

Submission for Inquiry into the Handling of Child Abuse by Religious and Other Organisations by Chrissie and Anthony Foster, [REDACTED]
[REDACTED]

20th August 2012

I do not require confidentiality, except for our contact details.

Anthony Foster and I would like to make an oral submission to the Committee.

Dear Family and Community Development Committee,

Thank you for the opportunity to tell our story to an authority that has the power to hold the Catholic Church hierarchy accountable for what it has done and failed to do in protecting children being sexually assaulted by members of its clergy.

In my submission the only religious organisation I speak of is the Roman Catholic Church, which is where our trauma has stemmed.

My husband, Anthony and I are, or were, the parents of three daughters, two of whom were raped repeatedly over years by our parish priest Fr. Kevin O'Donnell while they attended Sacred Heart Primary School in Oakleigh. Emma started Prep at the school in 1987, Katie started in 1989. O'Donnell retired in August 1992 – this is when the sexual assaults stopped. In March 1995 O'Donnell was charged with child sex offences dating from 1946 to 1977. In August 1995 O'Donnell pleaded guilty and was imprisoned a lenient 17 months for his 31 years of sexually assaulting children. During the media coverage of O'Donnell's case we read that victims had reported O'Donnell's offences to the church hierarchy in 1946, 1958 and 1984. If, at any one of these assault complaints, a church official had taken the action of removing O'Donnell from ministry, as you assume ordained men of God would, our daughters and many other children would have been spared their life long torment and crippling effects of repeated childhood sexual assault. Emma would still be alive and Katie would not be permanently disabled requiring 24 hour care for the rest of her life.

In March 1996, while in an adolescent psychiatric unit, Emma, 14, disclosed that Fr. O'Donnell has sexually assaulted her. 15 months later Katie also disclosed sexual assaults by Fr. O'Donnell. Less than 2 years later in 1999, Katie, who began binge drinking to obtain respite from memories of her assaults, was hit by a car while crossing a road drunk. She spent 12 months in hospital and still receives 24 hours care. Emma took drugs in an attempt to escape her memories of abuse but took her own life at 26 years of age in 2008. She had led a life of torment and self-destruction.

In the ten years up to her death Emma had visited doctors, specialists and pathology services 906 times, excluding at least 75 outpatient psychology appointments and more than 52 admissions into hospital, detox or rehabilitation clinics. See APPENDIX 17. This is a tragic existence that could have been avoided. A second reality is that the tax payer and private health cover paid the cost of these services. Apart from \$4,000 I forced the Catholic Church hierarchy to pay at one clinic, the

remainder they left for our health insurance and the tax payer to pick up the tab – and the Catholic Church does not pay tax. This should be addressed.

Our story is not a rare story, it is just one rarely told.

In September 2010 Random House Australia published our family's story in a book I called *Hell on the Way to Heaven*. I co-wrote our story with journalist Paul Kennedy. It was a book I had to write, compelled by the immense suffering caused to victims and the fact that the hierarchy of the Catholic Church was just walking away from any accountability for their role in the clergy child sexual assault crisis, as if their choices and company policies had nothing to do with this tragedy. This is not a local problem but an international one, after 16 years of studying this issue, an international modus operandi was evident: same church, same story – different country. It was a modus operandi which could only stem from The Vatican because nothing else controls the priests and bishops of the Roman Catholic Church.

After reading my book on the night of the book launch Ann Barker, our local MP, decided something must be done about clergy sexual abuse of children in Victoria. In April 2011 a number of copies of my book were presented to the Parliamentary Library by Ann Barker and Ken Smith MP. At this presentation Ms Barker made the announcement that she would write to the Attorney General Robert Clark asking him to hold a state lead inquiry into the Catholic Church over their sexual abuse of children.

