

RB/SS INTERVIEW WITH A. & C. FOSTER - 29/7/97

- RB Now you've already had a chat with Sue a little while ago, so really the time is your time how you would like to use this.
- AF Well I think we're here because Sue felt that we should at least come and talk to you....I think that's the main reason we're here at the moment, given that Emma's situation appears to be recognised....that's fairly simple....but I think Sue thought there was some usefulness in us being here, because as you know we have some concerns.
- RB Sure
- AF So I think that's where we're all coming from.
- SS What we need to clarify here today is that we get the right documentation down about Emma, so that we don't have the issue that's arisen this time arising again, and whoever....that's actually not the responsibility of Carelink....that needs to be done through the Vicar General, and I'll speak to him today if that's OK with you, so that we see how we are going to get this documented.
- CF You'll probably get a negative response from him, I feel
- SS Well I don't think it will be his role to do that either, I think they will just have to get it documented by the business people, not by the clergy....because I don't think this is a clergy issue.
- CF But he was stepping in previously.
- SS But I don't think we were clear enough about what had happened, certainly in terms of history and you enlightened me that afternoon I spent with you, around the previous Vicar General, and I haven't as yet spoken to him because he's been away....but you clarified what had been said before...now none of that had been documented for us here.
- RB That was our problem, you see....we had fairly clear guidelines laid down for us, what our role was...and providing help and arrangements (inaudible)...and the circumstances in relation to that, but we had a variety of problems in getting earlier documentation about a number of people...and we had worse problems in getting documentation about your situation....if it had been made clear to us from the beginning that formal agreements in effect had been made, it would have been much simpler.
- AF Mmm....well I guess that the problem in the past has been that a lot of it has been verbal....however, as the law regards it, I regard a verbal agreement that we've had as a binding agreement.
- RB Sure, but we didn't even know about that
- AF And the matter of transferring it on, that's been a problem....and it really started when I spoke to the Vicar General first off....

- CF Cudmore
- AF Yes, I forget when it was...the previous Vicar General.....and it went on from there....and so much of it has been verbal. But a lot of it has been verballed because of the difficulty of getting people to commit.....and to accept, and to actually write it down, you know....and I think it would be a great thing if we could get it written down.
- RB I think that's what has to be done
- SS Yes, and I've already said that over there, but the Vicar General wasn't there, so I'll attempt to pursue that this afternoon.
- AF Well I think that would be an important step if we can do that....because we have a 15 year old daughter who's going to be requiring care I think for quite some time....and I think this is an ongoing thing.....I think if at the end of....a long way down the track, we can look at this and say that she's come out of this with some improvement then I think we'll be very very lucky.....we're now in a situation where she's in hospital with an alcohol problem at the moment, but it's only 12 months since we were saying well let's just try and keep her alive, so....
- RB That was the anorexia?
- AF Well that's been everything.....it's not just that, there's been lots of other problems as well, so....
- CF She's had a lot of overdoses
- AF She's overdosed a number of times
- CF Cutting herself
- AF Cutting her wrists and things.....so we've gone at least from that point where.... I don't think at the moment we believe her life's in danger....whereas we have thought that in the past.....but we've got a long way to go and there's a huge.....we see it at home....we see the difference between our other daughters and Emma...and that difference shouldn't be there.....and that's a difference that's been imposed on us by the circumstances, and by the actions of a pedophilic priest.....so there's a huge chasm between Emma is and what she should have been, and no-one's ever going to be able to bring her back to where she should have been, but what we are looking for is very good care for her.....and some means by which we can restore her life to something like what it should be.
- RB What advice have you had about that? What care she needs.
- AF Well up until now, it's a matter of keeping her alive and trying to get her to come to terms with it in some way, but she's just too young. This all started when she was 13.....the actual.....the problem being visible to us and she'd been trying to deal with it internally for a lot longer than that, I'm sure. I don't think.....I'm not sure that anyone knows what to do....and I'm not sure, and I don't think, that there's a cure. This will go on forever....for the rest of her

life, this will affect her.....it's not.....it's like someone saying, OK you've had your leg cut off, when's it going to grow back? It's not.

- RB Well it certainly sounds as if she's a very damaged young girl in a whole variety of ways.....it seems to be appearing in different ways at different times.
- AF I think she's been extremely traumatised.
- RB How long has she been drinking?
- AF Six months
- CF In bouts I suppose....but over the last school holidays she seemed to be drinking vanilla essence from the supermarket every day and getting drunk...so....she read about that in the newspaper.
- AF But it's just a way of escaping for her to some extent....and from our point of view.....it's better than cutting her wrists.....in the short term....not if it develops into a longer term problem, but right at the moment, I can deal with her drinking a lot easier than I could deal with seeing blood pouring out of her wrists, which I have seen.....we've both experienced.....and I can deal with the drinking better than I can deal with having to read suicide notes.....but again, it's not something.....you would want to try and resolve it.....and I can deal with it better than maybe a heroin habit, which is maybe on the cards if this isn't handled properly.
- RB No question of drugs up till now?
- AF Not at this stage.....oh sorry, yes there is.....experimenting or escapism, yes, but nothing.....it's been over the counter drugs, not....and there are many of those.
- RB Antihistamines and things?
- AF No.....
- CF It was travel sickness....Avils.....and apart from those it's been like Panadeine or Panadol...that's what she's overdosed on.....and just I suppose an abusive thing is.....but not life threatening.....is laxatives.....overdosing on laxatives, and dietary type things.....that's about all.
- RB Has she ever got hold of any Lasics?
- AF What are Lasics?
- RB Diuretic pills.....or injections.....it's not hard to get them.....girls go to doctors and say I get premenstrual tension.....and a lot of doctors are silly and give them out.
- AF No, we haven't come across that

