**ROYAL COMMISSION INTO INSTITUTIONAL
RESPONSES TO CHILD SEXUAL ABUSE**

**Public Hearing - Case Study 50
(Day 243)**

Level 17, Governor Macquarie Tower
1 Farrer Place, Sydney

On Tuesday, 7 February 2017 at 10am

Before:

The Chair: Justice Peter McClellan AM
Before Commissioners: Justice Jennifer Ann Coate
                        Mr Bob Atkinson AO APM
                        Mr Robert Fitzgerald AM
                        Professor Helen Milroy
                        Mr Andrew Murray

Counsel Assisting: Ms Gail Furness SC
                        Mr Stephen Free

MS FURNESS: Your Honour and Commissioners, we have
Dr Thomas Doyle giving evidence this morning.

<THOMAS PATRICK MICHAEL DOYLE, sworn: **[10.07am]**

<EXAMINATION BY MS FURNESS:

MS FURNESS: Your full name, Dr Doyle?

DR DOYLE: Good morning.

MS FURNESS: Would you tell us your full name?

DR DOYLE: My full name is Thomas Patrick Michael Doyle.

MS FURNESS: What current work are you doing in the
Catholic Church, doctor?

DR DOYLE: I don't do anything for the institutional
Catholic Church. The ministry, if you want to call it
that, that I do almost exclusively is in two areas. One is
with the victims and survivors, and their families, of
sexual abuse. There is a variety of things I do there.
I'm also a licensed addictions therapist, so I do some
work, not a great deal, with families who have children
that are into drugs back in my area.

MS FURNESS: Thank you. You entered the Dominican
novitiate in about 1964?

DR DOYLE: If you say so, I agree it.

MS FURNESS: If I say so based on your CV, would you agree
with the particulars?

DR DOYLE: It's probably - I think it is 1964.

MS FURNESS: Prior to entering that novitiate, did you
come from a religious family?

DR DOYLE: We were practising Catholics, but we weren't
churchy, so to speak. My father was a scientist and so
there was, I think, a healthy amount of scepticism and
realism in the family. We were not what would be
considered at that time to be a devout family.

MS FURNESS: What attracted you to the Dominicans?

1
2   DR DOYLE: At that time, by the way, I just want to say
3   that the priesthood, back in the 1960s, was an honourable
4   profession and it was one that a lot of us thought about.
5   It had not been subjected to any significant criticism, at
6   least that most of us knew about.
7
8   So I was attracted to the Dominicans because I was
9   sort of thinking about becoming a priest and I had met some
10   and I was very impressed with two things about them: one,
11   they were very much down to earth and normal; and, two,
12   they did a lot of college educational work, research work,
13   and I was interested in that dimension. I wasn't too
14   interested in being a parish priest.
15
16   MS FURNESS: You took your vows in 1968?
17
18   DR DOYLE: Final vows in 1968.
19
20   MS FURNESS: What did you do after that?
21
22   DR DOYLE: In a religious order, most of them, you take
23   your vows during the course of your formation, but
24   ordination, if you are going to be a priest, takes place
25   separate from that. You have to have final vows, your
26   solemn vows, in order to be ordained, so I went back and
27   completed - actually, after 1968, I began my theological
28   studies and, at the end of those, I was ordained a priest.
29
30   MS FURNESS: And the theological studies you undertook
31   where?
32
33   DR DOYLE: I did my theology in Dubuque, Iowa. Our
34   seminary of theology was in Dubuque, Iowa and that's where
35   I did it.
36
37   MS FURNESS: You ultimately did a PhD in?
38
39   DR DOYLE: In canon law.
40
41   MS FURNESS: When was that?
42
43   DR DOYLE: I received my doctorate in 1978 from Catholic
44   University of America.
45
46   MS FURNESS: As you know, doctor, we'll be dealing with
47   canon law later and you will be joining us later for

1   a discussion on canon law.
2
3   DR DOYLE: Yes, ma'am, I do.
4
5   MS FURNESS: Thank you. You refer to, in 1981, being
6   asked to serve as Secretary-Canonist at the Vatican Embassy
7   in Washington DC.
8
9   DR DOYLE: Yes.
10
11   MS FURNESS: How did that come about?
12
13   DR DOYLE: I at the time was working for the Archdiocese
14   of Chicago as a judge in their ecclesiastical tribunal, and
15   I was called by my superior, the Dominican Provincial, who
16   informed me that I would soon be receiving a telephone call
17   from the Papal Nuncio's office asking me to go out for an
18   interview, and he said, "If they offer you the job, take
19   it." They did and I did.
20
21   MS FURNESS: What was the job?
22
23   DR DOYLE: The job was to work at the Papal Nunciature in
24   Washington DC as a staff canonist, and my main duty was to
25   manage the process whereby candidates for the office of
26   bishop are investigated, whereby dioceses are created,
27   bishops are changed, transferred or retired. I handled all
28   of the administrative dimension of that.
29
30   MS FURNESS: What investigations did you do into potential
31   bishops?
32
33   DR DOYLE: We would get the names of potential bishops.
34   Let's say a bishop wants an auxiliary, an assistant, he
35   would send us three possible names and then we would look
36   in our own lists of candidates that were there, possible
37   candidates, and we would send out questionnaires,
38   confidential questionnaires, to about 20 or 25 people.
39   Some names were provided by the bishop, others that we
40   found, classmates, other people the candidates had worked
41   under. They would all come back. These were very
42   comprehensive questionnaires, several pages long, with
43   maybe 40 or 50 questions.
44
45   At that time, Pope John Paul II was the Pope and there
46   were several key questions that had to be answered
47   affirmatively. One was complete adherence to the Church's

doctrine on sexual morality; complete adherence to the
        Church's doctrine on marriage of priests, women priests and
        homosexuality. If you didn't pass that, you didn't get any
        further.

        MS FURNESS: When you say "if you didn't pass that", do
        you mean if somebody who was answering the survey indicated
        that the auxiliary priest or potential auxiliary priest
        didn't meet one or more of those criteria?

        DR DOYLE: That's correct, exactly. And all of this was
        done in deep secrecy. The recipients were given an
        envelope that said, "Once you open this you are under the
        pontifical secret and you cannot reveal the contents to
        anyone." When they were done, they were to send the
        envelope - everything we sent them, they had to send it
        back, so there were no traces. But if they did reveal
        that - I will just give you an example. One man wrote in
        that he knew this candidate quite well, and they were
        sitting in an airport waiting for a plane one day, and he
        said, "We just got into a discussion and he said 'Don't you
        think some day the Church is going to give official
        approval to birth control?'" Well, that ended the
        candidacy of that particular individual.

        MS FURNESS: Was there any discretion in you as to whether
        or not, given the other circumstances of the man's
        candidature, he should still nevertheless be accepted?

        DR DOYLE: The only discretion I had was when I would
        discuss the results of the questionnaires coming in with
        the Papal Nuncio. He would want to know how the
        investigation was going and I would bring up certain issues
        that had come up in some of the responses and we would
        discuss them, and if I was able to convince him that there
        were other factors here that were far more powerful and
        would make him a really good bishop, other than a few of
        these things which are just speculative and minor and are
        not that important --

        MS FURNESS: Was part of the survey to ask whether there
        were any complaints or anything else adverse known to the
        potential bishop?

        DR DOYLE: Yes, there were, and if something was mentioned
        in the area of sexuality, we would generally try to verify
        it to make sure that it wasn't a disgruntled somebody

1 writing in to do the guy in, and we would have to verify it
2 with the bishop of the diocese that was requesting the
3 auxiliary bishop, for example. If he said, "Well, I didn't
4 know anything about that", and if it was nebulous, we would
5 err on the side of caution and we would terminate that
6 candidacy.
7
8 MS FURNESS: Was this process only for auxiliary bishops?
9
10 DR DOYLE: No, ma'am. The process was for anyone who was
11 going to be consecrated a bishop. It was also done for
12 bishops who were being promoted or changed from one diocese
13 to another. The questions were slightly different if
14 a man, let's say in Canberra, was going to be promoted to
15 Sydney, the questions were somewhat different, but we still
16 had to look at his suitability for what they called higher
17 responsibilities in the Church.
18
19 MS FURNESS: Was the bishop from where the person came
20 required to give something like a certificate of good
21 standing?
22
23 DR DOYLE: Yes. In fact, the bishop who promoted, who put
24 the man's name forward, would also put forward his
25 curriculum vitae as well as a report on his suitability.
26 So that would be - he's voting for this man and this is
27 what we have, and then we would go from there.
28
29 MS FURNESS: That procedure wasn't set down in canon law,
30 was it?
31
32 DR DOYLE: No, it's not. The only thing canon law does is
33 say they have to be investigated and suitable. The
34 guidelines we used were essentially guidelines we had
35 received from the Congregation for Bishops in Rome. They
36 were the ones - after our process was finished, it was all
37 sent to the Congregation, and then they would do another
38 investigation, and if they found something over there that
39 we did not find, or if someone on the Congregation didn't
40 happen to like the particular candidate, it would end
41 there.
42
43 MS FURNESS: From your work internationally, are you able
44 to help us with whether that form of investigation is done
45 elsewhere or was done elsewhere?
46
47 DR DOYLE: Yes, ma'am. That type of investigation is done

1   throughout the world. There are some differences. For
2   most of the world, the process is worked through the
3   Congregation for Bishops.
4
5   MS FURNESS: In Rome?
6
7   DR DOYLE: In Rome. When they finish the process with the
8   candidates and they decide - always three candidates are
9   sent over, what they call a terna. If they decide, "The
10   first candidate is the one we're going to promote and
11   propose to the Pope", the Prefect of the Congregation meets
12   with the Pope once a week and generally he'd say, "I have
13   all these candidates for the office of bishop." And the
14   Pope, under John Paul and under Benedict, would maybe look
15   at a couple of them, sign off on a couple and then he'd
16   give a general approval of all the rest, because there is
17   no way he could have known them all.
18
19   MS FURNESS: The investigation was done locally prior to
20   it going to Rome?
21
22   DR DOYLE: Yes. Everything locally had to be completed,
23   synthesised, analysed and a report completed with the
24   Papal Nuncio's opinion. I would have to prepare why each
25   candidate was suitable for the office of bishop. If the
26   Nuncio liked what I prepared, he would sign off on it. If
27   he wanted changes, I would prepare changes. That went to
28   the Vatican.
29
30   MS FURNESS: So the material that you sent out to,
31   effectively, the referees was sent back to you. What did
32   you do with it?
33
34   DR DOYLE: The material from --
35
36   MS FURNESS: The surveys, the completed surveys.
37
38   DR DOYLE: The surveys. I would go through them and
39   I would --
40
41   MS FURNESS: But physically, where did you put them?
42
43   DR DOYLE: Where did I put them?
44
45   MS FURNESS: Yes.
46
47   DR DOYLE: Every candidate had his own file. The whole

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  1      bottom floor of the Nunciature was a huge archive and it
  2      had files down there going back to the time of
  3      Pope John XXIII.  Everything before that had been taken to
  4      Rome.  So we put them there, and if the candidate never got
  5      anywhere, if he was never promoted or if it wasn't the
  6      right time, the files remained there.
  7
  8      MS FURNESS:   Were the files covered by the pontifical
  9      secret?
 10
 11      DR DOYLE:   Yes, ma'am.
 12
 13      MS FURNESS:   Did the files go to Rome?
 14
 15      DR DOYLE:   Eventually they would go to Rome, generally
 16      whenever Rome decided they wanted the files from that
 17      particular Nunciature to go to Rome.
 18
 19      MS FURNESS:   That was the work you were doing in 1985 when
 20      you began that position?
 21
 22      DR DOYLE:   I began there in 1981 and I was doing that
 23      throughout.  But the way it worked was that the staff
 24      members did whatever the Nuncio wanted us to do.  For
 25      example, somebody would send him a book in the mail, and he
 26      would give me the book and say, "Read the book and give me
 27      a little report."  "Okay."
 28
 29      MS FURNESS:   When was it that you first came into touch
 30      with victims or survivors of clergy sexual abuse?
 31
 32      DR DOYLE:   My first contact with actual survivors was in
 33      1985.  That was not my first contact with the problem at
 34      the Nunciature, but my first contact with survivors was in
 35      Louisiana in 1985.
 36
 37      MS FURNESS:   What was your contact with the Nuncio in
 38      relation to sexual abuse of children?
 39
 40      DR DOYLE:   My first contact with the issue at the
 41      Nunciature involved two bishops.  We were notified, in one
 42      instance by law enforcement, that a bishop had been picked
 43      up, a retired bishop, with a couple teenage boys, and
 44      rather than go any further, the law enforcement agency
 45      brought it to the Papal ambassador, who in turn called the
 46      sitting bishop in the diocese where this retired bishop was
 47      living, and he went and saw him and talked to him and
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called us back and said, "Everything's fine", except that
it wasn't fine because, a few months later, the same bishop
got caught again, and this time the law enforcement agency
said, "We'll cover this time, but there had better not be
a third because then we're going to have to do something
official."

Well, there was a third, and then not long after the
third time happened, the bishop died of a heart attack.

The second instance involved a letter that we had
received relative to the appointment of a bishop in
a diocese in Pennsylvania. The Diocese of Harrisburg had
come open, and the same thing probably happens here in the
Church among priests - there are always rumours going all
over who the next bishop is going to be.

Well, there were a lot of rumours about who the bishop
was going to be, and we received a letter from a man in
Long Island, who said, "I'm a former priest. I'm laicised.
I'm legally married, and my wife's nephew was sexually
abused by one of the men who is being talked about to be
the Bishop of Harrisburg. If he in fact is appointed
Bishop of Harrisburg, I am going to go public with this
information."

The Papal Nuncio asked me if I would arrange to have
an investigation done. This was my very first contact with
more than just pushing papers. So we found a priest in the
Washington DC area that I had known for years, who was
a very fine man. He drove up to visit the family and
talked to the young man and talked to the family. He came
back and he came into my office and he was going to give me
his report. His report was fairly short. I looked at him
and I said, "Bernie, what do you think?" He said, "I think
he did it", and that was the end of that. I informed the
Papal Nuncio, and the man was in fact under consideration,
but that ended that.

MS FURNESS: Was there any talk about going to the police?

DR DOYLE: No, none whatsoever.

MS FURNESS: Was that something that was done in those
days?

DR DOYLE: The event had happened maybe - I don't know how

many years before this. I never got much information as to
where it happened or when it happened, but I will have to
be honest and tell you that at that time, in the Papal
ambassador's office, going to the police, unless they
brought the case to us, was not even on the table. That
was not discussed.

MS FURNESS: Why not?

DR DOYLE: I think it was not discussed because to go to
the police would (a) acknowledge the reality of what had
happened and (b) cause embarrassment for the institution,
and the buzzword for that is "scandal", which means
embarrassment for the hierarchy, embarrassment for the
institutional Church.

MS FURNESS: So that was the beginning of your involvement
with this issue in Washington?

DR DOYLE: That was my first encounter. Both of those
things happened in 1982. But my real involvement, that
when it happened I knew that this was not going to end,
involved the case of a priest from the Diocese of
Lafayette, Louisiana. Louisiana is one of the southern
states, very south, and this priest had been reported and
pulled offline by the bishop because he had sexually abused
a lot - he was a true paedophile. All of his victims were
prepubescent little boys.

     He had been doing this, we later discovered, since
before ordination. But after ordination, which was in
1972, his first assault of a young boy after ordination
took place in the kitchen of the rectory where he was
assigned probably within three weeks of his ordination. He
had been reported to the bishop maybe, I think, five or
six times, and each time he was moved to another area.

     What finally brought it to a head was the father of
one of the victims in one of the rural parishes he was at
took a shotgun and went to the home of one of his friends
and said, "I'm going over to take care of
Monsignor So-and-so. Do you want to come along?", and he
was fully intent on shooting this man, the pastor.

     That word got back to the diocese and they decided,
"Maybe we should do something." So they pulled
Father Gotay offline and sent him to a place called the

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 1      House of Affirmation.  At that point, the diocese entered
 2      into - they were approached - they knew.  There were,
 3      I believe, nine families that had been after them
 4      constantly.  They entered into an agreement with these
 5      nine families that involved total confidentiality on their
 6      part and a payment of approximately $300,000 per family on
 7      the part of the diocese.  Now, this was the first time that
 8      I know of that something like that happened.
 9
10      MS FURNESS:   That was an awful lot of money then.
11
12      DR DOYLE:   It was a lot of money at that time, but there
13      was a lot at stake at that time and they realised it.
14
15          One of the families, however - let me backtrack.  When
16      that happened, the Vicar General of the diocese wrote
17      a letter to the Papal Nuncio and he explained, "We have
18      entered into an agreement with these families because this
19      priest had done inappropriate things with their children,
20      and it's all taken care of.  Don't worry about a thing."
21
22          So the Papal Nuncio read the letter at our staff
23      meeting, gave it to me and said, "Prepare a response and
24      put it in a file", which I dutifully did.  Two days later,
25      we received another letter from the same Vicar General, who
26      said, in a sense, "Never mind, because one of the families
27      has pulled out of the agreement.  They have engaged the
28      services of a very brilliant, a very aggressive
29      anti-Catholic lawyer."  The man was an anti-Catholic lawyer
30      because he had been excommunicated by a former bishop for
31      representing divorced people in divorce cases.
32
33          So he was with this family and they were going to sue
34      the diocese.  They named in the suit the diocese, the
35      bishop, the Vicar General, the priest, the pastor, the
36      Papal Nuncio and the Pope.  When that happened, of course,
37      it was public knowledge all of a sudden.  The district
38      attorney in the area, which would be, I think, the
39      equivalent of a Crown attorney here maybe, realised that
40      these events were, many of them - all of them, within
41      statute of limitations and he had to file criminal charges
42      against the priest.  That's when the media got involved.
43
44          The media - unlike in the past where anything
45      involving a priest of this nature was buried at the bottom
46      of column 6 on the women's page, this time it was
47      different.  It was on the front page, with pictures, and it
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 1      went viral.  There was a picture of this priest in his gaol
 2      cell that was in Newsweek magazine, so it was worldwide.
 3      That actually began - that's how I got started.
 4
 5          I was in charge of handling the case, preparing
 6      documentation, keeping my boss informed as to what was
 7      going on, because the Nuncio was blown away.  He didn't
 8      know what this was - he knew what it was about, but he was
 9      just stunned when he found out that these people were going
10      to sue the Catholic Church and that the media was pointing
11      at the bishops and blaming them.
12
13  MS FURNESS:   What were your riding instructions when you
14      were handling the case?
15
16  DR DOYLE:   My instructions were simply to prepare
17      information for the letters that had to be signed by the
18      Apostolic Nuncio to the bishop and the diocese.  One of the
19      things I did was I realised that they needed some
20      professional help dealing with the accused priest, so
21      I connected the bishop up with a man named Father Michael
22      Peterson, who was also a psychiatrist, who had founded
23      a place called St Luke Institute, which was and still is
24      a health care facility for priests dealing with substance
25      abuse issues and psychosexual issues.
26
27          Peterson went and interviewed the man, tested him and
28      wanted to find out what was going on.  He said, "We've got
29      to bring him up to my place and give him a full battery of
30      tests for about a week, and then he's got to go back into
31      a lock-down situation."  In fact, by then, they had him in
32      gaol.
33
34  MS FURNESS:   Were his faculties taken from him?
35
36  DR DOYLE:   His faculties were taken from him.  To my
37      knowledge, he has not yet been officially laicised.
38
39  MS FURNESS:   Do you know why not?
40
41  DR DOYLE:   I don't know.
42
43  MS FURNESS:   He was ultimately convicted and gaoled?
44
45  DR DOYLE:   He was ultimately convicted.  He was sentenced
46      to 20 years and he got out after 10.  He moved to a small
47      house in East Texas, next door to a woman who had
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1   a three-year-old son, and he was picked up for sexually
2   abusing the three-year-old son and thrown in gaol. He was
3   in gaol for about a year, but the woman didn't want to go
4   forward because she didn't want to get on the stand and she
5   didn't want her child exposed.
6
7   So he got out of gaol for a while. Then he was picked
8   up again for failure to report because he was on a sexual
9   registry. To my knowledge, now, he has two types of cancer
10   and he is living alone in a small house near Houston,
11   Texas.
12
13   MS FURNESS: Did the Church continue to support him
14   financially after he got out of gaol the first time?
15
16   DR DOYLE: I think they did for a while.
17
18   MS FURNESS: Did they take any responsibility for
19   supervising him?
20
21   DR DOYLE: No.
22
23   MS FURNESS: Is that something the Church does now?
24
25   DR DOYLE: Well, they say they do, but the supervision,
26   from my experience - now, let me just backtrack and say
27   I have been involved directly with this issue for 33 years.
28   I've been involved in actual cases in a number of ways
29   throughout the United States and in several other
30   countries, so I've seen the promises that, "Father will be
31   under strict supervision. He will have three men who will
32   be his support team." Sometimes that is actually done.
33   I know of a few cases where it actually is done the right
34   way. But for the most part, oftentimes you find that the
35   men on the support team don't even know they're there, and
36   this all comes out when the man reoffends. So in general,
37   I think you cannot presume that the supervision will be
38   done in a competent, effective manner.
39
40   MS FURNESS: Just coming back to the role of the Nuncio,
41   was his role in relation to liaising in some way with Rome
42   or was it more of a local role?
43
44   DR DOYLE: His role was liaising with Rome. He functioned
45   as a regular ambassador. He had really no actual authority
46   in his office, only what might have been given to him, so
47   it was mostly liaising with Rome, which he did