From this announcement in April 2011 the Attorney General's office was in negotiations with the Catholic Church hierarchy, the Melbourne Archdiocese business manager and lawyers of the Catholic Church for 12 months until April 2012 when the Attorney General made his announcement of the current inquiry. These negotiations were confirmed by Mr Clark himself on The 7.30 Report three days after the inquiry announcement. Yet in direct contrast to this fact, at a meeting attended by Anthony Foster, 3 weeks before Mr Clark's announcement, the Vicar General of Melbourne, the archdiocese business manager and a church lawyer denied they had contact with the government over this inquiry. My hope is that we do not have the inquiry that the church wanted. Rumours were that the Attorney General's office had asked church hierarchy for their terms of reference for this inquiry. To me, this amounts to the Police asking the criminal what he would like to be charged with. For the power, wealth and influence of the Catholic Church compared to the vulnerability of their child victims see my opinion piece *'The church has failed victims of clergy. The state must not'* published in The Age, December 3, 2011 APPENDIX 12.

On 24th May I met with Dr Janine Bush, Executive Officer of the Family and Community Development Committee and gave her personalised copies of my book for each committee member. I asked that my book be my submission to the committee as part of the inquiry because after 16 years of chasing justice over this issue from the Catholic Church for their cruel and obscene rape and molestation of children, I am tired. But here I am writing a submission to be sure my voice for justice and future safety of children is heard. I write also for those who cannot because they have taken their own lives, for those in a drug haze to erase the very thought of picking up a pen to write of their trauma, for those binge drinking to erase the idea of having to recall their childhood sexual assaults, for those too depressed, or too scared, and for those who didn't even see the one off advertisement for this inquiry in the limited number of newspapers it appeared in.

Who would have thought that protecting children from rape and molestation would have been so very difficult - but at last the government has entered the arena. I hope each committee member has read our story and recorded the points which apply to the 'Submission Guide' questions. I am submitting an extra copy of my book to ensure it is part of this inquiry. APPENDIX 1

I will now work through some of the points/questions in your Submission Guide.

Page 3 - Non-government organisations – Whether mandatory reporting of child abuse should be extended to religious personnel. Yes because of the extensive breadth of child sexual abuse in Catholic Church clergy AND the extensive covering up of such abuse by other clergy in the Catholic Church – combined together, this situation had led to the many tragic and criminal stories brave survivors are disclosing and have been disclosing since the early 1990s.

Page 5 – Compensation and reparation. Point 11.10 Do systems for addressing abuse within the organisation allow for monetary or other forms of compensation? Yes the Catholic Church hierarchy in the Melbourne Archdiocese created and controls - unchallenged or regulated by any authority - the Melbourne Response (or The Pell Process) which excludes Religious Orders. The rest of Victoria and Melbourne Religious Orders process their ex gratia payments through Towards Healing. All of us have had to battle their systems alone. These processes were set up by the same hierarchy with a vested interest in covering up their past actions, minimising payouts and protecting their image - they are the very same hierarchy who never protected children in the first place. The Payments are not to be called 'compensation'; the hierarchy insist monies received are called 'ex-gratia' (meaning 'a favour' but this process is no favour to any victim) payments so that no liability is admitted. Yet contrary to their own demand the 1996 brochure detailing The Melbourne Response process calls the section on payments 'Compensation Panel' – perhaps to lure victims with false promise just as the name 'Towards Healing' does. SEE APPENDIX 2.

The ex-gratia payment in the Melbourne Response is capped, (and, I am told that Towards Healing is also capped, though unofficially, since Cardinal George Pell moved to Sydney). The church hierarchy itself freely placed these caps - originally in 1996 the amount was set at \$50,000, in 2000 it was increased to \$55,000 when GST was introduced. Then in April 2009 they increased it to \$75,000. These increases are below CPI increases. The Compensation Panel – named by church hierarchy yet no compensation exists – section of The Melbourne Response needs investigating. We have been told by one victim that two of the eight or ten panel members were staff from CCI (Catholic Church Insurance). It is completely inappropriate that insurance company personnel have influence over what a victim is paid. This Panel of unqualified church personnel has also been known to interrogate victims on their traumas when the Independent Commissioner has already established that the abuse has taken place. All of these payouts to victims, who had nowhere else to turn to because 'the catholic church' does not legally exist and therefore cannot be sued, should be reassessed and compensated fairly on civil standards by an independent body.

