

TRANSCRIPT

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

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

Melbourne — 1 March 2013

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Dr B. Coldrey.

The CHAIR — Good morning everybody. In accordance with the guidelines of the hearings I remind members of the public gallery that they cannot participate in any way in the committee's proceedings. Only officers of the Family and Community Development Committee secretariat are to approach committee members. Members of the media are also requested to observe the media guidelines. Could you all ensure that your mobile phones are now turned off whilst you are in the gallery.

On behalf of the committee I welcome Dr Barry Coldrey. Thank you for your willingness to appear before this hearing. All evidence taken by this committee is taken under the provisions of the Parliamentary Committees Act 2003, attracts parliamentary privilege and is protected from judicial review. Any comments made outside the precincts of the hearings are not protected by parliamentary privilege. This hearing today is being recorded and you will be provided with a proof version of the transcript. Following your presentation committee members will ask questions relating to both the submission that you have provided to us and also the evidence that you will be giving to us this morning. Again, I thank you very much for being here. Please commence when you are ready.

Dr COLDREY — Thanks very much. I will make about five points initially, because I know that time is brief and academic types tend to talk at great length.

The first thing is that the archdiocese of Melbourne is vast, but in a sense it is for the Catholic Church the sexual abuse capital of Australia — that is, from the point of view of Adelaide, Brisbane, where I have just been, Perth, Darwin and even Sydney, the situation is not as severe. The media fury does not exist to the same extent, and the media fury reflects the realities. The media does not create; it reflects and intensifies, but it does not create. At every stage I refer interested parties who want more detail to my written submission, which I hope will appear on the committee's website as soon as possible, granted that many of the real names included will be redacted or edited out.

Clergy crime and the sympathetic episcopal cover-ups to protect errant priests, members of religious orders and full-time lay workers have been the norm. I am talking over 25 years. Remember that the sexual abuse crisis begins in the 1980s. Some of the younger ones of you were perhaps still in school, and I have been with the issue since 1989.

Over 25 years, since clergy molestation of minors came on the public agenda, broadly the interests of the offender took precedent over the interests of the victim. In the 1970s and 1980s — going back further again — the general attitude in the church was that the kids will get over it, right? That was the pious hope, and it would be true with some, but obviously it was not true of all. In 1996, and before 1996, the church's treatment of the victims was often horrific. But in 1996 Archbishop George Pell of Melbourne — and here is a man who can get things done, take an issue in hand and do something rather than just talking about it — initiated the so-called Melbourne Response to address the situation. That was a breakthrough, and over the next 15 years some 300-plus victims of sexual abuse by clergy in the archdiocese received compensation. If I understand the current Archbishop, Denis Hart, he is mystified. Three hundred victims and more have received compensation. 'What's the problem?', you might say. There are real reasons why, and I will deal with them a bit later. As a result the church's response did improve significantly, but in a way it had nowhere to go but up. However, the issue remained high on the public agenda and with many embittered victims.

Since I presume that many presenters before the committee will stress the inadequacies of the church's response by way of something akin to malice, I will focus on the challenges and inadequacies of the church's response due to the lack of ability, qualifications, reasonable experience and consistent integrity among too many of the church workers who were appointed to grapple with the issue. This is sensitive in a way, but when church officers deal with other church officers there is a culture there. There are a lot of shared assumptions and shared attitudes. They make allowances for one another. Whereas, at this level we are dealing in the public arena.

I will digress because there is an example. I was working for Catholic lawyers in Sydney in 1994 and one of them dropped his guard at one point and said, 'We find it very difficult to deal with the Christian Brothers' headquarters in Sydney' — that was in 1994 — 'The staff are so inadequate'. I did not share that thought at dinner the next night with the provincial executive of New South Wales, because he thought his staff were perfectly adequate. They were perfectly adequate for what they had to do when dealing with other church agencies and other brothers' headquarters, but they were not up to speed, in the opinion of his lawyers — who

were making very good money, I might say, out of the brothers in Sydney — because they were not used to dealing with the mainstream society in which you six ladies and gentlemen have to work.

