. So there was a really strong community ethos there and they just had this plonked on top of them and it shut them down, I guess, in lots of ways.

**The CHAIR** — Thank you, Carmel.

**Mrs COOTE** — Carmel, thank you very much indeed. You have really added to the body of knowledge that we are gathering, and I really appreciate it. Could I ask you about Peter O’Callaghan and when you spoke with him? Could you just remind me of whether you went to see Peter O’Callaghan or just had correspondence with him?

**Ms RAFFERTY** — I was seeking contact with him and he was seeking contact with me at the same time, just after the Melbourne Response was started, and that was at the beginning of him looking at Doveton.

**Mrs COOTE** — So you did not actually ever meet him?

**Ms RAFFERTY** — I met him on that occasion — by myself; I had no witness. We had a very long conversation and he photocopied all of my material. I had kept notes, as the police had directed me to. I had about 50 pages of handwritten scrawl — which I can submit if you wish, but reading it is a hard job — and I had various other bits and pieces with it and he took copies of all of that.

**Mrs COOTE** — So it was your understanding that he already knew about the former principal and he was very cognisant of all of what had gone on in Doveton before? Was that the understanding of what you heard in that conversation?

**Ms RAFFERTY** — I believe so and I believe that he was speaking to me more or less as a colleague, to help him gather information.

**Mrs COOTE** — At any stage there, did he offer to reimburse you for loss of work?

**Ms RAFFERTY** — No. Unlike Graeme’s, my situation has been different. I was not as big a fish as Graeme, was I? No, no offer of anything and not until — what did I say? — 18 years later, December 2010, did I receive anything. I did manage to get some funding for counselling as I was preparing my case and even now I have been told, ‘Oh, you can have 10 more sessions’, sort of thing, but no other help of any description. I found that to survive this, which has been very, very devastating to me, I had to be very, very focussed. To survive, I had to have tunnel vision, because I had to earn an income. I was on my own at this stage. We had had a divorce in our family — not long after I started this job, actually — so I was on my own and I needed tunnel vision to survive and tunnel visioned I was.

I wound up trying to get them to do something for me in the first 12 months. I ended up at the union office for a while, putting letters, mail-outs, in big envelopes to send to principals in schools in the Catholic system. I did a bit of emergency teaching. I was very brave. It was very hard to get because if you breathed a word of why you were not still working where you were working, you were not — —

**Mrs COOTE** — You do not believe that you had an asterisk against your name anywhere, with not to employ you in the Catholic system?

**Ms RAFFERTY** — Well, it is highly possible.

**Mrs COOTE** — Thanks very much indeed.

**Ms RAFFERTY** — I never got a job in the system again, although I tried very, very hard. You could paper the laundry, the bathroom and the toilet with ‘No’ letters — and that is not including the ones they never answered.

**Ms HALFPENNY** — Carmel, now, compared to then, there is mandatory reporting in all schools, including Catholic schools, and that sort of stuff. From your story and with the power of the priest, in terms of hiring and firing and even in challenging the hierarchy within Australia about maintaining their priestly duties, do you think that the mandatory reporting we have now could stop that or could the same thing that happened to you and what happened in the past continue to happen because of the powers of the priest within the school?

**Ms RAFFERTY** — One point I may make is it was just before mandatory reporting came in for teachers; I think it came in the following year after I no longer had my job. Secondly, I think it is a good thing that they have instituted mandatory reporting, but I am aware that people will still have the problem of the safety of their jobs being at stake, and it just depends on who is there up the line. As you said, if there is a priest in a parish who is the overall boss, and they know their job depends on that, they may not wish to, to put it crudely, stick

their necks out. I also believe that the Catholic ethos — which I used to think meant gospel values, but now I have another meaning for ‘Catholic ethos’ — is, ‘How prepared are you to play the game and keep quiet if necessary?’. I am a bit cynical so you will have to forgive me.