This is necessary because it has been shown that the more vulnerable, weaker and broken a victim is, the less ex gratia payment the church awards them. They see weakness and take advantage of this sad fact. Here are some examples. One O'Donnell victim, included in my book, went before the Compensation Panel, they asked him how much his legal bill was and he answered \$17,000. Two or three weeks later they sent him a letter offering him an ex-gratis sum of \$19,000. They knowingly and cruelly offered him \$2,000 for his broken life. There is no arguing with the Panel's decision, it is

'take it or leave it' and this is the only avenue of action for most victims. So after years of sexual abuse and a life of trauma, and the frustration of getting nowhere in court against the might of the Catholic Church to hold them accountable - they gave this man \$2,000. If there was any thread of decency in any of the people who installed or ran this church cost saving exercise, they would have given victims the maximum of their pathetic church self 'capped' scheme as a form of apology, an attempt to restore some life or trust to already broken people. But the opposite has occurred and their cruel offers are just another slap in the face for victims, another betrayal. The first head of this Compensation Panel was Alex Chernov QC, who is the current Governor of Victoria. SEE APPENDIX 2. Was Mr Chernov happy with this treatment of church victims? Did he not call for justice for these suffering people in this unjust process? Will he now be called before your inquiry to answer questions?

The church's Towards Healing process apparently is no better as the following Victorian case, which appeared in the media in April 1997, shows. SEE APPENDIX 3. Ms Newman was placed in an orphanage at the age of 3 she lived a life of abuse at the hands of nuns. Her extensive neglect meant she never learnt to read or write. She was over 50 years old when she learnt some basics. Her illiteracy meant a life of little or no employment and many other life-long disadvantages, yet when she went to Towards Healing, the process sent her back to the nuns who abused and ruined her life – then in a disgraceful show of inhumanness they gave her less than \$2,500 for her life of suffering and pain.

Every one of these ex-gratia payouts must be reassessed without church input other than to foot the bill of upgrading their payouts to fair civil levels. This cruelty has continued unchecked since 1996 because the Catholic Church is accountable to nobody. In our family's case we were so disgusted with the \$50,000 price tag on our daughters' lives that we fought the Catholic Church hierarchy and its lawyers for almost 10 years, achieving a fairer amount which achieved 2 houses for our daughters. Something, in their broken state our daughters would never have achieved on their own. We did not get to court, so no court order was issued yet the Catholic Church freely offered us a significant payment ONLY because we were articulate, had financial resources and the ability and nerve to fight them. We could argue our daughters' cases, our girls could not - they had been silenced by their rapist priest and a church that supported him. We were fighting for the rights and dignity of our innocent children. All the children, like ours, were innocent. Other victims also cannot fight like this for themselves. This is where the government is essential for victims. The government is the only body powerful enough to bring the Catholic Church to heel with civil law, if only for the purpose of protecting future children from clergy rape and the protection of those children who were raped. The adult victims we see now are being further mistreated by the richest and most powerful organisation in the world. You must act and protect your most vulnerable citizens' human rights.

Carelink, the final step of the three part Melbourne Process is/was run by Professor Richard Ball. Carelink's role is to look after victim's psychology needs. Up until his appointment with Carelink, Prof Ball, I was told, worked at St Vincent's Hospital, counselling people who had undergone sex changes. Hardly an expert in paedophiles, yet his services had been employed by the church hierarchy to provide defence reports for major paedophile priests and brothers at that time such as Fr. Gerald Ridsdale, Fr. Glennon, Fr. Gannon and others including Fr. Kevin O'Donnell, the offender

of our two daughters. The church paid Prof Ball for these reports and they were used in courts to achieved lesser sentences for these paedophile clergy.

In O'Donnell's case, court documents show, that Prof Ball stated Fr. O'Donnell was sorry for his offences but the judge countered this saying he could see no remorse in O'Donnell for his crimes against children. Prof Ball also stated that O'Donnell's libido was diminished and that he would not have offended since 1977. Yet a lawyer in 1996 wrote to the then Premier of Victoria claiming that he represented a young girl who had been sexually assaulted by O'Donnell just two weeks before his August 1995 court case. Prof Ball's claim of his client's lack of libido was also countered with our daughters' offences by O'Donnell from 1987 to 1992. Our very case disproved Prof Ball's professional judgement, yet we were still expected by the church to take our daughters to be counselled and supervised by Prof Ball and his staff. Prof Ball had achieved a lighter sentence for Emma and Katie's rapist – why would I want to see him or allow my daughters to see him. When I complained of this conflict of interest, this outrageous insult to church hierarchy, I was laughed at and told "We have every confidence in him".