1   significantly as we went through this.
          2
          3   I was tasked to prepare a report that he would sign
          4   and send to the Pope in February 1985.
          5
          6   MS FURNESS: Just let me stop you there for a moment. So
          7   you understood the purpose of your work was to inform the
          8   Nuncio, who in turn would inform Rome?
          9
         10   DR DOYLE: My job - that's exactly right. Inform the
         11   Nuncio; liaise with the dioceses; see what they were doing;
         12   and keep a file, a record, of everything.
         13
         14   MS FURNESS: When you say "liaise with the dioceses", did
         15   it involve any oversight or any discretion as to
         16   recommendations you might make to them?
         17
         18   DR DOYLE: What I did was connect them with this
         19   Father Peterson, and he was making recommendations as to
         20   what they were going to do, the disposition of the priest.
         21
         22   But another factor came into play in very early
         23   January 1985. The attorney who the diocese had hired to
         24   defend the priest on the criminal charges called
         25   Father Peterson, the psychiatrist, whom he had been
         26   liaising with, and he said, "I need to talk to this guy,
         27   Doyle, at the Vatican Embassy. It is very important."
         28
         29   So he flew up from Louisiana and on a freezing January
         30   morning sat down with me in my office. I had never met him
         31   before. He was very direct, and he always called me by my
         32   last name, never "Father", never "Tom". Now he calls me
         33   "Tom" once in a while. But he said, "Doyle, I want to tell
         34   you something" - I'm going to pretty much quote him. He
         35   said, "We've got this one guy, Gotay, down there under
         36   wraps, but the diocese is hiding about six others that are
         37   still roaming around and preying on children. Now, I'm
         38   worried about that for two reasons: One, I have three kids
         39   at home; and, two, I'm not going to be able to construct
         40   a decent defence if this is going on and the jury finds out
         41   about it."
         42
         43   What he wanted to do with Gotay, the priest, was work
         44   out a deal with the court whereby he would be in custody,
         45   he would be locked down, but at a special confinement
         46   centre in southern Maryland that dealt only with sexual
         47   offenders where they were actually studied by the Sexual

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 1      Disorders Clinic at Johns Hopkins University.  That's what
 2      he wanted to have done.  He wasn't trying to get him off
 3      the hook, because everybody knew the guy did it.
 4
 5      MS FURNESS:   But why did he come to you?  What power did
 6      you have in that area?
 7
 8      DR DOYLE:   He knew I worked for the Vatican Embassy and he
 9      wanted me to go to my boss, the Papal Nuncio, and tell him
10      that this was going on, that these other men were down
11      there and that they knew about them, the Church knew about
12      them.  So I did.
13
14          The Papal Nuncio, in the little meeting we had -
15      Father Peterson, the psychiatrist, was in on the meeting.
16      It all happened within 24 hours.  We told him what the
17      information was that we had, and he called the bishop up
18      and he called the Archbishop of New Orleans and said,
19      "I want the two of you up here within five days to meet
20      with Father Doyle and Father Peterson to sort this out."
21
22          So the two of them came up with their lawyers, and we
23      confronted them with the fact that we knew about these
24      people.  They didn't know how we knew, and we told them,
25      "It doesn't matter how we know.  We know.  Something needs
26      to be done right now."  The deal was that they would go
27      back and inform - the bishop said they would take them
28      offline; they would pull them in.
29
30          We were too busy dealing with the one case to get --
31
32      MS FURNESS:   The bishop said that they would take them
33      offline - that is, the six or so priests they knew about?
34
35      DR DOYLE:   Yes, the ones they knew about, that we informed
36      them about.  The bishop and the Vicar General knew about
37      all of them - that they would take them out of ministry and
38      put them on hold somewhere while they sorted out what they
39      were going to do.
40
41          Keep in mind, this was 1985.  Up to that point, this
42      had been going on all over the place, all over the United
43      States, but it was done in a deeply secretive manner.
44      Nobody found out.  These men were transferred somewhere
45      else under the cloak of secrecy, and if they were
46      discovered again, they were transferred again.
47
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 1        MS FURNESS:   So you prepared a report in 1985?
 2
 3        DR DOYLE:   Yes.  I suggested to the Papal Nuncio that we
 4        ask the Holy See to allow us to send a bishop down there to
 5        sort this out, to make an investigation, to find out what's
 6        going on, because I've only given you a little bit of the
 7        chaos that was going on.  I mean, there were prominent
 8        laypeople involved trying to defend the Church.  They were
 9        threatening to burn down the newspaper and the TV stations
10        because they were publicising this.  It was a mess.
11
12            So he agreed, but he said, "We have to get the
13        permission of the Pope, and that could take a while, so
14        we'll short-circuit this."  He said, "You prepare me
15        a report in detail and we will get it to the Pope as
16        quickly as we can."  So I did about a 42-page or
17        44-page detailed graphic report, names, dates, places, what
18        the guy actually did, from the reports from the
19        psychologists.  The Nuncio signed it without making
20        a single change.
21
22        MS FURNESS:   This is the one fellow now you are talking
23        about?
24
25        DR DOYLE:   The one man.  But we also mentioned that there
26        were six others down there floating around and that we
27        also, by January, had heard information from two other
28        dioceses where it was bubbling to the surface because of
29        the publicity.  So all of that went in there, in other
30        words, basically saying, "There are credible reports of
31        priests sexually abusing children right now, February 1985,
32        from at least four dioceses in this country."
33
34            The report was sent by courier to the Cardinal
35        Archbishop of Philadelphia, Cardinal Krol, who took it the
36        next day to the Vatican, when he flew over.  He gave it to
37        the Pope and wired back that the Pope did read it, and the
38        appointment of the bishop was made within three days.
39
40        MS FURNESS:   So the bishop was appointed from within the
41        United States?
42
43        DR DOYLE:   Yes.  His name was AJ Quinn.  To cut to the
44        chase on him, he turned out to be part of the problem and
45        not part of the solution, because he was trying to figure
46        out how they were going to continue with the cover-up.
47
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MS FURNESS: How was he chosen?

DR DOYLE: Pardon, ma'am?

MS FURNESS: How was he chosen?

DR DOYLE: I chose him because I had - I was familiar with
the bishops, because I would do the process on them, and
I chose him for three reasons: first, he came out on the
investigation squeaky clean, as we say; he had a doctorate
in canon law and he had a civil law degree; and he also was
a licensed pilot.

MS FURNESS: That was important?

DR DOYLE: Well, I just threw that in because I am also.
So he looked good on paper. He came in. We briefed him
for a day, and then off he went to Louisiana.

MS FURNESS: How did you find out that he was on the other
side, as it were?

DR DOYLE: I found out when he came to me and tried to
minimise what was going on and he was telling me that,
"They're doing the right thing down there. The bishop has
it under control", and I knew he didn't because the lawyer
that is representing this guy is calling me every day with
reports.

     Now, this is a culture down there. They're Cajuns.
They're all related to each other. So this guy is getting
all this information from his cousins and his aunts and
uncles about what's really happening. One of them worked
in the Chancery Office, so she was making copies of
documents and shooting them over to him and he would send
them up to me. It was a crazy drama, but it was real. So
all this was going on. Whenever I would get this
information, I would feed it to my boss.

     Well, in the process, we received another report from
an attorney down there, who said, "I'm representing
Mrs So-and-so and I want you to know that we're going to
file a suit because Father Albert" - I forget his last
name - "had sexually abused all five daughters in her
family, and she wants you to know that she's not going to
the bishop or to the Church. She's going directly to the
court." This was 1985.

1
2   So what they did with him - they told him to pack his
3   bags and go to Holland because we don't have an extradition
4   treaty with Holland. You can't make this stuff up. It
5   sounds bizarre, I know. It may sound somewhat humourous,
6   and I have to admit that one of the only ways I could cope
7   with this through the years is find some humour. Otherwise
8   I would have gone totally mad.
9
10   MS FURNESS: So the work you were involved in broadened
11   after these events?
12
13   DR DOYLE: Yes. It broadened fairly quickly because of
14   the publicity. What we learned was that the secular papers
15   were now putting this in a prominent place. It was on TV
16   in the secular papers. It wasn't being covered up.
17
18   So in many instances, families where parents had heard
19   these things from their children, where their children
20   would try to explain what Father had done, where they
21   didn't believe them or didn't want to make a report - they
22   were coming forward. I believe it was by June of that year
23   we thought we had a huge number of reports, and it was
24   about 42. Some would report directly to us. Some would
25   report to a bishop, who then would call us and want to know
26   what to do.
27
28   MS FURNESS: It seems unusual, doctor, that the Papal
29   Nuncio's office, and you in particular, attracted all of
30   these reports.
31
32   DR DOYLE: Unlike probably other embassies, in the United
33   States people write to the Papal Nuncio for a lot of
34   things. If the priest on Sunday doesn't say the right kind
35   of sermon or does something a little off kilter, they write
36   to the Papal Nuncio.
37
38   MS FURNESS: Is it because there was the perception that,
39   indeed, the Papal Nuncio had a supervisory role over
40   bishops and priests in the States?
41
42   DR DOYLE: I think the perception was that it would get to
43   the Pope. Many people thought that the Pope would be
44   interested in their report. Not everybody reported to the
45   Nunciature. Many of these came from other bishops, who
46   would then report in. It attracted a tremendous amount of
47   interest from the American bishops because of the

1   publicity. They were all talking about it; they were all
        2   worried about it.
        3
        4   MS FURNESS: They would have been worried from an asset
        5   protection point of view, wouldn't they?
        6
        7   DR DOYLE: That played into it significantly. Many of
        8   them, I must say, that I talked to - because they knew
        9   I was the canonist there, so they called me for a lot of
       10   things, and that was one of them - said, "We've heard that
       11   this existed, but we don't know what to do." The ones that
       12   did know what to do - namely, cover it up and move them
       13   from one place to another - didn't call to ask.
       14
       15   I also found out at that time that some of the
       16   bishops, in my opinion, sincerely wanted to do the right
       17   thing. The blockage in the United States didn't come from
       18   the body of bishops. And remember, we have approximately
       19   350 bishops in the United States. It came from the
       20   National Conference of Catholic Bishops General
       21   Secretariat, their administrative body at the top. They
       22   are the ones that didn't want anything to happen, and so
       23   they did the blocking.
       24
       25   MS FURNESS: So you had, I think you said, 43 or 44 or
       26   42 reports?
       27
       28   DR DOYLE: That's right.
       29
       30   MS FURNESS: You thought that was large at the time?
       31
       32   DR DOYLE: At the time, we thought it was large.
       33
       34   MS FURNESS: Did they continue to come to you?
       35
       36   DR DOYLE: They did continue to be - we continued to be
       37   made aware because sometimes the people - we would find out
       38   about it through the media, sometimes through other
       39   bishops. Sometimes other priests would write, that kind of
       40   thing. It was a different - there were a number of them.
       41   We weren't dealing with individual cases.
       42
       43   What my two colleagues and I did, though, as a result
       44   of this - I mean, I was spending a significant amount of
       45   time every day on this. We decided that we would like to
       46   prepare some sort of a manual for the bishops so that they
       47   would have something to look at because this was new for us

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 1    and it was probably new for them.  So we did.  In preparing
 2    this, because I was dealing with bishops all the time,
 3    I consulted with several ones that I trusted and that
 4    I knew and that I liked.
 5
 6    MS FURNESS:    Not Bishop Quinn, I take it?
 7
 8    DR DOYLE:    No, Quinn I didn't.  I consulted with a man who
 9    was a friend of mine - two men who were friends of mine at
10    the time, whom I knew before they were bishops.  One was
11    Cardinal Law - he was a bishop at the time - and the other
12    was Bishop Tony Bevilacqua, who eventually became the
13    Archbishop of Philadelphia.  They said, "Set this thing up
14    in a question and answer format."  So we did.  It had
15    sections on civil law, criminal law, insurance, pastoral
16    care, canon law and the medical part.  It had attached to
17    it several articles that Father Peterson had selected on
18    what paedophilia is, its incurability, the effect on the
19    victims and the kinds of treatment modalities that are
20    used.  This came out to be a grand total of about
21    140 pages.
22
23        We finished it up.  It was like a free-will offering,
24    I guess, if you'd call it that.  My boss, the Nuncio, was
25    very much in favour of the endeavour.  All we wanted to do
26    was give it to the National Conference of Bishops and ask
27    them to circulate it among the bishops so they would have
28    something to use.
29
30    MS FURNESS:    Did you get the approval of Rome to prepare
31    it and then circulate it?
32
33    DR DOYLE:    No, I got the approval of the Papal Nuncio.
34    That's all we needed.  It was not an official document; it
35    was a pastoral aide, as they called it.
36
37        Well, the National Conference of Bishops didn't want
38    it.  They made both public and private statements that
39    everything in it they were aware of; they knew everything
40    that was in it, and so they didn't want to - they didn't
41    see any need to have it.
42
43        In any event, the three of us were very disappointed.
44    We had meetings, a couple of meetings, with some
45    high-ranking bishops to discuss disseminating this and
46    where to go from there, and that all stopped because we
47    were told, "It's not going anywhere, so you may as well
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 1      forget about it."
 2
 3          But at our expense, we did have copies made of that
 4      document and sent to every bishop in the United States, and
 5      we did that on December 8, 1985.  Some of them used it.
 6      Some just put it in the trash, I guess.  I don't know.
 7
 8      MS FURNESS:   Was it around this time that you started
 9      dealing with victims and their families?
10
11      DR DOYLE:   Yes, it was.  There weren't too many, but
12      I met - up to that time, dealing with it was a serious -
13      I knew it was a serious problem, but the victims were
14      pieces of paper that I read.  I read the descriptions, and
15      they were pretty disturbing.
16
17          But then I met a 10-year-old boy with his family, and
18      when I looked into his face - I still see it - it was
19      empty.  That moment changed my life.  The parents were
20      simple, good, decent people who could not comprehend why
21      they were being treated the way they were by the Church.
22      They couldn't understand why this man had been shifted from
23      one place to another to another and nothing was done.
24
25          I had no answers - I couldn't.  But that was the first
26      of - I can't count the number of victims I've met.  The
27      youngest was that boy, who was, I think, 10 or 11 at the
28      time.  The oldest was a woman who at the time was 91, who
29      had waited until she was 88 or 89 to disclose what had
30      happened to her when she was 12.  What prompted her to
31      disclose was when her own daughter, at the age of 60,
32      disclosed what had happened to her.  The woman told me that
33      because of what had happened to her, she never was able -
34      she had had three husbands - to have a decent relationship.
35      She said, "I could never get rid of the anger or the shame
36      or the guilt, and now because of what happened to my
37      daughter, and it's out in the public, I feel I can talk
38      about this."
39
40      MS FURNESS:   So if she was 91 when you spoke to her, the
41      abuse happened in the late 1800s, early 1900s?
42
43      DR DOYLE:   This woman's abuse happened - well, I met her
44      when I was stationed in Germany, so this would have been
45      2001 or 2002.  I don't remember exactly when it happened,
46      but I did listen to her for the longest time, and she just
47      unloaded.  I didn't want to question, discuss, parse it.
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1     Just listening was painful enough for both of us.
2
3     MS FURNESS:   In what capacity were you talking to these
4     people?
5
6     DR DOYLE:   I was talking to them only in the capacity of
7     someone who was interested in helping them.  I had no
8     official mandate from anyone.  I felt that I was an active
9     priest at the time, that that's what I should be doing, is
10    reaching out as a pastor.
11
12    MS FURNESS:   From that time on, you spoke to thousands of
13    survivors and their families?
14
15    DR DOYLE:   Yes.  I still have contact.  But since then,
16    I've met them individually, in groups, contacted by phone.
17    Many of them don't want to tell me who they are or didn't
18    want to tell me who they were, but they wanted to talk.
19    I was the only priest in the United States who was
20    prominent, who was known to have stood up to the system,
21    which is why I was exited out of the embassy in 1986.
22
23    MS FURNESS:   When you say you were "exited", you were
24    sacked?
25
26    DR DOYLE:   I was sacked.  They do it in a very gentle
27    fashion.
28
29    MS FURNESS:   I'm sure they do.
30
31    DR DOYLE:   I was told that my room, my office and my
32    bedroom, was going to be needed by another man who was
33    coming.  Well, I figured that out pretty quickly.  I wasn't
34    born yesterday, so - yes.
35
36    MS FURNESS:   Had you achieved a public profile by that
37    time?
38
39    DR DOYLE:   I didn't - I was never looking for anything
40    like that.  I did achieve somewhat of a profile because
41    when this document that we had prepared - when the media
42    got a hold of it, my name was on it.  So they were calling
43    me and they were calling the other two, the lawyer and the
44    priest psychiatrist.
45
46    MS FURNESS:   But you prepared that report with the
47    approval of the Nuncio?
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1
2      DR DOYLE:   That's right.
3
4      MS FURNESS:   Was he the one who sacked you?
5
6      DR DOYLE:   I think they decided that there was too much
7      heat and too much attention being given to this issue and
8      that it would be better to let it sort of - I was told
9      several times, "We don't air our dirty laundry.  We take
10     care of our problems in-house."  I didn't want to do that.
11
12     MS FURNESS:   Who is the "they" you are referring to?
13
14     DR DOYLE:   The other members of the staff.  The Nuncio
15     told me that if I wanted to have a career, I had best
16     change my interests elsewhere than that particular problem.
17
18     MS FURNESS:   Where did you go after you were exited?
19
20     DR DOYLE:   I went to work for the military, what at that
21     time was called the military vicariate - the diocese for
22     the military in the United States.  I was with them for
23     about three years, but in 1986 I enlisted in the United
24     States Air Force.
25
26     MS FURNESS:   Did you do some work there in relation to
27     people with addiction?
28
29     DR DOYLE:   Yes, I was a chaplain, and after I was
30     certified as an addictions therapist, which was in 2000,
31     then I did addiction work as well.
32
33         I will say, if it's okay, I'm a recovering alcoholic.
34     I have 25 years of sobriety.  I was trained as a therapist
35     and am licensed and I'm approved, I guess.  That work, or
36     that reality, was something I've exchanged and shared with
37     a lot of the victims, and it has helped me more than
38     anything to have a rapport with some of these people.
39
40     MS FURNESS:   What did you learn, doctor, after talking to
41     those thousands of people over the years?  What did you
42     learn from them?
43
44     DR DOYLE:   From the victims, a couple of things - many
45     things, but there is unanimity about one, which is the
46     profound spiritual damage that is done to victims who are
47     from devout Catholic families and who are sexually violated
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by a Catholic priest. I will say that one of the massive
holes in the Roman Catholic Church's approach to this
issue, still today, is a failure to completely comprehend
the depth of the spiritual damage that is done to the
victims, to their families, especially their parents, to
their friends and to the community itself. There seems to
be no ability to even ask the proper questions.

    I have never seen anything coming out of the Holy See
dealing with the spiritual damage. All I've seen is, "Get
them to go back to church", which is nuts. That's crazy.
But I've not seen anything anywhere. I've seen a lot of
people, both priests and religious, who have tried to
figure out how to deal with this, in bringing aid and
comfort and support to the victims. But as an institution,
I have seen nothing.

MS FURNESS: You are on the Pontifical Commission; is that
right?

DR DOYLE: Well, I'm not on the Pontifical Commission.
That would be too much for the traffic to bear, to be
honest with you. I was asked to be a consultant by two of
the survivors who are on the Commission. They told me when
they brought it to the attention of the full Commission,
which at the time was 17 people, including four clerics,
there were a lot of raised eyebrows but that the Cardinal
supported it, and so they voted me in unanimously. So I've
met with some of them and I have sent them information and
communicated --

MS FURNESS: This is the Pontifical Commission for the
Protection of Minors?

DR DOYLE: That's right.

MS FURNESS: You were approached to be a consultant to it?

DR DOYLE: That's right.

MS FURNESS: And it had to be agreed by, presumably, the
majority of the Commission for you to be a consultant?

DR DOYLE: That's correct.

MS FURNESS: When was this?

