1. These submissions are made on behalf of Phil O'Donnell, Graeme Sleeman and BVC ("collectively known as the LH Witnesses") and are made in reply to the Submissions lodged by Counsel Assisting the Commission dated 10 June 2016 ("CA submissions").

2. These submissions support the CA submissions and take the form of relying on the paragraphs of the CA submissions except where otherwise indicated. These submissions supplement the CA submissions with additional references to the written and oral evidence that is pertinent to the interests and experience of the LH Witnesses as follows:

   (a) in the case of Phil O’Donnell as:

      (i) a former priest of the Archdiocese who had the misfortune of being placed as an assistant priest with two abusers, Fr Wilfred (Billy) Baker and then Fr Peter Searson;

      (ii) a person who made complaints to the appropriate authorities (including a retired magistrate) in relation to the conduct of these priests but whose complaints were not handled properly by the Melbourne Archdiocese;
(iii) a person who suffered emotionally, financially and psychologically as a result of his experiences in dealing with clergy child abuse offenders and the failure of the Archdiocese to have any adequate support mechanisms in place for him as a trainee priest, former priest and whistleblower;

(iv) a person who was laicised by the Catholic Church on the recommendation of Cardinal Pell as then Archbishop of Melbourne in recognition of the significant adverse impact upon him as a result of his long campaign against clergy child abuse;

(v) a person who had long (and unsuccessfully) campaigned for the Catholic Church to undertake its own systemic investigation into the causes and extent of clergy child abuse (rather than merely relying on bodies like this Commission to “tell them what to do”).

(b) in the case of Graeme Sleeman as:

(i) a person of strong Catholic convictions who had been exposed to issues of clergy abuse amongst the Salesians in the seminary;

(ii) a person who as Principal of a large Catholic primary school in Melbourne’s east had to deal with the behaviour of two offending priests, Fr Vic Rubeo and Fr Peter Searson;

(iii) a person who attempted to have the Archdiocese and/or the Catholic Education office seriously investigate claims of child sexual abuse committed by Fr Searson against persons including Julie Stewart;

(iv) a person who when met with the opposition and inaction by these bodies to remove Fr Searson took the only course reasonably open to him and resigned from his position;

(v) a person who suffered a mental breakdown as a result of the stress of the unworkable situation he was placed in and was not
offered any adequate support from the Archdiocese and/or the Catholic Education Office;

(vi) a person who was never offered any future employment in the Catholic education system, notwithstanding an outstanding reputation prior to these incidents and numerous attempts to gain employment across Australia.

(c) in the case of BVC:

(i) as a direct victim of child abuse suffered at the hands of Fr Peter Searson in the 1990’s, a disturbed and dangerous paedophile who Archbishop Little and others in positions of power and influence in the Melbourne Archdiocese and the Catholic Education Office had numerous opportunities to remove;

(ii) in circumstances where if the complaints made by Phil O’Donnell and/or Graeme Sleeman (amongst others) had have been taken more seriously, then there is a strong likelihood that this abuse would not have occurred;

(iii) as a person who has suffered and continues to suffer as a result of that abuse.

3. The evidence and submissions of the LH Witnesses is submitted to be relevant to a number of important issues that are before the Royal Commission for examination in this case study and its broader work. These include the:

(1) handling of complaints made by Mr O’Donnell and Mr Sleeman against Fr Baker and Fr Searson by the hierarchy of the Melbourne Archdiocese and the Catholic Education Office and its impacts on the abuse suffered by BVC;

(2) role of Police and the extent of possible networks amongst clergy sexual abusers and potentially non-clergy networks;
(3) appropriate means of providing care, support and compensation for primary victims such as BVC and secondary victims and whistleblowers such as Mr O’Donnell and Mr Sleeman;

(4) cultural issues in the Melbourne Archdiocese and Catholic Church including the questions of priestly formation, mandatory celibacy, hierarchical obedience and accountability;

(5) continuing need for an organisation wide, systemic and proactive investigation to fully understand the extent of clergy child abuse and causes as first recommended by Mr O'Donnell in June 1996;

4. These issues will be considered in turn.
5. Mr Phil O’Donnell is a former Catholic Priest of the Melbourne Archdiocese who gave important evidence to the Royal Commission, which was not challenged before the Commission. His evidence covered his unfortunate experiences of living as an assistant priest with both Fr Baker and Fr Searson as well as the broader questions of the cultural issues within the Church and the formation of priests at the seminary.

6. Since leaving the priesthood, Mr O'Donnell has continued to support many victim survivors and their families. He provided detailed submissions and presented valuable evidence to both the Royal Commission and the Victorian Parliamentary Inquiry. His submissions to the Royal Commission are attached as Appendix A1 & A2 to these submissions.

7. Perhaps his most significant urging to the Church was that contained in his letter dated 12 June 1996 to then Vicar-General Gerry Cudmore, which has been referred to in evidence both before the Victorian Parliamentary Inquiry and before this Commission. Its most substantial recommendation was for a systemic inquiry into the extent and causes of Clergy Child Abuse in order to determine if the matters that Mr O'Donnell was aware of through his personal experience with Frs Baker and Searson and were in any event becoming public in the early 1990’s were the “tip of the iceberg”.

8. The clear failure of the Melbourne Archdiocese to have undertaken such a systemic investigation (rather than the formation of the complaints based Melbourne Response) was a missed opportunity. Further, the short sightedness of this decision has been exposed by the repeated failings of the Catholic Church in both the causes of and the extent of clergy child abuse and cover up, as well as the failings in the institutional response to this issue that have been exposed in subsequent inquiries including this Royal Commission (that have occurred nearly 20 years after that letter was written).

9. Mr O'Donnell maintains his call for such a systemic inquiry (to be undertaken by the Catholic Church) which should still be undertaken, particularly as new
allegations are still coming to light and unfortunately there remains a reluctance from people within the Church to speak out and take proactive steps towards a greater understanding of the real extent of abuse and the issues involved.

**Experience with Fr Baker at Gladstone Park**

10. The LH Witnesses refer to paragraphs 803 to 813 of the CA Submissions in relation to the evidence of Mr O'Donnell during his time with Fr Baker at Gladstone Park.

11. Further to paragraph 803 of the CA Submissions, Mr O'Donnell gave the following evidence about his reaction to his first appointment as a priest at Gladstone Park:

> “There was a slight anxiety, but most of it was, we were very enthusiastic young clerics and very keen to get out and get working after seven years of training. My personal style, I was never in traditional parishes, I was always in young growing parishes, and I loved being part of young growing parishes, and with young families, and to get an appointment to a young paddock where there was just so much potential for growth of community was, for me, very exciting. So the place excited me and the opportunity of an energetic first appointment was very exciting.”

12. Further to paragraph 804 of the CA Submissions, Mr O'Donnell gave the following evidence regarding the anxiety of being placed with Fr Baker:

> “I didn't have a very high regard for him as a priest. I spoke before of the many, many wonderful priests who were family friends and parish priests who I met over the course of the seminary and other places. Bill didn't fit into that category as someone I respected.”

13. Mr O'Donnell confirmed that the main reason for this anxiety and unease surrounding the placement with Fr Baker was Fr Baker’s obsession with adolescent boys.

