

# TRANSCRIPT

## FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

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

Ballarat — 7 December 2012

#### Members

Mrs A. Coote  
Ms G. Crozier  
Mr D. O'Brien

Ms B. Halfpenny  
Mr F. McGuire  
Mr N. Wakeling

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#### Witness

Mr P. Nagle.

**The CHAIR** — I would like to now welcome Philip Nagle to the table. In accordance with the guidelines for 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 the committee members. Members of the media are also requested to observe the media guidelines.

On behalf of the committee I welcome Mr Philip Nagle. 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 the committee members will ask questions relating to your submission and evidence provided today. We thank you again for being before us.

**Mr NAGLE** — I would like to thank the committee for hearing me today. I would like the committee to know that I am not here today on anyone's behalf. I am a victim of Catholic clergy sexual abuse. I would like the committee to understand that what I am doing today is very difficult for me. With the committee's approval I would like to go through point 1 and point 2 of the notes I have submitted recently and that were given to the inquiry staff. I would then be happy to answer any questions about these notes or my submission. I would then like to make my final statement, which is point 3. I am then going to stand up and leave.

I was sexually abused by Stephen Francis Farrell on numerous occasions during 1974 when he was a Christian Brother and grade 5 teacher at St Alipius Primary School in Victoria Street, Ballarat. I was nine years old. He was convicted for this sexual abuse on 17 January 1997. This conviction was well documented at the time, especially on the front page of the Ballarat *Courier* on 18 January 1997.

I would just like to make the committee aware of some facts that may not have been raised at the inquiry at this stage. Ballarat St Alipius Primary School in Victoria Street was certainly not the place to be if you were a Catholic boy going to school in the 1970s. The principal and grade 6 teacher was convicted paedophile Christian Brother Robert Charles Best. The grade 5 teacher was convicted paedophile Christian Brother Stephen Francis Farrell. The grade 5 teacher in 1971, before Farrell, was convicted paedophile Christian Brother Edward Vernon Dowlan. The grade 3 teacher was alleged paedophile Christian Brother Fitzgerald, who passed away before any charges were laid. The St Alipius Primary School chaplain and assistant Catholic priest was convicted paedophile Gerald Francis Ridsdale. The convicted paedophile Christian Brothers all resided at the Brothers residence at St Patrick's College in Sturt Street.

My concern is that as the years have passed, and certainly with the current inquiry, more victims of these convicted paedophiles have been coming forward. For the sake of the victims and their families, these allegations that have been made need to be followed up urgently. There seem to be some barriers that the Office of Public Prosecutions faces in following through with charging these paedophiles again, due to them already being convicted and a lack of resources to do so. The resources required need to be made available to the police.

Just because these paedophiles have already been convicted is no reason for them not to be charged again. If you commit any crime on more than one occasion, like robbery or theft et cetera, you face the full weight of the law, and this should apply to these convicted paedophiles. It is just not right that when a victim comes forward and makes a statement to the police there are not enough resources to follow through and charge the already convicted paedophile for the crimes he has committed.

I would like to also bring to the attention of the committee the inadequate and inappropriate compensation and support that is offered to the victims and their families. I am yet to hear a victim of Catholic clergy sexual abuse say they were satisfied with the way they were compensated and treated by the Catholic Church when trying to negotiate a satisfactory outcome. This is the one thing the Catholic Church has the power to fix right now. Their lack of doing so would be part of the reason there is a parliamentary inquiry and now a royal commission.

During my experience with this I was intimidated and bullied into signing an agreement that was on their terms. They did not care; they just wanted me to go away. There was no compassion or care in the way they did this — they just wanted to tick their box and minimise the impact it had for them. It was made very clear to me that if I did not sign and agree to the terms, they would have any compensation claim tied up in the courts for many

years. I know some victims are going through this process now. For the sake of my wellbeing and that of my family, I did sign their inadequate agreement; the Catholic Church just did not care.