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 1    DR DOYLE:   I think it took place about two and a half
 2    years ago, three years ago, perhaps.  It was not long after
 3    they started up and got organised.
 4
 5    MS FURNESS:   What were you to do as a consultant?
 6
 7    DR DOYLE:   Well, the first thing I did, I met with
 8    a number of them in London, and they said, "We're going to
 9    give you two days, and all we want to hear is everything
10    you know about this", which I did.
11
12    MS FURNESS:   Only in two days?
13
14    DR DOYLE:   Only in two days.  Well, actually, we went over
15    two, but I had to pick and choose, obviously, so I gave
16    them what I thought were the key issues that they should
17    know about this.
18
19        The Commission is focused on the care and protection
20    of minors - present and future protection of minors.  What
21    I told them, I said, "I'm going to give you the conclusion
22    flat out, right now, before we do our two days."  And if
23    it's okay, I will do it here; I will tell you what it is.
24
25    MS FURNESS:   Certainly.
26
27    DR DOYLE:   I said that the key issue is not the protection
28    of minors today and tomorrow.  The issue today for the
29    Church is the pastoral care and the support and the love of
30    the hundreds of thousands of men and women who they have
31    violated spiritually and physically over the years.  The
32    victims have to be taken care of.
33
34        If there is one hole in all of the processes, the
35    procedures and the protocols that have been issued from the
36    top down, it is proper care of the victims.  Over the
37    number of protocols and reports that I've read, promoted
38    and created by different Church entities, one of the things
39    that I see hardly ever mentioned is something comprehensive
40    about caring for the victims.  It is not enough to say,
41    "Give them money to go to psychologists."
42
43    MS FURNESS:   What was the response to that?
44
45    DR DOYLE:   They agreed.  The people that were there, the
46    laypeople, agreed.  There were two survivors on the panel,
47    and they said that was the main goal, was to convince the
```

Holy See and convince the panel, the Commission, that this
is what is really important. Protecting children certainly
is. That is doable. That we can do. We can set up all
kinds of protocols. We can make sure they happen. We can
fire bishops and priests if they don't make them happen.
But what they don't know how to do, and what they didn't
know how to do, was face the men and women who have already
been harmed and deal with their anger, with their shame,
with their guilt, with their disappointment.

          There is a major fear - and this is what I've learned
over the years - to sit down, if you are a Church leader,
across the table from some of these people, because they
are going to have a lot to say, and there is a fear of
dealing with the anger and the frustration that goes with
it.

MS FURNESS: Have you seen any change as a result of that
advice you gave?

DR DOYLE: On the part of the Commission?

MS FURNESS: On the part of Rome or the Commission.

DR DOYLE: Well, I'm not sure if anything happened because
of the advice I gave. I gave them a tonne of information,
including copies of documentaries that had been made over
the past few years, the ones about sexual abuse. I gave
them books, all of them, to read so that they would have
a real - some of these people that were on it, all they
knew was what little bit they might have read in the paper.
They had no clue what this was really all about.

          One of the women on the Commission had been the Polish
Ambassador to the Holy See - she thought her job there was
to kind of make the Vatican look good to the Polish people.
When some victims approached her to want to talk to her,
she refused to see them. So there's something wrong with
that picture.

          So I don't know if they took my advice. I do know
that in the time they have been in existence, I think the
most productive thing they have done was convince the Pope
to create a law that made it against the law for bishops to
be complicit or negligent in covering up those who sexually
abuse children. Whether that will ever be applied in the
canonical system is one question, but where it is very

1   helpful is in the civil courts, because now there is an
   2   official statement that, "What we have been saying all
   3   along is wrong. Now the Pope says it's wrong, namely,
   4   covering up and lying and being complicit with abusive
   5   bishops, enabling it to happen."
   6
   7   MS FURNESS: There was talk of a tribunal in relation to
   8   bishops?
   9
  10   DR DOYLE: That got scuttled. At first, you know, I would
  11   say in the first half hour, that sounded like a good idea,
  12   but actually all it was was another layer of bureaucracy
  13   that would allow them to prolong any accountability even
  14   further. And nobody - there was no - they just said,
  15   "There's going to be a tribunal", but there were no norms,
  16   no explanation, nothing, nothing about it. So it sunk.
  17
  18   MS FURNESS: There is something that is set up,
  19   presumably, in its place?
  20
  21   DR DOYLE: Nothing was set up in its place because the
  22   Pope doesn't need a tribunal to fire a bishop. All he
  23   needs is for somebody to give him the information. And he
  24   has done it. This Pope has done it. He has done what
  25   hasn't been done in history. He has actually laicised
  26   three or four bishops and made them go through the
  27   canonical process.
  28
  29   MS FURNESS: The structure I thought that was established
  30   after the tribunal was, as you say, scuttled was related to
  31   misconducting priests, wasn't it?
  32
  33   DR DOYLE: The structure that they developed was basically
  34   dealing with - the Holy See changed some of the laws
  35   dealing with the priests, the offending priests, but across
  36   the board, the main focus has to be on why they did what
  37   they did and why they were allowed to do what they did and
  38   why they were allowed to continue to do what they did.
  39
  40   You mentioned Janis Joplin yesterday. The John Jay
  41   study - if I can divert into that just for a second?
  42
  43   MS FURNESS: Yes, certainly.
  44
  45   DR DOYLE: When that came out, the second version of it -
  46   the first one was valuable; it was somewhat like what you
  47   produced yesterday, statistics. The second one was titled

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1   Causes and Contexts, and the hope was that this one was
2   going to get into why this has happened.
3
4   I was asked to go meet with them for three days, which
5   I did. I gave them the best pitch I could as to the
6   foundational structural problems that influence how and why
7   bishops and other superiors do what they do in relation to
8   sexual abuse.
9
10   When the report came out, they dealt not at all with
11   the structural issues or reasons. They dealt with, I would
12   say, relational issues, circumstantial issues in the
13   sociocultural environment. They said that a lot of these
14   abuse reports came from the 1960s and 1970s, so it must
15   have been, you know, the acid rock and the sexual
16   revolution. So if you listened to Janis Joplin, you went
17   out and violated a kid.
18
19   But then our questions - my colleagues and I said they
20   missed a major, major source of data, which is the data
21   that comes from the court actions. Now, what do you do
22   about all the priests that violated the kids in the 1940s
23   and the 1950s? Are you going to nail Benny Goodman?
24   Seriously. I mean, that's how shallow that report was, and
25   it was roundly criticised.
26
27   MS FURNESS: Why was that report so shallow in that
28   respect, do you think?
29
30   DR DOYLE: Because the bishops didn't want them to get
31   into it. They were telling them what to look at. They
32   were reporting in every six weeks. They didn't have
33   freedom to do what they wanted to do. They were
34   sociologists, so they would have needed theologians and
35   canon lawyers to help them really look at the structure of
36   the Church, the meaning, and sociologists that were experts
37   in the clerical culture. But they didn't have any.
38   John Jay College is a college for criminal justice.
39
40   MS FURNESS: Just coming back to the 1960s, it has been
41   said by a number of Church leaders that that, as you say,
42   was the catalyst for a lot of sexual abuse. From the work
43   you have done, particularly on the history, that's just not
44   the case, is it?
45
46   DR DOYLE: Absolutely not. I think that's an excuse.
47   It's not a reason. It's a way to deflect from the core

1   issue.
2
3   Two other gentleman and I published a book, and you
4   mentioned one the other day, one of the gentlemen up here,
5   Richard Sipe, who is probably the world's foremost
6   authority on clerical celibacy. Anyway, we published
7   a book in 2006 called Sex, Priests and Secret Codes. That
8   was based on a huge report that I had done on prior notice.
9   I thought I would take a look at prior notice up to the
10   maybe 1940s or 1950s, but I used my skills - I specialised
11   in media law, so I used my skills and I just kept digging,
12   and the bottom of the hole I dug into went back as far as
13   309 AD.
14
15   Since that time, I've done considerable research, as
16   has Kieran Tapsell, who will also be on deck later, into
17   this issue to trace the Church's own documentation. The
18   paper trail, so to speak, is from official documents from
19   the Catholic Church, and the first one we could find dates
20   from the year approximately 98 AD. It was a teaching
21   document called the Didache, or the teaching of the twelve
22   apostles, which was found in the late - mid-19th century as
23   a scroll somewhere. Anyway, it was a document that was
24   used by the infant church, which was not an organised
25   church at all; it was people gathering in homes.
26
27   But they had a moral code, and the second chapter said
28   two things: one, "Men shall not engage in sex with young
29   boys"; and, two, "Nobody shall engage in illicit sex with
30   anybody else", mainly males. Now, there were no clerics at
31   the time. There was the leader of the community, who was
32   probably at that time called a bishop. I'm not sure if the
33   concept of priesthood came into it then or not. Anyway,
34   the point was that in the Graeco-Roman culture that allowed
35   that type of behaviour, they were saying, "You cannot do
36   this." So that was 98.
37
38   309 was the first actual Council of Catholic Bishops
39   in southern Spain that enacted laws. They were called
40   canons. The reason canon law is called "canon law" is from
41   a Greek word "kanon" - it begins with what we call a "K" -
42   which means a rule or a straight line. They enacted
43   81 canons at this meeting, and the majority of them dealt
44   with sexual issues, including making it a canon, against
45   the canon law, to engage in sex with minor boys, and those
46   who did engage in sex with minor boys were denied communion
47   even on their death bed.

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There was another canon that said that clerics,
including priests and bishops and deacons - or deacons,
priests and bishops - were forbidden to have illicit sex
with women or boys, and, if they did, they were denied
communion on their death bed. Pretty severe.

        From that time, I've searched out and isolated
documentation from various sources consistently and
continually down to the present day.

        During periods of Church history, sexual abuse of
minors was not cloaked in deep secrecy. It was known.
There were periods in the late middle ages and in the
middle middle ages when the Church authorities collaborated
with the secular authorities. They would defrock a priest
and then turn him over to the secular authorities, who
would apply whatever the secular penalty was.

        There were also, in my discoveries, penalties imposed
by the Church itself, very, very harsh - imprisoning monks
or priests in Church prisons, putting them on bread and
water, beating them, shaving their heads, making them walk
around in sack cloth and ashes, things like that. Pretty
gruesome stuff.

        But what it did show was that someone understood the
seriousness of males violating young boys. They would not
have reacted in such a violent way to the perpetrators had
it not been a very serious crime. So there is a lot of
documentation indicating that this was publicly known.

        I think the cloak of secrecy went down in the late
1900s and it began with a number of decrees from Rome that
any consideration of these cases had to be covered in deep,
deep secrecy. That secrecy remained, both officially and
culturally, until the mid-1980s.

MS FURNESS: Has it changed?

DR DOYLE: It has changed somewhat. There has been
significant change because bodies like yourselves, the
courts, the media and the victims have forced the change.
They have forced the institutional church to do the right
thing, whether they like to do it or not.

        Now, there is no inconsistency there, unfortunately,

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1   but there are protocols that they have to report offenders
2   to civil authorities. There has been a tremendous amount
3   of push-back against that by a lot of the people in the
4   Vatican. Nevertheless, it is a major topic of conversation
5   and something that has been, simply put, legislated: you
6   have to do this.
7
8   MS FURNESS: When you say there are protocols that they
9   have to report offenders to civil authorities, is that only
10   where there is a law, a secular law, in the jurisdiction
11   requiring them to do that?
12
13   DR DOYLE: No. I think the latest Vatican document, which
14   goes back to 2010, said that they have to report it to
15   civil authorities, I think. I can double-check it. When
16   we get to canon law, I will talk about that. But the
17   Vatican - when the Irish bishops sent their protocol over
18   and when the Americans sent theirs over, both of them said
19   "mandatory reporting to civil authorities" and they were
20   sent back for correction, and they were sent back because
21   their primary concern was the priests, due process for the
22   accused priests, and they did not want that included in
23   those protocols.
24
25   MS FURNESS: As you say, that issue will be dealt with
26   later. Just coming to the causal factors as you see them,
27   doctor, where would you like to start?
28
29   DR DOYLE: Let me look at my notes just for a second, if
30   I may. It will only take a sec.
31
32   MS FURNESS: Certainly.
33
34   DR DOYLE: The causes. I believe the causes of why men
35   sexually violate children - if they're children, they're
36   paedophiles. That's a psychosexual disorder and that's not
37   my competence to discuss, as you know.
38
39   The majority sexually involve themselves with young
40   adolescent boys or girls. That can come from a variety of
41   issues. But my concern throughout has not been that.
42   I have been concerned about the effect of the clerical
43   culture in - I don't want to use the word "support", but
44   enabling this, but my main concern has been the
45   institutional systemic causes: why this has happened; why
46   it has been covered up; why it has been lied about; why the
47   victims have, in many instances, been turned into the

enemy; why, when the victims enter into the civil courts, they are pounded into the ground by the Church's attorneys, in many instances. You had a classic example of that right here in Australia with the John Ellis case.

It's based on a number of factors, I think, that aren't too complicated to understand. The first is the Church's teaching on the meaning of the institutional Church. By that, I mean the external sociopolitical structures. It's based on the belief that God himself, through Jesus Christ, gave St Peter a blueprint. He said, "I'm founding my Church, and, as the Church teaches in the canon law, it's hierarchical by design."

Unfortunately, the appeal to the veracity of that is to tradition, because there is nothing in scripture that adequately explains that that statement, "I give to you the kingdom, the keys to loosen and hold", actually was said by Christ. There is nothing in Church history that says Jesus Christ started a church as we know it.

So the structure itself, over the years, has become sacrosanct because it is believed to be, or taught to be, the sole way to achieve eternal salvation, which is what happens on the other side. I think one of the issues that has to be brought into this, that a lot of psychologists of religion talk about, is the fear of the unknown, which had a lot to do with the foundation of religion in the first place. It all came about - they couldn't understand thunder and lightning, so there must be somebody up there shooting at us. Hence the concept of priesthood came about and the concept of the holy man, the most revered man in the community, who will talk to these powers and give them our sacrifices.

So the concept of the institutional Church as the official entity through which Catholics receive salvation and the pillars of that Church - the Church is built upon the bishops. It teaches that the bishops are the successors of the twelve apostles, and when they are consecrated, they are told, "You are the successor of the apostles", and so on, "You are the teachers of the Church", et cetera. So every diocese is run by a bishop who is the representative of Christ in his diocese.

So you have the great reverence toward this structure, and this must be protected at all costs, because if it

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 1      goes, our way to ensure salvation goes.
 2
 3          Now, attached to that are all the things to keep that
 4      structure going, which are sociocultural deference, respect
 5      of the community, and assets, commonly known as the
 6      patrimony - that's the money of the Church.  So the
 7      protection of this entity is of all-encompassing
 8      importance.  That means the bishops themselves must be
 9      protected at all costs and must be protected from
10      embarrassment, from being lowered in the esteem of the
11      community.  Because if these things happen, the Church
12      itself, as a way to salvation, will be seriously tainted
13      and lose its ability.
14
15      MS FURNESS:   What you have said there, doctor, goes to the
16      response of the institution to the incidents of child
17      sexual assaults being made public.
18
19      DR DOYLE:   Exactly.  The response - what I've noticed over
20      my years of every other investigation that has been done
21      into this, and by "every other" I mean every other,
22      including some done by Church authorities - one of the main
23      causal factors has been the prioritising of the image, the
24      power, the authority of the institutional Church and the
25      bishops over the welfare of the victims.
26
27      MS FURNESS:   So in addition to that being part of the
28      institutional response, how does that affect the fact of
29      clergy and religious sexually abusing children?
30
31      DR DOYLE:   That affects the fact of clergy and religious,
32      those who sexually abuse children in this way:  when they
33      are reported, we have to keep it secret because if we don't
34      keep it secret it will become known and it will cause an
35      embarrassment.  So that was the motivation over the years.
36
37          Now, I find it interesting - I read in the statement
38      from the Truth, Justice and Healing Council yesterday
39      a number of pages explaining about how society wasn't aware
40      of what sexual abuse was back in the 1940s - that whole
41      argument.  I've seen that many, many times.  My response
42      is:  well, if they didn't know how serious it was, if they
43      didn't know it was a problem, why has the Church buried it
44      in mountains of secrecy for so long and banished anybody
45      who brought it forward publicly - if it's not that
46      important, if nobody knew what it was, if it wasn't that
47      serious?
```

1
2   So it has also affected the victims because once they
3   are encountered with, say, by Church authorities, they are
4   enjoined in any way possible from ever going forward to
5   lawyers, to the media, to making this known. The means
6   that have been used have been soft, trying to convince
7   them, "You wouldn't want to hurt the Church", "You wouldn't
8   want to hurt the bishop". "No, I wouldn't want to". "You
9   are very devout?" "Yes." " Okay, so let's just keep this
10   quiet. We will take care of it" - which has never
11   happened - up to and including, "If you go forward, you
12   will be excommunicated".
13
14   So the point is, the stature, the image, the power is
15   far more important than the welfare of the victim. And in
16   the theology that I believe in, there is no office in the
17   Catholic Church or anywhere else that is so important that
18   it justifies sacrificing the welfare of one innocent child.
19   Period.
20
21   MS FURNESS: How is it that that structure creates an
22   environment or a context which allows, permits, doesn't
23   prevent, religious and priests sexually abusing children?
24
25   DR DOYLE: Let me see if I understand your question: how
26   does that structure create a context whereby it allows men
27   to abuse children?
28
29   MS FURNESS: What you have just said to us, doctor, is one
30   of the factors in how the Church responds and why the
31   Church responds to allegations. What I'm asking you is
32   whether or not those factors also have a role to play in
33   why priests and religious sexually abuse children?
34
35   DR DOYLE: Yes, they do. I believe they do for a number
36   of reasons, but I will give you the ones that I think are
37   the two main ones. That concept of the Church as
38   a sociocultural reality in our life, as being all
39   important, is grounded on the clerical subculture.
40   Yesterday I believe someone talked about clericalism and
41   gave a definition of it. It is a virus that has infected
42   the Church, or any church, whereby it is believed that the
43   churchmen, the priests, the bishops, are in some form or
44   way sacred and above ordinary people, and because of this
45   sacredness, because of their importance, they must be held
46   as more important and protected more.
47

So it enabled the priests, many of them, in doing
     this, because they felt that they would be protected. They
     used this stature, this belief on the part of people that
     they were higher beings, oftentimes, to seduce, to groom
     the victims, to lead them in. The victims didn't know what
     they were getting into. They had no idea. I can't tell
     you how many have said, "I thought it was a tremendous
     honour that he was picking me out, because he's a priest.
     He's on a pedestal. He's higher than others." And he's on
     that pedestal because this concept of the institutional
     Church has built that pedestal for him. So he's up there.
     And it's easier - the seduction, the grooming takes place
     and the priest can use that to control the victim, to scare
     the victim: "Don't you tell anyone about this or God will
     be angry." Many victims that I've talked to are totally,
     completely confused through all of this, because they are
     taught anything sexual is a mortal sin. "Priests don't do
     sex, priests don't do sin. He did this to me. It must be
     my fault. Why did he do it?"

          Priests take the place of God - which is another crazy
     belief that a lot of people have, that he takes the place
     of God - so "God is doing this to me. What did I do to
     offend God?" All of this comes from this structure. It
     doesn't come from the air; it doesn't come down like
     snowflakes. It comes from that structure and the victims
     believe that. That concept also is what has protected the
     disclosure, where parents would be afraid to disclose that
     their child had been abused because they are intimidated,
     oftentimes, because: "We don't want to hurt the church.
     If we hurt the church, if we hurt a priest, it is
     a heavy-duty sin, a mortal sin. We can't take that
     chance."

          It has also enabled a lot of judges to look the other
     way when they had a man in front of them who should have
     been sent to gaol but was sent home.

MS FURNESS: You will be aware, doctor, that one topic
     certainly before this Commission and before other bodies
     that have considered these issues is whether or not
     mandatory celibacy may have been a factor in relation to
     what we now know about the extent of claims in relation to
     child sexual abuse. What is your view on that?

DR DOYLE: Without going into it in depth, my view is that
     it is directly affected. I do agree with those who say

it's hard to stretch it that just because a man has assumed
mandatory celibacy, because he can't have a sexual outlet
with age-appropriate people, he's going to turn to
children. I don't agree with that. But I do agree that
the grounding for celibacy, the training, the nurturing and
the formation for celibacy has prevented men from maturing
sexually, emotionally, psychologically in many ways, so
that, as one priest psychologist said, what we have out
there is the best-educated group of 14-year-olds in the
country.

        Unfortunately, the traditional seminary training,
which you heard about very eloquently yesterday - that's
what it was: intimacy was denigrated. By "intimacy",
I mean male/female relationships were of a lower plain.
Celibacy, virginity, is higher. We were taught that.

        I never was taught that in the Dominicans but it was
the common teaching. So that means, all of a sudden, once
you take vows, you are above your parents in God's eyes. A
lot of us could never figure that one out. I mean, that
was insulting; it is demeaning.

        So I think the formation for celibacy, the attitudes
that are used to try to convince the individual - and
celibacy also functions as a kind of clerical garb which
sets the man apart. And I never fully understood this
until one day when I was in Florida at a base I was
stationed at, a young lady - I saw her at the chapel, she
was an air force member - came in to talk to me and she
wanted to become active in the chapel program. We got into
this conversation over coffee. She said, "You guys, you
priests, you must be really, really powerful and strong",
I said, "Why?" "Because you never have sex and you really
have to be strong not to do that." I thought about that,
and that's the perception, that the power, the difference,
the uniqueness is because we give that up - supposedly.