13 Law and Legal Processes Page 5. *Canon Law 1395.2 – States: 'If a cleric has otherwise committed an offense against the sixth commandment of the Decalogue with force or threats or publicly or with a minor below the age of sixteen, the cleric is to be punished with just penalties, including dismissal from the clerical state if the case warrants it.'* SEE APPENDIX 4 – Their own church law, Canon Law, states clearly that priests can be 'dismissed from the clerical state' ie laicised (defrocked) for sexually assaulting children yet Canon Law 1395.2 was never evoked when cases arose. They chose not to protect children with their law. Instead they used this appropriate law's two loopholes - one being the wording: '*punished with just penalties*', the other being: '*if the case warrants it*'. According to church hierarchy the 'just penalties' was not laicisation nor, according to them, did any case warrant laicisation. They alone made these decisions, not the victims. Archbishop Denis Hart says of this that he did not have authority to apply for laicisation but now with recent changes to Canon Law, he can. I would like to see these supposed changes, as Canon Law 1395.2 is very clear as to what can be done – no new law was necessary. I have recently written to Fr. Tom Doyle, Canon Lawyer from USA, specifically asking about Archbishop Hart's 'changes', he stated that there are no changes to Canon Law on laicisation. The church hierarchy are now trying to cover their past culpability for doing nothing to protect children by laicising offenders but choosing instead to protect criminal paedophile priests and avoid church scandal. This current church excuse must not distract from expectations of accountability for their history of not protecting children. No more excuses.

In the 1152 pages of '*The Code of Canon Law; A Text and Commentary*' (which I bought in 1996 and strangely is no longer available to the public) the call to avoid 'scandal' is paramount; it is mentioned hundreds of times. This is one of their 'company policies' which has led to the on-going crisis.

13.3 Have internal systems of investigation discouraged reporting of criminal acts to police? In the Melbourne Response our 2 daughters' cases were being investigated by Peter O'Callaghan. The offender was dead. It is known that if victims go to the police O'Callaghan will stop his investigation and not make a finding. However, Peter O'Callaghan stopped Katie's investigation when he believed I had engaged lawyers. On Thursday 6th May 1999 Peter O'Callaghan visited our home at 7pm to discuss our second daughter Katie's case. Our eldest daughter Emma's case had already had an offer of \$50,000 (the maximum at that time), but had not yet signed the trust deed with Archbishop Pell,

the Roman Catholic Trusts Corporation for the Diocese of Melbourne and our Foster Family Trust to look after the money until she turned 18. That night Peter O'Callaghan told us he had made a decision on Katie's case and his findings would be the same as Emma's. He then asked to speak to Emma privately. We refused and he spoke to Emma in our presence, but we believe he wanted to encourage Emma to sign the church's trust deed paper work. A few days later I received a telephone call at work from Peter O'Callaghan, he was using the hands free device on his telephone I assumed to record our conversation, as he usually did, and perhaps someone else was listening at his office. He told me that I had employed lawyers, I assume about Katie's case, which was true, but he would not specify. So I said I employed several lots of lawyers, in our business, in private matters and for property undertakings, asking him which lawyers he meant. He would not answer, so neither did I. And although I never confirmed or denied his accusation he halted all work on Katie's case and as a result we never received a written finding from him. We then tried to sue the Catholic Church and in 2002 issued writs on members of the hierarchy and various church bodies. We mediated in 2005 and settled out of court.

13.5 Have the legal structures used by religious bodies to manage their affairs and their assets acted to discourage or prevent civil legal action being taken by victims against offenders? Yes, by the Catholic Church. They have placed all property in the Roman Catholic Church Property Trust which victims cannot sue due to the Ellis case. Without monetary punishment change does not come to some organisations in our society. The Victorian government gave the Catholic Church a secure place to hide all its assets – Roman Catholic Trust Act 1907 (other Australian states have their own Acts) - even allowing a 2001 Amendment for a Religious Order to hide their assets, from victims suing them for childhood sexual assault/rapes – when victims won the case, no assets were available – they had been safely placed in the Church Property Trust out of reach.