At the meeting I had with their provincial leader, Brother Michael Godfrey, it was even implied that what happened to me was not so bad, and from their point of view probably did not need compensating. I was not offered any ongoing support or counselling. Brother Godfrey stated in writing that he would have Brother Paul Nangle, who was the headmaster at St Patrick's College at the time I was abused and in charge of the paedophiles, contact my parents to at least apologise for what happened when he returned from overseas. Brother Nangle has been back for some time now and no contact has been made.

What of my parents, who were and still are absolutely devastated by what happened? What counselling and compensation were they offered? The church was more than happy to take their school fees and sacrificial givings they gave. The Catholic Church have had more than adequate time to deal with the way they compensate and treat victims of abuse by their clergy. As a business they have a lot of unhappy customers. Someone needs to fix this, and now.

Victoria Police are investigating over 30 suicides in the graduate student body of St Alipius, all thought to be linked to sexual offences committed by Catholic clergy who operated in the St Alipius parish. Early into the investigation of Christian Brother Robert Charles Best, a well-known Ballarat detective came across 26 students who had committed suicide. There are known victims who are currently on suicide watch as they struggle with the abuse they were subjected to and the lack of care and resolve shown by the Catholic Church. Is this what the Catholic Church wants? Does this limit their liability?

I ask this committee to make sure that all present and past claims that have been inappropriately dealt with by the Catholic Church be reviewed; every compensation agreement should be reviewed. In doing this the real truth will emerge about how much the Catholic Church cares. This needs to be done by someone or an organisation other than the Catholic Church. They have had their chance and failed miserably. How can they be left to decide what is right? They have a vested interest to minimise the compensation and support where they can, and history will show that is what they have done. It is just wrong.

This is fixable. The wrongdoing here should be a priority in moving forward. The victims and their families and the support they need should be the priority.

Once upon a time the Catholic clergy were held in the highest esteem, even above that of your parents. Not now. They cannot undo what happened to me. However, like all problems, you will certainly be measured on what you did about it. My challenge the Catholic clergy is to be serious about the way they handle the wrongdoings. Would it not be good to come back here next year and hear some victims saying, 'Yep, you know, they could not change what happened, but you know what? Those Catholics did the right thing by me'.

I would be more than willing to be the first victim to sit down with them and reach an outcome — no lawyers, no bull. They might find that once they get one right how easy the rest might be. I am happy to have some questions after that.

**The CHAIR** — Thank you very much indeed, Philip, for sharing your story with us this morning, and as I said, we do appreciate it. You just spoke about bringing victims back next year and asking those questions. Is that partly what you think justice looks like? You have spoken about compensation and counselling. What does accountability mean to you as well?

**Mr NAGLE** — I think about victims coming back. I mean, if you brought me back, if you spoke to me 10 years ago, 20 years ago and you speak to me today, I am not happy. So, what? Do you want to bring me back next year and I am still not going to be happy? I think that is what it is all about. How long does this go on for before we start fixing it? It ain't that hard.

**Mr McGUIRE** — Philip, thank you for your courage today in testifying. Your voice is important to our committee and to hearing what happened, so we appreciate that, first of all. You said that you were intimidated and bullied into signing an agreement. Can you just elaborate — without, obviously, going into any amounts or anything like that — and explain for the record what were the circumstances, what happened and why you were left with these feelings?

**Mr NAGLE** — Yes. Brother Michael Godfrey asked me to come down to, I think it is, Treacy house. It is near the zoo there in Melbourne; it is one of their mansions. It was fairly sparse. It was not like a lavish, well-decorated place; it was an old two-storey house. I was sat in a front room. Michael Godfrey came in with a solicitor. I was there by myself — actually, I had my brother with me. We were there together. We had no representation. They proceeded to tell us how what happened was not that bad and very much tried to play down that we had any right to even be talking to them about a claim. It came down to that they had a piece of paper there, which I believe was a deed of release, and said, ‘However, if you sign this, you won’t need to go to court, you won’t need to get solicitors and that will be it’. At that stage my family were just — it was killing all of us. So we just did; we just signed it. We just felt like we had no other choice. We were not given any other options. We did not seek any legal advice. We just did what they said, and that was it.