There have been improvements, but I suspect that there is still a problem in the church offices in dealing with this. In the Broken Rites submission, which you have, they quote an example where the same lady was wheeled out to represent three areas. She was really not qualified other than to take the phone calls and do some typing, but she was wheeled out as a counsellor. Then she was wheeled out in some other area. We, the church, have to do better and face the fact that in this area society wants the highest possible standards of integrity. For example, the integrity you as politicians have to observe is higher than the integrity that the Kath and Kim people and their partners have to observe out in the suburbs. If you make certain sorts of errors — if you lie to Parliament, for example — you face severe sanctions. But lying is as common as dirt in the community and among people in their ordinary social relations. Lying has been, of course, endemic in the church dealing with this issue.

On another issue that is not directly related, some would say that priests should be forced to report accurately what they hear in the confessional. You know the basics of Catholic theology on this; I am sure it has been drilled. No priest in good standing is permitted to reveal anything from the confessional, but there are a couple of areas you may not be aware of. One is that there is a good deal of anecdotal evidence around where priests gather that those who have committed these offences do not confess them in the confessional. Suppose there were half a dozen priests meeting outside for coffee. It would be common to hear a priest say, 'I have been 40 years in this ministry. I don't think anyone's ever confessed this sin to me'. Others will say, 'Me too. I've been around 25 years and I can't recall anyone mentioning this to me'. It is up to the state to say what it will insist on.

First of all, in general, fewer Catholics go to confession with the priest in the confessional than was the case in the past. The average priest might hear confessions for about half an hour a week, and in the average parish he might sit in the confessional for much of that half hour alone. But the important thing I want to put is that where priests gather and yarn over a beer or something, it is common to hear them say, 'No-one's ever confessed that sin of child molestation to me'. I happen to know of one case where a man committed offences in the 1950s, and he mentioned that in confession 50 years later. But how I know that is not something I am going to mention to you.

There is a French proverb that is entirely apt to your work: 'Unless the pus runs free, the wound will not heal'. In 25 years the churches and relevant NGOs have not been able to deal with this. It is necessary that the state come in and take matters in hand. If you had time to listen, and you do not, you would know that there have been many cases in history, even in Catholic countries 300, 400 and 500 years ago, where the state had to step in and sort out messes in religious houses and among bishops. It is absolutely necessary after 25 years and no comprehensive settlement that the state, which you are representing, steps in and deals with the issue.

It is appropriate, too, to compliment the media on this. Without the media's exposure, as a Vatican official said within the last month, the issue would not have been addressed and many victims would not have had any redress at all. It is the general opinion of specialists in the area in America that there is not a single case in which bishops took the initiative on this before they were forced to do so. Not one case is clearly documented where a bishop took the initiative before it was necessary.

Switching back in more detail to something I mentioned earlier, why has the Melbourne Response, which has assisted 300 victims of abuse by clergy, not put the issue to rest? One answer is that there are just too many crimes — that is all — and victims keep tumbling out of the woodwork. There are some religious orders operating in this diocese and not operating elsewhere that have had special problems in this diocese, like the Brothers of St John of God, who run hospitals overseas but were involved in work with intellectually disabled teenagers. We now know that they were an exceptionally vulnerable group.

Then there were some unusually horrific crimes. Sex abuse is always, say, a crime, but there are degrees of horror — by time or by the actual abuse committed. Forcing an orphanage boy to give a clergy person oral sex — my generation finds it difficult to say this sort of thing in the presence of ladies, of course — is somewhat on a different level than, say, indecent touching outside the clothes. There is a difference in degree. Similarly, with a person who was abused repeatedly 50 or 100 times, as against once or twice, there are degrees. For example, I think you have heard from the Foster family about the abuse of their girls. They were horrific

crimes, and some of the most horrific crimes are centred in Melbourne. I do not know why that is, but it just happens to be so.

There were also inordinate delays in dealing with issues under the Melbourne Response, often because of inadequacies of staff in the church offices. Some went on for months, maybe a year or so. As the archbishop mentioned in an interview that I saw, in some cases the Melbourne Response protocols were simply not followed at the human level. There was also the horrific treatment of some Catholics by the institutional church — the juggernaut that would roll over them when they tried to protect victims. I get a bit emotional here. There was the Donvale school headmaster. I will come back to that. Therefore it is absolutely right for the state to take the initiative. The other one was the Mildura police officer — this is getting back a bit, but it was raised in the Legislative Assembly perhaps five years ago — who lost his career because he got directions from Melbourne, high up in the police force, to stop his investigation of a certain monsignor parish priest in Mildura who was molesting both boys and girls.

