

# TRANSCRIPT

## FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

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

Melbourne — 25 March 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

Dr P. Lazzari.

**The CHAIR** — On behalf of the committee I welcome Dr Peter Lazzari. Thank you for your willingness to appear before this hearing. I would like to explain that 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. However, any comments made outside the precincts of the hearings are not protected by parliamentary privilege. If your evidence contains adverse comments or allegations about any individual or individuals, I request that you do not refer to the name or names of any individual or individuals. If you do make an adverse reflection about a person and name them, I will suppress that evidence. The 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 your evidence this afternoon and your submission. Thank you again for providing that submission, and we look forward to hearing from you.

**Dr LAZZARI** — I would like to thank the inquiry committee for accepting me as an attendee. I am very pleased and finally very relieved to be here today. I was given very short notice. I actually asked to appear in November as I had urgent information, which I shall relate in a moment.

I am even more pleased to see that, although not all the panel is here today, we have a majority of women. I think that is wonderful. I hope that will happen in the church priesthood. It can, and with the support of state government, federal government and governments around the world it can be achieved readily and rapidly. I have a belief that the bigger the problem, the faster you can fix it. It takes people like yourselves, elected leaders — principled elected leaders. I have come to see, through following the committee's work, that you have worked with great energy, enthusiasm, understanding and compassion. I believe all those elements are required in all our leaders, so I congratulate you all. I believe much has to be done.

I was very keen to appear in November. I have had information since, including more information even today, as the issue has continued to evolve, in relation to the role of senior officials of the archdiocese of Melbourne. As a physician and a man of society I am someone who believes that one of our main tasks in society, if you take a leadership role, is to comfort the afflicted and at the same time afflict the comfortable. I believe it is the role of government to make sure that happens with the hierarchy of the church. We will give you tremendous support. I have no doubt that the people of Victoria have been won over already. The court of public opinion is already convinced, but it needs to see action. It needs to see action in relation to the prosecution of those at the highest levels of the church hierarchy, so in Victoria that applies to our Victorian church hierarchy.

After seeing an extraordinary article by Barney Zwartz over two and a half years ago about the sacrificial altar boy, Gavan Boyle, I have been approved by his family. Gavan died as a result of abuse. His brother has already presented to you, and his brother would have been here today, but he has a major medical event tomorrow. He has been a great supporter, a great inspiration, to me and many others, and has taken an extraordinary leading role in driving many people — not just me but many people — in the events that are now happening.

Gavan Boyle sat next to me at school. He was a very quiet, introspective, very likeable boy. Like me, he believed in the teaching we were given, and the pair of us actually won in the same year but in separate parts of the school Christian doctrine prizes in year 11. He was abused by the monsignor at the cathedral, who was our school chaplain. He did not tell anybody for decades. He eventually told his family. He eventually went to Broken Rites. He went to the Melbourne Response. In dealing with the Melbourne response he dealt with the commissioner, to whom I will probably at times refer as the 'dependent' commissioner — paid in the order of \$300 000 a year by the church.

**[In accordance with the procedures observed by Parliamentary Committees when dealing with witnesses, as stated in the *Guidelines for the Rights and Responsibilities of Witnesses*, a section has been expunged from this place in the transcript – future reference to 'text expunged']**

**The CHAIR** — Peter, apologies for interrupting you, but I need to advise you as Chair. I formally advise you and members of the media and public gallery that pending a review and publication of the Hansard transcript all reporting of your evidence will be suppressed pending further notice and order of the committee.

**Dr LAZZARI** — I am not hearing you terribly right; it is echoing.

**The CHAIR** — I will repeat it again. As Chair I formally advise you and members of the media and public gallery that pending a review and publication of the Hansard transcript all reporting of your evidence will be

suppressed pending further notice and order of the committee. So, if you would like to continue, but I did need to alert you to that at this point.

**Dr LAZZARI** — Thank you. I appreciate that. It does not alter my comments. I will say them anywhere I have to.

**The CHAIR** — I am issuing that suppression order. I have just issued that suppression order now to the members of the public gallery and media, but continue.