14. Further to paragraph 804 of the CA Submissions, Mr O'Donnell’s evidence was that Fr Baker went further than just the adolescent sexuality problems

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1 RC Transcript Case Study 35: 24/11/15 C125 page 13165 lines 25-35.
2 RC Transcript Case Study 35: 24/11/15 C125 page 13165 lines 37-44.
3 RC Transcript Case Study 35: 24/11/15 C125 page 13167 lines 8-11.
amongst Catholic boys’ schools (as set out in paragraph 804). It is submitted that this problem extended to other clergy rather than school boys as indicated in Mr O’Donnell’s evidence that Fr Baker:

“wasn’t completely alone as a cleric who had a bit of an obsession with adolescent sexuality, and at that stage it wasn’t seen, as it would be today, as so problematic. For example, any young Catholic lad who went through a Catholic School in the 1960s, I think, would have had a pretty consistent theme. So that, although he was focused on that, in those days that was a pretty strong focus anyway, so he wasn’t seen as extraordinarily different to quite a few others”. (emphasis added)”

15. Further to paragraph 810 of the CA Submissions, it is submitted that Mr O’Donnell’s evidence in relation to his interview with victim BTO shows his care for the victim and relative proactiveness, which is to be contrasted with other instances of institutional responses to child abuse allegations, which the Commission has heard evidence about in this and other case studies (particularly case study 28):

“He [the boy] said that Bill was teaching him how to drive sitting on his lap, and then he said, and Bill was showering with him. At that stage I chose not to ask any more intimate questions of the young lad, which I think in retrospect was an error because, if I’d kept asking questions, I think I probably would have got more specific information on more overtly criminal behaviour; but at that stage my concerns were verified to the degree that I needed to take it further, and so, I concluded the interview with that information of him learning to drive sitting on his lap and showering, and particularly the showering; I just thought it was utterly inappropriate for an adult male, particularly a parish priest, to be showering with a young lad.”

16. Further to paragraph 810 of the CA Submissions, it is submitted that in taking the action of agreeing to consult with BTO’s parents, the principal, Mr Cosgriff (as Chairman of the School Council and a retired magistrate), a reputable lawyer (Brendan Murphy) and a canon lawyer with a view to raising the matter with the Archbishop, Mr O’Donnell again demonstrated from his perspective an appropriate (and regrettably rare) response to the reported allegations of child abuse from someone inside the Catholic Church (albeit at a very junior level). This is particularly the case given that in doing this Mr O’Donnell was

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4 RC Transcript Case Study 35: 24/11/15 C125 page 13169 lines 11-22.
5 RC Transcript Case Study 35: 24/11/15 C125 page 13173 lines 14-28.
effectively informing on his superior as a relatively novice Assistant Priest who he was still residing with.

17. In this regard it is submitted that Mr O’Donnell’s inclusion in the list of clergy in paragraph 1803 of the CA Submissions who had knowledge of allegations of child abuse should not be made, or if it is included should be qualified by a statement in very clear terms that Mr O’Donnell took the appropriate action (judged by the standards of the time and his position as an assistant priest) as set out above in response to his suspicion regarding this complaint (and in marked contrast to many others).

18. Mr O’Donnell was not cross examined in any way to suggest that his actions were other than what was entirely appropriate especially in relation to reporting either the Fr Baker incident or any Fr Searson suspicions to police.

19. Accordingly, it is submitted to be unfair to now draw any adverse inference in relation to his conduct by way of submission (if that is the inference). If it was properly suggested to Mr O’Donnell that he should have gone to the police (in relation to Fr Baker) instead of referring the matter to the reputable delegation of persons (including the child’s parents) that he did then he may have had an opportunity to respond. In response he could have provided further explanations of his actions over many years. We are instructed that such actions of Mr O’Donnell included:

(a) having irregular communications with a detective interested in Fr Baker from the late 1970s.

(b) attending the St. Kilda Road Police Headquarters and speaking to the sexual abuse squad and having a lengthy series of interviews with the officer in charge concerning lists of priests which he had concerns about in relation to the potential abuse of children.

(c) assisting numerous police officers and investigators to understand the structure of the Catholic Church and offices such as the Vicar General as well as activities in the seminary.
(d) in recent years meeting with officers of the SANO taskforce as well as co-operating and assisting extensively with the Victorian Parliamentary Inquiry and this Royal Commission.

20. In all cases Mr O’Donnell has co-operated fully with any inquiries that have been directed to him and has demonstrated (e.g. by his lengthy submissions to the Victorian Parliamentary Inquiry and this Royal Commission) a willingness and courage to ensure that whatever assistance he can provide has been provided to the best of his ability. Mr O’Donnell would, if required, be prepared to provide a sworn statement in relation to these matters but it is submitted that the appropriate course is to not make any adverse findings or inferences in relation to his actions in reporting Fr Baker to the responsible persons that he did.

21. With hindsight (and knowing the extent of institutional failings and cover up), Mr O’Donnell and others believe that the matter should also have been referred to the police. However, this ought to be judged by the standards of the time and the reasonable and legitimate expectation by Mr O’Donnell and the others involved that the Archbishop was the relevant reporting body to take appropriate action (including any subsequent involvement of the police).

22. Mr O’Donnell gave the following evidence in relation to the culture of the church in a hierarchical sense and the question of referring allegations to the police:

“Secondly on that, at the time our culture wasn’t good on going to the police. Again, if that had happened years later, it wouldn’t have been a question, I would have asked further questions and it would have been straight to the police. But at that stage, in 1978, we still believed that, if we had a problem in the Catholic community, our Archbishop would deal with it and address it and solve it, and so, it was just, when we had a problem in the parish, it was a problem that had to be taken to the attention of the Archbishop.”

23. Further to paragraph 813 of the CA Submissions, Mr O’Donnell gave the following evidence in relation to the descriptive words Fr Baker used to explain his feelings for the boy BTO:

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“Later on, much later on when I informed him that there had been a formal complaint, he was staggered and stunned by the fact that there’d be a formal complaint, and I remember quite clearly he said, "Phil, I was only being a father to the boy".7

24. It is submitted that this provides further evidence of the significant lack of insight into the perpetrators of clergy child sexual abuse but also the lack of appropriate screening and procedures that existed at the time in relation to the formation of priests such as Fr Baker who had well known sexuality and alcohol issues.

Fr Searson at Sunbury

25. Mr O’Donnell’s misfortunes were compounded after he was then placed as an assistant priest with Fr Searson at Sunbury for the period 1981 to 1984 as set out in paragraphs 207 to 218 of the CA Submissions.

26. In reply to paragraph 206 of the CA Submissions, it is submitted that Mr O’Donnell painstakingly set out a litany of serious complaints, many of which should have been properly investigated even under canon law at the time. The failure to properly investigate (and then act on) these complaints even under canon law is submitted to be a grave (and as yet unexplained) failing by Archbishop Little and the Melbourne Archdiocese.

27. Mr O’Donnell also specifically raised his suggestion that Fr Searson should have been offered a Ministry out of contact with the general public, in particular women and children, such as in the armed forces given Fr Searson’s fascination for military matters as evidenced by his carrying a gun. This was based on Mr O’Donnell’s view gained from experience that Fr Searson was “psychologically (sic) unsuitable to the Pastor of this parish, or any other”8 and that moving Searson is “only going to perpetuate the problem in another unfortunate parish.”