**Mr McGuire** — What have the ramifications of that been for you and your family?

**Mr NAGLE** — It was just inadequate. I mean, it was just wrong. As you go along in life and you get a bit older, it just eats away at you. You just think, ‘Well, hey, how can they do that?’. That is what I am saying. They were just ticking the box. They just wanted us to go away, and we were dealt with. It is not right. So, yes, I think it needs to be on our terms, not their terms.

**Mr McGuire** — You have mentioned the sacrifices that your parents made to give you a Catholic education, so you had a strong sense of that in a broader perspective as well?

**Mr NAGLE** — Yes.

**Mr McGuire** — That it was not just you and your brother; it was broader than that?

**Mr NAGLE** — Yes. As I said, my family worked really hard to send me to Catholic schools. You know, you had to pay fees — and they certainly offered my parents no help at all.

**Mrs COOTE** — Philip, thank you very much indeed, and thank you for the frankness of the submission that you have given us as well. Could I ask you about relationships, the relationship with Brother Farrell and how he singled you out and had a relationship with you, or forced you to do this? In the submissions that you had given us I was perplexed to read about the ongoing relationship issue going forward with men who were important in your life, because you felt that that was what adult men did to young boys. I know this is really hard, but — —

**Mr NAGLE** — No, I am happy to talk about that.

**Mrs COOTE** — Could you explain that to us, please?

**Mr NAGLE** — Yes. Number 1, I did not know what was happening to me was sex. I knew nothing about that. I mean, I knew that as a kid if I did something wrong, I got the strap, so don’t do something wrong. There were certain things at that age you would learn and be able to work your way around. Farrell did not groom me. I was asked to go and get some sports equipment out of what I thought was the sports room but I have learnt later was actually the first aid bay or the sick room. He pinned me down on the ground, and he pulled my pants down and sexually assaulted me. That is what he did. There was no grooming. So from that time forward I was always wary of where he was, and I did not know — all I knew was it was just horrible. I just did not want to be there. I remember him taking his glasses off, his stinky breath — I just did not want to be there.

So all I did from thereon in was work out that if I could keep away from him or always have an escape route or not let him get me cornered anywhere that this probably would not happen. You know, there were times in that classroom when he would take other kids out of the room, and I would be going, ‘I’m glad it’s not me’, because I knew what would be happening to them, because if he took me out and did that to me, you could imagine what he would be doing to them. So it was just a whole total defence mechanism for all my grade 5 — I do not have any memories of grade 6 — and I was sexually assaulted on numerous occasions in grade 5, when he would catch me out. You know, he would even catch me out sometimes and not do it. I just did not get that. Like, he had the opportunity; he had me cornered, and he would just smile and not do it. It was just scary stuff.

**Mrs COOTE** — So ongoing, you felt, as you said in your submission, that that was just something that was a relationship between men and boys and therefore that had an impact on your life going forward as a consequence of that?

**Mr NAGLE** — Yes. I thought if a man got you alone, that is what he would do with you. I mean, that is what I thought. I was scared of my dad. I just thought — I did not know what it was, but I knew I did not want it happening to me. I was certainly very scared of all males as a nine-year-old boy.

**Mrs COOTE** — And when did you realise that it was sexual abuse?

**Mr NAGLE** — When I got to St Patrick's College; I cannot remember the exact year, but once we started learning a little about sex education I remember going out and throwing up. I thought, 'Wow, that's what he was doing to me'. Then you realise that people do not do that to punish you; they just do it because they can. And that is what he was doing. He was bigger and stronger than me, and that is what he was doing.