**Dr LAZZARI** — Is it to me as well? Because I find that intimidating.

**The CHAIR** — Sorry, Mr O'Brien was just reminding me to remind you that this cannot be reported anywhere, and you will not be covered by parliamentary privilege if you go outside these proceedings.

**Dr LAZZARI** — I am not here to serve parliamentary privilege. I am used to parliamentary privilege being abused by a parliamentary committee. Parliamentary privilege is for the privileged and for parliamentarians. I have full experience of that. I challenge it.

**The CHAIR** — Peter, you might have that view, but this is a committee proceeding, and I will have to suspend the hearing if you continue to debate my order now. Would you like to continue and take questions?

**Dr LAZZARI** — Yes, I am happy not to debate it; that is of no gain.

**The CHAIR** — Thank you. I appreciate that you mention that.

**Dr LAZZARI** — I will go back to my comments on equal rights for women. I think it is absolutely essential that the state institutes an act supported by all parliamentarians, irrespective of party or gender, to prohibit the preclusion of women from the priesthood. I also recommend — and you have seen my submission; I am sure you have read it in detail — that enforced celibacy be banned by parliamentary act, again by unanimous support of all parliamentarians, irrespective of race, gender or party.

Celibacy is most destructive. It was forced upon us all as children at school — all of us. For those who showed any inclination to the priesthood or the religious orders it was forced even more rigidly.

**[text expunged, see page 2]**. The environment in which those subject for the priesthood were brought up was totally out of order — totally dysfunctional.

There are people who can practice celibacy, and many of us did — I did till I was 21. I managed to survive. I took a long time to get over it. Enforced celibacy is against human nature. It has to be legislated against, irrespective of what the church wants. Enforced celibacy is the worst form of sexual mutilation — the worst, the most destructive form of sexual mutilation. It destroys personalities. It destroys sexual development. It demoralises. It ruins the moral compass. These destructive elements of celibacy — and I see no positive elements whatsoever — have contributed, I am sure, to the systemic child abuse and its cover-up. These are deeply disturbed men who behave in all sorts of antisocial, sociopathic and psychopathic ways because of what was enforced upon them from childhood. Enforced celibacy must be taken up as an issue for all governments, state and federal, and broken down rapidly — and it can be done rapidly. Again I say: the bigger the issue the faster you guys can fix it — and you all have our full support.

In October 2010, just prior to the last election, I visited an archbishop of Melbourne. I visited offering help to the church because of what I had learnt about abuse, celibacy, looking after people who had been abused and even looking after people who had been criminals. I was received warmly and with great diplomacy and aplomb. I sought information and was astounded to hear that under the jurisdiction of an archbishop of Melbourne — an archbishop between 2001 and 2013 — there were 86 abusers on his books, of whom 60 or 61 were still alive and 1 had been defrocked. This archbishop said that with pride — sociopathic pride, totally inappropriate pride. I realised that I was not dealing with a man with compassion, remorse, understanding or leadership qualities.

I subsequently wrote to Archbishop Lazzarotto, the papal nuncio in Canberra, who in 2008 had been transferred from Dublin, where he had been asked to appear before their inquiry. He invoked diplomatic immunity and was sent immediately to Australia. Out of interest, I wrote to Prime Minister Gillard a month before my submission to you, notifying her of his position. In his writing back to me, he washed his hands of what was happening in

Melbourne — completely washed his hands of it. You have that document; it was delivered on Friday. He washed his hands of it. Within a fortnight of my letter to the Prime Minister, somewhat similar to the submission, Archbishop Lazzarotto was sent to Israel.

A copy of my letter to Archbishop Lazzarotto went to an archbishop of Melbourne — an archbishop between 2001 and 2013 — and I received a knee-jerk letter back, a copy of which you also have, changing his numbers that he had given me about the 86. Suddenly 4 had been defrocked. I was astounded at Archbishop Lazzarotto's response and at the local archbishop's response.