        But the other part of it that I've seen is to buy into
celibacy you have to buy into the Church's traditional,
bizarre teaching on human sexuality, which says that it's
only good for making other Catholic babies: everything
else is a mortal sin and you only do it reluctantly at
best.

        So a lot of the individuals, a lot of clerics, have
a very stultified comprehension of human sexuality, and

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 1      that plays in when they are unable to comprehend the damage
 2      that the sexual violation of a boy or a girl does to an
 3      individual; when they are unable to comprehend the damage
 4      that rape does to an adult woman or what happens to
 5      a child.
 6
 7          When the leadership - the bishops - say, "Well, father
 8      was passed by two psychiatrists, we're going to let him
 9      back in ministry" - when all they can see is that he has
10      passed, they don't comprehend what has happened to those
11      victims, that's never going to go away.  It is never going
12      to go away.  That's soul murder, and sometimes those
13      murdered souls stay dead.
14
15      MS FURNESS:   On that note, your Honour, is that
16      a convenient time?
17
18      THE CHAIR:   We will take the morning adjournment.
19
20      SHORT ADJOURNMENT
21
22      MS FURNESS:   Dr Doyle, before the break you were speaking
23      about celibacy - mandatory celibacy and the way in which
24      that may have had a relationship to what had happened.  You
25      referred, I think, to "so-called celibacy".  What did you
26      mean by that?
27
28      DR DOYLE:   What I meant by that is that the concept of
29      mandatory celibacy is in fact not practised universally and
30      consistently by Catholic priests, probably throughout.
31      It's fairly well known that in many of the Latin American
32      countries, South American countries, African countries,
33      priests have concubines or whatever - I'm trying to look
34      for a respectable term to describe the woman, but they have
35      them and they are accepted in the community and in the
36      society.  But the fact is, as one of the gentlemen cited
37      Dr Sipe yesterday, his statistics still are solid and
38      believeable, and one of his conclusions is that less than
39      50 per cent, at any given time, of priests are actually
40      practising celibacy.  Some involved in long-term, stable
41      relationships; some short-term relationships; and then
42      a certain percentage with children or young adolescents.
43
44      THE CHAIR:   Doctor, that somewhat challenges the integrity
45      of the Church's public message?
46
47      DR DOYLE:   Yes, it does, and that's exactly what the
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1    problem is, sir.  There is a hypocritical dimension of that
2    where the Church will say 98.9 per cent of priests are
3    practising celibacy, where the data from surveys, from the
4    courts, from therapists who are actually dealing one-on-one
5    with the priests, says something quite different.
6
7    THE CHAIR:   From your experience inside the Church, how
8    does the Church from within, those who are ordained, deal
9    with that contradiction?
10
11   DR DOYLE:   How does it deal with it?  Sir, it deals with
12   it - when it is confronted with that information, there
13   will be a defensive response, "Well, there is only a few
14   and they really don't understand it and they need help",
15   or, at a local level, let's say a rectory or a presbytery,
16   as I believe you call them here, or monastery, if you know
17   that there are men - sometimes they are just ignored; it's
18   just ignored by the other priests in the house.  Sometimes
19   the superior will seek them out and talk to them and tell
20   them to terminate the relationship, but in many instances
21   it's tolerated, it's known, but it's kept secret - somewhat
22   secret.
23
24       The response of the institutional Church from the top
25   down has been defensive and we are continually told that
26   celibacy is of the essence of the priesthood, which it is
27   not, because there are a lot of Catholic priests that are
28   officially married men.  All the eastern rites,
29   84 per cent, are married men, and in several countries the
30   Church is accepting former Anglican and other non-Catholic
31   denominations, ministers and priests, re-ordaining them and
32   then they go into ministry, full ministry, with their
33   children and their wives.
34
35   THE CHAIR:   Can you explain, in these circumstances, why
36   it is, then, that the Church continues to proclaim celibacy
37   for its priests?
38
39   DR DOYLE:   Sir, I can only give you my opinion, which is
40   shared by others.  There are a lot of spiritual excuses
41   surrounding celibacy, that if you are celibate, for
42   example, you are totally dedicated to the ministry, you
43   have no distracting issues such as your wife and your
44   children.
45
46       I was a military chaplain for many, many years, and
47   I rubbed shoulders all the time with married Protestant
```

1   chaplains. I never met one that I thought was in any
2   manner, way, shape or form less dedicated, less unselfish -
3   in fact, most of them were more unselfish than I could ever
4   dream of being. So that argument falls flat, I think.
5
6   The justification is generally given in spiritual
7   terms and it's all based on the teaching of human
8   sexuality, that if you don't have sex you are a better
9   person, a higher person than those who do. Frigidity is
10   a higher calling. That doesn't say much about all the
11   people who aren't that are married, but that's the official
12   teaching.
13
14   So those are some of the defences. But there is
15   another layer that is not openly discussed and that's the
16   fact that the celibacy issue creates a power link between
17   the superiors and the priests, a controlling link that you
18   have there. It also creates a mystique about the priests,
19   as I mentioned earlier, that we have some sort of extra
20   power, something about us because we are able to live in a
21   celibate life, we are set apart, we are over there. So
22   those are some of the issues that come, that surround it.
23
24   Now, historically, one of the reasons that celibacy
25   was a positive issue was because when the priests, the
26   married priests, died, their property would go to their
27   oldest son. So money talks, and if you eliminate the
28   possibility of an oldest son, it will divert to the Church.
29   There is a lot of historical evidence that verifies that.
30
31   COMMISSIONER MURRAY: Going beyond the contradiction and
32   back to the integrity issue, Dr Doyle, celibacy is a vow,
33   is it not?
34
35   DR DOYLE: Celibacy for diocesan priests is a promise.
36   There is a technical difference in canon law. But
37   essentially, the end result is the same: the diocesan
38   priest assumes mandatory celibacy when he is ordained
39   a deacon.
40
41   COMMISSIONER MURRAY: Are you familiar with the "broken
42   windows" concept?
43
44   DR DOYLE: I'm not, I'm sorry. I probably should be if
45   you have mentioned it.
46
47   COMMISSIONER MURRAY: It is an American concept, and

1   Mayor Giuliani gives himself credit for it, but it is the
2   idea that if there is a broken window in a district and you
3   don't repair it, it allows for further broken windows and
4   results in a general breakdown of order and so on and so
5   forth. He said basically to his police force, "Attend to
6   the broken windows and that will help attend to other
7   things."
8
9   The point of that analogy is this: surely, if, by
10   virtue of human nature, priests are unable to contain
11   themselves within the celibacy promise, then breaking that
12   particular promise can induce a lack of observance of other
13   promises?
14
15   DR DOYLE: I think you are correct in that.
16
17   COMMISSIONER MURRAY: And, therefore, that lack of
18   integrity can extend to such things as child sexual abuse
19   or the institutional response to reports of child sexual
20   abuse - in other words, it diminishes all vows?
21
22   DR DOYLE: I think you have phrased that in a way I wish
23   I could, but yes, I would agree with that, that it does
24   diminish.
25
26   I believe the men who are sexually abusing children
27   that are suffering from a psychosexual disorder are under
28   a tremendous burden of compulsion. This much I do know
29   from some of my training. They don't even think about vows
30   or promises when they are compelled to act out. Many of
31   them feel a tremendous amount of guilt and shame after they
32   have acted out.
33
34   It is much like an alcoholic, who is still an
35   alcoholic, a practising alcoholic: he wants to stop
36   drinking - and of this I know what I'm talking about. He
37   wants to stop desperately, but when the situation is there,
38   the compulsion to drink is too great and you cannot stop,
39   and so you do, until something radical happens and there is
40   a complete rebuilding of you, of your person from the
41   inside out into sobriety.
42
43   With this, in many instances, with the men who suffer
44   from a serious psychosexual disorder, there is the
45   compulsive level.
46
47   I heard it described at a lecture I was taken to by

a psychiatrist in Baltimore. He was talking about
paedophiles and he said that the level of compulsion that
the paedophile has to act out sexually - now, by
"paedophile" I mean with prepubescent children, not
adolescents - the level of compulsion is approximately
40 times more than the level of compulsion of a healthy
male at the peak of his sexuality. That somewhat explains
a little bit of the incredible compulsion of that
particular sub-genre of this.

COMMISSIONER MURRAY: I guess I'm going towards
another nuance, if I can, and that is that someone who has
broken the vow or the promise of celibacy, when they hear
of another priest breaking the vow in a way that affects
his attitudes or his relationships with children, a sexual
risk to children, says to themselves, "Who am I to condemn
that person because I have broken vows myself".

     Now, I don't know if that's part of the priestly
mentality, but what is extraordinary about child sexual
abuse within the Church is a lack of people coming forward
to report it, and I have wondered if that's because they
have taken the view, "We are all sinners: we have broken
this vow, you have broken that vow, well" - you know?

DR DOYLE: I can speak to that a little bit. I do know of
the fact that very very few priests who have known about
this happening in their living circumstances have reported
it. Sometimes in the past I know of instances when they
have reported it, and this factor that you have brought up,
that's never come across my screen, so to speak.
Ordinarily, the reason for failure to report is, "I don't
want to get involved", or "I know this guy, I don't want to
get him in trouble", or something of that nature. I mean,
I've seen cases where priests have actually walked in on
other priests engaging in sex with young boys or young
girls and walked out the door and said nothing.

     So it's more, I think - but the question you ask is
a very good question: why have not more men come forward?
Part of that has to do with the fact that some of those who
have have been told by the bishop, "Keep your mouth shut.
Mind your own business. Go back."

     In the 1980s when all of this came out there were some
priests who I knew of who preached about it from the
pulpit, about the fact that we need to do something about

this seriously, and they were told to stand down, not to
preach about it. So that's at that level there that did
not want that becoming publicly known for the protection of
the institution.

        Those priests who have publicly stood up and stood
with victims and criticised or spoken out, every one has
been penalised in one way or another. Every bishop who has
stood up and stood with victims publicly - and there are
only three that I know of, out of 4,400 - has been in some
way or other penalised or isolated or sidelined, every one,
by the Holy See. Because they have gone public with an
issue that the system would still prefer to keep unknown
and buried in secrecy.

MS FURNESS: Doctor, you referred earlier to there being
a misunderstanding of what the Church really is. Perhaps
you could just explain that a bit further.

DR DOYLE: Yes, I will. I will be happy to. Oftentimes
we hear the phrase, "Don't do this, don't report it for the
good of the Church", or the policeman who arrests a priest
says, "I'm going to take him back to the rectory for the
good of the Church", or victims are told, "Don't say
anything about this for the good of the Church", or the
excuse, "We have kept it under, we have hidden it, we've
shuffled men around for the good of the Church" - who is
"the Church"? That is heresy, because "the Church",
according to the official teaching of the Second Vatican
Council, is the people of God, all of the people of God,
including the victims and their mothers and fathers,
including the people who have walked out the door and left.
They are officially the people of God.

        The structure which is oftentimes the Church in the
minds of way too many people is part of that. That gives
structure to the people of God. But that is not the be-all
and the end-all of the concept of the Church.

        I have learned over the years of dealing with this
that, unfortunately, the belief that we are the Church -
namely, we who are in the governmental structure, we who
are part of the system are the church - is not true. It is
simply not true.

        But that belief, if you believe that deeply - first
off, for many of these men that belief guarantees their

1   past, their present and their future, their whole life.
2
3   Second, that belief justifies protecting the Church,
4   "Even though we hate to have to do this, we don't want to
5   sacrifice these victims and so on, but we must protect the
6   Church at all costs." That essentially is what is the
7   justification, the concept that this structure, this
8   institution, this governing structure and the men in it -
9   they are the Church and they must be protected at all
10   costs.
11
12   One thing I didn't mention earlier, and I can briefly
13   say, is that the Catholic Church revolves around the
14   sacraments, the seven ceremonies that are connected with
15   various important parts of your life - communion, baptism,
16   confirmation - and our way to salvation, to the door to the
17   other side, is through the sacraments.
18
19   The sacraments are controlled by the clergy. The
20   average layperson has a passive dependant relationship with
21   the priests because the priest decides if you are going to
22   get married or not; he gives your communion; he hears your
23   confession; he does your confirmation, or the bishop does,
24   et cetera. So the sacraments, which are part of the
25   institution, are the visible symbols or the insurance
26   policy that you have, so to speak, and that's protected by
27   the clerical culture and by the institutional Church. So
28   that does take on a tremendous amount of importance whereby
29   I think it renders it possible to not even see the concept
30   of the Church as people of God, as this wide group out
31   there, and not even consider these children or these young
32   adults, or these older adults from abuse years ago, as as
33   important a person in the Church as the Pope or the
34   Cardinals. That is the doctrine: everybody is equal in
35   the eyes of God. Not down here, but up there they are.
36
37   MS FURNESS: Doctor, from your experience and knowledge
38   are there any suggestions you might make to the
39   Royal Commission as to what changes might be made to affect
40   for the better the institutional response going forward?
41
42   DR DOYLE: Yes. I wouldn't have come over here, I think,
43   if I couldn't offer some suggestions, thank you.
44
45   First, I would like to say I am very honoured to be
46   here, because I believe what you are doing is unique in the
47   world. It is historic. It is going to make a mammoth

1   difference in the long run. You have taken something on
2   that is mind-boggling and you are going into it in a
3   deeper, more enlightened, more courageous manner than any
4   other body that I have had contact with, and I've had
5   contact with a lot of them that are doing analogously the
6   same thing.
7
8   This problem, this sexual abuse, the way we've
9   described it, the way you are seeing it, is not unique to
10   Australia. It is worldwide. And what you do and what you
11   say and what you come up with at the end is going to have
12   an effect around the world. It is hopefully going to have
13   a profound effect in the Vatican and it is another pile of
14   information that is saying what they do not want to hear.
15
16   But this issue is damaging the most vulnerable people
17   in the Church, and I believe the community - you are the
18   people of God - has an obligation to say to the system, to
19   the institution, "This is what we have found. You need to
20   make some changes to make sure this doesn't keep happening,
21   and those changes are structural."
22
23   Now, I'm not so naive to think that the monarchy is
24   going to fall. There has never been a monarchy that we
25   know of that has voluntarily given up its system in favour
26   of democracy. But that's what you are dealing with.
27
28   So somehow or other, to make it clear that the primary
29   importance, the primary concern has to be the victims of
30   sexual abuse or any other kind of abuse that happens at the
31   hands of the clergy, and that the clergy, from the Pope on
32   down, we're all on the same level. It's an equal playing
33   field in the eyes of God, and so we have to take care of
34   each other in the same way.
35
36   I think that what you are doing here - one of the
37   biggest holes, as I mentioned earlier, has been the lack of
38   pastoral care for victims.
39
40   Now, the Church, the broader Church, takes care of the
41   victims. There are men and women, religious women, who are
42   reaching out and helping the victims. There are two
43   gentlemen out here who said that they are here to be aides
44   for the victims.
45
46   But the official system has not sent down a decree
47   from on high on offering pastoral care and how to do it and

```
 1    asking the kinds of questions, "What kinds of pastoral care
 2    do they need?"
 3
 4        For me, it has just been listening - letting them cry,
 5    be angry, yell, scream, whatever, get it off, and trying to
 6    help the people understand, you know:  "You aren't guilty
 7    of anything".  But there is a whole bag there.
 8
 9        But that is more important than all the protocols, all
10    the structures, all the policies, all the paperwork, all
11    the talk, talk, talk that has been going on.  The action is
12    what is needed.  Victims are sick and tired of apologies
13    and explanations, of more promises, of more protocols, of
14    more policies, "We're going to do this, we're going to do
15    that".  They want something to happen so that if they make
16    a complaint, why isn't it okay for the bishop to say, "I'm
17    getting in my car and going over to her house and sitting
18    with her family to listen to what happened."  That's pretty
19    important and I think that, to me, is the essence of the
20    whole thing.
21
22        So if you want to recommend one thing, it is that
23    there has to be a primary concern on the care of the
24    present victims, the ones who are there, those whose souls
25    have either been damaged beyond repair or who are seriously
26    suffering.
27
28    COMMISSIONER MILROY:  Dr Doyle, you said earlier in your
29    evidence that there was an inability to comprehend the
30    damage.  Did you want to just elaborate a bit more about
31    why there is this inability to comprehend the damage that
32    clearly you have been able to understand as you have
33    worked?
34
35    DR DOYLE:  When I first became involved in this I didn't
36    have a full idea.  I knew, just as a normal person, that if
37    an adult male engages in some form of sex with a child or
38    an adolescent, using force, that that is going to be
39    damaging.  I didn't know what it was.  But I think as we've
40    gone on, the whole concept of human sexuality - where it is
41    put traditionally in the Catholic Church in the realm of
42    morals.  It's something the will controls.  It is a sin and
43    you get absolution for the sin.  If you are the victim, you
44    put it behind you and you move on.  The inability I think
45    to understand some of those non-concrete realities of what
46    happens when you are violated sexually, and that stems,
47    I think, from the inability or the lack of awareness as to
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what human sexuality really is.

        When you have the Vatican saying that homosexual men
or women are intrinsically disordered, that says volumes.
That says, "We don't really know what we're talking about",
when you say that about any human being, that they are
internally disordered.

        So I think that's the best answer I can give you.
I think it is a misunderstanding of human sexuality. It is
sometimes an unwillingness to really want to learn how bad
this is, because if we learn how bad this is, it's not
going to make us look very good in the long run. So we
would rather, you know, look the other way.

        I have heard ad nauseam people say, "They told me to
get over it, put it behind me and move on", and as we say
in AA, you don't expect a man who has had his legs cut off,
for them to grow back, and you don't expect a person who
has been violated that way to ever go back to the complete
way they were before.

MS FURNESS: Thank you, Dr Doyle. I have nothing further.

THE CHAIR: Mr Gray?

MR GRAY: No, I have no questions, your Honour.

THE CHAIR: No questions? Dr Doyle --

MS FURNESS: Cannot be excused, unfortunately for
Dr Doyle. Dr Doyle will be joining us later.

THE CHAIR: We want you to stay, Dr Doyle.

DR DOYLE: I would be glad to. I just want to make sure
that my gratitude on behalf of my colleagues and the people
I represent in the States, unofficially, is heard by you,
how grateful we are for what you are doing for us but
especially what you are doing for those who have been
violated, who will never come forward but know that
somebody cares enough about them to go through all of this.
That is important. Thank you.

THE CHAIR: Thank you, Dr Doyle, and we very much
appreciate your coming.

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1   He can't be excused, but what do I do with him?
2
3   MS FURNESS: Dr Doyle, you may leave the witness box.
4
5   THE WITNESS: Thank you. I don't want to go out in the
6   rain, so I will stay here.
7
8   MS FURNESS: Do stay.
9
10   **<THE WITNESS WITHDREW**
11
12   MS FURNESS: Your Honour, there is a panel to be convened.
13   It will take a little amount of time. Perhaps we might
14   take an early luncheon adjournment.
15
16   THE CHAIR: We will take the luncheon adjournment now and
17   resume at 1.30.
18
19   **LUNCHEON ADJOURNMENT**
20
21   MS FURNESS: Your Honour, we have three witnesses to be
22   sworn in.
23
24   **<FRANCIS JAMES MOLONEY**, **sworn:**   **[1.34pm]**
25
26   **<NEIL JAMES ORMEROD**, **sworn:**   **[1.34pm]**
27
28   **<MICHELLE KATHLEEN MULVIHILL**, **affirmed:**   **[1.34pm]**
29
30   **<EXAMINATION BY MS FURNESS:**
31
32   MS FURNESS: Starting with you, Dr Mulvihill, could you
33   tell the Royal Commission your full name?
34
35   DR MULVIHILL: Yes, Michelle Kathleen Mulvihill.
36
37   MS FURNESS: And, doctor, what is your current occupation?
38
39   DR MULVIHILL: At present I'm the managing director and
40   owner of a group called The Corpsych Australia, which is
41   a psychology company, organisational psychologists
42   consulting to not-for-profit organisations, corporations,
43   businesses, health care sectors and, in some recent times
44   too, a variety of churches around issues relating to child
45   sexual assault.
46
47   MS FURNESS: How long has your company been operating?

DR MULVIHILL: In 1986 we began. Some time ago.

MS FURNESS: And your qualifications?

DR MULVIHILL: Yes, I have a Bachelor of Arts in
Psychology and a Graduate Diploma of Psychology, a Master
of Arts in Counselling, a Master of Arts in
Interdisciplinary Studies, Women's Studies, a Master of
Education in Adult Education, and my PhD from the
University of Technology in Sydney was around uncovering
emotion in adult learning; how do we as adults learn with
the aid of emotion rather than severing emotion?

MS FURNESS: You said that in more recent times you've
been working with Catholic entities?

DR MULVIHILL: Yes. In about 1996, I think it was
Bishop Geoff Robinson who invited me to assist the Catholic
Church in Australia in relation to facilitating some
mediations that they were involved in, and that was where
I first came across this entire issue of child sexual
assault in that Church.

     Subsequent to that, I consulted to some and assisted
some groups, particularly victim groups, in the Anglican
Church, the Seventh Day Adventist Church, the Uniting
Church, and so on.