I was born in 1939. I have been a member of my religious order — the Christian Brothers of Ireland — consistently since 1958. I was educated at the Christian Brothers college St Kevin's College, Toorak and was never abused. I am not an official spokesperson for any religious order on this or that issue. I am not an official spokesperson for any part of the Catholic Church and not for the archdiocese of Melbourne.

I got involved in exploring the issue officially for my order in Western Australia from 1991 to 1998 over the allegations swirling around the four scheme orphanages in Perth and southern Western Australia. They were part of the mythology of Western Australia, but we now know they had a dark underside. There were wheels within wheels within wheels, but the truth fully came out in the end that my superiors in the west had done a deal with child welfare that Brother Coldrey — Dr Coldrey — who at the time was in the history department of the University of Papua New Guinea in Port Moresby, would come to the west, have full access and do what amounted to an investigation instead of the sort of investigation that you are running.

I was not told at that point — it came out only at the end — that I would not be given full access. However, where certain items were being hidden, I knew there would be duplicates in other archives, like in Rome. Where names had been edited out, with a simple magnifying glass it was possible to get the truth. The book is called *The Scheme*, and it is available. It was published in 1993, I think. As a result of that, the brothers did get a settlement with the victims in Western Australia. Am I right to say that you do not hear much coming out of Western Australia at the moment?

A settlement was obtained, and a variety of measures were put in place to deal with the concerns of the victims, so that the whole business has gone quiet. By the way, for those of you who are looking at a settlement in the case of the horrific events in Ballarat, which I believe you were looking at yesterday, we could get material for you, or you could get material for yourself, on that settlement that was done with the victims in Perth in the 1990s, and the results of it still continue, which has laid the matters to rest in Western Australia — a settlement that involved some cash payments and then a variety of ongoing measures. In the west that involved counselling, it involved a drop-in centre, it involved support for social activities and involved support for education. Many of the youngsters came out of the Western Australian orphanages illiterate, and some in their middle and old age wanted to make good on that.

Three religious orders — my own and the Sisters of Mercy and the Sisters of Nazareth — funded that. It might — I said 'might' — provide a model with which the situation in Ballarat might be settled, with other levels of settlement, such as criminal. But this might be not just a straight payment but a payment and ongoing services, maybe for 10 years or so, to help these people. One down payment has not been proved to be quite as successful as was hoped. It is possible to get, say, \$25 000, buy a new car, and then what? You see what I mean?

There is an academic discussion of my work during the 1990s in a source that does not seem relevant but may be. It is called *The Child Migration Controversy — A Survey and Analysis, Australasian Catholic Record*, vol. 78, no. 1, January 2001. Non-Catholic specialists, even academic full-timers, will not come to that document readily without being told it is there. So Melbourne is the sexual-abuse-of-minors capital. Not uniquely so, but the intensity of the abuse, the numbers of the abusers are centred in Melbourne. The Catholic Archdiocese admitted that there have been 60 priest offenders since the 1950s. It would not follow that there is

therefore X times that, but there would be more. If you said 60 in 1980, there would be a lot more. But a lot has happened since then, and many of the abusers have been identified in more recent years.

As well as that, there is the fallout because there were abuses — physical and sexual — at the Christian Brothers orphanages St Joseph's, Geelong, and St Vincent's, South Melbourne, within the boundaries of the Archdiocese of Melbourne. There is the Ballarat scene, which is not within the boundaries of the archdiocese of Melbourne but is close by. You would probably know more about that than I do. Then there is the widespread sexual abuse committed by, at last count, seven Salesian fathers at their college at Rupertswood via Sunbury. Apart from St Stanislaus, Bathurst, Rupertswood would be the most affected by sexual abuse among the Catholic secondary colleges, whereas St Alipius primary school, Ballarat, would be the worst affected probably among the primary schools.