- RB It's what they give you when you've got too much fluid.....a lot of anorexic girls try that.
- AF No.....at the moment she's eating well.....she really is.....and that seems to have changed.....and it's a roller coaster. We get over one thing, and then something else comes up and I can just see that happening for a long time, you know. I think she's.....we're lucky that she has support around her.....I hate to think what must happen to all those kids out there that this has happened to who don't have support.....it must be just horrendous.
- RB So at the moment she's having help for whatever the current problem is, but is she also getting ongoing psychotherapy or whatever?
- AF She had been....and at various stages she has.....and she's jumped around again because of age, I think. But she refuses to see or talk to a therapist or a psychiatrist.....that's where she has got to. However, she's taking part in the group therapy sessions where she is at the moment, and we've been very pleased and proud of how she's taken that on over the last couple of weeks.....she was the one who wanted to go into Pathways, and she wanted to go back, she wanted to keep this happening.....and even though it had only been fairly short term, and I'm no expert, I tend to think that the path to alcoholism at that age is probably much faster than it is later on....she seems to have got into it very quickly....and seemed to be dependent. But at the moment that's the therapy she's having.
- RB OK.
- SS What's happened around her education at this stage?
- AF Oh, destruction. No education. She's fifteen and a half and she's finished year seven. Now the effect that that's going to have on her in an ongoing way.....halfway through year eight she was first having problems. End of year eight she spent three months in Monash, and year nine we changed schools....took her out of the Catholic system...and she went and had more problems, she was back into Monash again for two months.
- CF She was in for two months in year eight, and then one month in the beginning of year nine...and then two terms at another school, and then the third term she was at The Arch, the day program for (inaudible), and then this year she's year ten supposedly, and she was at The Arch to start with and then she was two terms at school....now she's not at school again.
- AF But very fragmented school, even when she has been going to school.
- CF Yes, she was three days a week
- AF No homework....none of the normal....what we call normal things....
- RB Has she been assessed intellectually?
- AF Only from her schools' point of view. At each school she's been at, the comment has been she's very bright....she came out of year nine....well she certainly hasn't completed year nine, but she's certainly capable of going on to year ten.

- RB But they haven't at Monash, or at least as far as you know....done any formal assessment, looking at her strengths and weaknesses?
- CF In education, you mean?
- RB Just generally.....but also looking at where she is education wise.
- CF I suppose they do assessments, but I don't think they always tell the parents what goes on in there. I could have been done, but I can't say it has.
- SS That actually needs to be documented as well, doesn't it? We need to document all.....well, you need to document that, and if it's not being done, it probably needs to....if she's prepared to co-operate.
- AF Well there are many things that Emma doesn't want us to know, that are part of her history....and certainly her Monash file is not.....we're not going to be able to see that....or any part of it, unless Emma's there and unless she has counselling at the same time....
- RB How old is she?
- AF 15
- RB I think you probably could, you're her legal guardian
- AF It might be difficult to, and it's something that we don't want to do
- RB I know....but strictly speaking, you could....it might be that under the freedom of information and all that stuff, what happens is for instance if you send a request for access to Monash, what normally happens is the request is passed on to the treating doctors.....who are then asked if there are any parts of the file which is inappropriate for either the individual or in this case the parents or guardian to see, and that could be deleted.....or sometimes what they can do is go through the file with you, not letting you see the relevant bits....these are often personal remarks, specific criticisms....for instance, about parents or that kind of thing that it might be harmful to see....but it could be done if you wanted to push it.
- AF Oh yes, I get the feeling that if we wanted to push it, yes, it could be.....we could always appeal again...(inaudible)
- RB But I think the important thing is you see, it sounds as if Emma has lots of problems and may need help for a long time.....or a considerable time anyhow. She may need special educational help, she may need a variety of things.....and that's something that the Diocese has got to grapple with....on the other hand, in order to plan for anything like that, the more documentation there is the better. In order words, to say that you have to consider an educational program at some stage for this young girl...she's going to need this, that and so.....it's difficult to say because I say so....without any backup....that's the problem.
- AF Well our main concern in all of this is to ensure that her life's recovered as best we can do it, and that.....if you put in on a scale of percentage.....we

may only be able to achieve 50%...but whatever we can achieve, we're aiming for.....but there are other peripheral issues about all of this....