The government must now alter the Victorian Act to allow childhood sexual assault victims the right to civil proceedings against the property act protecting the assets of the richest organisation in the world. The church should be made to look after victim's needs for the rest of their lives, not paying fortunes to lawyers to fight victims against a legally invisible Christian Catholic Church. Also current archbishops should be forced to accept responsibility for the actions of past archbishops, just as managers of other organisations and businesses must do under corporate sole. Cardinal George Pell when Archbishop of Melbourne said to us in a meeting when we mentioned that the previous archbishop had known about O'Donnell's crimes, he arrogantly said "that was before my time" ending the conversation and wiping himself of any responsibility, ever, of his predecessor. He knew he was safe. The Catholic Church should be compelled to present a litigation model to accept civil claims. These measures are merely what other businesses in our society must work under. Not a punishment.

13.6 Should mandatory reporting of cases of alleged criminal abuse be extended to ministers of religion? Yes, because in our case Fr. Kevin O'Donnell had complaints made about him in 1946, 1958 and 1984 – that we know of - he went on to sexually assault and rape children until 1992 when he retired – and reportedly later in 1995 just before he was imprisoned. If mandatory reporting was active in 1946 then another 47 years plus of raped children and all their suffering and suicides would not have been. It is simple. Another example of this is the January 2004 case from Queensland newspaper, The Sunday Mail, the article is called 'Go Home and Pray'. SEE APPENDIX 5. After his court conviction, a paedophile priest in an affidavit stated that during face to face confessions with

30 different priests, he confessed 1,500 times over a 25 year period to having sexually assaulted children. On hearing these crimes, all of his 30 fellow priests, as if of one voice and mind, told him to 'go home and pray'.

In my 33 years of confessions I was not once told to go home and pray, but given a penance.

It is utterly astounding that not one of those 30 'good' priests urged their fellow criminal priest to seek help or hand himself into police. Why? Is it possible that they were obliged/taught/instructed to only say 'go home and pray' to another priest confessing such a sin/crime? Was this action, which amounted to covering up a crime, normal church practice? Was this their practice so as to avoid scandal as compelled by Canon Law?

I cannot emphasise enough how essential it is that we learn from this rare and secret look into this one case, these 1,500 confessions between a priest and a paedophile priest. SEE APPENDIX 6 for my unpublished opinion piece on this outrageous church set up.

Quite simply we can see how the confessional seal works to protect the paedophile not the child. If mandatory reporting had been active at his first confession, 25 years of child sexual assault would have been avoided. Church hierarchy have recently said, the confessional seal is sacrosanct – I say children's bodies are sacrosanct. Church laws protecting the confessional seal must not prevail over Victorian civil laws protecting children.

Canon Law is the law of a foreign state – The Vatican. We must not let this foreign law over rule our Australian state laws where the protection of Australian children is involved. What precedent are you, our government, setting if Victorian law is put aside for a religious law?

13.8 What consequences may flow from the extension of mandatory report to ministers of religion? If mandatory reporting of sex offences against children existed for priests in their confessionals, then, simply put, offenders would not confess their crimes unless they wanted to be apprehended. No problem. As opposed to the paedophile priest who confessed his child sex crimes on a weekly basis – giving relief to his acute guilt which only enabled him to reoffend within the same week for 25 YEARS.

This priest's filthy hands went from the Bodies of Children to the Body of Christ – yet not even this sacrilege encouraged the 30 priests to whom he confessed, to stop conveniently forgiving him or taking any action to halt his 25 year criminal sexual rampage on children. Why?

One thing is clear they don't care about our children.

There was no help from the catholic priesthood - frightened children had to grow into hurting adults, and then bravely report to police before the sexual assaults stopped.

13.12 Are new laws required to more effectively address the institutional abuse of children? Yes, because the whole of the Catholic Church, it's structure, it's laws, it's ethics, it's teachings, it's wisdom, it's compassion - it's sum total has led to and allowed the sexual assault of children and its cover up to continue unabated for centuries. Only victim disclosure ensured change. The church never lifted a hand to protect them. If they cannot protect innocent children, in particular from rape and molestation, then they have no integrity. Recent history has shown that the only thing that

mattered to the church hierarchy was to save the reputation of the church. The church has proven over centuries that it is incapable of correcting this criminal situation themselves. They need the help of civil law.