**Ms HALFPENNY** — Understandably.

**Ms RAFFERTY** — Well we have been conditioned for decades and many moons, and it is going to take decades and many moons for Catholics to unwind — I have gone blank, but I know what I want to say — the mindset, as mentioned before, and the mystique of the priesthood and the mystique of the Vatican and the mystique of allowing some, I guess you would say, rogue state and the laws of a rogue state to have a great influence in our life. But I am not sure that that is going to be broken down very quickly. I think that we need to be very careful about who is selected to be on various organisations developing policies, protocols and procedures in future. We need to have a broad selection of people who do not have that ethos still bubbling around in their genes.

**Mr WAKELING** — Carmel, thank you very much your presentation. Can I just take you to the meeting that you mentioned took place in the staffroom when I believe the Catholic Education Office representative came to talk to the staff about the actions of the priest. I am just interested to hear what was the view of the CEO, and particularly their representative. Did they appear to be concerned at the activities? Did they seem to be genuine in their gathering of information or did this appear to be as a consequence of a complaint and they were going through a process? I am interested to hear what your view and the view of your staff colleagues were in terms of the CEO and their view of the activities, or alleged activities, of the then priest.

**Ms RAFFERTY** — If I take it from the staff point of view, for me it was very soon after I was in that job. It was probably in the same term that I started. We all just accepted what they had to say; we accepted the directives. We were a very cohesive staff because although some of them did not really see the truth, most of us bonded together very, very strongly because of the obvious problem we had with the priest. We bonded together. There was often talk in the staffroom about what had happened today and what we can do about it. We were a very bonded staff and we collaborated very well in planning, curriculum and carrying out all the programs in the school.

But on that day we were just more like yes people I suppose. We were just listening; we were just taking in what we were told. We did not really ask any questions as far as I can remember. I think I was a bit shocked actually that the CEO would be coming along and admitting there was a problem with the priest, and admitting he was still going to be here even though there were problems with him. They did not admit what the problem was, and I was yet to learn. It took me quite a while; I kept an open mind. I purposely kept my mind and my eyes and ears open, but I decided to be impartial until I could see it for myself. I do not know how the other staff felt. The CEO person was just cool and quiet and just went through it quietly. Nobody said anything in particular about what particular behaviours or actions of the priest we had to be concerned about. I do not know if that answers it all together.

**Mr O’BRIEN** — Thank you, Carmel, for providing your evidence. I would just like to ask you a few questions about the document you have provided, which is described on the cover sheet as: ‘Strictly Confidential; (For bishops, major superiors and superiors only); Australian Catholic Bishops Conference; Special Issues Subcommittee: Protocol for dealing with allegations of criminal behaviour; Plenary Meeting April, 1992’. Can I ask you how you came into possession of this document? If you cannot tell me or do not feel comfortable, that is fine, but I need to ask you that.

**Ms RAFFERTY** — Someone in the system gave it to me when I reported my story and said, ‘Oh, that would be the work of the special issues resource committee’. That person is no longer working within the Catholic system.

**Mr O’BRIEN** — In the short time that we have had, I have cross-referenced that document with the chronology provided by the Catholic Church for the preparation of the Melbourne Response. As a document it is different. The Melbourne Response was done in 1996. It makes reference to a number of meetings of the bishops conference in 1990, August 1990, 1994 as well as 1991 and December 1992. It does not mention April 1992. Do you know if this was finalised document or a draft?

**Ms RAFFERTY** — I do not know.

**Mr O'BRIEN** — No, that is fine. It may still be very helpful to us in allowing us to gain an insight into the understanding of the bishops at the time. In that regard I would like to ask you some questions about the document specifically if that is okay. Firstly, it is headed 'Strictly Confidential'. It begins with a preamble that says:

In November–December, 1988 the ... Catholic Bishops ... considered the implications of allegations of criminal behaviour ...

In defining 'criminal behaviour', it specifically says:

... shall refer to criminal offences in civil law and shall include sexual. assault relating children.

It is clearly of a mindset then that the criminal behaviour concerned about is sexual assault. The Melbourne Response is confined to sexual assault. The very first clause refers to responsibilities — if you have a copy, you could look at it. Is this a reflection of how you felt the approach of the church was to this issue at the time? I will just read the responsibilities of bishops, major superiors and superiors. It says at 3.1:

Bishops have duties and responsibilities to their priests, religious, and all of Christ's faithful according to natural justice and canon law. They have a responsibility to protect the good reputation of individuals and the church as a whole. They have a special concern for the victims of injustice and those who are vulnerable.