Then there was the extraordinary abuse at the homes of the Brothers of St John of God in Melbourne — all this in Melbourne. In other words, the Salesian fathers operate in other dioceses, but there is little evidence of abuse from other dioceses, for some reason. Why Rupertswood? I do not know, but there is an expert there, Professor Parkinson — who may be addressing you — of the University of Sydney, and he is the expert on the Salesian fathers and Rupertswood. I did no work in this area because I am in touch with him, and he has done all the work that can be done. There is the extraordinary abuse at the homes of the Brothers of St John of God. It so happens that Melbourne has certain Jewish private schools where abuse is alleged. I have not done any work in that area at all. Then of course there were the Salvation Army's problems over the Bayswater residential facility.

I have studied many orphanage histories in Britain, Canada, America and Australia, and every single traditional orphanage had its abusers — every one; or at least in my experience every single one, no matter who was running them. Of its nature, there was a staff problem. I was not able to find this, but I did write a paper, possibly presented to another committee of inquiry similar to this either in London or in the west, which was called *The Devoted, the Dull, the Desperate and the Deviant — The Staff Problem in Traditional Residential Care*, and the problem was the staff — that is, they were end-of-the-line places for staff. In some cases the traditional orphanage, which was idealised at the time, in the 1940s, 1950s, 1960s — and I remember; I go back that far. Every one of them had a fundamental staff problem. If they were paying wages, they were paying wretched wages, and there is an irony: that sort of carer is still one of the worst paid in 2013, although I think a settlement has been made by the government with them recently, but I have just noted that. That sort of carer remained one of the worst paid, and in the case of the Salvation Army and the Christian Brothers, the most devoted staff were placed there at times, but they tended to be end-of-the-line joints for staff.

The CHAIR — Dr Coldrey, I am sorry to interrupt your presentation, but I am conscious that members would like to ask some questions of you. If you have further things to say, we would be very happy to hear them. I just wanted to alert you that members do have questions of you.

Dr COLDREY — I am in your hands because you are the ones who are extremely busy.

The CHAIR — Are you happy for us to go to questions?

Dr COLDREY — Yes, if you wish. By all means go to questions.

The CHAIR — I will ask Mr O'Brien to ask the first question.

Mr O'BRIEN — Thank you, Dr Coldrey, for your evidence and detailed submission. You talk about a culture of cover-ups in the church at various stages and some of the problems culturally in various orders. Could I ask you to explain that for us in terms of particular problems that priests find in dealing with complaints made about other clergy at various levels of the hierarchy?

Dr COLDREY — We are not in the area of the rational entirely? We are in the area of sensitive human relations. I will give you an example that might carry little meaning. A brother, deceased now, who was himself an orphanage boy, recounted a bashing that was dished out to one of the boys in his class that was far beyond anything that could be called corporal punishment. It happened that the abuser was the executive's — the provincial's — golfing partner. Suppose the boy had complained, which was very unlikely. He would have had problems, wouldn't he, making a complaint against the executives?

Mr O'BRIEN — Can I just follow that up specifically. You mentioned a number of orders where we have problems in Victoria. You are a Christian brother.

Dr COLDREY — Yes, I am.

Mr O'BRIEN — We have had evidence of a particular problem within the Christian Brothers.

Dr COLDREY — Absolutely.

Mr O'BRIEN — One of the particular problems that we have had was Brother Best, obviously, repeat offenders, Brother Howard, Brother Fitzgerald, Brother Ted Dowlan. One of the complaints in relation to Ted Dowlan, and I think some of these other brothers, was that notwithstanding convictions they still remain as brothers in the organisation. They are part of what is called the brotherhood. This is deeply affronting to victims, and probably the states too, because even under canon law there is laicisation for crimes, and yet there seems to be a protective mentality within that organisation, which you remain a part of. I ask you to provide detail on some of those individuals, if that is necessary, and why this culture still seems to exist in the Christian Brothers.

Dr COLDREY — I cannot deal with it too easily, but I am telling you that even at this minute there are many brothers who refuse to believe that Robert Best is guilty, despite overwhelming evidence. He is visited in jail in Ararat relentlessly. He is relentlessly visited by colleagues. He denies that he has committed any offences, even where he has admitted offences in court. What is going on here is that you are not in the realm of the rational. There are aspects of denial; it is classic denial.

