

# TRANSCRIPT

## FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

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

Melbourne — 15 March 2013

#### Members

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#### Witness

Mr J. Boyle, and

Ms J. Mather.

**The CHAIR** — Good afternoon. On behalf of the committee, I welcome Mr James Boyle, and with him is Ms Jill Mather. 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, 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 your submission — which is very detailed and comprehensive; thank you for that — and the evidence that you will provide to us this afternoon. Please commence when you are ready, James.

**Mr BOYLE** — Thank you, and thank you for the opportunity, because I believe that this government, the Parliament and particularly this committee do care. I headed my submission with what were almost the last words my brother spoke: ‘They just didn’t care’. That was his summary of the treatment he had received from the Melbourne Response that was set up in 1996 by Archbishop Pell. That was his summary of how he felt he had been treated.

That Melbourne Response was staffed by a number of people, including a so-called independent commissioner. His independence is totally undermined by the fact that when I made protest about some of the other professionals working for the archdiocese he wrote 30-page refutations of my submissions and attacked me personally. He attacked the credibility of what I wrote and said. That does not to me constitute an independent commissioner, independent from the archdiocese.

The compensation panel that was set up works under rules that have never been published, and the compensation that was offered to victims, including my brother, was totally and absolutely inadequate. Consider that Gavan was forced to retire by, I think, 51 for permanent incapacitating illness — chronic alcoholism — and that destroyed the rest of a very good professional teaching career. There was no compensation considered whatsoever for that loss of his career.

I note also — I do not know if it is true, but if it is true — that some of the members of that compensation panel are representing Catholic Church Insurance who actually pay some of the compensation. I would consider that a very serious conflict of interest.

It was announced that Carelink, the group supposed to support and assist victims, would be staffed by a broad range of professionals with appropriate qualifications and experience who would provide direct support services. That did not happen. They became an outsourcing manager. That was later said to be a change due to experience. It was not a change. That was implemented from day one. They were really an outsourcing manager, not a professional service.

It was announced a panel would oversee Carelink under the chairmanship of Professor Ball — well, that sounds funny, doesn’t it? If you have an auditors committee, you do not have the chief accountant chairing the audit committee, but Professor Ball was to chair the committee to oversee Carelink. That committee was never created anyway, so I suppose it is a moot point.

**[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’].**

Ms Sharkey was the psychologist or so-called coordinator of Carelink at the time when Gavan was treated. When I raised issues about her qualifications and her appropriateness, I was told she was very experienced. But when I raised an issue about how she had treated me, the psychology board, through AHPRA, said, ‘She wasn’t acting as a psychologist so the constraints of the professional codes of conduct don’t apply’, or, ‘Those constraints apply only if she is providing you with counselling’. She was not doing that; she was acting as a coordinator. **[text expunged, see above].**

**[text expunged, see above].**

Archbishop Pell announced pastoral care would be an essential part of the healing process, and they would upgrade the then existing Pastoral Response Team, which was very highly regarded, worldwide and headed by someone the committee has already met, Ms Helen Last. Within months her position was terminated.

Archbishop Hart told me, 'She wasn't suitable'. They closed up all pastoral response, the religious and social support the victims so dearly need when they come forward with their pain.

I note also that the archdiocese and Carelink used the same legal representative, Mr Leder from Corrs Chambers Westgarth. When I pressed Carelink to fulfil a promise they had made to me for a second interview, I received an email — a message — on the letterhead of the Archdiocese of Melbourne. That stunned me. My wife has said she has never seen me so damaged, hurt or stunned as when I received that, because I had understood that Carelink was totally separate from the archdiocese, and I had been assured that, 'Everything that happens here is totally confidential'. The fact that I had been to Carelink, had been asking questions, led to a response from Mr Leder: 'Carelink have told you all they need to. Unless you raise something new, we are not going to speak to you'. I tried to speak to Archbishop Pell, because that was the only person above Carelink that I could say to, 'I've got issues about the way my brother was treated'.