28. It is submitted that the actions of the Archdiocese in its decision to place Fr Searson into the Doveton Parish after these complaints were made by Mr

7 RC Transcript Case Study 35: 24/11/15 C125 p. 13171 lines 42-47; p. 13172 line 1.
8 Exhibit 35-2 (Tab 6) PS.0623.001.0008 at 0012.
O'Donnell and then to refuse to remove him after similar complaints were made by Graeme Sleeman and others in 1986-87 (including Fr Searson’s offer to resign) are critical decisions that need to be carefully examined. Obviously these decisions had tragic consequences for many subsequent victims of Fr Searson, including Julie Stewart and BVC. It is submitted the Royal Commission should find that these victims would not have been abused if these decisions had not been made.

29. As set out in paragraphs 198 to 204 of the CA Submissions, this is especially the case given that the Archdiocese and Archbishop Little in particular were aware of the allegations of child abuse and/or sexual abuse made against Fr Searson by at least May 1982.9

30. In relation to Fr Searson, at no time did Mr O’Donnell know that he was a child abuser as opposed to be “psychologically unfit to be a parish priest of any parish”.

Bishop Connors evidence in relation to Shop-Stealing investigation

31. In reply to paragraphs 215 and 271 of the CA Submissions, Bishop Connors admitted that in this letter Mr O’Donnell was raising matters of significant financial irregularity in relation to Fr Searson.

32. Bishop Connors agreed that, at a bare minimum, the awareness of Fr Searson’s breach of canon law by shoplifting should have prompted an investigation into Fr Searson’s behaviour at that time.10 Bishop Connors also agreed that there was sufficient evidence to suggest he could not and should not appoint him to another parish, including Doveton.11

33. Bishop Connors agreed that Phil O’Donnell attempted to persuade the hierarchy to initiate an investigation had referred complaints about Fr Baker and also had to put up with Fr Searson.

9 Exhibit 35-2 (Tab 4) COM.0172.0001.0221_R. When a parishioner at Sunbury wrote to Archbishop Little raising concerns that children were refusing to be called into Fr Searson’s office unaccompanied and that Fr Searson ought to be removed from parish duties.

10 RC Transcript Case Study 35: 27/11/2015 C128 page 13561 lines 1 – 6.

The approach of Archbishop Little

34. Further to paragraphs 1681 to 1690 of the CA Submissions, it is submitted that Mr O'Donnell’s evidence was that one of Archbishop Little’s failings was that he had difficulty in confronting priests on some matters (including clergy child abuse) but on other matters he could be “quite ruthless”.

35. This is to be further contrasted with the “ruthless” treatment of Fr John Van Suylen on non-child abuse issues which is considered further below.

Role of Monsignor Penn Jones and Fr Ray Deal in Archbishops’ office

36. It is submitted that the failure of the Melbourne Archdiocese to properly investigate even the allegations of financial mismanagement by Fr Searson at Sunbury and later at Doveton is a serious matter and should not simply be attributed to a “difficulty that Archbishop Little had in confronting priests.”

37. It is submitted that further investigation of the office of the Archbishop of the Melbourne Archdiocese at the relevant time is warranted. In particular, the roles of Monsignor Penn Jones and Fr Ray Deal warrant further examination.

38. Monsignor Penn Jones was appointed chancellor of archdiocesan finance and was a supervisor of archdiocesan finances and a director and later a chairman of Catholic Church Insurances (from 1971-1992) and the property controlling assets of the Roman Catholic Trust Corporation. Significantly, Monsignor Penn Jones was also a child sex abuser with cases of child abuse occurring from the 1960’s.

39. Fr Ray Deal was Archbishop Little’s private secretary from 1979 to 1987. In 1999 Fr Deal was convicted of three charges of indecent assault against an

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13 ibid.
emotionally impaired male who was in his custody.\textsuperscript{14} According to the article on the Broken Rites webpage:

“Deal’s role with the Archbishop is significant. Archbishop Little’s "character" reference said that anybody wanting to contact the archbishop (for example, someone making a complaint) had to go through Deal. This means that, if the complaint was about a sexually abusive priest, the appointment was arranged through someone who eventually admitted being a sex-offender — Fr Ray Deal.” \textsuperscript{15}

40. Fr Deal was also an assistant priest with known abusers Fr Kevin O’Donnell in the mid 1970’s at Oakleigh and Fr Michael Glennon in the Preston-Reservoir area in 1978.\textsuperscript{16} He has also been associated with some members of the “spice girls” grouping that Phil O’Donnell gave evidence about in the seminary. Again the Broken Rites webpage on Fr Ray Whitehouse states as follows:

“Fr Ray Whitehouse was a friend of three other priests in Victoria — Fr Graham Redfern, Fr Raymond Deal and Fr John Leslie Treacy — each of whom became the subject of a complaint from a young male.”\textsuperscript{17}

41. It is submitted that the links between these two abusers (Monsignor Penn Jones and Fr Ray Deal) and the role they played in managing the Archbishop’s office should have been properly investigated and understood if the Catholic Church were seriously interested in seeking to understand the causes and extent of the significant institutional failure of the Melbourne Archdiocese to respond to the allegations of child abuse (and other evidence of financial impropriety) by Fr Searson and other offending priests in the era of Archbishop Little.

42. This was a matter that might have been exposed earlier and more fully if a systemic investigation had been undertaken in 1996. In further reply to

\textsuperscript{14} See Broken Rights Webpage Article entitled “This priest (an Archbishop’s secretary) pleaded guilty” by a Broken Rites researcher (article first written in 1995, last updated on 13 January 2015): http://brokenrites.org.au/drupal/node/79. See also documents exhibited as CTJH.221.06003.0047 and VIC.0026.0002.0175 in relation to Fr Ray Deal’s role in investigating Fr Pickering allegations on behalf of Archbishop Little in 1986. See also catalogue of cases in http://www.eurekaencyclopedia.com/index.php/Category: Diocesan_Cases_of_Melbourne_A-L

\textsuperscript{15} ibid.

\textsuperscript{16} ibid.

\textsuperscript{17} See Broken Rights Webpage Article entitled “The church accepts an altar boy’s complaint about Fr Ray Whitehouse” by a Broken Rites researcher http://www.brokenrites.org.au/drupal/node/175.
paragraph 211 of the CA Submissions, the circumstances of Mr O'Donnell’s June 1996 letter to Gerry Cudmore are set out further below.

Effect on Phil O'Donnell

43. Mr O'Donnell also gave evidence that he received no support or personal follow up after his dealings with Frs Baker and Searson. Mr Phil O'Donnell has experienced firsthand the difficulties, stress and isolation for whistle-blowers and how they have been poorly treated by Church officials since he first complained to Archbishop Little about Fr Baker in 1982.

"Q. In a corporation again, one might think that would happen, but why didn't you feel able to do that?"