     More recently, after that, I continued to assist, and
the St John of God Brothers in Sydney approached me because
they said they were in trouble and needed someone to help
them understand what was happening in their order, and
I worked within that organisation for about seven years.
I closed my business and worked just for that organisation

MS FURNESS: When was that?

DR MULVIHILL: That was between 1998 and 2006.

MS FURNESS: What was the difference between the
organisation you first started with and the organisation
you left?

DR MULVIHILL: In the St John of God Brothers?

MS FURNESS: Yes.

```
1
2      DR MULVIHILL:    I resigned from that organisation because
3      I could no longer deal with the corruption and systemic
4      abuse that was my experience of what was happening inside
5      that organisation.  I could do no more.
6
7      MS FURNESS:   When did you leave, again?
8
9      DR MULVIHILL:   2006 - the end of 2006, beginning of 2007,
10     when they voted in, to be on their leadership team, someone
11     who is a criminal.
12
13     MS FURNESS:   Since 2006, have you had any engagement as
14     a psychologist with victims?
15
16     DR MULVIHILL:   Yes.  One rang me on the way here this
17     morning.  I have had some engagement.  I work using the
18     better health scheme for Medicare, which means offering
19     free-of-charge counselling to some victims and to some
20     victim groups in an ongoing way in different countries - in
21     Australia, but I have probably stepped aside a little in
22     the more recent years from dealing with this.
23
24     MS FURNESS:   Do you have a religious background yourself?
25
26     DR MULVIHILL:   Yes.  My family was a very fervent
27     religious family in Bathurst, New South Wales, and at the
28     age of 17, or 18, I joined a religious order called the
29     Sisters of Mercy in Bathurst and I was finally professed in
30     that group.  I stayed there for about 13 or 14 years and
31     then left, came to Sydney and did some retraining.
32
33     MS FURNESS:   So you left the order when you came to
34     Sydney?
35
36     DR MULVIHILL:   Yes, I did.  Yes, I did.
37
38     MS FURNESS:   What sort of work did you do when you were in
39     the order?
40
41     DR MULVIHILL:   I did a lot of youth work.  I did some
42     school counselling.  I did a lot of travelling around rural
43     New South Wales from place to place, parish to parish,
44     working with young people and their families in rural and
45     remote areas.
46
47     MS FURNESS:   Thank you.
```

1
2   Professor Ormerod, perhaps you could tell the Royal
3   Commission your full name?
4
5   PROFESSOR ORMEROD: Neil James Ormerod.
6
7   MS FURNESS: And your current occupation?
8
9   PROFESSOR ORMEROD: I'm Professor of Theology at
10   Australian Catholic University.
11
12   MS FURNESS: How long have you been in that position,
13   professor?
14
15   PROFESSOR ORMEROD: Twelve years.
16
17   MS FURNESS: What sort of work did you do before that?
18
19   PROFESSOR ORMEROD: Prior to that, I worked at the
20   Catholic Institute of Sydney where we provided the
21   theological education for seminarians. Prior to that, the
22   Centre for Christian Spirituality. And prior to that,
23   I was 10 years at St Paul's National Seminary teaching
24   theology. That institution has since closed.
25
26   MS FURNESS: Have you ever worked outside of the Church?
27
28   PROFESSOR ORMEROD: Prior to all that, I worked as
29   a mathematician at the University of New South Wales.
30
31   MS FURNESS: And you moved from mathematics to religion?
32
33   PROFESSOR ORMEROD: I did.
34
35   MS FURNESS: Any particular reason?
36
37   PROFESSOR ORMEROD: That's part of the story, yes. I had
38   what might be called an adult faith appreciation at that
39   stage. There were a number of us who were sort of living
40   in a communal sort of setting. I met my wife in that
41   setting, my future wife. We married. Some 12 years later,
42   she revealed to me that the priest who was at the centre of
43   that community had sexualised his relationship with her,
44   and that set in train my interest in the issue of clergy
45   sexual abuse.
46
47   MS FURNESS: Your wife was an adult at the time?

```
1
2    PROFESSOR ORMEROD:   She was.  Didn't fall under the child
3    sexual abuse, but she was a vulnerable adult at the time
4    and the relationship was quite exploitative.  We knew
5    immediately - or I knew immediately there would be a number
6    of other victims who weren't difficult to identify.
7
8        Out of our experience, my wife and I helped establish
9    a network of survivors, known as Friends of Susanna, and
10   together my wife and I wrote I think what's probably the
11   first book on sexual abuse in the Australian context.
12
13   MS FURNESS:   I wonder if I could ask you just to speak
14   a bit more closely to the microphone because I'm having
15   a bit of difficulty hearing you.
16
17   PROFESSOR ORMEROD:   Sure.
18
19   MS FURNESS:   So you wrote the first book on sexual abuse.
20   What was that?
21
22   PROFESSOR ORMEROD:   When Ministers Sin.
23
24   MS FURNESS:   When was that?
25
26   PROFESSOR ORMEROD:   1995.
27
28   MS FURNESS:   So it has been an area where you have worked
29   intellectually as well as with other survivors?
30
31   PROFESSOR ORMEROD:   Yes, and not just in the Catholic
32   setting and not just in a church setting.  In 1995, we were
33   also part of an organising group for an international
34   conference which included not just clergy survivors but
35   also those in health care settings and other sort of adult
36   survivor abuse situations.
37
38   MS FURNESS:   So I take it your wife's experience and your
39   experience informed your work in seminaries?
40
41   PROFESSOR ORMEROD:   It did to some extent.  It was
42   a fraught situation.  The abuser at the time was actually
43   working with me at the seminary when my wife disclosed.
44   Ironically, he was teaching the students about celibacy,
45   amongst other things.  So it was a difficult time and a lot
46   of sorting out that had to go on.  It did help inform my
47   practice to some extent.
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```
 1
 2          When we moved, when I was finally at the Catholic
 3     Institute of Sydney, we were involved mainly in their
 4     theological formation, not their pastoral formation.  The
 5     pastoral formation was conducted at the seminary itself,
 6     not at the Catholic Institute.
 7
 8     MS FURNESS:   Can you explain the difference between the
 9     theological and pastoral formation?
10
11     PROFESSOR ORMEROD:   There is.  I was teaching Christology,
12     Trinity, grace, these sorts of classic theological themes,
13     and that intellectual formation is often carried out
14     distinct from their spiritual and personal formation, which
15     is undertaken at the seminary itself.
16
17     MS FURNESS:   So to the extent there's any discussion about
18     leading a celibate life, that would be in the pastoral side
19     rather than the theological side?
20
21     PROFESSOR ORMEROD:   That was a responsibility for the
22     seminary, yes.
23
24     MS FURNESS:   Does it still operate like that?
25
26     PROFESSOR ORMEROD:   I believe so, yes.
27
28     MS FURNESS:   Thank you.
29
30          Can I turn to you, Professor Moloney.  Perhaps if you
31     could provide the Royal Commission with your full name?
32
33     PROFESSOR MOLONEY:   Francis James Moloney.
34
35     MS FURNESS:   What do you do now, professor?
36
37     PROFESSOR MOLONEY:   At the moment I'm a Senior
38     Professorial Fellow at the Catholic Theological College,
39     a member college of the University of Divinity in Victoria.
40
41     MS FURNESS:   And you are a member of the Salesians?
42
43     PROFESSOR MOLONEY:   Yes.  Yes, I joined the Salesians in
44     1959, did the usual formation program, novitiate, teacher
45     training; taught at Sunbury for three years; went overseas,
46     did a Masters Degree in Theology in Rome; then did
47     a Masters Degree specialising in Biblical Studies in Rome,
```

1   then did a PhD in Oxford; then came back and taught --
        2
        3   MS FURNESS: What was your PhD in?
        4
        5   PROFESSOR MOLONEY: This will relate to what I will say in
        6   a moment. My PhD was on the meaning, the sense, of the use
        7   of the expression "the son of man" in the fourth gospel.
        8   It's found 13 times. Why? And why where it's found?
        9
       10   MS FURNESS: How long did it take you, professor?
       11
       12   PROFESSOR MOLONEY: Three years.
       13
       14   MS FURNESS: And you published it?
       15
       16   PROFESSOR MOLONEY: Published. Second edition. Both sold
       17   out. It's now in its third edition.
       18
       19   THE CHAIR: Ms Furness, we need to stop. The professor
       20   can't be heard in the back of the room. We will have to do
       21   something about it.
       22
       23   MS FURNESS: You have a lapel mic.
       24
       25   PROFESSOR MOLONEY: Yes. Do I have to turn it on, or are
       26   they turning it on and off from there? Okay, they should
       27   be able to hear, they say. I'll speak loudly.
       28
       29   So I finished the PhD at Oxford. That was published.
       30   It's called The Johannine Son of Man. It has been through
       31   three editions, all sold out. It has become a classic in
       32   the field. Since then, I've continued to publish. I've
       33   been Visiting Professor of New Testament in Israel, in
       34   Europe, and I was in the United States for six years and
       35   taught at the Catholic University of America as
       36   the Professor of New Testament and was eventually the Dean
       37   of the School of Theology and Religious Studies at the
       38   Catholic University of America, until I was called home by
       39   the Superior of all the Salesians in the world because my
       40   predecessor, facing all these issues, had had a major
       41   breakdown and was not communicating. So I was asked if
       42   I would abandon what I was doing and come back to
       43   Australia, and I came back and took over there in 2006
       44   through until 2011.
       45
       46   MS FURNESS: So you took over as the Provincial Superior
       47   of the Salesians?

```
1
2      PROFESSOR MOLONEY:   That's correct.
3
4      MS FURNESS:   Does that mean you were the head of the
5      Salesians Australia wide?
6
7      PROFESSOR MOLONEY:   And in New Zealand and Fiji and Samoa.
8
9      MS FURNESS:   What did you find when you took over that
10     job?
11
12     PROFESSOR MOLONEY:   I found a great mess.  I found a lot
13     of difficulty, and I can understand why my predecessor, who
14     was quite introspective, had had his breakdown and
15     eventually died.  He found the whole thing overwhelming.
16
17         I did the best I could to surmount the difficulties,
18     to stand by victims at all stages, to keep a close
19     relationship with police at all stages --
20
21     MS FURNESS:   Let me stop you there.  You talked about your
22     predecessor finding the whole thing overwhelming and the
23     difficulties you experienced.  Perhaps you could be
24     a little bit more specific about what you're referring to?
25
26     PROFESSOR MOLONEY:   Yes.  I think my predecessor found two
27     things very distressing.  The first was the face-to-face
28     encounter with the victims, which is always stressing, soul
29     destroying, and he found that very hard to cope with.
30
31     THE CHAIR:   Professor, I think what Ms Furness was wanting
32     to understand - when you say you found a mess, you're
33     talking about the sexual abuse of children?
34
35     PROFESSOR MOLONEY:   That's right.
36
37     THE CHAIR:   By members of the order; is that right?
38
39     PROFESSOR MOLONEY:   Yes, yes.
40
41     THE CHAIR:   And your predecessor's response to that - he
42     was overwhelmed by it?
43
44     PROFESSOR MOLONEY:   He was overwhelmed by it, yes.
45
46     THE CHAIR:   Now you're talking about what you faced and
47     how --
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1
2      PROFESSOR MOLONEY:   No, I'm answering what created the
3      stress in my predecessor.
4
5      THE CHAIR:   Okay, right.
6
7      PROFESSOR MOLONEY:   And that was he eventually found those
8      experiences emotionally overwhelming.
9
10     MS FURNESS:   The experiences of talking to victims?
11
12     PROFESSOR MOLONEY:   Exactly.  And the second stressful
13     thing, as always in our situation, is that you find people
14     that you've lived with and known for 30 and 40 years have
15     betrayed everything you stand for.  He just couldn't cope
16     with it and he had a complete breakdown.
17
18     MS FURNESS:   So when you arrived, what was the situation
19     that you arrived to in respect of the dealing with
20     allegations and claims, and no doubt reality, of child
21     sexual abuse within the Salesians?
22
23     PROFESSOR MOLONEY:   Yes, I came back to a situation of
24     a number of unresolved issues, some already in the process
25     of legal procedure.
26
27     MS FURNESS:   Perhaps if we could be a bit more precise,
28     professor.  What do you mean by "some unresolved issues"?
29
30     PROFESSOR MOLONEY:   Some allegations that were as yet to
31     be resolved either criminally or through the Towards
32     Healing process - a number of those.
33
34         Then there were pending court cases that were still
35     pending when I arrived home, both resolved --
36
37     MS FURNESS:   Is that criminal and civil?
38
39     PROFESSOR MOLONEY:   Criminal.  Criminal.  Both resolved --
40
41     MS FURNESS:   By "resolved", what do you mean?
42
43     PROFESSOR MOLONEY:   Those people finished in gaol.  So
44     that was the situation I had to run with.
45
46     MS FURNESS:   And what did you do?
47
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PROFESSOR MOLONEY: What did I do? Worked as hard as
I could day and night to meet victims, to make sure that
all the people against whom allegations had been made were
removed from any possible contact with young people and --

MS FURNESS: So do I take it from that that there were
people still in contact with young people, against whom
allegations had been made when you arrived?

PROFESSOR MOLONEY: No. That's a good remark.

MS FURNESS: It's a question.

PROFESSOR MOLONEY: A good question. All of the people
had already been removed from ministry, but as I went on,
of course, others came up and I had to remove them from
ministry and try to begin the processes of eliminating them
completely from the order and from their faculties - to
defrock them, to use the technical term.

MS FURNESS: When you said "others came up", do you mean
that allegations or claims were made?

PROFESSOR MOLONEY: Yes, of course.

MS FURNESS: Did you do anything, when you began in 2006,
to try to understand what had happened and why it had
happened in the years before you took over the job?

PROFESSOR MOLONEY: If you mean going to get some
professional advice about what had happened and why it had
happened, no.

MS FURNESS: Did you do anything?

PROFESSOR MOLONEY: Yes. I spoke to people with
experience, largely legal people, also psychological
people, people who worked in this area, but I didn't take
on any formal course or anything like that. I sought
advice where I felt I didn't understand what the situation
was and worked extremely hard to get on top of the whole
situation.

MS FURNESS: When you said you spoke with victims, are
those victims who came forward of their own accord to you?

PROFESSOR MOLONEY: There were some of those, maybe four

1   or five. Most of the victims I spoke to were victims who
2   were a part of the Towards Healing process. An essential,
3   very important part of the Towards Healing process was that
4   once the legal teams of both parties had met and come to
5   some sort of agreement, then it was very important, as far
6   as I was concerned, for me to have a one-on-one with the
7   victim and anyone else from his family who wanted to be
8   there. To me, that was the most essential part of the
9   whole process.
10
11   MS FURNESS: When you say "his family", I take it that
12   most of them were male?
13
14   PROFESSOR MOLONEY: All of them were male.
15
16   MS FURNESS: All of them?
17
18   PROFESSOR MOLONEY: All of them, but very often they had
19   their wives with them in that session with me.
20
21   MS FURNESS: Did you make any changes to the way in which
22   the Salesians operated during the period that you were
23   Provincial in relation to this particular area?
24
25   PROFESSOR MOLONEY: I would say the change that I made was
26   that I was more aggressive in seeing to the defrocking,
27   elimination, of people and more aggressive in unconditional
28   support to victims, both in terms of my care for them and
29   in terms of the sorts of financial payments that were made
30   to these victims.
31
32   MS FURNESS: As an order, what was the process for
33   laicisation?
34
35   PROFESSOR MOLONEY: That, of course, is determined by
36   Catholic Church canonical procedures. There are two
37   differences. With Brothers, it's much simpler because you
38   simply apply to the Superior-General of the congregation,
39   and he very rapidly gets permission from the Holy See, and
40   within three or four weeks you can dismiss a Brother. The
41   problem is once they're in Holy Orders, once they become
42   priests. Then you have to go through the process - there
43   are two processes.
44
45   The process is dismissal, which is the most vigorous
46   way, which the Vatican has been very loath to allow. They
47   will go through a long, long process in order to get to

1   this eventual dismissal.
2
3   The easier process - still a problem, but the easier
4   process - is for the Provincial to try to talk the
5   religious concerned, the priest religious concerned, to
6   resign. Now, if they resign, then you have to go through
7   a process of tracking back his records, any signs of this
8   earlier, et cetera, because the Church won't let them
9   resign unless there's very good reasons to resign.
10
11   Then you had to also call in up to four witnesses who
12   had journeyed with him across his life. So it was
13   basically an assessment of this person's character and then
14   his personal request, giving the reasons why he thinks he
15   should resign. That is a much more gentle process for the
16   person you're throwing out and marginally quicker.
17
18   MS FURNESS: In the event that the reason you wanted to
19   throw them out was that there were allegations which you
20   had sufficient belief in to throw them out, wouldn't that
21   be enough?
22
23   PROFESSOR MOLONEY: No. No. This isn't BHP. This is the
24   Roman Catholic Church. I as Provincial can't say, "You are
25   out. Pack your bags and go", because he can pack his bags
26   and go, but he's still formally in religious orders.
27
28   MS FURNESS: But you can remove his faculties, can't you?
29
30   PROFESSOR MOLONEY: Oh, yes.
31
32   MS FURNESS: Which means he can't minister somewhere?
33
34   PROFESSOR MOLONEY: Absolutely. Oh, that always happened
35   immediately. But that's not the same as dismissing them
36   altogether.
37
38   MS FURNESS: Salesians have Brothers as well as priests?
39
40   PROFESSOR MOLONEY: Yes, not many, but we have some.
41
42   MS FURNESS: Not many priests?
43
44   PROFESSOR MOLONEY: Not many Brothers. I was surprised by
45   those numbers. Going back to 1950 it talks about something
46   about 22-point-something per cent allegations against
47   Brothers. We've only had about 25 Brothers since 1950. So

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 1      that makes for a very high percentage - about a quarter of
 2      25 people - and I knew all those people.  I find that
 3      pretty hard to imagine.  But I know we gave you the
 4      figures, so that's where they're coming from.
 5
 6      MS FURNESS:   The figures were in relation to non-ordained
 7      religious, so the Brothers, 21.9 per cent; and in relation
 8      to the priests it was 17.2 per cent.
 9
10      PROFESSOR MOLONEY:   Yes.
11
12      MS FURNESS:   Is there anything that you can tell us about
13      why you think the figures are the way they are?
14
15      PROFESSOR MOLONEY:   Well, the figures came from our own
16      records, and I have no idea.  I mean, I haven't been in
17      that office for six years.  That has all been work that has
18      been requested by the Commission and by the justice and
19      peace group, and they've been worked on in the Provincial
20      House with no consultation with me whatsoever.
21
22      THE CHAIR:   Professor, I think Ms Furness was actually
23      seeking a different question to be answered, and that is
24      why do you think it happened?
25
26      PROFESSOR MOLONEY:   Is that what you're asking?
27
28      MS FURNESS:   It was indeed what I was asking.
29
30      PROFESSOR MOLONEY:   Why did I think that there was --
31
32      THE CHAIR:   Why were there so many allegations against
33      Salesians of abusing children?
34
35      PROFESSOR MOLONEY:   If I knew the answer to that, that
36      would be very helpful.
37
38      THE CHAIR:   Well, professor, it's a serious question for
39      us.
40
41      PROFESSOR MOLONEY:   Of course it is.
42
43      THE CHAIR:   And it surprises me that you, having held the
44      position you did, haven't reflected upon why it happened.
45
46      PROFESSOR MOLONEY:   Of course I have.
47
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 1    THE CHAIR:   Well, then, what's your --
 2
 3    PROFESSOR MOLONEY:   What's my opinion?
 4
 5    THE CHAIR:   Yes.
 6
 7    PROFESSOR MOLONEY:   Well, my opinion would be that, to
 8    start with, there would have been people attracted to the
 9    Salesians, who worked for young people, particularly boys,
10    who were paedophiles and would-be paedophiles whether they
11    were Salesians or not.  But coming into this order that
12    looked after boys was a direction that they took.  I'm not
13    saying there was wickedness about them, but this was sort
14    of something that attracted them - to work for young people
15    for the rest of their lives.  So that's one reason.
16
17        The second reason I think is poor formation.  You took
18    it for granted that if somebody wanted to abandon the world
19    and come into a religious order and work for young people
20    for the rest of their lives, the first thing they would do
21    would be obey the ten commandments, and the second thing
22    they would do would be to try to live by the gospel, and
23    the third thing they would do would be to try to live the
24    dream of a Salesian.  They betrayed all three.
25
26        So why that happened, as I say, I think insufficient
27    investigation into the quality of the people as they came
28    in; insufficient intellectual formation and human formation
29    in their formation period; and insufficient supervision of
30    their lives after ordination.  So I would suspect that's
31    what went on.
32
33        We took it for granted that once people took this life
34    on, they were going to do good things, not bad things, and
35    that was a mistake.
36
37    MS FURNESS:   Are you aware of Dr Marie Keenan's research
38    in this area, professor?
39
40    PROFESSOR MOLONEY:   I am.  I've read the book, yes.
41
42    MS FURNESS:   In the book, she discounts the theory that
43    men coming into, in your case an order, did so in order to
44    seek out children and with a known predisposition to abuse.
45    You understand that?
46
47    PROFESSOR MOLONEY:   Yes.
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1
2   MS FURNESS: Her research suggests that in fact that is
3   not the case.
4
5   PROFESSOR MOLONEY: I agree.
6
7   MS FURNESS: You agree that that's not the case?
8
9   PROFESSOR MOLONEY: Yes. I don't think they were
10   self-acknowledged paedophiles who became religious in order
11   to be with young people. I think they'd come to us, and
12   these tendencies emerge, but it's a psychosexual deviation
13   that's there that is latent but then appears once they find
14   themselves involved one-on-one with young people. So
15   I don't think they joined for that purpose. I think
16   Marie Keenan is quite right on that.
17
18   MS FURNESS: You think, then, that it's therefore
19   situational, in that they're in a situation with access to
20   children and they act on that in a criminal way?
21
22   PROFESSOR MOLONEY: Correct, in the way that Dr Doyle
23   spoke about this morning. They find themselves in this
24   situation and the powerful desire to act out - they just
25   can't control it.
26
27   MS FURNESS: Dr Keenan has also said in her book that to
28   look at it solely as situational or access driven denies
29   the institutional factor, which is in one way the structure
30   and governance of the Church. Do you agree with that?
31
32   PROFESSOR MOLONEY: Sure.
33
34   MS FURNESS: So what is it that you see in the structure
35   and governance of the Church that permitted the numbers
36   that we know about, in terms of claims, to abuse children?
37
38   PROFESSOR MOLONEY: I would agree here largely with what
39   Dr Doyle said this morning about structures, what no doubt
40   Neil and Michelle will say later on. I mean, we're
41   basically dealing with a structure that is a pyramid where
42   you have the point at the top and everything flows down
43   from the top, and it must work in its hierarchical system,
44   with all the possibilities of use and abuse of power that
45   take place in that sort of situation, leading also to the
46   appointment of fragile leadership, people who won't bite
47   the bullet, who wait for advice from upstairs. All of

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 1    those institutional things played into this - clericalism.
 2    The widely discussed issues, I think, are the issues that
 3    need to be faced.  There are institutional issues, yes.
 4
 5    MS FURNESS:   Coming back to clericalism in a moment, the
 6    various factors that you described are factors that are
 7    relevant to understand the institutional response of the
 8    Church to allegations and abuse; do you agree with that?
 9
10    PROFESSOR MOLONEY:   Yes.
11
12    MS FURNESS:   What about factors that help understand why
13    priests and religious abused children in the first place?
14
15    PROFESSOR MOLONEY:   In my opinion - and, you know, I'm not
16    an expert in this.  As I often say, anything after the fall
17    of Jerusalem, I get a bit vague.
18
19    MS FURNESS:   Your opinion is what we're seeking,
20    professor.
21
22    PROFESSOR MOLONEY:   Good, but it's only worth what it's
23    worth.  In my opinion, these were damaged people or
24    socially, sexually deviant people latently before they
25    come.  They come, they then arrive into a situation, and
26    these issues begin to emerge.  That, I think, is why
27    perhaps we are attractive for them - number one, we were
28    working with young boys; number two, the Salesians have
29    a basic philosophy of life which is one of affection, of
30    warmth.
31
32        I joined the Salesians at 21 years of age because
33    I met Salesians who were regular human beings, not like the
34    priest down the street, who dressed funny and wasn't very
35    warm.  Our system of education is one based on reason,
36    religion and love.  So this was the whole system, which
37    they found attractive for probably very good reasons.  But
38    once they come in, then of course they're in a situation
39    where any deviancy can blossom.
40
41    MS FURNESS:   So, effectively, you're saying that it is the
42    individual make-up, psychosexual and otherwise, of
43    individuals that makes them offend within your order?
44
45    PROFESSOR MOLONEY:   Well, I don't want to defend the order
46    and say the order's perfect, because it isn't.  But I can't
47    think, after 57 years as a Salesian, that there is anything
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1   in our internal structures that promotes or sort of opens
2   the door to this sort of devastating activity. It just
3   doesn't come to me.
4
5   MS FURNESS: Professor Ormerod, is there anything you
6   would like to assist the professor with in terms of
7   structures?
8
9   PROFESSOR ORMEROD: Yes. I took some interest in the
10   figures that the Commission itself provided, and if you
11   look at those figures in terms of the deviations from the
12   norm, you already have data there which indicates some of
13   the factors which are contributing to abuse.
14
15   If you look at religious orders, in particular the
16   male religious orders, it's very clear that a lot of that
17   is about access to vulnerable people. Those who have the
18   greatest access to the people who are most vulnerable are
19   the ones who are abusing at the highest rate.
20
21   MS FURNESS: And you're referring to --
22
23   PROFESSOR ORMEROD: The St John of God Brothers.
24
25   MS FURNESS: Having access to children with disability?
26
27   PROFESSOR ORMEROD: They worked with children with
28   disabilities, mental and physical disabilities. I would
29   imagine you would find the same sort of thing happening in
30   the nursing profession, those who are working with people
31   with disabilities and with mental problems. It is
32   something about the interaction of vulnerability, power and
33   domination. Where people feel inadequate - and most
34   religious life does leave people feeling very inadequate -
35   they have this institutional power, personal - and
36   Marie Keenan spells that out - private powerlessness,
37   public unsupervised dominance.
38
39   Now, that's a really potent mix, and there's something
40   about vulnerability to a powerful person who has that that
41   is sexually alluring. If I may tell a story on this, and
42   it struck me - this is when I was working at St Paul's
43   many years ago.
44
45   We had a student who was openly homosexual, and at
46   that stage that wouldn't automatically bar him from the
47   seminary. He was really quite a well-integrated human

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 1    being.  I got on really well with him.  He told me of
 2    a pastoral situation he was in with a woman who was
 3    distressed, and he found himself being aroused.
 4
 5        Now, this is a gay man.  He said, "Look, I didn't know
 6    what was going on."  But in that situation - and of course
 7    he didn't think, "Oh, this is an opportunity"; he was
 8    reflective enough to sit back and try to understand what it
 9    was about that situation which elicited that response from
10    him.  There is something sexually attractive about
11    vulnerability.  And we see it not only in these situations
12    but in cultures of male violence, in rape, and so on.  This
13    is a much larger problem, I'm sure you're aware of that,
14    but here it's been manifest in a situation where you have
15    vulnerable people and other people who have access and
16    power to use that.  And that's what the statistics, it
17    seems to me, are telling you.
18
19    MS FURNESS:   What do you need, going forward, then, to
20    ensure the safety of vulnerable people - because there will
21    always be vulnerable people, and there will always be
22    members of churches who interact with them.
23
24    PROFESSOR ORMEROD:   Yes, indeed.
25
26    MS FURNESS:   Those members of churches will have gone
27    through some formation process.  What are your suggestions,
28    going forward, for making those children safer?
29
30    PROFESSOR ORMEROD:   Sure.  Look, the one that has been
31    mentioned a number of times - and the word I think is
32    a little bit misunderstood - is pastoral supervision.  That
33    doesn't mean someone looking over your shoulder, but it's
34    the sort of thing that occurs in other professions, such as
35    psychology, social work, psychotherapy.  Anyone who's
36    working with people in emotionally distressed situations,
37    in vulnerable situations, almost as a professional
38    responsibility has to have a person that they see on
39    a regular basis to help them become reflective
40    practitioners, to be able to reflect back to them their
41    situation and their performance in that situation.
42
43        This is, at present, one of the more effective ways,
44    I think, of putting that barrier between the vulnerable
45    person and the potential abuser and giving that potential
46    abuser some tools of reflective self-understanding, of what
47    it is that's happening to them in that situation.
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1
          2   Now, other churches do employ this as a requirement of
          3   their ministers, and it's simply not happening in the
          4   Catholic Church. In fact, I was a bit put out when I read
          5   the document from the Truth, Justice and Healing Council,
          6   where a number of dioceses said that they had in place the
          7   protocols and procedures of the Integrity in Ministry
          8   document, and that's simply not accurate, because one of
          9   those requirements within that document is that priests and
         10   people in pastoral ministry should have ongoing pastoral
         11   supervision. And it's not happening.
         12
         13   You saw that the other day Michael Whelan presented
         14   his evidence. Michael is on the side of the angels. He's
         15   a good guy. Only in the last six months has he undertaken
         16   pastoral supervision - had pastoral supervision from
         17   someone. These provisions have been in place since 2002.
         18
         19   Now, if Michael Whelan, with all his background and
         20   insight, has only undertaken that in the last six months,
         21   I can tell you that there is probably not a parish priest
         22   in Sydney who is receiving pastoral supervision.
         23
         24   MS FURNESS: I think we'll deal with that issue a bit
         25   later next week in terms of professional supervision. Can
         26   we just go back. Is it the case that you're saying had
         27   there been professional supervision of a real type earlier
         28   on, then there would not have been the abuse that the data
         29   suggests through the claims?
         30
         31   PROFESSOR ORMEROD: I think it would have shifted the
         32   probabilities, yes. I don't know that you ever eliminate
         33   it any more than you can eliminate it in other professions,
         34   but you can shift the probabilities away from occurrence to
         35   it becoming less likely.
         36
         37   MS FURNESS: What other causal factors do you believe
         38   exist or existed in relation to the abuse that's revealed
         39   by the claims data?
         40
         41   PROFESSOR ORMEROD: The other interesting thing, of
         42   course, is what was the lowest diocese in Australia, and
         43   that was Adelaide. Now, ask ourselves what is it that is
         44   special about Adelaide? Why is Adelaide so different?
         45
         46   Now, those of us who know the history somewhat of
         47   Adelaide know that when Leonard Faulkner was made

Archbishop in 1985, he was asked whether he wanted an
         auxiliary bishop, and he said, no, he didn't want an
         auxiliary bishop, he didn't need an auxiliary bishop, but
         he set up a pastoral team around him as Bishop, as
         Archbishop, of that diocese, which included a number of
         women. So that became a team in ministry between himself
         and those women. That's a decision that he made.

              Now, the priests at the diocese at the time didn't
         like it, but I think you begin to see some of the effect of
         that if you look at the continuing practice of
         Philip Wilson, who is the current archbishop there. He
         continues to have women in senior leadership roles within
         the diocese, and I think that's a significant factor of
         difference in that data from other dioceses in Australia.

         THE CHAIR: Can you explain to us how does the
         relationship between the bishop, or the archbishop, and
         that group work? What is their role? What does it do?

         PROFESSOR ORMEROD: I don't know the details. I do know
         that when Archbishop Faulkner was in place, he ran it as
         a council of advice and discussion and gave women a role
         and a voice within the leadership and the running of the
         archdiocese.

         THE CHAIR: So he would talk with them and make decisions
         based upon --

         PROFESSOR ORMEROD: Consultation with them.

         THE CHAIR: -- their advice, and it was resented by some
         who then were required to implement the decisions he made;
         is that --

         PROFESSOR ORMEROD: Well, you're talking about a very male
         culture, and suddenly to find that there are women in the
         diocese who have authority over them was not something that
         a lot of them appreciated. But the figures that you have
         bear out that there was a significant cultural difference
         in that diocese from every other diocese in Australia.

         THE CHAIR: The women who were part of that group - were
         they coming from an order of --

         PROFESSOR ORMEROD: Some of them were lay women. Some of
         them were nuns.

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1
2    THE CHAIR:    And chosen all by the archbishop?
3
4    PROFESSOR ORMEROD:    Yes.
5
6    THE CHAIR:    How big was the group, or how big is the
7    group?
8
9    PROFESSOR ORMEROD:    It was fairly small.  I think four or
10   five.
11
12        The other thing, of course, is if you look at the
13   dioceses where it is significantly higher, they're rural
14   dioceses, they're dioceses with very few resources,
15   loneliness, distance, isolation - these are significant
16   contributing factors to the abuse.
17
18   MS FURNESS:    More likely conservative and therefore less
19   inclined to have women, lay or otherwise, in positions of
20   some authority?
21
22   PROFESSOR ORMEROD:    Yes, indeed.
23
24   PROFESSOR MOLONEY:    If I might just add to what Neil
25   said - the women were actually appointed, given the
26   canonical status of episcopal vicars, which is a very
27   significant status.  That's why the priests didn't like
28   that.
29
30   PROFESSOR ORMEROD:    Yes.
31
32   PROFESSOR MOLONEY:    To have a woman episcopal vicar - for
33   schools, it has to be a priest.
34
35   THE CHAIR:    You will have to explain?
36
37   PROFESSOR MOLONEY:    What happens, there are various
38   sectors in the life of the Church in any given diocese, and
39   so the bishop appoints someone to be his episcopal vicar -
40   he doesn't make them bishops, but they're vicars appointed
41   by the bishop for a certain sector of the ministry of the
42   archdiocese.  So for the first time in the history of the
43   Australian Church, Leonard Faulkner appointed women
44   episcopal vicars.
45
46   THE CHAIR:    And that gave them authority to make decisions
47   and manage issues; is that the way it works?
```