**Ms MATHER** — Hart.

**Mr BOYLE** — Sorry, Archbishop Hart; thank you, Jill — 'I've got issues', and I was told, 'I will not speak to you. I have been given advice. I will not speak to you'.

If we go quickly through how Gavan was treated. He asked for three things: good counselling, the removal of Penn Jones's, the abuser, name from an honour roll in St Patrick's Cathedral, and the removal of Jones's honorific rank, Very Reverend Monsignor, Prelate of Honour of His Holiness the Pope. None of those was ever actioned in response to Gavan's wishes. Only much later the second of those items, the removal of Jones' name on a plaque, was done, at my sister's insistence.

Gavan was referred to Carelink and had a couple of interviews with them, and ended up severely traumatised. He asked for good counselling, and incidentally, one of the people who Carelink referred him to for evaluation of his alcoholism said, 'Unless he is given treatment that more comprehensively addresses the underlying reasons for alcohol use, drying him out won't do any good'. Gavan was offered alcohol rehabilitation courses.

When I queried that with Dr Ball, he said to me, 'Oh, counselling would have been included', but it was not mentioned to Gavan. Gavan explicitly asked for counseling — one of the major items — he put it in writing to Carelink. They wrote a questionnaire, which he answered, and my 6-year-old granddaughter can write better than he could. He was totally paralysed in the hands, almost completely. He could not walk without sticks. Alcoholic neuropathy had destroyed his nervous system.

Many, many things were missed in the professional reports from Carelink. There is a list of items that psychiatrists had found. Almost all of them were completely missed by Dr Ball. Carelink did not ask for any of the other reports. They did not check them. They did not say 'anything else? — Have you had any other evaluation?'. They did not even know that he had been forced to retire for his alcoholism. None of that was given to the compensation panel as the damage that had happened to him. In fact if it was written up by Dr Ball at all, it was, 'This is damage from his alcohol problem'. The fact that the alcohol problem was very likely a response to his abuse was never found.

I will never forget the last days as Gavan died. Can you imagine somebody with the DTs, cancer that had not been treated, and who had starved himself to death? That is the brother I sat alongside for three days. Was his death suicide, or slow murder that took 40 or so years? I ask that.

When I look at what the church has done in Melbourne and elsewhere in Australia, I see that there are a number of items that need to be addressed, and that this committee is perhaps in a way ready to address at the community level, to take them completely out of the hands of the church, because the church has proved to be totally inadequate in terms of prevention. The most important thing there is that everyone involved has a thorough education. Just as a plumber has to have education on safety, on first aid, every teacher, every priest, every person working in the diocese or archdiocese should be having prevention training that says, 'Here are the things that police have told us you can recognise as grooming. Here are the things that are dangerous'. And this education has to be continuous. I see that as important, that the state take that sort of thing over, and then the responses to reported abuse, that all investigations should be in the hands of professional police, not handled internally. Look, if this was a case of asbestosis, would we allow something like the set-up that the church handled?

So I would say that the crimes involved here are state issues for the whole society to address. And I would say that we should look at the state providing education that has the best available techniques for preventing abuse — continuing education, real investigation, care and assistance to victims when they come forward — and some legal changes I would strongly recommend. I would recommend strongly a law along the lines of the Irish statute on criminal justice, the withholding of information on offences against children and vulnerable persons — I have quoted that in my written report; secondly, the establishment of a crime of reckless endangerment of children as a specific, identifiable crime; and in general, the costs of support for victims.

The church has got away with — I call it murder, to be quite honest. And they use what is known as the Ellis defence to say, ‘You can sue us. We have never fought to avoid our legal responsibilities, except we have no legal responsibilities. We don’t own the resources’, or, ‘We don’t manage the priests’. Absolute nonsense. I see that the negation of the Ellis defence is a very important thing that should happen. I do not want to argue about the mechanics of that; I just put it on the table as a suggestion.

With that I have to say thank you again for reading my report and listening to me. This is a very, very supportive environment, and I thank you for this chance.