A. I think the answer to that is, I tried and got absolutely nowhere in Gladstone Park and Sunbury, and I saw it as futile to keep banging your head up against a brick wall, where nothing was going to happen, and you were just going to be seen as that arch critic, embittered cleric who was just mad or whatever, or obsessed or a zealot and all those other words. There's not the slightest doubt in my opinion that those of us who did stand up for victims of clergy sexual abuse - I believe we've got a very bad time from the archdiocese. They didn't welcome - just like the parents of the boy at Gladstone Park didn't welcome the news, I don't believe the authorities have welcomed the news, and they see people like me as not wingers so much, but narky critics, or what's Phil's agenda, he must have another agenda, he's got a chip on his shoulder. To me, I feel that there isn't a dealing of the issue, there is a pressure put on the person who is the messenger, and I believe the archdiocese has done that through legal strategies with me, and that is why now, in 2015, I am far more critical of the hierarchy than I would have been say in 2005, because the last 10 years have been a very hard battle and I have looked at it and said, "Why are they fighting so hard?" I mean, why? I mean, we know it's true. Why are they trying to keep people silent?"¹⁸

44. Bishops Connors acknowledged that it would be a reasonable conclusion to make that the church’s priority was to do whatever it could to avoid scandal.¹⁹ It is submitted that this priority of avoiding scandal extended to providing little care or support to whistleblowers such as Mr O'Donnell who was then a relatively naive priest on his first assignment.

¹⁸ 24/11/2015 (C125), P O’DONNELL (Ms Furness), 13226, 37-47, 13227, 1-16.
¹⁹ RC Transcript Case Study 35: 03/12/2015 C132 page 14032 lines 23 – 25.
45. It is submitted that the Royal Commission should make positive findings supporting the courageous attempts by Mr Phil O’Donnell to get the hierarchy to do the right thing. In circumstances where there were many people who were swimming with the tide (and didn’t do the right thing or didn’t speak up when they had the evidence presented to them).

46. At the time of his laicisation then Archbishop Pell acknowledged Mr O’Donnell’s genuine concerns and activity on this issue and stated as follows:

“The tragedy of paedophilia in the church has many victims, not all of whom have been directly sexually abused. The victims include good priests who have had the misfortune to serve with paedophile priests and who are traumatised and dispirited because of the effects they have seen in the lives of Catholics. Philip O’Donnell is one of these victims.”

47. Bishop Connors accepted what Archbishop George Pell had stated in his laicisation documents applied to Mr O’Donnell whom he knew well. Cardinal Pell accepted that he had described Phil O’Donnell in the above passage as a victim of Fr Searson.

**FINDING:**

It is submitted that the Royal Commission having heard the evidence of Mr Phil O’Donnell should endorse then Archbishop Pell’s description in his laicisation documents make a finding to the effect that “the tragedy of paedophilia in the church has many victims, not all of whom have been directly sexually abused. The victims include good priests who have had the misfortune to serve with paedophile priests and who are traumatised and dispirited because of the effects they have seen in the lives of Catholics. Philip O’Donnell is one of these victims.”

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21 RC Transcript Case Study 35: 03/03/2016 C163 page 16530 lines 32 – 36.
PART 2 - GRAEME SLEEMAN AND DOVETON

48. Mr Graeme Sleeman was a very well regarded school principal prior to the events with Fr Searson occurring at Holy Family Parish in Doveton that are the subject of this case study.  

49. It is submitted that with the airing of the evidence in this case study (and in particular the significant admissions of failings by the various representatives of the Melbourne Archdiocese) that some matters of significant injustice in the manner in which the Catholic Education Office and the Melbourne Archdiocese have treated Mr Sleeman and Fr Searson’s victims have been corrected on the public record.

50. In the invidious position that Mr Sleeman was placed in, it is submitted that this Royal Commission should make findings which support his decision to resign his position when it became clear that the Melbourne Archdiocese were not going to remove Fr Searson (notwithstanding the stance he took “was the morally correct one to take”).

51. This is important to Mr Sleeman who has stated that his one regret was that his mother was not able to see him vindicated for the stance he took.

52. It is submitted that the evidence of the following witnesses has vindicated this stance:

(a) Cardinal Pell who gave evidence “that, at the time he did not fully comprehend what Graeme Sleeman had been through, though he now understands and provides his sympathy”. He also agreed that Graeme Sleeman on reflection and knowledge of the file was a person who essentially did the right thing.

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24 RC Transcript Case Study 35: 03/03/2016 C163 page 16541 lines 30 – 38.
25 RC Transcript Case Study 35: 03/03/2016 C163 page 16530 lines 38 – 44.
(b) Archbishop Hart who agreed with the assessment by Bishop Connors that Mr Sleeman's only available course of action was to retire following the intolerable situation;\(^{26}\)

c) Bishop Connors who accepted that Graeme Sleeman was also a victim of the institutional response to the Catholic Church child abuse that occurred at Doveton Bishop Connors\(^ {27}\) and accepted that Graeme Sleeman’s decision to resign was the morally correct one to take;\(^ {28}\)

(d) Monsignor Doyle gave evidence that he thought it was a fair inference to draw, that somebody had ‘blackballed’ Graeme Sleeman in his application for jobs following his resignation at Doveton even though Monsignor Doyle regarded him as a very good headmaster;\(^ {29}\)

(e) Mr Allan Dooley who admitted that the actions of the Catholic Education Office in masking the true reasons for Graham Sleeman’s resignation was a gross betrayal of the sacrifice that Graeme Sleeman had made.\(^ {30}\)

53. This evidence will be considered in turn by way of response to the matters raised in paragraphs 251 to 778 of the CA Submissions much of which is relied upon by Mr Sleeman in these submissions.

**Graeme Sleeman Seminary experience**

54. Mr Sleeman gave evidence that he was born in Sunbury in 1949 into a Catholic family who had a strong association with Salesian College and was for a time an aspirant to join the Salesian congregation.\(^ {31}\)

55. He also gave evidence that he first became aware of clergy paedophilia during his time with the Salesians at Sunbury.\(^ {32}\) He also contemplated

\(^{26}\) RC Transcript Case Study 35: 01/12/2015 C130 page 13812 lines 14 – 19.
\(^{27}\) RC Transcript Case Study 35: 27/11/2015 C128 page 13558 lines 29 – 35.
\(^{28}\) RC Transcript Case Study 35: 27/11/2015 C128 page 13558 lines 12 – 18.
\(^{30}\) RC Transcript Case Study 35: 27/11/2015 C128 page 13496 lines 17 – 22.
\(^{32}\) RC Transcript Case Study 35: 25/11/2015 C126 page 13265 line 47 and p. 13266 lines 1-6.
entering the priesthood and joined the seminary where he first became acquainted with Phil O'Donnell and remained there for about 9 months.  

**Graeme Sleeman was a well regarded Principal**

56. Further to paragraphs 251 to 254 of the CA Submissions, it is submitted that Mr Graeme Sleeman was a very well regarded school Principal prior to the events with Fr Searson occurring at Holy Family Parish in Doveton that are the subject of this case study.  

57. In support of this submission are a number of letters and references written by Allan Dooley based on Mr Sleeman’s time as a teacher at St. Joseph’s in Springvale (where Allan Dooley was the principal). In particular Graeme was regarded as an excellent principal and mentor to kids with troubled backgrounds and had been awarded a number of important citations for his work. He initiated programs such as having kids do work experience on farms so that they could learn the value of hard work and good technical skills.  

58. It should be noted that Doveton was and is a particularly low socio-economic area and that to an extent Mr Sleeman was selected for his strong personality and country upbringing and as a positive role model to these sometimes difficult and underprivileged children.  

59. Allan Dooley stated that he came to believe that Graeme Sleeman would become a good principal, and agreed that Sleeman did in fact fulfill this opinion during his tenure at Doveton.  