**Mrs COOTE** — And you did not feel that there was an opportunity to tell anybody at that stage?

**Mr NAGLE** — What, go and tell the Catholics? I was in a Catholic school; I mean, no I did not feel like I could tell anyone. I had not even spoken to any other kids that I — it would be fairly certain that it had happened to them. I did not even talk to them about it. I mean, it just was not spoken about. So it was not until I think I was 18 or 19 that I finally decided — I was having a bit of trouble in life. I think someone close to me asked the question as to why, and I told them why.

**Ms HALFPENNY** — I notice in your submission that you say that when you went to see Brother Godfrey and the lawyer — that is, the church lawyer — the church lawyer made it clear that what happened to you was no big deal.

**Mr NAGLE** — Exactly right.

**Ms HALFPENNY** — That is, the abuse was no big deal.

**Mr NAGLE** — He made it very clear that he felt that we were not even entitled to compensation. He made it very clear. I can say here today that you knew it was just wrong. I mean, he said, 'It's just not that important'. We felt it was, but — yes.

**Ms HALFPENNY** — I have another question. We have heard what happened in Healesville, for example. While some of the Catholic community in that area were very supportive — and I know that we are hearing from other people today — of people who have been abused in this area, there are also a number of people who, once somebody has reported abuse, have been very hostile or angry within the community. Has that occurred in Ballarat? Have you had negative responses from people within the community, and how has the local priest or the diocese reacted to that or tried to control that?

**Mr NAGLE** — Well, I am about to find out, because until probably two or three months ago, no-one would have even known, unless you read the newspaper in 1997. I did have my photo taken about two or three months ago, and that was the first that a lot of people, even my friends, knew what had happened to me. So I will tell you when I know. But I am sure that — I have heard that there are negative responses, but I have done nothing wrong. I have done nothing wrong.

**Ms HALFPENNY** — Of course. Just one other question. You talk about the process through the police and the courts, and you say in your submission that there are some other victims who are currently going through the court processes. Do you know if they have made submissions to this inquiry or are they going to —

**Mr NAGLE** — No idea. I was told that Detective Matt Roden, Melbourne SOCA unit, has some briefs ready to go, so we assume that there is stuff there that has already been reported.

**Mr WAKELING** — Philip, thank you very much for your attendance today and your openness and frankness. We are certainly very grateful for the fact that you are here. It is a very difficult position that you are in, and we as a committee are very grateful for your participation. Just a couple of points, if I may: clearly your submission articulates a very graphic example of the life of a nine-year-old, and it was very challenging, as a committee member, to read that. You go on to talk about the way in which you dealt with that emotionally, particularly on your trip to Halls Gap. I am really interested to know how, as a victim dealing with the abuse, that affected you and how you deal with that, because clearly it is certainly something that no nine-year-old should go through.

**Mr NAGLE** — No. Listen, it is a tough gig. I am probably like most victims: I drag my sorry arse out of bed every day and go to work. You put on a brave face and do what you have got to do. I mean, as you read in my submission, I do not know if taking my life would be any better. I do not know. Is it worse? I do not know. So that is what I do. As a nine-year-old boy I spent years scared, and I have got blank patches in there that — I would have just daydreamed my life away, and probably my school.

**Mr WAKELING** — Thank you for that. Just another point, if I may: you referred to your agreement, the legal document; I have had an opportunity to see that, and it certainly is a legally prepared document which talks about a confidentiality provision and also a release. By signing that document, what was your understanding as to what you could do in the future in terms of this matter? Were you under the impression that you could still pursue the church, the perpetrators, as a consequence of signing the agreement, or did you feel as though once you had signed that document, effectively you could not take any further action?

**Mr NAGLE** — I did not even read it. I signed it. I did not have a solicitor or anyone there with me. I think it was a couple of bits of paperwork that they put in front of me. I just signed it. I still have not read it today. I only sent those things in as support for my submission just so people were aware those documents did exist, but I do not even know what is in them. You can tell me.

**Mr WAKELING** — So by signing the agreement and resolving it did you feel as though you had gained any peace or resolution in this matter?