**The CHAIR** — Thank you, James, for sharing your experiences on a personal level and also on behalf of your brother, Gavan. As I said, your submission is very detailed and very comprehensive, and you have just given us some actions that as a parliamentary inquiry we can look at and perhaps recommend to government. You mentioned care and assistance to victims when they come forward. How would that look? Is that operated independently of the church? What sort of body are you envisaging for victims to be able to come forward? If you could explain that to the committee.

**Mr BOYLE** — I would envisage that that be absolutely independent of the church. A number of people have found very helpful the support and care that is given to Vietnam veterans, for example, by the repatriation department. There is a trauma centre associated with Melbourne University. I cannot think of its formal name at the moment, but it is very highly regarded as excellent support. Neil Woodger is a person who has mentioned that to me and could give reference to that unit. I would see that as a totally independent unit, just as other issues of health care are run by independent bodies. I believe that it would be appropriate for the church to make a significant contribution to the cost of that function.

**The CHAIR** — Would you like to say something, Jill?

**Ms MATHER** — Yes, I am sorry. Helen Last from In Good Faith and Associates has also been an absolutely superb support person for our family in this trauma since 2005. People like that who do not have vested interests and do not earn any money out of it are the kinds of people who provide real support to people like ourselves. Also, I just want to add that the victims are not just primary victims. The secondary victims like us, my late mother and our children have been affected so strongly. It is often difficult to speak of that pain, but I wrote about it in my submission, because sometimes you are not articulate at the right moment.

**The CHAIR** — We have heard from a number of secondary victims, such as yourselves, and we are very well aware of that ripple effect that you have described.

**Mr BOYLE** — Incidentally the church, in responding to my complaints, made statements that, ‘Jim is not a real secondary victim’. How they reasoned that I have no idea.

**The CHAIR** — Who made that statement to you?

**Mr BOYLE** — Susan Sharkey.

**Mrs COOTE** — Thank you, James and Jill. This is difficult to remember and to recall, but thank you, it is very important for us. Could I just ask about Archbishop Hart, because that is relatively recent in some of the things we have been dealing with some other people. Would you give me an indication of what he actually did say to you? You touched on it before verbally, but could you tease that out a little bit more for me and say what he said to you, how that conversation progressed and what your interpretation of that conversation was?

**Mr BOYLE** — Let me put it in context. After trying to get Dr Ball — I call him Dr Ball — to give me the second interview that he had promised and that was refused by Richard Leder, I wrote to the archbishop and

several letters were sent back and forth. One said, 'I cannot speak to you out of respect for the privacy of your brother's issues', and there were a lot of other nonsense excuses. I gave up in disgust. A few months later I happened to see him in a totally different environment. He did not recognise me or know me by name. He said, 'Good morning'. He put his hand out to shake — 'Nice to meet you'; he was a happy fellow. I said, 'Good morning, Archbishop. I am Jim Boyle'. He said, 'Oh'. I said, 'I want to know why you won't speak to me, why you won't give me a meeting'. He said, 'I have been given advice. I will not speak to you'. It was a slap in the face. My wife, who was with me, said, 'Jim is very hurt, Archbishop. He wants to speak to you'. He said, 'I have been given advice. I will not speak to you'. He pushed his way past my wife, and he shot through.

Sometime later Jill, my sister, took up the issue about the plaque in St Patrick's Cathedral. She was met with denials — 'There is no such plaque'. So we sent him a photograph. 'That plaque does not honour Penn Jones. It just records the fact that he made a donation to the cathedral rebuilding fund or restoration fund'. I said, 'I am terribly sorry. We do not care. Get his name off it'. Jill went through the papal nuncio, who was then Archbishop De Paoli. Suddenly she got an apology letter from Denis Hart for being so slow to get the name removed from the plaque, and, 'I would be happy to accede to your request for pastoral support, either here in Melbourne or in your home diocese of Bunbury, Western Australia'. Jill wrote back and said, 'Great. I would love that pastoral support from you'.