13.13 Should officials in religious and other organisations be held criminally responsible for the actions of offenders of child abuse in their employ or for whom they have responsibility? Yes

because in the Catholic Church the hierarchy has a history of protecting offending priests and not protecting raped children or potential child victims at the paedophile priest's next placement. Other priests, knowing of abuse, have reported it to their hierarchy where it is covered up. The priesthood stick together as history has shown. They obey their bishop masters, not civil law. Offenders confess their child rapes to other 'good priests' and silence them with the confessional seal by doing so. They all know each other's sexual sin and hold it as blackmail against each other. This set up is ingrained and systematic. These are some of the reasons why change is needed in the Catholic Church.

16.1 Are there education or prevention programs/policies with regard to the abuse of children and other vulnerable people in religious and other organisations?

The Archbishop of Melbourne Denis Hart states there is now a Code of Conduct in place to prevent child abuse, yet there were already codes of conduct in place which did not stop child sex offenders, just as the threat of God's law or civil law never stopped them. Who in a parish enforces these codes of conduct on a priest? Who has authority over a priest in a parish to make him adhere to rules and regulations? The priest is in charge of the whole parish - primary school, teachers, school principals, church, church property - which faithful and loyal catholic parishioner or teacher would ever even dare to question his or her parish priest? Does the Catholic Education Office have a policy stating that parish priests must not take children off the play-ground or out of class to do jobs for him? Sounds innocent but this is how Fr O'Donnell gained access to the primary school children he craved. He didn't need to charm or groom any of the 300 or so parents to gain access to their children, he merely selected them after we had dropped them safely off at school. 5 days a week for most of the year for the 'two a day man' – a term given to O'Donnell by one of the lawyers representing a number of O'Donnell's victims. Priests are left to rule and self-regulate which has always been the problem.

In October 2009 I rang the parish office to ask if I could view the room where my daughter was raped by our parish priest Fr. Kevin O'Donnell. I was writing my book at that time and wanted to show my co-author where the crimes took place. I was told that the current priest now had the only key to that secluded room in the school/parish hall and that I would have to ask him. I did. I said who I was and why I wanted to see the room. He said he needed 5 days to clean up the room. When my co-author, my husband and I arrived, the priest took us into the playground then into the school hall where 3 classes were being held as renovations were taking place at the school. One teacher looked around at the intrusion but when she saw the priest she turned away without say anything about the 3 strangers in her class room.

We visited the room unlocked by the single key that the paedophile O'Donnell had arranged during his 17 year reign at Sacred Heart primary school satisfying his need for a private room with a private key. This meant no one could walk in on him committing his crimes. When the current priest opened the door, the room was completely empty. The 5 days to 'clean up' had left nothing. On our way out this priest said to us that in his previous parish there was a little girl who said that her

teacher was sexually abusing her. The priest then said about the teacher, “But he was a happily married man, with 3 children of his own. What do you do? What do you do?” Several times he flung his hands up in the air, shrugging his shoulders at his loss of knowing what to do about the situation.

If this experience with a current parish priest shows the calibre and professionalism of the highly reformed and educated priesthood on child sexual abuse that Archbishop Denis Hart often talks about, and as mentioned in his Pastoral Letter on Sexual Abuse July 2010 – ‘Since 1996, we have introduced procedures to protect parishioners and children against sexual abuse’ – then I fail to see it. Why didn’t this parish priest say to us, “What happened to your daughters was terrible, but it won’t happened now because we a have new protocols and procedures in place to protect children”. Instead he had no idea and given that he is in charge and leads the parish, a parish that had 17 years of child rape and molestation – I can only believe that children are still not safe in Melbourne’s parishes.

This was my first step back into the Catholic Church since I walked away on 26th March 1996.

And what of that little girl? Her distressed words fell on the ears of adults who would not believe or help her. Instead they chose to believe the adult offender – the easiest and safest choice for them, the church, the school... What has become of that little girl and her faith and trust in adults to help her? Change is needed. Preventative programmes and policies are well and good but only if someone enforces them. We don’t want public announcements of lip service that have no action attached. Falsely reassuring the faithful of a safe priesthood might keep their donations coming in but it does not protect their children.

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List of Child Sexual Assault Files to be obtained by Inquiry:

Secret Archive file – Canon Law 489 - SEE APPENDIX 7, states every Bishop (worldwide) must have a secret archive under lock and key to hold, in privacy, the files of child sexual assault by priests.