Mr O'BRIEN — Is it selective denial? Let us go to Brother Dowlan.

Dr COLDREY — He has left the order.

Mr O'BRIEN — Yes, but explain the process. The other Dowling gave character evidence for him, and there is this protective mentality. Could you explain that? That was Peter Dowling who gave evidence for Ted Dowlan.

Dr COLDREY — I am afraid Peter Dowling is on the general council of the brothers in Rome, and I would prefer that he answered that himself. On the face of it, to give a character reference when he would have known that Ted Dowlan was an offender, probably from internal sources, was absurd.

I would just put in one thing that you might explain to victims. I know it is deeply offensive. When I was studying this full time in the 1990s, secular best practice came in, and it had to come from America. It was that religious orders, Protestant churches, NGOs and so on should look after their own. It was said unsympathetically, 'They are your problem. You look after it. Do not release them embittered into the community with no friends and no support. They are more risk to the community released into the community embittered, angry and with no support. You look after them'. There were two ways you would look after them. One was that if they were old enough, you would put them in old folks home. If they were too young for that, you would stick them in a church office with a desk job and keep an eye on them. That was best practice. In your report, if I may suggest, I suggest you make plain the anger of the victims there, and maybe that needs to be looked at. But at the moment the order is probably not thinking in terms of best practice, although I have mentioned to the decision-makers the best practice as it was when I was full time on this and travelling a good deal overseas.

Mr O'BRIEN — Could I just stop you there, because I want to ask you one final question. I know that the other members do too.

Dr COLDREY — Certainly.

Mr O'BRIEN — When you talk about that best practice, the problem I have with it, and many victims have with it, is that whilst it may have an element of pastoral care and protection of the community and keeping them away from victims — if that is its motive — it also, without a single change in practice, could be used to cover up offences and to protect the church's good name, thereby if that first problem fails, it is part of a grander conspiracy, which are the very things you identify your submission. I am just asking you to call into your heart of hearts in relation to the Christian Brothers, which one of them prevailed at the time, and perhaps even more importantly, what is prevailing now in the organisation, and does it require people like you to speak out publicly

for that organisation to find genuine courage? And if so, are you prepared to enlighten us as to how that organisation will deal with this?

Dr COLDREY — Off the top of my head, I feel that you need to reflect the anger you feel and the anger the victims feel in your report on this. At the moment I can tell you that within the Christian Brothers — average age 75, say — that at the moment the mood is sullen, you might say, angry. Certainly no-one expresses sympathy for the victims.

I will put it to politicians this way: no-one ever won an election in the Christian Brothers by expressing sympathy for victims. If you want to win an election — I am not saying everybody does — you would tend to downplay the victims or be plainly critical, adjudge poor motives and so on. There was an angry meeting in Melbourne at some time when Robert Best was not in jail but after his time in jail in the 1990s at which there was a vote for some position on a committee. Brother Best got 15 votes, which was enough to get him on the committee. The executive at morning tea moved over and said, ‘Bob, please discreetly withdraw your name from this, and we will discount all those 15 votes’.

I am telling you that I do not agree with this mentality. Why is it so? It is various aspects of denial, which I do try to analyse in the submission. I try to analyse in detail in the submission the mentality of denial.

Mr O’BRIEN — Keep going, just get it out, and then someone else will ask you a question.

Dr COLDREY — Certainly, I am trying to. I am thinking of an almost comic attempt to disable me or murder me at one point. No, I am not bringing it up for anybody to do anything about it — the placing of a ball of wire in some thick soup.

While superficially everybody gets along well enough, the mood in the order is difficult to judge, but it is not sympathetic to victims. We were doing it particularly in very poor places. I have not the time to explain this; if you had time, say, some other time, I could explain this. But there just is no sympathy, that is all. When bishops or provincial leaders express sympathy they may be very genuine at that time, but they often have to deal with a membership, many of whom do not know all the issues. They do not know, for example, that the order has been paying compensation since the mid-80s for Brother Robert Best’s offences before he went into jail. The order did spend about \$1 million on a gold-plated defence, in spite of all that. Around about 2009, 2010 and 2011 it spent \$1 million on a gold-plated defence of Brother Robert Best.