**Ms MATHER** — I went to that interview. It cost me \$2000, because he gave me three days notice. I brought my husband and a friend with us to go to that interview. He granted me 45 minutes. I outlined my story and what I recommended that I believed the archdiocese could do for victims and their families to make things better. I believe that he listened to me. I gave him a lot of reference material. I sort of naively believed that perhaps he did not know about all the pain that this caused. I laid it out to him, and I asked him to do a number of things, one of which was to meet with Jimmy because he was in so much pain. That is the only request that he has acceded to. In my submission I have outlined the kind of things that I asked him to do.

I think the church needs to publicly acknowledge each and every victim, along the same lines as the National Sorry Day that Kevin Rudd gave the Aboriginals. They need to publicly and truly acknowledge the pain that has been caused to the victims and compensate them to that level.

**Mrs COOTE** — Can I ask again about that meeting that you had with Archbishop Hart. Did he have a whole heap of legal support people with him, or was it just himself, you and your husband and friend?

**Ms MATHER** — Yes.

**Mrs COOTE** — So he did not have any supporting staff or anyone?

**Ms MATHER** — No.

**Mrs COOTE** — He was interested in the story, or was he dismissive?

**Ms MATHER** — He appeared interested. I thanked him and I told him how grateful I was that he had actually listened to me. I did expect that we may have some action. I have not heard from that day, which was in 2007, to this. I might add, it took two years to get rid of that name on the plaque. I have not heard from him.

When Barney Zwartz wrote the article about our family, 'Sacrificial altar boy', he did ask the archbishop for comments and the archbishop said, 'I don't know why Jill Mather is criticising me now, because she was very supportive of the Melbourne Response when I spoke to her'. That was not what I said and I was so hurt. It was my politeness that said, 'Thank you for doing what you did'. You do kind of have to make some little sacrifices, even though you might be thinking, 'All you said was apologising for being tardy, not apologising for lying to me and telling me "The plaque did not offend me — it does not offend me, the archbishop; why should it offend you and your family?"'. That is all written in a letter. I just said, 'Thank you for listening to me', and he just publicly — —

**Mrs COOTE** — Misinterpreted it.

**Ms MATHER** — Misinterpreted it, and it was very hurtful.

**Mr BOYLE** — After that, Archbishop Hart phoned me on a Saturday morning and said, 'Well, I'm sorry. I will meet you now. Would you like to make an appointment to come and talk to me?'. Funnily enough, he was

to meet the nuncio and all the other bishops at a bishops conference a few days later, so he may have wanted to be able to say that he had put this all to rest. So he made an appointment and I went in with my wife and another friend and repeated many of the things that Jill had said and the issues that I had with Carelink. He spent the entire session fumbling with his coat and saying, 'I'll have to take advice on that. I'll have to take advice on that'. When I asked, 'When you've taken advice, would you get back to me?', he said, 'I'll have to take advice on that'.

**Mrs COOTE** — You obviously have not heard.

**Mr BOYLE** — I wrote to him afterwards, itemising the key items, and said, 'I would like to hear your response when you've had advice'. I might as well have torn that piece of paper up and thrown it in the rubbish bin.

**Mrs COOTE** — James, if you had to use one word about that meeting, what would it be?

**Mr BOYLE** — Waste — waste of time.

**Ms MATHER** — And money.

**Mr BOYLE** — Yes.

**Mrs COOTE** — Thank you very much indeed, both of you.

**Ms HALFPENNY** — I want to ask a bit about Carelink and the treatment that your brother received from them. As I understand it, he went to the Melbourne Response in early 2005 and he passed away in that same year, so he would obviously have been very ill when he went to the Melbourne Response and then, I am assuming, was referred to Carelink. In terms of the dealings — I know you go through them — if you could give just a bit of a chronology of events, of how he went there, what sort of treatment he received and how you found out about his having gone there and whether you were involved in any way through the church.

**Ms MATHER** — I certainly was. Gavan revealed in November 2004 that he had been raped by Penn Jones when he was an altar boy at Shoreham. I had been working for more than 30 years in the Bunbury diocese in our parishes. I had done administration work right through to catechists, youth groups. You name it, I had been doing it. In my work in the parish office I came across a lot of the documents about Towards Healing, because in those previous few years the Towards Healing documents came out. I had not read them in detail but I certainly knew the gist of it all and believed that the church had a process that cared for the victims, provided support — provided the medical, psychological and psychiatric treatment that was needed — and really looked after the victims.