60. Monsignor Doyle acknowledged that there were a number of letters’ received by the Archbishop’s office that contained information illustrating that Graeme Sleeman was a great teacher.

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33 RC Transcript Case Study 35: 25/11/2015 C126 page 13285 lines 34.  
Cluster of Paedophile priests at Holy Family Doveton

61. It is now well known that Fr Searson was in fact the fourth child abuser who occupied the role of Parish Priest at Holy Family Doveton during the 1970’s, 1980’s and most of the 1990’s. The four abusers in order of their times of appointment were as follows:

(a) Fr Thomas O’Keeffe (early 1970’s);
(b) Fr Billy Baker 1974-75;
(c) Fr Vic Rubeo (late 1970s – early 1980’s);
(d) Fr Peter Searson (1985-1997).

62. It is submitted that the reasons why there was such a cluster of paedophiles operating out of this Parish is a matter that warrants further investigation. The Catholic Church has not offered any sensible explanation as to whether this event was some unfortunate co-incidence or something greater. It is submitted that even an arithmetic calculation of the probability of 4 out of 4 priests being abusers is fairly remote.

63. It is submitted that the more probable explanation is that there was a cluster of paedophiles at Doveton because Archbishops (and/or successive Archbishops and/or their advisers) had determined for some reason to place them there. The reasons for this can only be speculated upon but a clear inference that one could draw is that the Archbishops (and/or their advisers) knew more about the extent and existence of clergy paedophilia than is presently being admitted to.

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40 See Broken Rights Website for a description of each of these offenders: eg http://www.brokenrites.org.au/archives/nletter/page270-thomas-okeeffe.html
41 A traditional probability calculation based on the stated figures of 5% of the priesthood being offenders, and assuming equally likely outcomes, that the probability remains at 5% for each event and independence of events results in statistical probability that 4 out of 4 priests at Doveton being offenders (assuming random chance or co-incidence) at approximately 0.05* 0.05*0.05*0.05 (0.00000625% chance) or 1 in 160,000.
42 See paragraphs 244 to 250 of the CA Submissions.
64. This is another reason why it is submitted that the links between abusers such as Fr Searson and the priests who went before him (and other paedophile priests in the Archdiocese and beyond) ought to be thoroughly investigated.

**Removal of Fr Rubeo by Graeme Sleeman**

65. This issue is also relevant to the frustration and deep challenge to his convictions and loss of faith that was then suffered by Graeme Sleeman in his dealings with Fr Searson. This was particularly acute since he had already experienced one offending priest in his school being Fr Vic Rubeo. In replacing Fr Rubeo with Fr Searson, he was replacing one offender with another offender (with a worse reputation at the time if that was possible).

66. It should be noted that Graeme Sleeman was not aware of Fr Rubeo’s child abuse at the time that he confronted him, rather he had caught Fr Rubeo in bed with the mother of a student and sought his removal on that basis.\(^{43}\) It should also be noted that although Fr Rubeo had an agreeable personality and got along quite well with Mr Sleeman at the time (a trait not shared by Fr Searson), Fr Rubeo was also a rather sadistic and flagrant paedophile, a trait regretfully shared by Fr Searson.

67. Further, it is submitted that the actions of the Archdiocese, the Catholic Education Office and Archbishop Little when confronted with the potential scandal to quietly move Fr Rubeo to a new parish were consistent with Mr Phil O’Donnell’s theories regarding the behaviour of the Archdiocese, as noted in the contrasting responses to:

(a) Fr Bakers’ removal at Gladstone Park – i.e. remove the priest to avoid a potential scandal being made public; which is contrasted with

(b) Fr Searson at Doveton – i.e. keep the priest and allow Mr Sleeman to go so as to not acknowledge the basis for a “scandalous” situation that had already been made public.

\(^{43}\) RC Transcript Case Study 35: 25/11/2015 C126 page 13273 lines 32-36.
68. Finally, in relation to the relevance of the Fr Rubeo situation it is submitted that this event and Graeme Sleeman’s ultimately futile plea to the Archbishop to “send someone pastoral and caring to Doveton” meant that Graeme Sleeman was right to have his antenna up and in his words to Searson “to be watching him”. This is particularly the case given the (poor) reputation that Fr Searson enjoyed at that time (prior to coming to Doveton) and which included rumours of potential deviant behaviour and/or dangers to children.

Melbourne Archdiocese awareness of allegations Against Fr Searson

69. Further to paragraphs 256 to 258 of the CA Submissions, it is submitted that the Melbourne Archdiocese and the Archbishop’s office were well aware of complaints of child sexual abuse made against Fr Searson before he came to Doveton.

70. Further to paragraph 258 of the CA Submissions, Mr Sleeman himself was aware of “innuendo” about Fr Searson and “that he had strange relationships with boys and girls” even prior to coming to Doveton.44

71. Bishop Connors agreed with the proposition that the Archbishop and those involved within the church were specifically aware of the various problems that were occurring within the church but refused to confront these problems by engaging in various actions that sought to conceal what was happening.45

Early complaints at Doveton – Gun allegation

72. The LH Witnesses refer to and rely on paragraphs 259 to 276 of the CA Submissions in relation to the incident with Fr Searson and the gun in and around May 1985.

73. Further to these early incidents, Allan Dooley agreed that there were some complaints in 1985 regarding Fr Searson and his relationship with children.46 In relation to the summary written by Joan Powers (in Tab 18) Allan Dooley agreed that it was a fair inference to draw that he would have been aware of a

45 RC Transcript Case Study 35: 03/12/2015 C132 page 14036 lines 20 – 26.
complaint that stated Fr Searson had cuddled a girl in the sacristy in February.47

74. Catherine Briant gave the following evidence in relation to the information that was available to her regarding Fr Searson’s potential threat to children:

“Q. Did you, from the information you had, believe that Fr Searson was a potential threat to children, from sexual abuse?

A. He was always a threat but whether - I had no knowledge of any sexual abuse or - the threat he imposed was simply because of the sort of man he was.”48

75. Peter Annett gave the following evidence in relation to the Catholic Education Office’s prior knowledge of the activities of Fr Searson prior to the assault on Julie Stewart:

“Q. We have been told by both Mr Dooley and Monsignor Doyle at a previous hearing that they too had this belief about Fr Searson and that they formed that belief some time in 1985 or 1986. Does that coincide with you forming that belief?

A. I believed that Fr Searson was - children were at risk with respect to Fr Searson some time before that because I had been a parishioner of his at Sunbury, there were parishioners there who knew I was working in the Catholic Education Office, and they occasionally brought to me indications that they were concerned about Fr Searson.”49

76. Further to paragraphs 275 to 276 of the CA Submissions Monsignor Doyle acknowledged that he had told to Archbishop Little that Fr Searson was a problem for the children of the parish.50

Incident in the confessional involving Julie Stewart in Term 2 1985

77. The LH Witnesses refer to and rely on paragraphs 286 to 322 of the CA Submissions in relation to the 12-14 incidents involving Julie Stewart in the second term of 1985.51 It is submitted that the incident when she ran out of
the confessional referred to in paragraph 289 is the one that most directly involved Graeme Sleeman (and is often referred to as the singular “Julie Stewart incident”). However, as was clear from her evidence, including her reluctance to go to confession, this was not the only incident of abuse or inappropriate grooming behaviour by Fr Searson.