PROFESSOR MOLONEY: Yes. Always in consultation with him.
He would have had a plenary council. But they were the
ones - they were where the buck stopped.

THE CHAIR: Were they women who had taken orders?

PROFESSOR MOLONEY: No. There were one or two nuns,
a couple of lay women.

THE CHAIR: So an episcopal vicar can be a layperson?

PROFESSOR MOLONEY: Absolutely.

MS FURNESS: Was that a decision made solely by the
archbishop?

PROFESSOR MOLONEY: I would think so.

MS FURNESS: He didn't need to get anyone else's
permission to do it?

PROFESSOR MOLONEY: Well, if he did, he didn't get it.

MS FURNESS: But I take it, as a matter of Canon Law, he
didn't need to?

PROFESSOR MOLONEY: We might need help on that, but
I think that might be a loophole. I think he might have
worked on a loophole there and appointed episcopal vicars
without getting permission from elsewhere.

MS FURNESS: If it is the case that Canon Law doesn't
prohibit it, then there's nothing in law stopping other
archbishops doing the same thing?

PROFESSOR MOLONEY: That's right.

PROFESSOR ORMEROD: And, to be fair, other bishops have
since done that, and Philip Wilson has continued that
practice in Adelaide. There are a number of episcopal
vicars who are women in that diocese.

THE CHAIR: Does every diocese - they may not be women -
have episcopal vicars?

PROFESSOR ORMEROD: Yes.

THE CHAIR: Have they been with the Church for many,
many years, or is it a recent thing?

PROFESSOR MOLONEY: Post Vatican II, I think. Yes,
I think since the late 1960s. In an attempt to do what
we're trying to suggest, to flatten out the administration,
Vatican II insisted that every diocese have an episcopal
vicar system, that it have a pastoral council, so that
there is more answerability at a horizontal level in the
administration of the diocese. That is what was requested
at Vatican II. That then went down to the parish: every
parish had to have a pastoral council, had to have
a financial council. So these were all attempts to flatten
it out.

     As with so many other things, particularly in the more
intimate life of the Church that have been requested by
Vatican II, many of these things were acted upon, maybe in
the first heady years, but have receded in many dioceses,
which has been a return to the pyramid structure. So much
less work is being done in many places by these pastoral
councils, both at a diocesan level and at a parish level,
which means the bishop and the parish priest tend to become
the lawmaker.

MS FURNESS: Why was there that resistance to keep up what
Vatican II wanted to happen?

PROFESSOR MOLONEY: I think Neil said it - the priests
don't like it.

MS FURNESS: How do you get around the priests not liking
it, professor?

PROFESSOR MOLONEY: Well, we keep working away, insisting,
in season and out of season, those of us who have any
voice - and this is where I think something like a strong
recommendation coming from the Royal Commission telling the
bishops of Australia to put Vatican II into practice might
help. I mean, we need strong recommendations from strong
voices.

MS FURNESS: Just going back to you, Professor Ormerod,
you were speaking in relation to professional supervision
and that being an issue. What other causal factors do you
consider have been at play?

PROFESSOR ORMEROD: Look, there are so many, and a number
of them have already been mentioned and I don't want to
repeat what other people have said.

One interesting and significant contributing factor -
again, this is about shifting probabilities, not solving
problems in that sense - one of the things I noted when
I was first immersing myself in this area and teaching in
a seminary was that they had courses on the theology of
priesthood and the morality of marriage and what they
really needed were courses on the theology of marriage and
the morality of priesthood.

A lot of moral theology courses, which they do lots
of, grew out of a tradition of training people to hear
confessions, which was about other people's sins. They
rarely - and I know of no course in any seminary in
Australia where they actually look at the professional and
ethical responsibilities of the power that they have as
priests. So they don't reflect ethically on their own
performance in priesthood.

They have a very fine theology of priesthood, but they
don't know anything about the ethics of priesthood, about
the use of power, and there are many ways in which priests
misuse power. And the sexual abuse issue is just another
one of those.

So I think a strong recommendation from the Commission
should focus on the need for seminary training to include
compulsory courses on the ethics of priesthood, on how to
behave ethically as a responsible adult running a parish.

Now, it sounds odd, but they just never do that, as
far as I know. And that form of professional training
should be ongoing.

Again, if you look at some of the other churches -
I know with the Uniting Church and the Baptist Church -
they are required, for their annual registration, to have
professional development in ethics. Now, these should be
case study based; it involves the sexual abuse issue and
maintaining of proper professional boundaries; but also the
proper use of money, proper use of decision making. There
are a whole lot of issues which have ethical significance,
which they are not trained to think about.

1
2   MS FURNESS: Doctor, in the work that you have done
3   organisationally, have matters of ethics such as
4   Professor Ormerod mentioned arisen?
5
6   DR MULVIHILL: I suppose the matter of ethics arises at
7   any point, and particularly going back to the so-called
8   vulnerable people theory here this afternoon, where it
9   sounds like it's being claimed that perhaps your group,
10   professor, or others, offended because you were dealing
11   with vulnerable people. I find that offensive. As
12   a psychotherapist and therapist who works with vulnerable
13   people every single day, what is it about your group that
14   makes you more abusive than my group? Because that's what
15   you're saying.
16
17   In terms of ethics, I think we have really very little
18   doubt that what we're talking about here is systemic abuse.
19   I don't buy the "bad apple" theory for a moment. I don't
20   buy the "these boys were damaged before they arrived at our
21   place and we just didn't know". I don't buy that for
22   a second.
23
24   The amount of systemic abuse inside this organisation
25   is massive. It's at every single level. And yesterday we
26   heard that new changes are around because it's laypeople
27   now who take care of education and human services and
28   health care, and I would say to you it is the same barrel,
29   it is the same system.
30
31   The abuses are there every day, and the ethics around
32   those - let me give you some examples. The systemic abuse,
33   when you think about it, of taking vulnerable children into
34   care - maybe into boarding schools, maybe these people are
35   damaged in some way, that they have a learning difficulty
36   or whatever - dressing them up in grass skirts in the
37   community room and sitting around looking at them and
38   fondling them together is not the sort of thing we can sit
39   down and have an ethical discussion about. It's just
40   wrong. It is just wrong. And this continues. This has
41   happened, and, in my view, the systemic abuse is something
42   that we haven't really faced yet.
43
44   MS FURNESS: What is it that you see about the structures
45   and governance of the Catholic Church that has allowed,
46   permitted or provided an open door?
47