It does refer to processes involving victims — I could take you through it at length, but I do not want to — but it puts up as the first responsibility in a chronological sense the responsibility for the good reputation of the church. Is that in a sense how you felt the church, putting it at best case, was handling allegations of child abuse at that time, that the reputation of the church to avoid scandal, for example, was more important than the rights of victims?

**Ms RAFFERTY** — I do believe they were more interested in protecting the church, and not just the church — their own livelihoods and lifestyles. I believe they were not really interested in the fallout created around that if someone raised an issue such as some people here today have mentioned. I strongly believe that, and I believe they can write flowery and wordy documents that sound good and if carried out could work, but it is very easy to write flowery documents and not really follow them properly. Also, I believe a good lawyer might ask lots of questions about that document, but I am not a lawyer so I cannot answer that.

**Mr O'BRIEN** — No, that is fine, and your answer is a helpful answer, so if you could just continue answering. For example, by reference to clause 9.11, in the processes it outlines in this document it does not refer to obligations to refer matters to the police. There are some changes in the language in the Melbourne Response by '96, which says that they were informed to tell people they have the right to go to the police. This document does not set that up. Effectively it is only in clause 9.11, after a priest has been convicted, that there is any direct approach to dealing with that priest from a provision of care. I will just read to you clause 9.11 and ask for your comments on that. It says:

If the accused pleads guilty or, after trial, is found guilty of criminal behaviour, whether or not a conviction is recorded, the competent ecclesial authority should carefully consider, in the light of any criminal penalty, what action should be taken in regard to the accused and what should be done to remedy any scandal.

Again it is not a document directed to the position of the victims, although it does refer to the importance of the prevention of child abuse — I am not saying that — but in its priority there it actually uses the words 'done to remedy any scandal'. Is that consistent with your understanding of how you were treated at Doveton and your knowledge of others in relation to the reporting of child abuse?

**Ms RAFFERTY** — I believe it is their first focus, trying to put down scandal, and possibly their second focus is looking after the perpetrators, but maybe they are interspersed. But in my experience as soon as I bobbed my head up with this problem, which had been worrying them for years, I suppose, up to some degree, they just had to shoot me down because I was another threat obviously to this truth coming out in that situation.

**Mr O'BRIEN** — It also describes, as you have identified, in clause 7.3:

No admissions should be made to the complainant or victim or any other person.

This is whilst the church is conducting its investigation in relation to what they call the accused priest, and in clause 9.7.2 it says:

Where legal proceedings have begun or are imminent no public statement should be made without specific legal advice.

Effectively it sets up a fairly controlled position for the lawyers, and to some extent the public relations people. Did you feel that there was any desire by the church authorities you were dealing with in Doveton to begin to understand what the problem was that the parents were complaining about and some of the victims had been complaining about at the time, and indeed the previous principal had resigned over?

**Ms RAFFERTY** — I think that people like principals and assistant principals and the staff that became aware would be very concerned and would want something done about it, but we were not successful. We could not get anything done about it no matter what, because in reporting it to the CEO or, as we have seen, the police, they could not act either according to them so what could we do really? What could we do? The church was just bent on leaving him there obviously. It was a good place to put him.

**Mr O'BRIEN** — Do you know why it was for five years after that psychiatric assessment? Do you know what happened there in that last four years?

**Ms RAFFERTY** — They left him in the parish for another 4½ years.

**Mr O'BRIEN** — Do you know of any particular reasons why they left him there after those assessments had been made at that stage?

**Ms RAFFERTY** — I guess I do not really know anything about that, and I am mystified as to why they left him there really.

**Mr O'BRIEN** — As are we. Thank you.

**The CHAIR** — Carmel, thank you again on behalf of the committee. We do appreciate your time this afternoon and for giving your evidence both in camera and in public. Again we very much appreciate your insights and evidence. It has been most helpful.

**Ms RAFFERTY** — Thank you, Madam Chair and committee. Thank you very much. All the best with the work you are doing.

**The CHAIR** — Thank you very much. The hearing is now adjourned.

**Committee adjourned.**