RB Like?

AF Well lots of other peripheral issues that don't concern Emma directly....our feelings about how things have been done in the past, and all those sort of things, which affect us. The primary concern here is maximising her opportunities, and her recovery....and that may take quite some time.....and it's good to hear someone saying that they're willing to at least look at the long term, and that's really what we're after.

RB Well that's what we want to do. I mean, do you yourselves feel that you need some help to cope with this, are you getting help?

AF I think we're very lucky.....we must have a pretty strong marriage....we've managed very well amongst all of this...

CF We did have counselling with Patricia Lo Cascio, and that was for nine or ten months or so...but I stopped when the Melbourne Forum was on with the Archdiocese, because it was very busy and there were a lot of things going on....I was on the Victims Advisory Group, so I just didn't have the time...and that month's break I stopped going, I guess.....and I haven't been back since, but no, I suppose maybe we needed it then, and we don't need it now.

RB But certainly if you feel that you do....if things get a bit difficult....that's something that should be our responsibility to organise.

AF I think what we need most is help understanding what the effects are, and what we need to do in the future for her. Now, there are lots of problems there which have been seen with other people, I'm sure, but there may be some unique problems as well....and certainly Emma's age and the length and the depth of the abuse may well be very different to what we have seen, or you have seen, or other people have seen in the past....coming out at this age...it is very early, and it's very severe. But what we need most is help to get her back on track. Now that's many different things....on the way in here, one of the things she's keen about at the moment is guitar....and in order to compensate for what's happened, we tend to....if she says she wants something, we try and encourage her to do something with it, so we went and bought her a guitar....now she's not doing any schooling, but I've said to her how would you like to have some guitar lessons at home, private lessons...now as far as I'm concerned that's part of her education, it's part of her recovery....of trying to get some self esteem back to her....and so as parents we're willing to do that. We're in the lucky situation where we can do it...put that extra in if we need to, but there may be many other things, there may be things that other people can suggest about what we do.

CF What you were saying about getting her assessed for her education is something we know she's only done year seven, and they've passed her on the other year levels, but like at year nine, she passed one subject or something, and they said well if she comes back, she'll be doing year ten, but because she's capable of it...she just didn't want to do it...so they saw it as a choice that she wasn't doing it, not that she couldn't.....but while she's in year ten apparently she's learning maths that are on year eight level, so the school

she's at at the moment...its called Lionel Paul Community School...and they just work to the children's level, they're all over the place....it's a different sort of school...we sent her there because she couldn't handle the strictness of other schools and...you know....had to be here on time and do this and do that....

AF It was a last resort

CF Yeah, it was a last resort....it was something that we thought she might be able to cope with, and not that we liked it or anything, but even that she went full time at first and then cut back to three days a week.

AF But also just a few weeks ago I suggested to her that maybe she could have some home tutoring in maths as a way around the problem, because she's having a problem with the....she can't concentrate at school.....that's what she's saying to us, she can't concentrate...and I can understand why. But that's the sort of thing we need to set in place....we need to set in place some way which the education that she's missed out on can be delivered to her when she's ready for it, and who knows when that will be.

CF Sorry, the point I was trying to make before and didn't get there....was that we know that her education isn't right, but as far as doing something about it...we haven't got to that stage yet, there's sort of things going on....we think oh one day in the future when she's older or mature.....doing mature age studies, or something.....but yeah, if something can be done now, or maybe just an assessment like you're saying....

RB It's quite likely that they've already done it.....I mean there are two aspects to it, one is.....just like there are different kind of doctors, there are different kind of psychologists.....and for example, there are educational psychologists, there are psychologists who specialise in other things....and there are whole lot of different issues....one is sort of intellectual calibre.....one is any deficits or problems of learning and so on, that may exist....even in place of reasonable intellectual calibre.....there may be blocks of emotional nature, which impede learning....which need to be looked at, and there are all sorts of additional things so that it is possible or likely that at Monash they have already carried out some of these investigations....if only because it's a well-known problem....forget about the abuse and everything else for the moment....that children who for whatever reason are in some way intellectually impaired can present with a monstrous list of behavioural problems, so they lash out because they can't get it together, they can't learn properly, or they can't do this, that and the other.....so it's very likely that they would have carried out some sort of screening....the material may already be there. They may not have had an educational psychologist there.

AF Oh, they had an educationalist of some sort at Monash at the time she was there.

RB Oh right.....well it's probably all been done.....maybe already in the file.