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1    DR MULVIHILL:   It's all about power, isn't it?  All roads
2    lead to Rome.  It's all about who's in charge, and that
3    person, be they, as in yesterday, a good bishop or a bad
4    bishop, or as in today, thinking about the role of the
5    organisation and the boundaries within that organisation,
6    where an organisation's main task becomes corrupted - that
7    is, it changes from what you set out to do - when that task
8    becomes corrupted, people move out of role and boundaries
9    are breached.  And that's what has happened and that is
10   what continues to happen.
11
12   MS FURNESS:   What task do you say has been corrupted?
13
14   DR MULVIHILL:   Well, what is the main task of any church?
15   There would be millions of answers and thousands of
16   responses, I assume.
17
18   MS FURNESS:   But what do you the say the task is that has
19   been corrupted?
20
21   DR MULVIHILL:   The main task of the Catholic Church,
22   I thought, was about Christianity and the promulgation of
23   Christianity.  What I'm seeing has nothing to do with that.
24   People have moved away from that task and the very priests
25   and religious that we were looking at the figures for
26   yesterday and today demonstrate, unfortunately, that that
27   has happened.
28
29        Now, I would be the last to demonise those people
30   because I think it's time we stopped to say, "They're wrong
31   and they're right.  Those people did the wrong thing and
32   these victims did the right thing", and I have spent my
33   life with victims and know this.
34
35        We need to look at the whole fabric, not just the
36   different threads, and we need to stop this splitting,
37   because the splitting plays into the hands of systemic
38   abuse.  It allows it to continue.  And it's time we stopped
39   it.
40
41   MS FURNESS:   So, doctor, what suggestions would you give
42   to the Commissioners about how, going forward, this system
43   can become attractive?
44
45   DR MULVIHILL:   First of all, we have been given documents
46   for the Royal Commission in preparation, for example, into
47   the setting up of a Truth, Justice and Healing Council Pty
```

1 Ltd or Catholic Professional Standards, whatever you want
2 to call it. How many victims are going to be on the panel?
3 How many victim support groups are going to be available?
4 How many are on it now? The answer I will leave to you.
5 How many are on it now?
6
7   We need to change the power balance. How many women
8 are engaged in a place, in a misogynous place, where women
9 are told, "You don't really belong here. We can give you
10 a job, if you like. You can do the flowers."
11
12   Compulsory registration of active priests and
13 religious is absolutely necessary. I'm registered as
14 a psychologist. I have to report to the Australian health
15 providers agency. I have to do training. I have to keep
16 up my CPD points. And if something goes wrong, I can get
17 the flick. You can't sack these people. They're
18 unsackable, pretty much. That needs to be legislated for
19 every pastoral worker in Australia, in my view. Anyone who
20 says, "We are here on behalf of a church ", they need to be
21 registered and Australians need to know who they are.
22
23   I think it's time for us, as Australians, to stand up
24 to Rome and to say, "We are not little Rome. We are not
25 little Italy. We are Australians, and, in Australia, we
26 believe in a fair go." It's time we all got a fair go.
27 It's very much time victims got a fair go. It's time that
28 people who are elevated into becoming bishops or
29 archbishops get a fair go by being trained. Most of them
30 aren't trained in anything useful, like administration,
31 leadership, MBAs, and so on.
32
33   And what about the Church providing, as soon as
34 possible, some dignified spaces for discussion and
35 conversation?
36
37   See, dignity has been attacked at every level, from
38 the position of a child whose innocence has been taken
39 away, through to the position of normal and ordinary
40 churchgoing people. If it is that we are the Church, then
41 who are we and why aren't we rollicking down the barricades
42 and saying to the Royal Commission and to anyone who wants
43 to listen, "We will not put up with this again"?
44
45 MS FURNESS: Professor Ormerod, in relation to the
46 question of registration of those involved on behalf of the
47 Church in pastoral care, what's your view?

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 1
 2      PROFESSOR ORMEROD:   If that could be done, I think it
 3      would actually be a good idea.  I don't know whether
 4      legally that would be possible, and I think the churches
 5      may well resist it, and it shouldn't just apply to the
 6      Catholic Church.  It should be across the board.
 7
 8          But there needs to be some way - and I mentioned in my
 9      submission, I talk about if certain things are not complied
10      with, such as professional supervision, ongoing education,
11      and so on, then they should not get their faculties
12      renewed.  There should be a way in which the Church can
13      keep track of what their priests are doing, how they're
14      progressing professionally, how they're being supervised in
15      a professional way, and if they're not doing that, then the
16      Church should simply say, "Sorry, all that good work you're
17      doing, but your faculties are not being renewed" --
18
19      DR MULVIHILL:   Ms Furness, could I add --
20
21      MS FURNESS:   Wait until the professor is finished, please.
22
23      DR MULVIHILL:   I am sorry.  My apologies.
24
25      PROFESSOR ORMEROD:   "Until you do that, you will not have
26      your faculties renewed."
27
28      MS FURNESS:   Doctor?
29
30      DR MULVIHILL:   We have men coming out of gaol today who
31      are religious and priests, whose faculties are not removed
32      or they are not defrocked and they are not kicked out of
33      religious orders.
34
35      MS FURNESS:   Just coming back to you, Professor Ormerod,
36      the issue of supervision and training relates to individual
37      priests and religious and maybe their leaders.  Are you
38      suggesting that the main way forward is to deal differently
39      with individuals?
40
41      PROFESSOR ORMEROD:   Well, to inculcate those sorts of
42      systems, because they are systemic responses, requires
43      a cultural shift.  That cultural shift has to come from the
44      top.
45
46          I thought it was interesting when Michael Whelan asked
47      the question:  how many bishops have pastoral supervision?
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Like, where is the leadership being shown at the top level of bishops saying, "I need someone that I can talk to about my ministry to help me become a reflective practitioner"?

One of the things, again - and this is about a culture of impotence, in many ways - as I say in my submission, in 1998 there was a review by Rome of the Australian Catholic Church, and it resulted in a document called A Statement of Conclusions, and it mandated that there be ongoing intellectual formation, that this should be a permanent aspect of a priest's personal response to his vocation, that episcopal conferences should provide training, that dioceses should provide training. Now, this is from Roman Curia to the Australian Catholic Church. None of that happened.

Now, of course, you think, well, why didn't the Australian Catholic Church do something about it? Of course, the other side of it is the people who said all this in Rome - they've never checked; they've never come back to the Church and said, "Oh, have you actually done these things?" No. The culture of impotence is right throughout the Church from the top to the bottom.

MS FURNESS: That document that you've described, is it your understanding that that document would have gone to the Bishops Conference?

PROFESSOR ORMEROD: Yes.

MS FURNESS: And that it would have been a matter for the Bishops Conference to promulgate it and --

PROFESSOR ORMEROD: Oh, at the time, there were various aspects to that document, some of which people got very hot under the collar about. There were public meetings. Michael Whelan was in fact very prominent in those public meetings. Bishops were complaining about it. It was on the TV. It was a very public document. The bishops knew full well about it. They were discussing it and debating it. Nothing happened.

MS FURNESS: Why?

PROFESSOR ORMEROD: That's what happens with most documents that come from Rome.

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 1      MS FURNESS:   But why, professor?
 2
 3      PROFESSOR ORMEROD:   Because, in the end, there's very
 4      little that Rome can do if they don't do it, and also
 5      there's no follow-up, in general, from Rome to see whether
 6      they have done it.
 7
 8      MS FURNESS:   Why, to your understanding, did the bishops
 9      in Australia not do what Rome suggested they should do?
10
11      PROFESSOR ORMEROD:   I actually suggest you ask the bishops
12      that when you sit them down in a week or two.
13
14      MS FURNESS:   There is no question that that will be the
15      case, professor, but at the moment, can I ask you?
16
17      PROFESSOR ORMEROD:   Yes, and I don't know.  I mean,
18      I don't know why they don't.  I think they feel
19      overstretched, under-resourced, inadequate and have, as
20      Michelle said, no training in management, no training in
21      how to move from A to B in a decision chain.  So it all
22      gets put in the too-hard basket.
23
24      MS FURNESS:   There's a capacity, I take it, within
25      dioceses, and perhaps more broadly in the Church, to engage
26      outsiders - that is, people outside the Church - with the
27      necessary expertise to advise on these sorts of matters.
28
29      PROFESSOR ORMEROD:   Yes.
30
31      MS FURNESS:   That doesn't happen?
32
33      PROFESSOR ORMEROD:   Look, in some areas, I think - you
34      know, thankfully, in, say, the financial area, that's
35      happening.  The Church has wised up and every parish must
36      have a financial council and every diocese must have
37      a financial council, that it needs outside expertise in
38      order to run that part of itself properly.  But in other
39      areas, it's still very amateurish.
40
41      MS FURNESS:   Professor Moloney, are you aware of the
42      document and what happened thereafter?
43
44      PROFESSOR MOLONEY:   Yes, yes.
45
46      MS FURNESS:   Can you help us with why what was suggested
47      didn't happen?
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PROFESSOR MOLONEY: I would suggest that there is a very big issue that has not been mentioned in these discussions about the difficulties that the bishops and the leaders face, and that is that a lot of this bounces back from the local clergy. It sort of comes out, and the bishops make all these good resolutions, then it bounces back. Now, we need to look at the local clergy.

The local clergy in Australia nowadays - and I don't have any figures, but it has to be something about 60 per cent, and that might be optimistic, of elderly Australian men and 40 per cent of younger Africans, Vietnamese, Filipinos, et cetera. Now, they are forming about 40 per cent of the clergy.

I would say one of the major concerns of every bishop is to have a priest in a certain place all across his diocese so that mass can be provided. So a big problem for the bishops is to get enough bodies to serve every region so that they'll at least have mass on a Sunday, and I would say that is preoccupation number one. And that's a battle. They're struggling to get that done.

It generates a local clergy which is now multicultural - that's a nice word, but in reality on the ground it can be very difficult to work together. People coming from Africa and people coming from the Philippines and people coming from Vietnam taking over more and more of the leadership in the dioceses, they don't respond to these things. It's all foreign to them. They're much more used to the top-down.

So I really think one of the problems why the bishops don't move on this thing is they're so overwrought with providing Sunday mass for so many people in so many places that they've got a real staff problem, before they start putting extra things on them, which they must do if we're going to go ahead. That I think is an element that's creating this difficulty.

MS FURNESS: So is it a case of providing more resources to the bishops so that they can carry out the work that should be carried out in respect to the safety of children?

PROFESSOR MOLONEY: Yes.

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 1      MS FURNESS:    Who would provide those resources?
 2
 3      PROFESSOR MOLONEY:    Well, as always with the Catholic
 4      Church, it has to come from the Catholic people.  If we're
 5      going to provide resources of the Catholic Church, the
 6      Catholic bishops - it's a bit like the government.
 7
 8      MS FURNESS:    Raise taxes?
 9
10      PROFESSOR MOLONEY:    Raise taxes.  If you want to provide
11      universal childcare up until two years of age, raise taxes.
12      If you want to have universal Medicare, raise taxes.
13
14      MS FURNESS:    Do you think, from your knowledge of the way
15      that the leadership of the Church works in Australia, that
16      there would be a willingness to do this additional work,
17      were there to be sufficient funds?
18
19      PROFESSOR MOLONEY:    That's a tricky question because there
20      are a number of bishops and they would have a number of
21      views on this matter.  We have some outstanding bishops in
22      Australia who are doing their best to face these issues and
23      to adopt courageous, forward-looking lines that will change
24      our culture.
25
26         We also have a number of very poor bishops, who really
27      are bad appointments and it's beyond them, and many of
28      them - some of them don't think that, but you can ask them
29      yourself when you see them.  That would be my opinion.
30      Some would be wonderful and you'll really get on side with
31      them.  Give them the resources and they would do everything
32      they could to make this happen.  Others would say, "What's
33      the point?  We're fine."
34
35      MS FURNESS:    And in the current structure, those that
36      would say, "What's the point?  We're fine", stay where they
37      are now?
38
39      PROFESSOR MOLONEY:    They would.  I think what would then
40      happen is there would be a patchy response to this
41      possibility.  That would be my impression.
42
43      MS FURNESS:    Doctor, do you have anything to add to that
44      discussion?
45
46      DR MULVIHILL:    Not at this point, no.
47
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 1   THE CHAIR:   Can I just ask all of you, then.  You are
 2   talking about different levels of change in the management
 3   of the Church.   There will be some who will say management
 4   of the Church is no business of the Royal Commission;
 5   that's a matter for the Church.  Can you help us to frame,
 6   in each of your own minds, why it is that the management of
 7   the Church is critical to the future safety of children who
 8   engage with Church people?  Doctor, can you --
 9
10   DR MULVIHILL:   The mismanagement of the Church is the
11   business of the Royal Commission, in my view, because it
12   has led to the situation that this Church is in.  If this
13   was a business, we'd be shut down a long time ago, and
14   particularly with these figures that you've come up with
15   yesterday.
16
17        It is the business of the public of Australia that
18   children who are sent to organisations in particular should
19   be treated without any abuse, and the Catholic Church can
20   do this.  The Catholic Church can get rid of that.  They
21   can protect children.  What it can't do is stop its own
22   abusive activity on so many other levels.
23
24   THE CHAIR:   And then the professors, Professor Moloney?
25
26   PROFESSOR MOLONEY:   I think that the Royal Commission has
27   a responsibility to the Australian people, and a part of
28   the fabric of this nation is a decreasingly significant
29   religious body called the Catholic Church.  Nevertheless,
30   they are a part of the fabric of this nation and, as such,
31   the Royal Commission, in its care for the young people of
32   this nation, has every right and, indeed, a responsibility,
33   to make carefully articulated proposals, through the
34   Nuncio, to Rome, that these cultural shifts, these
35   structural shifts, must be done in order to protect our
36   young people.
37
38   THE CHAIR:   So if we were to say, drawing upon the
39   Adelaide discussion, that women should have a far more
40   significant role in the management of the dioceses, you
41   would see that as a legitimate thing for us to talk about?
42
43   PROFESSOR MOLONEY:   Absolutely, and you would be
44   absolutely in agreement with Pope Francis.  He's saying it
45   in season and out of season.  But there's a lot of people
46   between us and Pope Francis, and they don't like him.
47
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1      THE CHAIR:   Professor Ormerod, do you have any thoughts on
2      the issue?  It's a very large issue, as you can appreciate.
3
4      PROFESSOR ORMEROD:   It is.  It is, because it touches on
5      the whole issue of the relationship between Church and
6      state, as you know, and it's a fraught area because of
7      that.  I find it difficult and perplexing to know exactly
8      how to move forward.
9
10         I mean, it's easy for the Commission to make
11     recommendations and suggestions.  It's difficult to see how
12     they can be enforced or followed up.  And it's exactly in
13     that area of follow-up that the Church is at its weakest,
14     of implementing recommendations that have been made and
15     following through and coming to a conclusion.  It is
16     a mighty task and a difficult task.
17
18     THE CHAIR:   The first step is whether it's legitimate for
19     the Commission to speak in this area.  I mean, it would be
20     easy to dismiss what we might say if the argument is,
21     "Well, it's just none of your business.  We're the Church,
22     you're the state."  You know, and shut the door.
23
24     PROFESSOR ORMEROD:   I think as both Michelle and Frank
25     have said, it has become the business of our society to
26     feed back to the Church that it's not doing what it should
27     be doing and that it needs to get its act together, and
28     these are some concrete ways in which that can happen.
29
30         Now, clearly, the issue then is how is the
31     follow-through on that?  How can the Commission follow
32     through?  Can parliament follow through?  Do the churches
33     follow through?  I think these are really very difficult
34     questions.
35
36     DR MULVIHILL:   Child sexual abuse is a criminal activity,
37     and in so much as crimes are occurring, I expect the Royal
38     Commission has every right to advise.
39
40     COMMISSIONER MURRAY:   Are there some principles you can
41     think through to guide us?  I'll give you an example.  It
42     is a principle that if any person wishes to practise
43     medicine, they must have an accreditation, a proper medical
44     qualification, and that doesn't matter whether you're
45     a priest or a judge or a grave-digger.  It's the same for
46     everyone.
47
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1   So are there practices which apply - or principles
2   which apply in the public interest which should apply to
3   the priesthood? Of course we're not just talking about the
4   Catholic Church but about all churches. Have you given
5   some thought to that, as to what governance principles are
6   in the public interest, and of course that don't interfere
7   with the practise of faith?
8
9   PROFESSOR MOLONEY: Yes. I think there is already
10   something very vague in place, and they're trying to do
11   something more concrete that these people might be able to
12   help us with. There's already the notion of a priest in
13   good standing. That actually is a qualification. If
14   I want to go to Brisbane to celebrate a mass, to preach, to
15   marry somebody, I have to communicate with the Archdiocese
16   of Brisbane and my superior has to formally state that I am
17   in good standing.
18
19   Now, at the moment, in order to unify this - I think
20   it's coming from you people - there is now a national
21   computerised system, which is just in its beginnings, where
22   everybody must be registered and checked out, so there will
23   be a full computerised register of every ordained priest,
24   and only those who are in good standing will be in that
25   list.
26
27   Now, I don't know the ins and outs - I know it's very
28   slow getting off the ground, but I think that is something
29   that has come from these discussions, that there will be
30   this national register of priests in good standing.
31
32   COMMISSIONER MURRAY: Let me question you a little on
33   that. In other professions "in good standing" is governed
34   by a code of conduct. So the code of conduct puts the
35   framework in which good standing is judged.
36
37   PROFESSOR MOLONEY: Yes.
38
39   COMMISSIONER MURRAY: Are you suggesting to the Royal
40   Commission that such a code of conduct is desirable?
41
42   PROFESSOR MOLONEY: Well, in this document, which I've
43   already filled in, you do have a full list of check boxes
44   which indicate that you are in good standing, and your
45   immediate superior must verify that. So there is a code of
46   good standing in this document.
47

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 1          The real problem, as both Neil and Michelle have been
 2     indicating, is follow-up.  You know, it's all right to have
 3     the form out there.  How are we sure that all the criteria
 4     for somebody in good standing are in fact being continually
 5     lived in that person's ministry?  That's the next problem.
 6
 7     PROFESSOR ORMEROD:   If I may say, in response to that, as
 8     I understand it, the document Integrity in Ministry was
 9     meant to do that.  That was promulgated in 2002.  It has
10     been in place since then and has not been implemented.
11
12     COMMISSIONER MURRAY:   As the Royal Commission itself has
13     identified through other public hearings, a code of conduct
14     in a sports association, for instance, has no real force
15     unless it is enforced and it's properly supervised, and
16     that implies that the Church, or churches, will need to
17     establish such bodies, because plainly the state will not
18     get involved in that.
19
20     PROFESSOR MOLONEY:   That's correct, yes.
21
22     PROFESSOR ORMEROD:   Yes, yes, and I think with any system
23     such as that it always becomes:  who makes the judgments?
24     As long as those judgments remain within a culture of - and
25     I think you picked it yourself before.  There's this sense
26     of the weakness of their commitment to celibacy which gives
27     them a sense of excusing the faults of others.
28
29          If I may, again, tell a little story.  I know a story
30     of a survivor - it was an adult abuse case, again - who was
31     talking to a priest and spoke about her experience of being
32     abused and that there were other victims, and so on.  The
33     response of the priest was, "The poor man, he was
34     struggling with his celibacy."  Okay?  It's this
35     spontaneous identification not with the victim but with the
36     perpetrator.  That's what has to be broken down.  But it's
37     a very tight cultural group.  They have all sorts of
38     associations, common training, common backgrounds, common
39     lifestyles, that they identify with one another.  And
40     that's the problem - that's one of the problems.  It's not
41     the only problem but one of the major problems.
42
43          I think you'll probably find the same in military
44     situations and armed forces, police forces, and so on, that
45     there's this esprit de corps, there's this sort of bonhomie
46     between priests.  They are part of, and as we say, it's
47     a clerical club.  A lot of them don't even realise -
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because it's so much part of their life, they don't realise
the impact that it has on them. So it's very difficult for
them to make assessments about their brother priests or
religious, because they're the ones whom they spontaneously
identify with when complaints are made, when action has to
be taken.

COMMISSIONER FITZGERALD: Could I ask a question related
to that. A large percentage of the abuse was by Brothers
within orders and the orders operate in a very different
way from the diocesan framework, and all of our
conversation has been about bishops and dioceses. But in
many of the orders, the Provincials change.

PROFESSOR MOLONEY: Yes, that's true.

COMMISSIONER FITZGERALD: They've had multiple life
experiences. They don't have the same profile as bishops
and, indeed, diocesan priests. I'm trying to understand
why, therefore, in a quite different structure, albeit
within the same culture of the Church, we had those very
high levels within those orders, where in fact sometimes
there is professional development of some description
taking place and there is certainly less insulation from
contact with other people and questioning of other people.

    Are there any insights as to not only the dioceses but
also what has happened in the orders themselves that has
led to the very large figures that we have seen?

DR MULVIHILL: May I? It's my experience that many of
these orders are laws unto their own. While the priests,
bishops, and so on, don't seem to have feedback loops, even
more so are religious orders particularly whose foundations
may be in other countries, who report to Rome. They're out
here in the colony doing whatever they wish. There's very
little feedback from them. They can be despising Rome or
anyone else who looks at them. They're their own people
and they will do whatsoever they want. There's like
a licence to do whatever. I think it's very fraught and
it's very dangerous for the Australian community.

COMMISSIONER FITZGERALD: You've had experience working
for a number of the orders, including the St John of God
Brothers, the De La Salles, and a number of others.

DR MULVIHILL: Yes, I have.

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 1