78. Archbishop Hart confirmed that the facts on the abuse of Julie Stewart fell squarely within the sacrosanct abuse of the confessional that is covered by the doctrine of *Crimen sollicitationis* under canon law.52

79. Bishop Connors agreed with the proposition that a potential tape recording of a confessional would be a serious breach of canon law and definitely worthy of investigation.53

80. He also agreed that there was no canonical investigation into Fr Searson until around 1993 and that he should have investigated the breaches of canon law within the confessional and failed to do so.54

81. Bishop Connors admitted that there were no referrals made to either the Holy Fr directly or to the Congregation of the Doctrine of the Faith in relation to Fr Searson’s behaviour whilst he was in office.55

82. Cardinal Pell gave evidence in relation to Fr Searson’s behaviour in the confessional that “we shouldn’t be compelling anybody to go to confession, and it is certainly suggesting that he was trying to compel children to do so, and, of course, that’s not acceptable.”56 Cardinal Pell also afforded that concerns arose, certainly in relation to Fr Searson, about him at confessions and being of considerable risk towards children during reconciliation.57

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52 RC Transcript Case Study 35: 01/12/2015 C130 page 13809 lines 21 – 25.
55 RC Transcript Case Study 35: 27/11/2015 C128 page 13566 lines 47 and page 13567 lines 1 – 9.
57 RC Transcript Case Study 35: 03/03/2016 C126 page 16534 lines 2 – 5.
58 RC Transcript Case Study 35: 03/03/2016 C126 page 16534 lines 7 – 15.
83. Monsignor Doyle acknowledged there was nothing in his file that described the incident regarding Julie Stewart and Fr Searson; at least not to the extent that Graeme Sleeman sets out the events that occurred.  

84. Monsignor Doyle agreed that no steps were taken to see what was done. He also admitted that as he sat in the stand, he was not aware of whether or not anything was done; such as in the form of taking detailed notes of the incident regarding Julie Stewart. 

85. Monsignor Doyle gave the following evidence in relation to who would have the information, if anybody:

"Q. You're the only one with the information, aren't you, your office; Allan Dooley, your office, is the only one with the information.  
A. I would presume we gave them any information that we had."

86. Monsignor Doyle agreed that from what was available in 1993, virtually no information was provided by the church to Minter Ellison in regard to the incident with Julie Stewart.

Catholic Education Office - Lack of Proper Investigation

87. It is submitted the lack of any kind of investigation by the Melbourne Archdiocese and the Catholic Education Office into the number of incidents reported by Mr Sleeman contributed to the widespread damage caused by child sexual abuse within the Catholic Church.

88. Bishop Connors agreed with the proposition that the Archbishop and those involved within the church were specifically aware of the various problems that were occurring within the church but refused to confront these problems by engaging in various actions that sought to conceal what was happening.
89. Monsignor Doyle acknowledged that one of his roles within the Catholic Education Office was to investigate problems, particularly the problems of child welfare within schools.\textsuperscript{64}

90. Monsignor Doyle gave the following evidence (Tab 19) in relation to undertaking investigations into the issues of concern:

\begin{quote}
"Q. Investigating them. Can you explain to this Commission - the fact is, that neither of those events described in document 19, neither of those events were investigated by you, were they?

A. I would presume that, as they came from Joan Power, they would have been investigated by the regional consultant."\textsuperscript{65}
\end{quote}

91. Monsignor Doyle acknowledged that he would usually expect a report to be generated by Allan Dooley if an investigation was conducted. However, he did admit that sometimes, verbal reports were received.\textsuperscript{66}

92. In relation to receiving only verbal reports, even though there was substantial gravity attached to the investigations, Monsignor Doyle gave the following evidence:

\begin{quote}
"Q. You may sometimes receive verbal, but these were things that reflected on risk to your children in that school, and you're suggesting that there might have been an investigation but it might not have been in writing. Are you serious about that?

A. I'm suggesting the usual practice would be to ask someone to investigate."\textsuperscript{67}
\end{quote}

93. Monsignor Doyle gave the following evidence in relation to not investigating matters sufficiently:

\begin{quote}
"Q. It may well have been, but can we reasonably infer, because there is nothing in writing, and the next document is four months later, that these matters were not investigated?\textsuperscript{68}
\end{quote}

\textsuperscript{64} RC Transcript Case Study 35: 26/11/2015 C127 page 13438 lines 8 – 12.
\textsuperscript{65} RC Transcript Case Study 35: 26/11/2015 C127 page 13438 lines 19 – 25.
\textsuperscript{67} RC Transcript Case Study 35: 26/11/2015 C127 page 13439 lines 5 – 11.
A. I think that's a reasonable inference.”

94. Monsignor Doyle acknowledged that it would be reasonable to conclude that even nine years later on, there is no reasonable evidence available on the matter.

95. Monsignor Doyle agreed with the proposition that in hindsight, had all things been thoroughly investigated then they would’ve had a better case to take to the Archbishop.

96. In relation to not investigating the incident and who was responsible, Monsignor Doyle gave the following evidence:

“Q. Forget about hindsight, forget about protocols; something very nasty has happened; you are responsible for the welfare of these children, and effectively in terms of investigation you've done nothing. You agree with that?

A. I wouldn't say that, but that's what it looks like.”

97. Monsignor Doyle acknowledges that he understood Mr Sleeman had great difficulty in protecting the children from Fr Searson.

98. Monsignor Doyle acknowledges the fact that Mr Sleeman was attempting to get Mr Allan Dooley to do something about the situation in Doveton.

99. Monsignor Doyle gave the following evidence in relation to no investigation being undertaken about the complaints regarding Fr Searson’s actions:

“Q. I suggest to you, there is no investigation of any of these complaints; do you agree with that?

A. Depends what we mean by "investigation".”
100. Monsignor Doyle provided that Allan Dooley did investigate and Mr Sleeman saw the deputy director.\textsuperscript{75}

101. Monsignor Doyle provided that Allan Dooley saw the principal, teachers and parents as part of his work to investigate the fact that Fr Searson was a paedophile.\textsuperscript{76}

102. Monsignor Doyle acknowledged that the headmaster at Doveton had expressed to him at the time that he was of the view that Searson was a menace and strongly believed him to be a serious danger to children and interfering with them.\textsuperscript{77}

103. Monsignor Doyle gave the following evidence in relation to anybody doing any adequate in-depth investigation of the events that were complained of:

"Q. But no-one from your office did anything to investigate in any detailed or precise way these events that were complained of, did they?

A. I wouldn't say that nobody did anything; I think we did some things, but they weren't adequate."\textsuperscript{78}

104. Monsignor Doyle stated that it was in all likelihood a fact that Allan Dooley was dealing with headmaster Sleeman for a long time about the nasty actions of Fr Searson. He also provided that it was in all likelihood that Mr Sleeman never spoke to anybody other than Dooley because he kept getting referred back to him.\textsuperscript{79}

**Lack of action to remove Fr Searson**

105. In reply to paragraphs 305 to 309 of the CA submissions it is submitted that the notion that there needed to be a formal complaint when Mr Sleeman and others were continually agitating for action to remove Fr Searson ought to be rejected.