AF Because they did run a schooling program as part of the program.....a very minor part of it, I must say.....but

RB I'd be surprised if they haven't done some of it anyhow

- AF But we know that....all that aside from our point of view.....we know she's very capable.....we know that....she has a part time employment job at the moment, and they know that she's in Pathways and they want her back when she comes out.....and that's maybe an indication of what sort of person she is as well, that an employer is willing to do that.....that's pretty unusual.
- CF She works Thursday nights and Sunday
- RB What does she do?
- AF Behind the counter....
- CF Muffin Break.....just serving people, but...
- AF But that's been a great thing for her
- RB It means she is able to get on with people
- SS Handle money
- CF Oh with her it's a very internal thing, she's not one who's gone out and vandalised or done anything....it's been an implosion, not an explosion.
- AF When you say handle money....the one fear that she had about this job was being able to count the money...
- CF Give out the correct change
- AFbecause she just hasn't had the schooling to have that confidence to do that sort of thing....and that's just a little indicator of one of the things that's missing.....and those sort of things will crop up time and again.....when she's asked to fill out a form, or when she's asked to write something for a job, or....all these things will come up, all the things which kids say when they are going to school say oh why do we have to do this? But are so very important.
- RB Yes.....well I think those are things that need to be taken to be continual.
- SS Yes, because it's certainly an individual program that you're looking for for Emma.....did you ring Press Hill at all.....because they actually do run individual programs there for bright children....
- AF We were pretty unsure....and Emma indicated that she didn't want to change school again....this would be fourth....we need some stability there of some sort, though Lionel Paul I don't believe is the best place for her but it's the only place she would go.
- CF Well, that's sort of where we're at.....but that level yes....but it was better off than it was, I think
- RB Well Press Hill goes right through to matriculation, I think.....they're very good, I mean they've.....they're extremely flexible.....it's not everybody's cup of tea, but for Emma it may well be worth thinking about.

- SS Particularly if she has got a creative side to her, they're very good with the creative.....in developing those....
- CF She's got that side..... she used to play the violin very well, to the point where she was asked to do a solo at a school concert and did so in front of about 300 people, and the lady behind me....someone I didn't know....I overheard her when Emma had finished, and said...boy can that kid play....that's how good she was.....and she stopped playing when she went to Monash, that was the end of it, so.....
- AF And her whole intention was when she was in Monash and even last year, was that she would finish year nine and that would be it.....we managed to get her back to do year ten.....but in no way did she pass.....we've been told that she hasn't passed and won't pass.....so that means somehow trying to get her to go back to school, doing year ten again. Now whether in another six months she's moved down the track enough that we can get her to do that, I don't know.
- CF But with Press Hill, are they demanding of the students?
- SS Look, you'd have to talk to them...because my experience has only been to see other children with their parents or parents with children there...and how they work it now I don't know....but I think they'd be worth talking to. But even just to get an idea of what they offer.
- CF I'm concerned about the school she's at at the moment, because while it caters to one part of her, there's an element there that she shouldn't be there, I think.
- AF Though she has I believe been very strong in avoid the hard drugs which are probably there...I think she's gone the alcohol way, and the Avils as a way of doing something...but not becoming involved with that...and that's been strength from her, and I think that's good, but there's a real danger. But look if we get to the stage where we have something from the Archdiocese that is a commitment that we can carry forward to the next Vicar General or the next Archbishop and the one after that....
- RB That's why it's got to be in writing
- AF And that's where of course so many of the criticisms have been in the past...because things weren't in writing....or they would be in writing within the organisation and not without...and there was nothing that anyone could hold up and say that this is what was promised. There's been a strong without...
- (Tape changed here)
- RB We're aware of that, and that's why I think we need, with you, to kind of look at the whole situation, where it's going, and what can be built in to try and maximise the opportunities for development as you suggest.
- AF Well I thinks that fine....I think us moving forward on that will be dependent on a willingness, and before we start laying everything out in front of people

here, we really want to see a willingness to put that in writing....once that program's in place.

- RB Are there more things that you want to bring out at some stage?
- AF Well there's a lot of detail about Emma's case.....a lot of detail there....and we're aware of a lot of things that happened, and how it happened, where it happened, roughly when it happened.....all these sort of things.
- RB I think you said something before which was rather curious....coming out at this age.....does that surprise you?
- AF Yes, it does, because in our area...in Oakleigh....where we know of many other victims, Emma's the only one who this has happened to, or that it's become apparent at this age, so as a proportion of the number that we know have been abused by our parish priest, Emma is the only one of her age.....
- RB Oh, that's what you're referring to?
- AF From your side.....I can understand you saying oh no we've seen many children like this.....what I'm saying is you've only seen a tiny proportion that's really there
- RB Yeah, we know that.....I mean there are a whole lot of different issues. One is that it's surprising that some people who have been abused appear to sort of cope with it, get it together, soldier on through their lives and disappear.....others may or may not have early problems, but they may have problems a bit later on.....others have problems from relatively early ages.....so there's a huge variation. I mean it's not an absolute....abuse means your life is a disaster.....it can be.....it depends on when it occurs, how it occurs, how often....all that sort of stuff.....
- AF Sure.....but I think you'll agree that abuse means your life is nowhere near as good as it could have been.
- RB It could certainly be that way.
- AF I think in the great majority.....I think the number of people who sail through it and it has no effect would be extremely small.
- SS In fact we don't really know that, see that's the thing....
- RB That's the problem.....if they don't tell us, we don't know
- SS But statistically the number of people being abused is much greater than the ones that come forward.
- RB To anywhere
- AF Well that's what I was saying.....in our experience we know a pool of people in Oakleigh parish who have been abused....friends of Emma's....children below and in front of Emma....and out of all those, we're the ones with the.....
- RB Worst problem at the moment