 2    COMMISSIONER FITZGERALD:   Out of that, have you seen any
 3    improvements that are worth reflecting from the orders?
 4
 5    DR MULVIHILL:   When I look at the figures in front of me
 6    about the number of offences that have happened since 2000,
 7    I start to wonder if there have been any.  There's
 8    certainly some idea about themselves having to be more
 9    accountable.  I haven't yet seen, for example, an official
10    apology from any religious order to victims for the
11    terrible way they've been treated, for example, so I'm
12    wondering when that's going to happen.  If that happens,
13    I think we can possibly say maybe there has been an
14    enlightenment happening here.  I haven't seen any apology
15    from any bishop to any victims in his diocese, for example,
16    that says, "I treated you badly.  We mishandled this.  We
17    were in it", and so on.
18
19        So I think those are some of the indicators I would be
20    looking for.  I don't see them, personally.  I have stood
21    away, in the last few years, from it, so I'm not
22    necessarily up to date and may not be the best person.
23    That's what I'm looking for.  I'm looking for an apology
24    about the way people were treated and still are treated.
25
26    COMMISSIONER FITZGERALD:   Can we just have a couple more
27    comments.  The reason I asked that is because a number of
28    the orders are shrinking in Australia but expanding
29    internationally.  So whilst Australians look at these
30    orders and say, well, there's no problem because they're
31    reducing in numbers, in fact worldwide they're increasing,
32    particularly in the Pacific, Asia, Africa and the Americas.
33    So as a universal Church, these groups are growing, even if
34    they're shrinking here.  So I just want to look at the
35    orders just in terms of what I said before.
36
37    PROFESSOR MOLONEY:   I think you have put your finger on
38    a significant issue.  I also think you made part of the
39    response in the fact that there is this change of
40    leadership.  There is a sort of moving target, you might
41    say.  But I would think that many of the things that
42    generate the abuse issue among the priests - among
43    religious priests, anyway - would be the same among the
44    religious Brothers, and they would be loneliness, overwork,
45    people who are fragile in themselves, the affective side of
46    their lives undeveloped.  I think this is common,
47    particularly among male and I think also among female
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religious, who are often thousands of miles from home,
working in very different circumstances, and these problems
emerge among both the priests and the men and the women who
are not ordained.

     So I think a lot of the problems are common, but
I think you're right that the change in superior is often
a bit of a problem too. I think Michelle is also right
that they can point somewhere else, you know, "We're not
answerable here. We're answerable somewhere else." So
they would be a number of things I would throw into the
pot. I'm not too sure to what extent they're relevant.

PROFESSOR ORMEROD: I'll just be a bit concrete because
that's about all I can do. My brother is a De La Salle
Brother. He's about to celebrate his 50 years as
a De La Salle Brother. He entered it at the tender age of
15. He received some training as a teacher and had a good,
long career as a teacher.

     At a certain stage they decided he should be
a principal of a school, and he suddenly went from being
someone who just went along with what was going on to
having to make every decision about the running of this
school. Now, he wasn't prepared for that. He wasn't
trained in that. He was just thrust into the job.

     We heard yesterday Michael Whelan talking about his
experience of going into a teaching position. There's just
a lack of professionalism. There's just a lack of
awareness of the need for certain training and skills and
expertise to fill positions that are demanding.

     I love my brother. I think he probably did a very
good job as a principal in two major Catholic schools, one
in Melbourne and one in Sydney, but what was done to him in
putting him in those situations was really quite inhuman.
They're the issues I think that religious orders have to
face, of simply being unprofessional in the training of
their people.

THE CHAIR: It is said - and we'll no doubt hear it - that
the Church has come to understand these problems and these
issues and that, in many respects, change has already
occurred. There's a better selection process for
seminarians. There are better formation processes.
There's a greater understanding of the issues relating to

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the management, if you like, of priests and religious. It
will also be said, as Commissioner Fitzgerald points out,
that the numbers entering the orders in Australia are
falling, perhaps almost non-existent in some respects.

        Now, you all speak in terms of a present and really
significant set of problems. Are they answered by saying,
well, no, the Church has already come to understand them
and has responded?

PROFESSOR MOLONEY: No, I don't think so. I think we're
on the way, becoming aware of what the problems are, but
again for the sorts of reasons, the cultural reasons, that
were powerfully outlined this morning by Dr Doyle, it's
like a great big wheel, you know, to slow it down, to get
it to go the other way. I'd say it's in the slowing-down
stage, but we haven't turned it around just yet.

        There are good things happening. But, for example, to
say that the seminarians are now all fine, the seminaries
have been renewed, they're being exposed to this wider
society and all that, that is simply not true.

        The seminaries are closing their doors. They're
putting garments on the boys. They're having long Latin
liturgies. They like to walk around the streets with their
soutanes. That's what's happening. So don't tell me
things are changing. A lot of people believe that this is
the solution to the problem - make them more clerical than
ever. We've got to face these truths. I mean, we have
a major problem in the Australian Church, and there's very
few that are still coming. Many of them are like this.

        I published a little article in the priests journal
many years ago, in 2006, I think. I was called to the
seminary to answer to the students, "How dare you say this
about us?" Too bad. But that's what you're dealing with.
Whilst I do think that there is a genuine effort on the
part of the bishops and the Catholic culture at large to
somehow or other turn around this death-dealing wheel,
there is also a resistance to it and some real problems
faced in such things as formation, ongoing formation, as
we've mentioned so often here, and ongoing supervision. So
we've come some way, but the wheel's still turning the
wrong way.

COMMISSIONER FITZGERALD: Can I just take that point, if

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 1          I might.  It's very noticeable, what you have just
 2     indicated, that whilst in this hearing and in other venues
 3     clericalism has been universally regarded as a problem -
 4     and we don't need to go into that - what you say is that
 5     the seminaries in Australia have returned back to a model
 6     of training which in fact reinforces clericalism.  How does
 7     this dichotomy between what the evidence now shows and this
 8     reversion taking place come about and what is driving that?
 9
10     PROFESSOR MOLONEY:   Again, I think we're dealing with the
11     sort of issue that we dealt with earlier, that the Church
12     in the late 1960s wanted to make a quantum leap into a new
13     world.  The Church in the Modern World was one of the
14     documents that came out.  There was a document on
15     seminaries, and, since that, there has been a pontifical
16     document on seminaries and it's about broader social
17     integration, et cetera, et cetera - all the sorts of things
18     that we're talking about that are necessary.
19
20          And for five or ten years, that happened.  There was
21     a radical remodelling and a considerable amount of expense
22     put into restructuring the whole seminary.  Sydney is
23     a good case in point.  Sydney sat in that magnificent
24     gothic building out at Manly since Cardinal Moran's time.
25     So they decided, no, let's get into the city, let's get
26     into town, so let's buy up this place, build individual
27     houses where they would all live in a shared community
28     situation, and we would have the intellectual part of it
29     down the road, all in Strathfield.
30
31          That went well.  Things were looking good.  But then
32     suddenly in comes another archbishop, and it all got shut
33     down.  Back to the old system.  And the old system is well
34     and truly in force, so much so that the newly ordained
35     priests will now wear little hats on their heads and long
36     lace vestments and say their first mass in Latin.  That's
37     what we're looking at.  We went backwards.
38
39     PROFESSOR ORMEROD:   Yes.
40
41     THE CHAIR:   Professor Ormerod, do you want to add to the
42     discussion about where the Church has got to?
43
44     PROFESSOR ORMEROD:   Yes.  I was working at the Catholic
45     Institute of Sydney at the time of that change.
46
47     THE CHAIR:   The change back or the change forward?
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1
2   PROFESSOR ORMEROD: The change back. People who were
3   working on issues of human development and sexuality and
4   professional - you know, getting people to develop as
5   mature adult Christians, people I knew and respected, were
6   simply pushed out and other people were put in their place.
7   As Frank has ably said, we noticed almost overnight
8   a change in attitude in the students, that a lot of them
9   sort of lost interest in their studies because it didn't
10   matter any more, as long as they were pious.
11
12   THE CHAIR: When are we talking about?
13
14   PROFESSOR ORMEROD: This was in - well, I was there, let's
15   see, 16 years ago. So it was at the time of then
16   Archbishop Pell's appointment to the Sydney Archdiocese.
17
18   THE CHAIR: And was it as blunt as, "You must change", or
19   is it just something that happened?
20
21   PROFESSOR ORMEROD: Sorry, who must change there?
22
23   THE CHAIR: Well, were orders given for change or was it
24   just something that happened?
25
26   PROFESSOR ORMEROD: A new rector was appointed, and that
27   rector dismantled the existing system and put in place
28   a much more traditional form of seminary training.
29
30   THE CHAIR: Cardinal Pell had some involvement, I think,
31   with seminarians in Victoria.
32
33   PROFESSOR MOLONEY: The same situation.
34
35   THE CHAIR: Is it the same --
36
37   PROFESSOR MOLONEY: The same situation.
38
39   THE CHAIR: Is that seminary still running along the same
40   lines today or not?
41
42   PROFESSOR MOLONEY: Yes, the same lines as --
43
44   PROFESSOR ORMEROD: I can't say what's happening in the
45   Sydney situation now.
46
47   PROFESSOR MOLONEY: No, I'm not too close to the seminary,

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 1      either, as you can imagine.  But to give you a concrete
 2      example, there were some outstanding Australian artists
 3      involved in the design of the chapel for the seminary in
 4      Strathfield.
 5
 6      PROFESSOR ORMEROD:   Yes.
 7
 8      PROFESSOR MOLONEY:   When the change came over, these
 9      magnificent windows were covered because they weren't
10      suitable for a Roman Catholic seminary.  I mean, it's
11      just --
12
13      THE CHAIR:   Did they have a particular design feature in
14      them?
15
16      PROFESSOR MOLONEY:   I can't remember what the problem was,
17      but I know the artist threatened to take the Church to
18      court.
19
20      COMMISSIONER MURRAY:   There are those who will say that
21      that has nothing to do with child sexual abuse and the
22      institutional response to it.  There are those who say that
23      whether the Church governs itself conservatively or not, or
24      liberally or not, has no effect.  Why do you think the way
25      in which the Church governs itself will affect the
26      incidence of child sexual abuse and the response to it?
27
28      PROFESSOR MOLONEY:   I think it comes back to - again, I'd
29      like to distinguish between - these are two particular
30      situations.  I think there are fine archbishops across
31      Australia, who are doing a much better job on this, and
32      bishops.  But here we're dealing with a particular
33      situation, which, however, probably trains about
34      75 per cent of the priests in this country.
35
36          The relationship between what's going on in these
37      situations and the child sexual abuse is not direct, but
38      what it does is it creates a clerical and a negative -
39      I don't like to use the word "celibacy".  Celibacy is what
40      you don't do.  I like to use "developing a positive sense
41      of chastity", which we all have.  We're all expected to
42      respect our own personal sexuality and the sexuality of the
43      other.  It's chastity we're looking for, instead of this
44      negative word, "celibacy", "you don't do it".
45
46          So there has to be this broader - by developing
47      a world where those things get blocked off and the
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clericalism emerges, then you get - it's an indirect link,
but it's a pretty dangerous indirect link, by creating
a caste set apart that is answerable to no-one except their
peer group.

COMMISSIONER MURRAY: Which then allows for greater sexual
abuse to occur?

PROFESSOR MOLONEY: Exactly.

COMMISSIONER MURRAY: So are you saying to us that there
is a danger in restructuring the Church that way, that the
incidence of child sexual abuse might increase?

PROFESSOR MOLONEY: That's my opinion and I have said that
in other places, and people would disagree strongly. But
I think that the lurch to the right, to try to return to
what we were in in the 1940s and 1950s, is a dangerous
direction for the Church to take. I don't think it will
take that direction. I think history, and hopefully this
Royal Commission, will be an element of that, but there is
that danger.

MS FURNESS: Professor, can I ask you about the current
interaction between the Church and children? As we know,
there are a lot of Brothers who were teachers in the past
and there were a lot of orphanages, and the like, that were
operated by particularly Brothers but also dioceses.
Children are, by and large, no more in those situations; is
that right?

PROFESSOR MOLONEY: That's correct, yes.

MS FURNESS: Where do children now intersect with the
Church?

PROFESSOR MOLONEY: That's a big question and it has two
sides to it. In the first place, these institutions that
educated and cared for children on the whole still exist,
but on the whole they are now in the hands of very capable
and very well-trained people, who are supervised.

    I'll give you an example from my own situation. When
I became the Provincial of the Salesians in 2012, we had
five Salesian principals, five number ones in our schools.
When I left, we had none. But we had five outstanding
educationalists, laypeople, who were there from 7 in the

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1    morning till 10 at night, who know the contemporary issues
2    of education.  They've got it at their fingertips.  The
3    schools are booming and the quality of the care given to
4    the kids is greatly improved.
5
6        So the institutions still exist.  There are still many
7    young people in the care of institutions that belong to the
8    Church.  Of these three places - we own three - two we work
9    for the diocese.
10
11   MS FURNESS:   But in terms of the clergy and religious
12   interaction with the children, given that we know that lay
13   have taken over teaching and they're publicly regulated,
14   and the like, where do the clergy and religious interact
15   with children these days?
16
17   PROFESSOR MOLONEY:   Well, unfortunately, not in many
18   places.  Basically in the parish.  But in our schools, in
19   my own experience, we would have a Salesian or two in some
20   sort of pastoral ministry spending time with the kids,
21   going on various activities with them.  So we still do
22   that, but it's becoming less and less.  The interaction
23   between religious people and young people in this country
24   is becoming less and less simply because these religious
25   are not around.
26
27   MS FURNESS:   So there's some interaction with counselling
28   and pastoral work in schools?
29
30   PROFESSOR MOLONEY:   Yes, yes.
31
32   MS FURNESS:   Are there altar boys and girls these days?
33
34   PROFESSOR MOLONEY:   Not in the parish I'm in, but I think
35   if you - for example, I talked about it earlier.  If you go
36   to a parish that's sort of 80 per cent Filipino, you might
37   get 20 altar boys and altar girls on the altar.  It varies
38   from parish to parish and which particular culture that
39   parish is serving, so there's no universal line under that.
40
41   MS FURNESS:   We'll deal with reconciliation later in the
42   week, so I won't ask you about that.  Given that the
43   access, as you've described it, is variable but lesser than
44   it was, say, 40 or 50 years ago, where is the current fear
45   in relation to children in religious institutions?
46
47   PROFESSOR MOLONEY:   I think the trauma that we've been
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 1    through in this revelation, recognition and acceptance of
 2    what has been done and what still needs to be cared for, as
 3    again we were reminded this morning, has made us super
 4    cautious, super cautious.  I think that the interaction
 5    between religious people and young people nowadays is so
 6    controlled that, for example, you just don't do this
 7    (demonstrating) to a kid any more.  You just don't do it,
 8    whereas once upon a time this was normal.  The kid's
 9    struggling, he's in a boarding school, he's homesick, he
10    wants to get back to his mum and dad, so you'd go and put
11    your arm around his shoulder.  Not any more.  This is
12    a negative.  This is a downside.
13
14        So we're still trying to work out the ground rules,
15    but I think the effectiveness of the presence of Christian
16    people, high-quality Christian people, who have given their
17    lives to the Christian mission to young people is severely
18    damaged by what has happened in the past, and I think
19    that's very sad.
20
21    THE CHAIR:   One of the vulnerable points that has turned
22    up in some of our studies is the parish priest and the
23    parish school.  This is not the education stream that you
24    speak of.  In one situation we've looked at, of course,
25    there was a closer relationship between the diocesan
26    arrangements and the parish school than maybe I think
27    occurs in other parts of the Australia.  But presumably
28    when you speak about the selection and training of priests,
29    that intersection between the parish priest and the parish
30    school is one that will continue, effectively,
31    indefinitely; is that right?
32
33    PROFESSOR ORMEROD:   I think, even there, that while
34    canonically they have authority, I think a lot of priests
35    would say that they just don't have much expertise in that
36    area.
37
38    THE CHAIR:   That may be so, but it's at that point where
39    they have access to children and vulnerabilities emerge?
40
41    PROFESSOR ORMEROD:   Again, I can only speak from my
42    experience.  We had four children go through our parish.
43    Most of the close work with children is undertaken by
44    laypeople, not by the parish priest.  Parish priests would
45    be brought in to do certain things, sacramental programs,
46    training, all that sort of stuff.
47
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 1      THE CHAIR:   They're the vulnerable points.
 2
 3      PROFESSOR ORMEROD:   Yes, but even the training of altar
 4      servers was undertaken by laypeople, not by the priest,
 5      because the priest was generally too busy doing other
 6      things.  So it was usually parents who had some background,
 7      some training, who would be the ones who would be taking
 8      children through those programs.
 9
10      DR MULVIHILL:   Of course, that's in the formal structures.
11      Then in the informal structures, there's the scenario of
12      the lonely priest at night on the internet or finding
13      children to teach English to and developing close personal
14      relationships with them, which is totally unknown,
15      unsupervised, and continues.
16
17      MS FURNESS:   Professor, you were referring before to that
18      period of time when there was a change in the approach to
19      the seminary and it became more involved in teaching Latin
20      and the various outfits and the like, and you said that
21      there was a change in rector at the time.  Who was the new
22      rector?
23
24      PROFESSOR ORMEROD:   Julian Porteous.
25
26      MS FURNESS:   Who is now the Archbishop of Hobart?
27
28      PROFESSOR ORMEROD:   Yes.
29
30      MS FURNESS:   Thank you.  I have nothing further,
31      your Honour.
32
33      THE CHAIR:   Mr Gray?
34
35      <EXAMINATION BY MR GRAY:
36
37      MR GRAY:   Professor Ormerod, just one thing for you, if
38      I may.  You were saying that your understanding was that
39      the Australian bishops - and I'm summarising - have not
40      implemented necessary ongoing training and ongoing
41      education for priests that ought to be happening.
42
43      PROFESSOR ORMEROD:   Yes.
44
45      MR GRAY:   Have you had an opportunity to see or to read
46      the statements that the Australian archbishops and bishops
47      have provided to the Commission in respect of this final
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1      hearing?
2
3      PROFESSOR ORMEROD:   No, I haven't.
4
5      MR GRAY:   So you're not aware of the evidence that the
6      archbishops and bishops have given in those statements
7      about what is being done in the various dioceses and
8      archdioceses in relation to ongoing education and training?
9
10     PROFESSOR ORMEROD:   No.
11
12     MR GRAY:   Then, Professor Moloney, one or two things for
13     you.  You would have heard, of course, what
14     Professor Ormerod said this afternoon about supervision of
15     priests and, in particular, how he thought that concept
16     should be understood in terms of, for example, providing
17     for each priest someone to talk to regularly from whom the
18     priest could obtain help in dealing with the difficulties
19     of the role.  Do you remember those remarks?
20
21     PROFESSOR MOLONEY:   Yes.
22
23     MR GRAY:   And that, it might be thought, amounts in some
24     respects to a form of care, ongoing care, for the priest.
25
26     PROFESSOR MOLONEY:   Yes.
27
28     MR GRAY:   Do you have any thoughts on that way of looking
29     at the concept of supervision?
30
31     PROFESSOR MOLONEY:   Yes, that's a very good remark.  This
32     needs to be managed strategically and I think the notion of
33     care is the notion - not, "I'm your supervisor.  You must
34     see me once a month", but, "I'm your carer."
35
36         The bottom line is the bulk of these people are good
37     people trying to do their best, but they frizzle up.  They
38     need help, and this is where we need to institute care, not
39     so much some external supervisor that ticks the box in his
40     little visit but somebody who exercises responsible care.
41     In fact, I like the word "care" more than "supervision", as
42     long as it's there and as long as it's regular, but they
43     need care.
44
45     MR GRAY:   Then, finally, a different topic but again for
46     you, if I may, professor.  You were the Provincial of your
47     order for some years from 2006 --
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 1
 2      PROFESSOR MOLONEY:   Yes, until 2011, for six years.
 3
 4      MR GRAY:   Five or six years?
 5
 6      PROFESSOR MOLONEY:   Six years.
 7
 8      MR GRAY:   You spoke this afternoon of the claims of abuse,
 9      or some of them, that came to your attention during your
10      time as Provincial.
11
12      PROFESSOR MOLONEY:   Yes.
13
14      MR GRAY:   During your time as Provincial, did you feel or
15      believe that you were in any way constrained or inhibited
16      by secrecy requirements or otherwise in passing those
17      claims on to the appropriate authorities, such as the
18      police?
19
20      PROFESSOR MOLONEY:   Absolutely not, and I would have very
21      good support for that from the police at both St Kilda and
22      Fawkner.  Never once did I feel, "Oh, no, I can't do that.
23      I've got to protect the Church."  Never.  If there was an
24      obvious possibility of a criminal offence, that went
25      straight to the police from me.
26
27      MR GRAY:   Thank you.
28
29      THE CHAIR:   Ms Furness?
30
31      MS FURNESS:   Nothing, your Honour.
32
33      THE CHAIR:   Do these three come back to us at all?
34
35      MS FURNESS:   The doctor does.
36
37      THE CHAIR:   Well, then, doctor, I won't excuse you, but
38      you other two I will excuse.  Can I, on behalf of the
39      Commission, thank you very much for your contribution
40      today, including your written material.  It's very
41      important that the Commission gather together the widest of
42      views from all segments of the Church so that we understand
43      the problem and hopefully can make useful recommendations.
44
45          10 o'clock in the morning?
46
47      MS FURNESS:   Your Honour, I might just indicate that, yes,
```

```
 1    we do have the third panel at 10 o'clock, but at
 2    6pm tomorrow we have by videolink Father Gerry O'Hanlon and
 3    we will be sitting between 6pm and 8pm to accommodate the
 4    time frame.  Therefore, we will be finishing earlier
 5    tomorrow with the first panel, so there will be a period of
 6    time throughout the day when we won't be sitting.
 7
 8    THE CHAIR:   Very well.  We will adjourn until 10 o'clock.
 9
10    AT 3.27PM THE COMMISSION WAS ADJOURNED
11    TO WEDNESDAY, 8 FEBRUARY 2017 AT 10AM
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