When Gavan told me, he said, 'I don't want any money. All I want is that name off the plaque in St Patrick's Cathedral and I want him stripped of papal honours'. He said, 'I don't want any money, and that's all the Melbourne Response will do: they'll throw a little bit of money to me, and they won't care'. But I convinced him that that was the right thing to do. The archbishop was the only one who could take that name off the plaque; the archbishop was the only one who could set out on the road to stripping those papal honours. He eventually agreed, and he contacted Peter O'Callaghan in December 2004. He was finally granted an interview. I am sorry, I do not remember the exact dates — you have got them in the submission — but it was something like 15 February when he saw him. So again, having revealed the trauma he was left with nothing. He would not allow me to come from WA. He did not want Jimmy to come and visit, although Jimmy certainly did come and visit. We spoke daily — two, three, four times a day — on the phone.

Anyway he spoke to Peter O'Callaghan, who wrote and agreed that he had been abused and sent a letter on 15 March referring Gavan to Carelink Counselling Services. He went there on 7 April 2005 for the first 2-hour interview. He was then given a 16-page questionnaire to fill in at home and then come back for an interview on 14 April and told, 'We will send you off for more counselling and we'll send you to the compensation panel in a couple of weeks'.

All through that time he was extremely difficult to live with. He was ringing all hours of the day or night. He was either crying, or incoherent, or — —

**Mr BOYLE** — Drunk out of his mind.

**Ms MATHER** — Yes, or drunk out of his mind and there would be dead silence on the phone, or he would be very abusive to me. It became very difficult for me. I suffered severely, as did my family, because of all that that we had to go through. I knew I was his support person. I knew that it was traumatising to reveal the abuse, and I worked with it because I believed that that was the journey that I had to walk with him and that Carelink was helping him.

I believed they were helping him, but I was not here. I did not know. And, you know, you could not really always believe all the things that he said because he was drunk or drugged or whatever. I did go to visit him once, and I found this wizened old man lying on a mattress on the floor with a dirty old blanket over him; and he could have looked 90 years old instead of two years younger than me. He could not walk; he walked on his fingers and his toes. So he was bad, and finally he rang and said, 'I'm going to the compensation panel', and that was 11 October 2005. So he was left with nothing — no support — all through.

**Ms HALFPENNY** — To your knowledge was there any time that Carelink tried to contact him other than for the process of compensation, in terms of his pastoral care or wellbeing?

**Mr BOYLE** — I can answer that. They offered him alcohol rehabilitation courses: 'We'll send you for alcohol rehabilitation and to build you up'.

**Ms MATHER** — He weighed 36 kilos.

**Mr BOYLE** — Yes. That is that is the way Ball described it to me: 'We'll send you for drying out and build you up a bit'. Then he decided, no, he would not accept that, because it certainly did not address the issue that he wanted: counselling. It did not address that. That was all that was offered. I believe they made a few phone calls offering that. Just before Gavan died I wrote to the archbishop and asked him for prayers because Gavan was in hospital dying. I got back an answer saying, 'Yes, we'll pray for you and pray for Gavan'. Nothing from Carelink, no contact whatsoever. Gavan died. No sympathy messages from the archdiocese or from Carelink or from the archbishop.

I contacted Carelink a couple of weeks later when I had a bit of breath, and there was an absolute panic. My wife said — no, as it happened I called in and then went to do some shopping, and Ms Sharkey phoned us about five times in a period of 2 hours trying to get a hold of me to find out what happened to Gav. So that is how much care had been shown. They did not ever visit him. They did not ever get in touch with his own GP. They did as close to nothing as is possible.

**Mr O'BRIEN** — Thank you very much for coming today and the efforts you have made. It is a very comprehensive submission. I note the additional words, just to remind you, that your brother had as his last words. Before he said, 'They do not care', he said, 'I want all this to go public'. That is what you have identified there.