- AF Well I was going to say that, but I wasn't going to use those words.....we're the ones where the problem has manifested itself....and the parents whose children we know who have been abused or parents whose children are likely to have been, or may have been, in some ways are in a very bad state as well because they don't know....and we have personal friends who wonder...and something that we learned early on, you can't ask a child of this age whether they've been abused or not...there's just no point. And I think everyone has to understand that there's absolutely no point in saying to your son or daughter when you read about O'Donnell in the paper....oh did he abuse you? Because they can't say.....they haven't been able to stop the abuse, they haven't been able to say no then, they haven't been able to do anything about it in between.....their certainly not in a position to tell the two most authoritative people in their life that yes I let this happen, which from their point of view is what's happened. That's the message that we've been trying to get out.....I think it's worked to some extent.....but I think there will be a lot more problems out of Oakleigh.
- RB I would agree with that.....and a lot of other places.
- SS But actually the younger ones are starting to come forward now, because of the recent publicity around it. With the people who have been taken out of parishes more recently, so Emma's not quite as alone as she was....
- RB Now are there other issues that you wanted to raise?
- AF I'm sure that.....and this is not a core issue about Emma.....but one of the reasons that we have been reluctant to come forward in the past, as you know.....is because of your previous involvement with priests' pre-sentencing reports.... with O'Donnell and others.....I think that's something we need to talk about.
- RB What is it you see as a problem about that?
- AF We have both.....I guess we've both seen it as a problem because in some form we see conflict there.....and also we see.....and I'd be happy to talk to you about it, and I would love to read the pre-sentencing report you did on O'Donnell....I would very much like that....and that may change my feelings and how we think about things. The snippets that we read from the judge's sentencing statement seemed to indicate that you had said that O'Donnell hadn't been offending for quite some time....
- CF Because of lack of libido
- AF Yes. Now that concerned us terribly and that was '95...when it was generally accepted that pedophiles kept going for ever and they really don't stop...and that's what had happened in O'Donnell's case.....he went right to the very end...and it would appear from what's coming out now, that he went even further on than any of us ever knew about...even right through the trial.
- CF Two weeks before his trial
- AF And so the basis of that sort of judgement concerns us, because if that pre-sentencing report had gone a different way, we may have seen O'Donnell

stay in jail longer or at least have a longer term, a more significant term.....because the sentence that he ended up getting was quite insignificant for the crimes which he has ended up....

- CF And part of it was the long time since he last offended.....which seemed to be backed up by your report.
- AF And our case.....that was the absolute opposite to what we're saying has happened.....we're saying that O'Donnell, in our particular case, we know that O'Donnell was abusing up until about seven years ago.....now it turns out he was abusing later than that as well...whereas your report was saying oh no his libido had faded off and he stopped way back.....now that's the issue.....that really is a significant issue for us, because.....and I'm speaking very frankly now.....it raises doubts about, in that particular part of expertise..... doubts about the level of expertise..... to have diagnosed that that was the case, when in fact it wasn't.....because it plainly wasn't.
- RB The Archbishop has a copy of my report.....and there were errors of quotation....and let me go back one step.....I've been doing this kind of work among other things since the late 1950's, seeing both victims and offenders. There's a kind of misunderstanding....and I think there's some deliberate disinformation going on in a variety of ways.....about this, and about what the professional role is....as an expert witness. The professional expert witness is not an advocate, he's not a partisan. People ring me up for the Crown or for the defence or whatever, and say would you see such and such? And that's how it works with all my colleagues.....it's my view, and a very strong view, that one should not do all defence work or all Crown work, and in fact in the United States it is now common policy that if someone like myself was called as an expert witness, you are asked before giving evidence how many cases have you appeared for in the last five years....how many have been for the defence.....how many for the Crown.....and what they are trying to get away from is the partisan witness who only does one side of the fence.....and they won't have it, they're throwing them out.....in other words, they are trying to get rid of hired guns who only work for say the defence. Alright, enough about that. I've done many reports....they aren't always used....because when you do a report it is the lawyers who make the final decision whether to call you or not, or whether to use the report...if they're allowed to use it in our court....and that's how they work it. And I could name numerous priests and others for whom I've done reports, or about whom I've done reports, and they've chosen not to call me. One gives an opinion about the facts as presented....what I always say in my report is I am a psychiatrist, not a lie detector. On the basis of the information given to me, this is my opinion. If there is further information that could qualify that, I would be happy to hear it. Now with regard to O'Donnell.....I was asked very specific questions by the lawyers. Would it be harmful to his physical health, etc. if he went to prison? Would he benefit from a preventative or treatment program, at his age, for his sexual behaviour? And with advancing age, was he likely to reoffend? Those are the questions I was asked.....not about what he'd done before, not about the genesis of his behaviour, not what kind of behaviour.....nothing about that.....because I think the assumption was he was guilty anyhow....I was not asked to speak in his defence....I didn't actually speak, but they took my report.....that was my role....and my only role.