\textsuperscript{75} RC Transcript Case Study 35: 26/11/2015 C127 page 13445 lines 15 – 17.
\textsuperscript{76} RC Transcript Case Study 35: 26/11/2015 C127 page 13445 lines 19 – 23.
\textsuperscript{77} RC Transcript Case Study 35: 26/11/2015 C127 page 13445 lines 29 – 33.
\textsuperscript{78} RC Transcript Case Study 35: 26/11/2015 C127 page 13445 lines 35 – 39.
\textsuperscript{79} RC Transcript Case Study 35: 26/11/2015 C127 p. 13447 lines 43 – 47 and p. 13448 lines 1 – 14.
106. In relation to the number one priority for both himself and the Catholic Education Office, Peter Annett agreed that it was to remove Fr Searson from being a parish priest where there was a school. Peter Annett agreed with, and shared Graeme Sleeman’s belief that Fr Searson was a threat to children in terms of potentially molesting them.

107. In relation to the allegations against Fr Searson being substantiated, Peter Annett gave the following evidence:

“Q. Did it matter that they couldn't be substantiated in terms of your support for Mr Sleeman?

A. They could be substantiated from my perspective in raising them or being raised with the Archbishop. I think the reason I’ve put "could not be substantiated" there is that there was this belief the parents had to agree to the matters or matter being taken to the police.”

108. In relation to Fr Searson denying allegations of misconduct, Peter Annett provided that it was because Fr Searson was a “consummate liar”. Monsignor Doyle acknowledges that, to his understanding, Fr Searson was a chronic liar. Monsignor Doyle also acknowledged that Graeme Sleeman had to cope with Fr Searson’s lying.

109. In relation to Fr Searson being a potential menace to children, Peter Annett gave the following evidence:

“Q. Is there anywhere there where you express the view that this man is a potential menace to children?

A. No, there is not, but I assure you that all senior staff in the Catholic Education Office knew that Fr Searson was a potential paedophile.”

80 RC Transcript Case Study 35: 27/04/2016 C189 page 19221 lines 35 – 40.
81 RC Transcript Case Study 35: 27/04/2016 C189 page 19222 lines 6 – 9.
83 RC Transcript Case Study 35: 27/04/2016 C189 page 19226 lines 31 – 34.
84 RC Transcript Case Study 35: 26/11/2015 C127 page 13453 lines 46 – 47 and page 13454 line 1.
86 RC Transcript Case Study 35: 27/04/2016 C189 page 19227 lines 6 – 10.
110. Archbishop Hart agreed with the proposition that there is no clue as to the extent to which Fr Searson’s activities reached, because all victims have not come forward.\footnote{RC Transcript Case Study 35: 01/12/2015 C130 page 13806 lines 33 - 38.}

**Peter Annett memo dated 23/9/86 (Tab 30) – re Graeme Sleeman**

111. Tab 30 refers to a discussion between Peter Annett and Bishop Connors which states as follows:

“I did agree that I would discuss the events with Monsignor Connors and then get back to him [Graeme Sleeman]. After discussing with Monsignor Connors I was confirmed in my believe (sic) that Father Searson was likely to remain at Doveton for the foreseeable future.

On 22nd September I made contact with G. Sleman by telephone to indicate the tenor of my conversation with Monsignor Connors. I further reiterated that it was not possible to consider an application for other principalships without his prior resignation and that if he was not successful in obtaining a principalship, this Office could not maintain his salary at a principals’ level. He indicated that he thought he would resign his position and requested that an application form be sent to him.

P.S. If G Sleeman resigns and applies for other positions, need to inform the Archbishop in a brief note.”

112. Bishop Connors gave evidence that (in hindsight) this discussion with Peter Annett was a perfect opportunity to commence a process that would result in Fr Searson leaving and Graeme Sleeman remaining at the school.\footnote{RC Transcript Case Study 35: 27/11/2015 C128 page 13569 lines 12 – 31.}

113. Allan Dooley agreed that by Peter Annett saying to Graeme Sleeman ‘you’ve got to resign, we won’t give you another job, you’ve got to resign first’ was a proposition that suggested pressure was being put on Graeme Sleeman to stay.\footnote{RC Transcript Case Study 35: 27/11/2015 C128 page 13492 lines 29 – 41.}
114. Peter Annett agreed that he told Graeme Sleeman that his salary could not be maintained if he resigned.\(^90\)

**Tab 50 - minutes of the Archbishop’s Personnel Advisory Board held at the Archdiocese centre on 5 November 1986 and the retention of Fr Searson contrasted with the removal of Fr Van Suylen**

115. In relation to tab 50, Archbishop Hart gave the following evidence:

"Q. If I could take you through that, it says that:

*Fr Peter Searson has written to inform the Archbishop that he seeks a transfer from the Parish of Doveton to another suitable parish. He is to be advised that it should be noted that he considers that he ought to leave his present appointment for the sake of the parish.*

Pausing there, this is a situation where the priest, Peter Searson, was not going to be offended by a decision to remove him from the parish because he was seeking that transfer himself, isn't it?

A. I think by that time he would have been feeling the pressure and wanting to make a move. However, the Archbishop wasn't prepared to cooperate with him."\(^91\)

116. In reply to paragraphs 1682 to 1701 of the CA Submissions, it is submitted that the failure of Archbishop Little to act was more than just a reluctance to control priests for fear of driving a priest from the priesthood.

117. Archbishop Hart agreed with the assessment that when Archbishop Little chose to act in relation to matters of personal scandal, he was very indecisive and inactive, yet with other administrative matters he was often quite ruthless.\(^92\)

118. Archbishop Hart agreed that the removal of Fr Van Suylen from his parish in Wantirna was illustrative of Archbishop Little acting decisively and ruthlessly.\(^93\) The LH Witnesses draw the Royal Commission’s attention to the letter from Lewis Holdway solicitors to the solicitor for the Royal Commission dated 8

\(^{90}\) RC Transcript Case Study 35: 27/04/2016 C189 page 19224 lines 7 – 9.

\(^{91}\) RC Transcript Case Study 35: 01/12/2015 C130 page 13793 lines 23 – 39.

\(^{92}\) RC Transcript Case Study 35: 01/12/2015 C130 page 13792 lines 1 – 10.

\(^{93}\) RC Transcript Case Study 35: 01/12/2015 C130 page 13796 lines 34 – 46.
December 2016 drawing attention some necessary corrections to the transcript in relation to the evidence referring to Fr John Van Suylen. A copy of this letter is attached as Appendix B to the submissions.

119. Archbishop Hart gave the following evidence in relation to the comparison between Fr Searson’s actions and those of Fr Van Suylen’s:

“A. I would certainly agree that both matters are serious. I would need to reflect on the seriousness of the other matter to give it weight.

Q. Are you serious –

A. They are both very serious matters and I am very impressed with regard to the seriousness of Fr Searson. I don’t need convincing on that, it would be at the highest possible level of seriousness, if that helps.”

120. Bishop Connors gave the following evidence in relation to where he differed in his treatment of Fr Van Suylen and Fr Searson:

“Q. Could you tell us where you did differ in your approach to the case of Fr Van Suylen, on what basis?

A. I went ahead with the instructions of the Archbishop and his advisors to go through the process of removing Fr Van Suylen from his appointment as parish priest of Wantirna.”