Catholic Education Office files – Ms Maria Kirkwood is still employed, since 1996, she has been in a senior position. Teachers have lost their jobs trying to protect school children from their paedophile parish priest

CCI (Catholic Church Insurance) files – Emma Femby

Independent Commissioner Peter O’Callaghan, Melbourne Response files

Archdiocese of Melbourne files i.e. between Archbishop’s office, business managers office & legal office Corrs, Chambers Westgarth Lawyers, 600 Bourke St Melbourne

Towards Healing files for Victoria

Christian Brothers lawyers files

Any of about 150 Catholic Orders operating in Victoria/Australia.

Monaham & Rowell, Rialto Towers – Solicitors for the Salesian Brothers Order. Salesian Brothers in Chadstone would tell police that the Brother they wanted to speak to about an offence was overseas when the brother in question was actually at Chadstone. The order would then within the next couple of days send the alleged offender overseas to Fiji, Samoa, The Vatican or wherever was safe. Fr. Fox is still in the Vatican. The Salesians should be held accountable for aiding and abetting the escape of suspects.

The Catholic Church hierarchy took out a policy with CCI (Catholic Church Insurance) in case victims sued them for damages. SEE APPENDIX 8. (Please note on the front page, fourth box from top under ‘Master Policy’. The policy is issued to Australian Catholic Bishops Conference **Special Issues Committee**. This Committee consisted of Rev Brian Lucas and Rev J Usher, both now high ranking church officials, who in September 1992 were investigating ‘Father F’ in Armidale Diocese in NSW as reported on 4 Corners and extensively in media during July this year.) How can an organisation take out insurance for the sexual crimes its members may commit?

APPENDIX 9 - Copies of documents used by the Catholic Church in responding to our daughters’ sexual abuse by Fr. Kevin O’Donnell. I call him ‘Father’ not out of any respect but because the church hierarchy at that time, Archbishop George Pell and a canon lawyer, refused to even discuss the option of laicising O’Donnell, again laughing at us and preferring instead to happily keep the imprisoned priest as one of their own. Why do they side with and protect child rapists?

APPENDIX 10 – CD of media coverage of child sexual assault I have collected since March 1996. I began collecting these articles as proof of the existence of clergy sexual assault. It was at a time when victims were considered liars – a misconception spread by the church. My collection consists of 3,115 newspaper articles in 24 volumes, with 72 pages in each volume – of these articles 2,334 relate to child sexual assault by Roman Catholic Church clergy and of these, 2,220 relate to clergy child sexual assaults in Australia. How could any organisation, receiving such long-term bad publicity about the rape and molestation of hundreds/thousands of children, still be in business?

Catholic Clergy offenders - 'We know that between 1993 and 2011, 65 Victorian Catholic priests and brothers have been convicted in the courts. A further 53 different Catholic priests and brothers have been involved in out-of-court settlements. That is a total of 118 clergy offenders in Victoria alone. But 118 is not an accurate number. It is a minimum. Many more clergy offenders have eluded media scrutiny and still more have been secreted away in the church's self-servicing internal systems. Only the church knows the true number of offenders. It is time for us all to know' – from my opinion piece, *The silence of the cloth under siege* SEE APPENDIX 11 published in The Age 10th March 2012. Paedophile figures researched from Broken Rites website. Other Australian states have similar figures.

APPENDIX 14: Quote from Ex-Executive Officer, National Bishops Conference, 'Terms of Abuse' the Sydney Morning Herald, 2002 - "When a very senior cleric of the Australian Catholic Church, with significant responsibilities in addressing sexual abuse matters, expressed his views on victims who were breaking silence, I knew that I was not a catholic... nor could I continue to be silent. He claimed that 'you cannot blame priests for sexual abuse; after all, we all know what little girls are like'. When I asked him what he meant by such a statement, he responded: 'You know, sidling up to you, wanting to sit on your lap'."

APPENDIX 15: The Age, 11th August 2009 – front page headline reads: 'Archbishop to abuse victim: 'Go to hell, bitch'. This is what Archbishop Denis Hart, as Archbishop of Melbourne, feels he can say, in private, to a woman clergy sexual abuse victim!