- AF So there were only those three questions asked?
- RB Three questions there.
- AF And only three answers?
- RB My report was about two pages.....or a page and a half.....and that was it. It was about the issue of going to jail, it was about the issue of treatment in jail, it was the issue about the potential to reoffend....and that was where the comment about "with advancing age the probability decreases"....now that's a fact....as it happens, it went on longer than most....but most people peter out.
- AF And he didn't
- RB We know that....but you see the.....as I say there's a considerable amount of disinformation going on.....people have been quoting that judgement and making implications from it, which were not in what I said.
- AF Maybe.....however, when we read the judgement, we read the words in that judgement and we have no other information...
- RB I understand that.....I'm not criticising you or anybody else, except the people who are deliberately using disinformation.
- AF Well OK....but just as you were asked only certain questions, we've only seen certain statements and those statements are disturbing.....well, the one statement certainly about his libido is the one that was the most disturbing...and OK it can always be argued that there was some decrease in libido, the trouble is it was so bloody high to start with; it was so damaging to start with....
- RB That wasn't what I was asked you see
- AF I understand that....and I do also understand the role of the professional, and it's interesting to hear what you were actually asked. I'd love to read the report, if it is possible....because
- RB I don't think I can.....because the Archbishop has it and he might have referred.....I don't know, because you did see him.
- AF No, I haven't seen the report
- SS But you saw the Archbishop though
- AF Oh yes, we saw the Archbishop, I must say, for what it was worth.
- RB And I gave him my report with the agreement of the lawyers, before he saw you
- AF But not to show us
- RB Well he could have referred to it

- AF He was very reluctant to be very specific at all
- CF He was very legalistic....jumping down our throats saying (inaudible)...
- RB I'm sorry about that...that particular report was brief and to the point in response to those questions....and (inaudible)...
- AF Why as a psychiatrist did they ask you how jail would affect him medically?
- RB Because psychiatrists are also doctors
- AF It seems a strange thing to ask
- CF I think they had two reports
- RB They had a physician's....
- CF And your own report....there were two doctors' reports handed in
- AF But just as you ask us to understand from your point of view, we ask you to understand (inaudible)....and from our point of view they're what the judge used as an aid to sentence O'Donnell, and to us it was something that looked blatantly wrong...because we had direct experience that this man was offending...
- CF And he was using....quoting your report as a means of his saying and judging and passing sentence on O'Donnell...and I wrote to the Public Prosecutor's Office to try and get a copy of your report, and they wrote back and said that it wasn't for public use....so they couldn't hand it on, but that that report was used to help the judge in sentencing.
- AF So if anything, it helped reduce the sentence for O'Donnell.....I doubt whether it helped to increase the sentence....and from parents of a child who has been abused by this man, we would have been happier to see a longer sentence....that's a personal, vindictive statement maybe, but it's one that's very close to our hearts...and from our daughter's point of view, she sees O'Donnell has not having had very much justice at all.
- RB And in fact there are others that have had very similar sentences and I think you.....insofar as anything I did modified that sentence, I would think it very limited...because there are other priests who have had similar sentences who have been in fact very comparable to O'Donnell.....maybe nobody *quite* comparable, and the critical factor has been age. As it happens, one of those I was asked to do a report on which they chose not to use. But the other important issue is..... and I think this is fundamentally important.....is to see both sides of the fence gives one an advantage which is denied to someone who only sees victims or only sees offenders.....and this is a very strong national/international belief and experience in that regard....because if you only see victims, you have no idea how offenders operate, how they achieve what they do...the whole sort of psychological mechanisms and everything else which.....
- AF I have to disagree strongly....I haven't spoken to one of these offenders on a professional level to try and look at their side of their operation....however,

having come from the victim's side I believe I do understand to a great extent how they operate....so I don't think you can say that you can have no idea....I may not have as much of an idea.....

RB No, we have *some* idea.....

AFand I think we have a huge understanding of about how they operate, and the whole society is becoming far more aware and will have a better idea...but we have gleaned most of that information from ourselves and from looking at the facts and how this has happened....so I think that from the victim's side you can in fact understand to a great extent.

SS I think that when we say that working with people would be in there...because it's very difficult to work with people if you've only got one side of the story, or you've only got one part of the process.....if you know both sides, you're more able to understand whether the priest was coming from and shed light on what's happening....

AF It's everywhere.....it's not just in this....

SS But it's very important in this area

RB You probably are aware, or should be aware, that there is a lot of disinformation going on....there are a number of people, or groups of people, with very strong views about a whole lot of these issues and for instance, my involvement in this....and there have been frank lies published in a variety of places about my background, what I've done and so on.....and it's to this end....and I think this is a very unfortunate situation.

AF Well it is....when there's a lack of confidence....yes, it's unfortunate....however, if the balancing argument is out there, maybe it will help....and there hasn't been much of a balancing argument out there.