**Mr NAGLE** — No. I think even back then I thought, ‘It’s not over’. This was not the end to anything. They cannot fix what they did. I was not happy. They knew that I was not happy. I told them what would probably make me happy, but they were not going to help in any way with those sorts of things. So, as I said, for the health and wellbeing of myself and my family, we thought by getting that signed, by agreeing to what they wanted, at least we could put it to bed for now. I am back here today. We have got to fix this. That is why I am back here today.

**Mr O’BRIEN** — Thank you again for coming here today. In terms of accountability or the way the church has responded to date, we have received this submission, ‘Facing the Truth’, and we have seen a significant amount of movement in the church in recent weeks, in terms of the way they have put things in the bishops conference et cetera and where they are seeking to go. Something that is not in this document and that this committee has not received yet — which we are seeking and will be asking for — is a full statement of accountability from the church or people within the church as to how it came to pass that there was effectively a paedophile cluster operating in Ballarat under the guise of the cloth. We have heard from a lot of victims about it operating in other parts of the state as well, but it is particularly intense here. Is that something you would like us to continue to pursue?

**Mr NAGLE** — Absolutely. We know they knew, because Ronald Conway spoke at our trial — that is, the Christian Brother psychologist at the time — and he knew my brother was being offended against in 1973. Farrell was referred to him, and he answered and told the Catholic hierarchy that a Christian Brother had been referred to him for sexually abusing a boy in 1973. If they had dealt with that then, I would not have been a victim. I was a victim in 1974 because they put him back in their system. You have got to check that out, for sure.

**Mr O’BRIEN** — That is the sort of thing that has happened across the state from the evidence we have received.

**Mr NAGLE** — I am not surprised.

**Mr O’BRIEN** — So we would like answers, and we would like those answers on your behalf, as to who that report went to in the church, what did they do to it at the time and what happened in response. It must be terribly frustrating for you and some of the other victims that where it could have been prevented in 1973 —

**Mr NAGLE** — Absolutely.

**Mr O’BRIEN** — It was not, and it was a crime back then.

**Mr NAGLE** — It certainly was.

**Mr O'BRIEN** — You are aware that Mary MacKillop raised these issues in the 1860s. That is how ironic it is: that our first saint was in effect a whistleblower on this very issue and that it was still occurring in 1973. Seeking that will obviously not take back your abuse, but if the church are genuine about handling this issue, is this the first step that those good people who you have identified and who remain in the church or are associated in the laity — and we have heard evidence that there are plenty of good people, but crimes happen when good people remain silent — are you asking for them to come forward and explain, in a sense, how this happened to you?

**Mr NAGLE** — Absolutely; that is a big part of the process. The other part of the process is keeping the victims alive. That is one issue they have got to deal with, the way they have dealt with that. But they have got other things they have got to answer for too and deal with properly, and that is the way they look after the victims who are still there and their families.

**Mr O'BRIEN** — For our part, thank you very much, and I hope this provides you with strength and courage for your remaining journey, because it is important that you have provided a voice for all those victims in Ballarat and have had the courage to do so.

**The CHAIR** — Philip, I know you would like to make a concluding remark. We thank you very much for and appreciate your sharing your experience and answering the questions you have this morning. On behalf of the committee I would like to thank you very much for being before us this morning.

**Mr NAGLE** — In finishing, I have been asked to mention that there is a Ballarat and district group submission that has been put to the committee. This was done as a group because some of the victims were not able to deal with the submission on their own. It was just far too traumatic. Part of this group meets on a regular basis to offer each other support. This part of the group is known as the survivors. They wanted me to let the committee know that they will be attending the next public hearing in Ballarat that is scheduled for early next year. They unanimously felt that while we are approaching Christmas, which is a joyous time of celebration for the Catholic clergy, it is not a time of celebration for them as they continue with their struggle in dealing with the abuse they have suffered from the Catholic clergy. I cannot forget. I cannot forgive. I am one of the survivors. I thank you for this opportunity today.

**Witness withdrew.**