The diplomatic immunity invoked by Lazzarotto related to the sovereignty of the Vatican, which was granted to the Vatican in a political deal between the fascist dictator Mussolini and the Pope of Rome, Pope Pius XI, in 1929 in the Lateran treaty, which returned sovereignty to the papacy, which had lost its sovereignty in the Italian revolution of 1870. A fascist dictator authorised that sovereignty. This state and this nation must challenge that sovereignty. The behaviour of the Vatican is disgraceful as a sovereign state.

**The CHAIR** — I am keen to get to committee members, who I know have a number of questions for you. Would you like to make some concluding remarks before we go to committee members for questions?

**Dr LAZZARI** — I have gone through in detail in my submission — —

**The CHAIR** — You have given us a very detailed submission; that is right. Thank you.

**Dr LAZZARI** — I have given a number of recommendations.

**The CHAIR** — I note those.

**Dr LAZZARI** — Those additional recommendations include what I have said earlier. You can assume that they have been appended.

**The CHAIR** — We have all read those. I might ask Mrs Coote to ask the first question of you.

**Mrs COOTE** — May I call you Peter?

**Dr LAZZARI** — Yes, of course.

**Mrs COOTE** — Peter, thank you very much indeed. I am particularly interested in the reply you had back from the archbishop of Melbourne on 11 April 2011, which you have included in your submission and you have spoken of. There are a great deal of issues within this letter that I would be particularly keen on talking about, but I am mindful of the time. In this letter he said:

I personally would be very happy for cases of child abuse to be reported to the police.

And also:

It has been the invariable practice of Cardinal Pell and myself to remove from ministry any priest found guilty of sexual abuse.

Is that your understanding of what the process has been?

**Dr LAZZARI** — Not at all. It is just in total contravention of the facts — even the facts he gave me.

**Mrs COOTE** — And the other element that he writes of in this letter, apart from the issue of the numbers that you have spoken of and the fact that four priests have been defrocked, is the issue about:

The whole Melbourne Response was prepared in conjunction with the state authorities and the police, and has recently been modified so that, if a person has commenced the investigation with the independent commissioner and then decides to go to the police, the independent commissioner will not notify the alleged offender until four weeks after ...

Is that your understanding?

**Dr LAZZARI** — Of?

**Mrs COOTE** — Understanding of how the Melbourne Response was set up?

**Dr LAZZARI** — Not at all, no.

**Mrs COOTE** — So you believe that this letter that you received two years ago has in fact got a lot of inaccuracies in it?

**Dr LAZZARI** — Yes. Those who are used to communicating with an archbishop of Melbourne, between 2001 and 2013, always have an urgent response, a knee-jerk response, and anyone who is used to having knee-jerk responses, receiving them from anybody, knows that they are not the best sort of response.

**Mrs COOTE** — Thank you very much indeed, and thank you for tabling this letter; it is very useful. Thank you.

**The CHAIR** — Thank you.

**Ms HALFPENNY** — I was just going to ask about the parish council that you were involved in and the work they have been doing in terms of this issue with the church about child abuse. I just noticed that some of the correspondence in your submission includes them, so it is not you as an individual, it is also the parish council that has been active in this. If you could just explain their role and what has been happening there, please?

**Dr LAZZARI** — Yes. I should introduce at this stage Patrick O'Reilly. He is not going to speak, but Patrick was on the now defunct parish council. It was closed down soon after all of these issues started rolling at my instigation, with Patrick's support. So the parish council heard my story of the sacrificial altar boy, Gavan Boyle, and with some reluctance a number eventually came on board. There was a lot of resistance. I might add now that attending church practically every Sunday I see the same people who used to be on the council; they are now all in support. It was a battle. It was a battle — a real battle. The outcome of the battle was that our parish priest, who is actually quite an activist on all this stuff — for a vaguely unrelated matter, but I suspect he had been spoken to from above — closed down the parish council.

**Ms HALFPENNY** — Okay; thank you.

**Dr LAZZARI** — I am very suspicious; I hope you are too.

[text expunged, see page 2].

**The CHAIR** — The task force will undertake those duties.

**Dr LAZZARI** — This is part of that.

**The CHAIR** — Thank you.

**Mr O'BRIEN** — I should begin by placing it on record that in fact you are well known to me. You are a relation of mine; your daughter married my cousin. We have also had a professional relationship since, in other times, and also you came to see me about some of these issues personally upon my election, and I had discussions before I was appointed to this committee and urged you to put a submission in.