**Mr BOYLE** — Yes.

**Mr O'BRIEN** — Thank you for having the courage to come forward with that. Another aspect of your submission, on page 10, which is important is the role that the perpetrator, Monsignor Jones, had in relation to the Catholic insurance as well as the chancellery and secretary to the Roman Catholic Trusts Corporation, which you said is paradoxical to the church assets and the Ellis defence and the role of insurance.

You have said a number of times that when you asked for things from Bishop Hart that were really pastoral care his answer to you was he had to get advice. We have had a number of other witnesses who have identified the relationship between the church, its assets and perhaps its legal advice and the over-close relationship that it has been put to us that the church has had on legal advice. In terms of the way your brother was treated, in retrospect now, and regretfully for you, what would you say about the prioritisation that the church had on its real assets, being its people, and particularly those afflicted, as opposed to its material assets and advice?

**Mr BOYLE** — Victims do not count. The church, about the victims and their families, Gavan was absolutely right: they just do not care.

**Ms MATHER** — Does that answer your question?

**Mr O'BRIEN** — It does, in the sense that you have used the same words to reinforce the point. I understand why you are doing that, and I fully accept that if that is how you choose to answer it. You could answer what they should do.

**Mr BOYLE** — There are many examples. A lot of research has gone into practices for support and care of victims of all forms of trauma. If the church were really serious about care for its people, it would approach some of the expertise that is available worldwide. For example, one of the researchers with the Melbourne Victims Collective, which works with In Good Faith and Associates — Helen Last and her group — has done a lot of research into what are the world best practices in this area, and they involve certainly that the support has to be totally outside the church and that it has to be funded. Colloquially it is said that if a victim has kept something secret for 34 years, they will need at least 34 years of support.

**Mr O'BRIEN** — To close, perhaps as a test, your brother's third specific wish was the removal of Penn Jones's honorific rank and title. We now have a new Pope, as of one day ago. You have had the church's lawyers, or the independent commissioner, admit to you as I understand it in 2005 that Penn Jones abused your brother.

**Mr BOYLE** — And others.

**Mr O'BRIEN** — And others, yes. Are you still waiting for that third item, the removal, to be fulfilled?

**Mr BOYLE** — No, I have more to do with my life.

**Mr O'BRIEN** — To your knowledge, has it been removed?

**Ms MATHER** — No.

**Mr BOYLE** — Archbishop Hart refused point-blank to take it any further and said, 'That's impossible'.

**Ms MATHER** — The papal nuncio did not address that; he just addressed the name on the plaque on my behalf.

**Mr BOYLE** — That papal nuncio has now died. He was an American-Italian who was very supportive and very good, but I would not wait on the present papal nuncio at all.

**Mr O'BRIEN** — But the issue over the continued veneration of a predator's name remains alive for you and for us as a public to this day.

**Mr BOYLE** — He is well and truly dead.

**Mr O'BRIEN** — His name is not.

**Ms MATHER** — No, I agree.

**Mr BOYLE** — He was given a very honoured funeral in St Patrick's Cathedral. Remember that he was chaplain to a school, chaplain to the Catholic scouts, in charge of the altar boys at St Pat's cathedral, he was in charge of the choir at St Pat's cathedral — talk about giving a predator an open field — but he was known by the boys as Penis Jones.

**Mr O'BRIEN** — I suppose you would say this: you as victims should not have to ask for such basic corrections of history to take place if, as your brother wanted, they really cared.

**Mr BOYLE** — Yes, true.

**The CHAIR** — Jill, have you come from Western Australia to be with us today?

**Ms MATHER** — Yes, and for other reasons.

**The CHAIR** — We are very appreciative of you for making the effort. On behalf of the committee, I thank you both very much for appearing before us this afternoon. Your evidence has been most helpful. Thank you.

**Mr BOYLE** — Thank you for hearing us.

**Ms MATHER** — I thank all of you.

**Witnesses withdrew.**