Mr O’BRIEN — We have heard about that. I will have to cut you off and hand you back to the Chair, but I would appreciate your thinking about this further and providing any further thoughts to us in writing. I also encourage any of the other brothers who wish to speak out about this cultural problem, while this issue is on the cusp of the public domain, to stand up, like you have done, and have the courage to come forward.

Dr COLDREY — I will certainly try to do that.

Ms HALFPENNY — My question follows on from what you have been asked about and have explained in terms of the culture, and the fact that there are Christian Brothers and priests who even though someone has been jailed for the most terrible crimes do not believe that the person is guilty. I also understand that in your submission you make the point that Archbishop Hart complained at one stage about you not being able to keep your mouth shut. Bearing that in mind, do you see the church right now as being incapable of protecting children, whether it is at Catholic schools or children who are interacting with the church and the parish priest? How can the Church guarantee that it is protecting children?

Dr COLDREY — The only guarantees — — The business with Archbishop Hart does raise serious concerns. That goes back, by the way, to when I drew the attention of leaders to the fact that at Mannix College, a tertiary residential college at Monash University, there appeared to be a known paedophile on the staff, a certain Robert Nelson, a former De La Salle brother I think, who was convicted in New South Wales of serious crimes. That is a tertiary residential college, so the students were not desperately at risk; there are only a few 17-year-olds there. The point was, however, that the place is rented out. These places are rented out to whoever during the four and a half months of the year.

Everybody who had a say took the cover-up option. The point is the cover-up option. The system wended its way up through the vicar of tertiary education, Bishop Costello, now Archbishop of Perth, to the Archbishop of

Melbourne, Denis Hart. Denis took the cover-up option, and sent me a letter, which I could make available, of unusual warmth and so on. He then realised apparently that I was in an exempt order — exempt from his authority — so he got in touch with my superiors. My superiors wanted to deal at least politely with the archbishop. It is a long story, and I try to detail it in my submission, but at the end of the day I could not tell you now whether at Mannix College they moved that gentleman on or if he is still there under an assumed name. I don't know. I do know Mannix College is open again, the young people are great and they are having a wonderful time while we are sitting seriously here. It is O-week in the university.

What happened then is that some months later the director of the seminary in Carlton, who has many Vietnamese students, wanted some support for teaching English. He was tossing up whether to ask me. In all honesty I was too busy but he is such a nice bloke I would have found it hard to say no. However, he ran the idea past the archbishop. The archbishop then said, 'No, Brother Coldrey cannot keep his mouth shut'. Of course what I could not keep my mouth shut about was the suspected paedophile, convicted in New South Wales, on the staff of Mannix College.

It does at least raise the issue about whether the church can. I don't know. In this abbreviated presentation, which I will hand over and you can make copies of, I say 5 years ago, today and 10 years hence, can you trust Archbishop Hart if he wants to sell you through his offices a used car? Yes, he will deal honestly with you over the preloved car. Could you five years ago or now? Yes, now, intense media scrutiny. The church authorities — Archbishop Hart or someone else, because he has got to retire in about four years — in 10 years time? You would have to be suspicious. You have to be suspicious; you would be right to be suspicious. I write here, which I have not got time to give you, that Broken Rites or Bravehearts would be mugs to take the church at face value. You just have to take each case as it comes up. At the moment the media is focused intensely and the church is treading very cautiously and accurately.

What can the state do? Well, I do list in my submission what I think the state can do.

The CHAIR — Dr Coldrey, thank you. We have your submission, and we will gratefully accept that additional submission. I am sorry to cut you off right there, but we do have those recommendations and have read them. Could I, on behalf of the committee, again thank you very much for your time this morning? We do appreciate your evidence, and your evidence has been most helpful. Thank you again.

Dr COLDREY — I will provide you, over a short time I hope, with some answers.

Mr O'BRIEN — Through the secretariat.

Dr COLDREY — Through the secretariat.

The CHAIR — Yes. Thank you very much, Dr Coldrey.

Witness withdrew.