**Dr LAZZARI** — Yes.

**Mr O'BRIEN** — I would like to place all that on record and thank you now for putting a submission in. I should also say that, for some of the reasons you have just outlined, there can be very good reasons why suppression orders have to be placed. They can be a bit hard to receive at the time, but we are very sure that we follow proper processes and are as fair and accurate to everyone as we can be.

I do not have many more questions because a lot has been asked, but I just want to ask you about a statement on page 11 of your submission, where you say:

The inquiry must consider the nexus between the stifling and suppression of the natural development and maturation of sexuality under enforced and rigid celibacy, and child sexual abuse by the clergy.

I should say, and I will place on record, that in our discussions celibacy was an issue that was discussed, and I was well known of your views about that matter.

**Dr LAZZARI** — Yes.

**Mr O'BRIEN** — But the next sentence was intriguing to me, where you say:

Even the late and former Archbishop of Melbourne, Archbishop Frank Little, acknowledged this when talking about clerical abuse of children. He stated that the priests should have an outlet.

You then say:

What sort of outlet was this?

What is the evidence of that statement? Was that statement made to you personally, is it in writing, is it documented somewhere? How do you know of it?

**Dr LAZZARI** — You have mentioned our family connection. Our family has a strong connection with the late Archbishop Little. He was our parish priest in Carlton at Sacred Heart and performed the marriages of a number of relatives, my older relatives. My older brothers, John and Lou, were his altar boys. He never abused them, and there was never any sense that he might abuse in that way. He was known as a very compassionate, kind man, and I actually attended his funeral.

The family connection is not actually through me. I headed off in various other ways and in fact was away from the church for quite some time but came back some years ago. But my relatives, a number of them — a very significant number of them — were very close friends of Archbishop Little, and he was presented as, and in many ways was and remains in my memory as, a saintly man. Some of the family connections made that statement.

**Mr O'BRIEN** — So it is a verbal statement to you?

**Dr LAZZARI** — From family.

**Mr O'BRIEN** — And do you recall when it was made approximately?

**Dr LAZZARI** — In the last two years. It has been very challenging for the family to come to terms with all this — not me; I worked through it some time ago. But that connection with the archbishop had wonderful memories for most of them and this is really very difficult for the family to handle. There is no question that that statement was passed on. A further statement was made by another family member [text expunged, see page 2].

**Mr O'BRIEN** — There is a suppression order operating. We can check things out.

**The CHAIR** — A suppression order, yes.

**Dr LAZZARI** — It was stated that when he was appointed to the cathedral under the jurisdiction of Archbishop Little that Archbishop Little pointed to a drawer of files related to child abuse and said to Gerald, 'You better familiarise yourself with that'. I have no doubt this is true — no doubt.

**Mr O'BRIEN** — Can you recall who said that last statement to you?

**Dr LAZZARI** — Yes.

**Mr O'BRIEN** — If you are prepared to tell us anything about those files under the archbishop's care, it would be most interesting to the committee.

**Dr LAZZARI** — Yes. I would prefer not to say the name here; it is a very close relative.

**Mr O'BRIEN** — That is fine. I understand, Peter. Sometimes you cannot say things; I understand.

**Dr LAZZARI** — The man I am named after was Monsignor Pietro Lazzari, who died the year I was born. He was a monsignor in Leipzig during the war and looked after the Red Cross hospital. In my submission I have said, 'I wonder what he did to support the Jews', because the Pope at that time did not do anything. I hope he supported them.

**Mr O'BRIEN** — Thank you very much.

**The CHAIR** — Thank you very much, Peter, for coming before us. I know it has been difficult in some circumstances, but we very much appreciate your coming before us at this hearing and we appreciate the submission you supplied to us. On behalf of the committee, thank you very much indeed. Your evidence has been most helpful.

**Dr LAZZARI** — Thank you for the welcome. It was very good.

**The CHAIR** — Thank you.

**Witness withdrew.**