RB There was you know, when Ray Wyre was here, he put the view very strongly to the Conference which was here, that it is vital to have an understanding of both sides of people you're working with.

AF Oh yes, I agree with that

CF Did you meet O'Donnell and interview him?

RB Once

CF Once?

AF And that was while he was on trial?

RB It would be before.....how long before, I can't tell you....I'd have to look at the date.

CF Did you meet him to assess him?

RB Purely with regard to those questions

- CF So with all your experience in dealing with offenders.....and your side of dealing with victims.....and it seems common knowledge now that offenders keep on offending for a long, long time....even though Ray Wyre says that and O'Donnell pleaded guilty for about 30-35 years of offences....wouldn't it have been in your report that he was probably likely to keep on offending instead of saying his libido would have waned and he probably has not offended since 1977?
- RB I didn't say that exactly, I said that's what he said
- CF That's what O'Donnell said?
- RB I didn't say I believed it
- CF No, but the court heard that....
- RB Well I can't help that, you see.....
- CF Well, the judge took it on...and sentenced him accordingly
- RB I'm not responsible for what the court does.....I'm only responsible for my report
- CF But you as a professional, with your professional opinion....wouldn't you have thought that if he pleaded guilty to 35 years of offences.....
- RB I wasn't there when he pleaded guilty, you see....that all happened afterwards. You have to understand that.....I didn't see all the charges, I didn't have all those documents.....all I had was the letter from...
- CF So you don't really get the big picture of what's going on when making your report?
- RB Well I do.....what I normally insist on is having all of the transcripts, all of the evidence, all of the reports....and take several interviews....plus time to read all the relevant material before I do a report.
- CF Shouldn't that come under reassessment then, once he'd pleaded guilty to all of that?
- RB Well, again that's not anything to do with me, you see.....I got a letter from his lawyers saying would I answer these questions about this man. No backup material.....so it was really a prospective thing, about what might...what would happen with regard to going to jail....what treatment or management he should have in jail....that was it.
- AF But how could you make those judgements and report on them if you didn't have all the material on hand?
- RB Because you can think about the value at a certain age of a treatment program, whether it is likely to be effective. One can on the balance of probability look at an advanced age and look at what is *likely* to happen to libido over time....and insofar as they were asking about the effects of

incarceration, I could respond it was likely to be rather unpleasant for him, which is what I said.

- AF It is a very limiting criteria to send a report on.
- CF And for the judge to base his sentence on.
- RB But that's what lawyers do.....I did what they asked of me.....I was not invited to do any more.....and I couldn't do any less.
- AF But could you not say I don't have sufficient basis on which to provide a report such as this?
- RB No, because I wasn't talking about why he did it and all that stuff.....it was purely what would happen in the future on the bounds of probability.
- AF It seems that they were asking pointed questions in order to be able to be sure of using your report rather than asking a broad question, because they knew they may well get a report back that wasn't.....
- RB Yeah, OK....but that's up to them you see
- AF But isn't there some desire there to be not used by the system like that?
- RB I don't think I was being used by the system.....they asked me specific questions and I answered
- AF But I suggest they asked you those very specific questions so that they would get very specific answers that they could use, rather than asking a broad question which may raise a minefield which they don't want to be able to use
- RB That's how lawyers operate
- AF I guess my response in that situation would have been to say well I can't provide a report on the basis that you haven't given me all the day to day needs to make a report, or that I won't make a report on these particular things.....I think there's a moral issue there as well....knowing when someone is going to use your report in such a way that it will help the defence...
- CF So you're sort of saying the lawyers have misused your report almost
- RB They quoted it out of context
- CF Couldn't you protest or...?
- RB I didn't know because I wasn't there
- CF Sounds pretty lame, what you're saying
- RB But if you're not there....
- CF Saying I'm not there, and I don't know and I didn't know.....who can do something, who can say something?

- RB They did not call me
- CF No, but they used it....they used it....the judge said it, quoted....it was there in writing that he was quoting your report....and I wrote to the DPP and they said your report was used to help in sentencing O'Donnell
- RB Well I mean I told you what the situation was as I saw it....
- CF So we get nowhere
- AF No....I'm disturbed by the fact that if someone came to me and said.....asked me for a report on something in such narrow terms that I could only say yes, yes, yes....and I couldn't give any overall feeling about the total situation....in order words, in my own business....the whole central system's not working....everything's falling apart...and they ask me is that screw done up properly, and I say yes. Now I'd say that I'm derelict in my duty by saying....by giving a report and by putting my name on the report that says yes, that screw's done, and the rest is falling apart.
- SS But you know, in actual fact that report was right, because O'Donnell had a stroke in jail and never came back to offend again, and the treatment would have been useless, so.....
- CF We weren't worried about the treatment
- SS Yes, but in terms of him offending again once he came out of jail didn't happen....because he was.....because what happened in the report was really accurate for his age...
- AF Well no, it wasn't accurate...in that his libido hadn't dropped off, and he was still offending well after '77...and so that did happen.....and so that's really what I'm saying....is that I think that alarm bells need to ring when someone's asked to give a report in such narrow terms that they can't give the overall picture and in my example, I would walk away and say no I will not provide you with a report that says that's right with my name on it that will give credence so that when someone stands up in court and says was it done properly, yes that screw was done properly.....now, I see that as an issue and the past is past and what happened, it's gone now.....however, there's a concern.....the concern that we have and always have is the appropriateness of someone in that position now dealing with victims, having been in those positions and made those statements, or made judgements like that. Now OK....we're getting a better picture under what conditions they were made and what circumstances they were made....however, there is still a question of whether it was a correct judgement.
- RB No, let me just point something out to you.....there's an inherent logical contradiction here.....what my report said was "he claimed....."
- (Tape changed here)
- AFhasn't offended because of that (inaudible.... so I would have to re-read your report....
- RB That's fine