Family and Community Development Committee members must be aware of the Catholic priesthood's use of their centuries old Mental Reservation ruse where they believe they can 'lie without lying'. It is an underhand method to avoid telling 'the truth' which leaves the listener believing something other than the truth. Mental Reservation is taught to priests but not ordinary Catholics. It was used against clergy abuse victims to pervert the course of them receiving justice. The use of Mental Reservation by bishops was exposed in Ireland in 2009 during the Commission of Investigation into the Dublin Archdiocese, Ireland. SEE APPENDIX 16. Committee Members MUST use carefully worded questions to church hierarchy and MUST closely scrutinise church replies to ensure the response is directly answering your question.

We need accountability from a church which has gotten away with murder in the form of so many suicides. (SEE APPENDIX 13) The hierarchy's response to sexual abuse offences by clergy is often 'These offences happened 30 years ago' just as the Bishop of Ballarat Peter Connors said last August in regards to the Br Robert Best court case. Despite the fact that Best had been found guilty in 2 earlier court cases the church paid in excess of \$1,000,000 (one million dollars) to defend him. After Best pleaded guilty, the head of his Christian Brother order said they would not laicise him and would welcome him back after his 14 years and 9 months in prison. The offences may have been 30 years ago but this church solidarity and support of a criminal paedophile cleric was today. The effects of his '30 year old crimes' are still felt today – nearly 40 of his and Fr Gerald Ridsdale's victims have taken their own lives.

Two weeks ago another clergy victim took his life in NSW – but church official didn't wheel out their usual put down of the offences happening 30 years ago. Perhaps church officials didn't feel like telling his widow and three little girls that, after 30 years, it was time to get over it. Perhaps they were silent on that point because they thought the media might report them in an unkind light if

they did. Hopefully it was because they know we all know that 30, 40, 50, 60 years does not make it go away. Perhaps in the future they will keep their cruel comments to themselves.

Similar arrogant and cruel words were said publicly at a press conference to Anthony and I by Bishop Anthony Fisher in July 2008 in Sydney during World Youth Day. Bishop Fisher had spent the previous evening in the holy company of the Pope and Cardinal George Pell, yet the following morning felt it appropriate to say about my husband Anthony Foster's Lateline interview on how the church was ill-treating victims, that we were "Dwelling crankily...on old wounds". Despite the fact that Emma had taken her own life only six months earlier and Katie was forever disabled. See APPENDIX 1, my book, Chapter 20. See also Chapter 10 on then Archbishop George Pell's response to my child and other victims disclosing their priestly sexual assaults – "It's all gossip until it's proven in court".

The suicide aspect of clergy abuse has not yet been investigated by Victoria Police, but when it is many more suicides will be revealed – their deaths have a message and that message is that childhood sexual assault is too painful to live with. Let's not waste all these tragic suicides; we must give them the attention they need. We must hold to accountable those who committed these crimes and those who allowed them to continue unabated. And we must protect future children.

As victims we need to see that our government cares about what has happened with the rape and molestation of countless innocent children from an organisation which claims to be Christian. God's representatives on earth no less. Who could have guessed that these self-appointed experts in everything would have been so unintelligent when it came to understanding the criminality of child rape? Their official excuses for their lack of action (admitting they knew about the sexual abuse of children!) - because it being 'poorly understood' or not knowing 'the extent of the problem in the spirit of the time' are a mystery to the rest of us who knew it to be a crime attracting a prison sentence – execution earlier in our own Victorian history. Laws condemning these crimes have been on our Australian statues since white settlement in 1788 and for some three hundred years before that in English law. Their pretence of ignorance is counted by their own church history with its edicts condemning priests interfering sexually with children from the fourth century. And tellingly, their own Canon Law against such crimes within the priesthood. These untruthful, cowardly and deceitful church defences must not be accepted. The Roman Catholic Church has had centuries to correct this criminal issue and have failed; it is now time for the government to act.

Without justice, without the hierarchy of the Catholic Church being held accountable for what they have done and failed to do in preventing the rape of children - choosing instead to aid and abet their brother paedophile priests – without acknowledgement of their crimes and cover ups, without just accountability, there is no hope, no rest, no peace.

Chrissie Foster

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Anthony Foster

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