- AF But look, all that is really peripheral....it's not a major issue. The major issue is that we set into place appropriate treatment and appropriate ongoing care for Emma.....and that's the most important thing to us....everything else is peripheral.
- RB Well that's why we should try and achieve.....and I'm sorry that you had these difficulties.....I understand the problem that you present.....I clearly indicated my position on this....and this is the problem with anyone giving professional opinions for the courts....how that is done, how it is used....is the responsibility of the court.
- AF Yes, I agree....and I don't want to go harping on it.....there is still an inherent right that any person has to refuse to give a report.....you don't have to give a report....and I think that's.....
- RB Should one not give reports about.....
- AF I think there are some cases, certainly there are cases where I refuse to give reports, yes.....because things are being couched in such a way that for me to give a report questions are being asked which can only have favourable answers, which I know will have a negative result in the long term....and I think we all need to regard our reports and our actions from a moral base as well.
- RB Mmm
- AF Anyway.....that is a separate issue.....and it's not one that I want to muddy up and upset the potential care of my daughter....and yes, we've had some problems in the past...but look we're here, we're talking.....it's better that we talk than not talk.....
- RB Sure.....well in fact it would have been better if we'd done this much earlier....but as it happened that didn't occur
- AF No, that's right...but remember also that through all this we have been in great turmoil.....we've been battling huge problems along the way....we've been trying to just have a life....and it's only now that we've come to the point where maybe we had the time and energy to talk to you.
- RB OK.....yes I understand that....I mean it's been very difficult for you
- AF I mean we sit here in a comfortable room, but we've been battling this for two and a half years now, running backwards and forwards to hospitals and bandaging my daughter's wrists, and trying to cope with overdoses and that sort of thing....so a side issue like this tends to get thrown out the window until you have the energy.
- RB OK.....well we'll certainly follow through on this, and we'll take it up with the Vicar General and try and get them to agree in some kind of written program.
- AF Have they done it in the past for anyone else?
- RB A written program.....forward.....not...

- AF And a commitment for the future?
- RB Not in this context....
- AF I had that feeling.....so that's why I'm saying I hope that we can get it through....I hope that something can be done....
- SS So that tape would be appropriate for me to reveal this afternoon.....I need to be able to talk about what's happened in here.....is that OK?
- AF Mmm.....I don't have any problem with anything that's been said here
- SS OK
- RB In fact it might be a good time to play it to him
- SS Yes, I think it might be very useful
- RB Play him the relevant bits
- SS Well, even if I've got the transcript typed....and then went back again with the transcript....if that's OK?
- AF Sure
- RB Alright?
- CF Just before we go...you were talking about the education assessment with Emma....how would that be done, how would we go about it?
- RB Well I think what would be useful to do is to find out from Monash what they did.....because there's no point in doing it all again if it's been done.....so if they can tell us what psychological and related assessments they carried out, then that may be enough. If they didn't, or they haven't done enough, then maybe that's something we need to look at, to see what we can set up.
- CF Can you find that out from the records section, or do you need to speak to say...
- RB Well it should be in the report, you see
- CF Because the psychiatrist who was there with Emma is now in private practice...
- RB Oh it should be in the record.....if it was done, there would be a formal report
- SS And if it hasn't been done and we need to get it done, it's probably best done in the context of her being at Pathways rather than separating anything out.
- AF Absolutely
- SS ...you know, from here...that she even knows it...that it's done in her interest

- CF I know these things take time if you talk about the records section at Monash...I don't think Emma will be in there a long time...there's talk about her coming out on Wednesday.....I'm not sure.....she's going very well with the programs and things they've got going, so I think she's getting a bit out of it.....so even if you stayed a week longer or so...I think it would be good for her.....but that's up to the doctors, I spose....but if you wanted to do that, that would be a good place to do it at Pathways, and I suggest....
- RB Well there's not going to be time...
- SS No, but we can organise it in conjunction with Pathways, couldn't we....that it was done down there if she was going back.....surely she'll go back for some sort of follow-up...
- AF At some stage.....it could be arranged with the (inaudible) Centres...
- SS It might be useful for you to ask who the Educational Psychologist is that works there
- RB Alright, any other questions or comments?
- AF I think that's about it
- SS OK....thank you

(End of tape)
8/8/97 - cb