121. Bishop Deakin agreed with the proposition that the treatment Fr Van Suylen received was vastly different to the treatment that Fr Searson received. Bishop Connors also gave the following evidence:

“Q. Could you tell us where you did differ in your approach to the case of Fr Van Suylen, on what basis?

A. I went ahead with the instructions of the Archbishop and his advisors to go through the process of removing Fr Van Suylen from his appointment as parish priest of Wantirna.”

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94 RC Transcript Case Study 35: 01/12/2015 C130 page 13798 lines 8 – 22.
95 RC Transcript Case Study 35: 03/12/2015 C132 page 14033 lines 12 – 17.
96 RC Transcript Case Study 35: 04/12/2015 C133 page 14152 lines 31 – 32.
97 RC Transcript Case Study 35: 03/12/2015 C132 page 14033 lines 12 – 17.
122. Bishop Connors agreed that the same canonical process that was used for Fr Van Suylen could have been used for Fr Searson.98

**Incident where young girl ran out of the toilets**

123. Allan Dooley agreed that the events which occurred to the girl who ran out of the toilets in hysterics and screaming, were not described anywhere.99

124. Allan Dooley agreed that Graeme Sleeman had told him everything that occurred the day the girl ran out of the toilets and also agreed to the proposition that he would go and visit Graeme Sleeman and be told what had happened.100

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98 RC Transcript Case Study 35: 03/12/2015 C132 page 14038 lines 21 – 24.
PART 3 - GRAEME SLEEMAN – RESIGNATION

Build up to Graeme Sleeman resignation – Memo from Sr Joan Power dated 8 April 1986 to Monsignor Doyle (Tab 27)

125. In a memo from Joan Power to Monsignor Doyle dated 8 April 1986, Allan Dooley agreed that at the time his views were that he believed Graeme Sleeman to be obsessed with Fr Searson and that Sleeman was getting too caught up with other matters and not concentrating on his job as principal. He conceded that Graeme Sleeman was right to be very concerned or obsessed with Fr Searson.

126. Allan Dooley accepted that central to his responsibilities at the school was the welfare and supervision of children.

127. Allan Dooley admitted that it was his job to take the report from headmaster Graeme Sleeman that a parish priest was sexually abusing children in his school and to take this matter to the highest level, but he failed to do so.

128. Allan Dooley agreed that he had the capacity to say to his superiors that there was a serious situation that needed to be resolved, with the answer to the situation being that the priest had to go. Dooley also agreed that he failed to suggest this to anybody.

129. Allan Dooley stated that he thought he was supporting Graeme Sleeman at the time, but agreed with the proposition that he could have done a lot quite differently.

130. Monsignor Doyle acknowledged that Peter Annett told Graeme Sleeman he would have to resign in order for him to gain a job as principal elsewhere; Sleeman did resign on 25 September 1986.

102 RC Transcript Case Study 35: 27/11/2015 C128 page 13490 lines 41 – 45.
103 RC Transcript Case Study 35: 27/11/2015 C128 page 13490 lines 47 and page 13491 lines 1 – 10.
104 RC Transcript Case Study 35: 27/11/2015 C128 page 13491 lines 23 – 33.
Graeme Sleemans' Decision to resign

131. Mr Sleeman gave the following evidence (Tab 24) in relation to putting his job on the line:

"Q. If you go on to the second page and look at paragraph 2.1 there's a reference there to what Allan believes about you putting your job on the line. Then a reference to:

Graeme's wife Jenny says he ought to 'quit'.

To your knowledge, did your wife ever say that at any stage to you?

A. No, my wife never said that. Any time she was questioned she said that, whatever I decided to do, she would support."\(^{107}\)

132. Mr Sleeman gave the following evidence in relation to why he decided against going public:

"Q. Did you decide against that?

A. I decided against that for a number of reasons, (1) my own family, because I had six children and quite young. Secondly, I was well aware that the media would probably not really project the story in the way I wanted it, I wouldn't have control over it. And thirdly, I didn't believe, and I still don't believe that, that the people of Doveton really needed to be exposed, again in the media, for the fact it would have been classed as being dysfunctional again."\(^{108}\)

133. Mr Sleeman gave the following evidence in relation to when he made up his mind to resign:

A. Yeah, and I'd come to the conclusion that, I did not know how I would get the so-called concrete evidence that they would want. You've got to understand that Fr Searson was a conniving - that's where I'll leave it."\(^{109}\)

134. Monsignor Doyle agreed with the proposition that there was an overwhelming inference arising from the Archbishop’s office putting pressure on Graeme

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\(^{107}\) RC Transcript Case Study 35: 25/11/2015 C126 page 13313 lines 12 – 24.
Sleeman to remain as headmaster of Doveton because of the financial constraints he would no doubt encounter if he resigned from his position.\footnote{RC Transcript Case Study 35: 26/11/2015 C127 p. 13454 lines 45 – 47 and p. 13455 lines 1 – 5.}

**Graeme Sleeman’s resignation letter dated 25/9/86**

135. It is submitted that the use of the phrase “irreconcilable differences” which was suggested in the letter of resignation that Allan Dooley drafted for Graeme Sleeman to sign understated the real reasons for Mr Sleeman’s resignation.

136. In relation to it hardly being a fair summary of Graeme Sleeman’s reasons for resignation, Allan Dooley gave the following evidence:

   "Q. I believe that Graeme Sleeman is within the [I think that word’s probably conformity] of his own conscience in his resignation as the difference between him and Fr Searson are not to be reconciled in a meaningful way.

   Now, that’s hardly a fair summary of Mr Sleeman’s position, is it?

   A. No."\footnote{RC Transcript Case Study 35: 27/11/2015 C128 page 13495 lines 11 – 22.}

137. Rather, under cross-examination, Allan Dooley agreed with the proposition that Graeme Sleeman resigned because he had a paedophile priest at his school and he could not bear the burden of protecting the children anymore without getting any real assistance.\footnote{RC Transcript Case Study 35: 27/11/2015 C128 page 13495 lines 11 – 22.}

138. Further to Paragraphs 395 to 403 of the CA Submissions, Allan Dooley also agreed with the proposition that the letter under Tab 39 failed to conclusively inform the Archbishop what was really occurring at Doveton.\footnote{RC Transcript Case Study 35: 27/11/2015 C128 page 13495 lines 45 – 47 and page 13496 line 1.} Allan Dooley also agreed that the ‘caring, sensible and responsible’ thing to do with the letter would have been to set out the true position, as he understood it.\footnote{RC Transcript Case Study 35: 27/11/2015 C128 page 13496 lines 9 – 12.
139. Allan Dooley agreed with the proposition that the letter was a gross betrayal of
the sacrifice that Graeme Sleeman had made.115

Archbishop Hart concerning Graeme Sleeman’s resignation

140. Archbishop Hart gave the following evidence in relation to Mr Sleeman’s
actions being concerned about child abuse:

“Q. And you’ve accepted that, and I won’t go into it in great detail, that
from the body of evidence that we’ve heard today that other matters
there, certainly that Mr Sleeman’s actions were concerned about the
child abuse?

A. I thought he was in an intolerable situation, with the broadbased
dysfunctionality of Fr Searson in a whole range of areas.”116

141. Archbishop Hart agreed with the assessment by Bishop Connors that Mr
Sleeman’s only available course of action was to retire following the
intolerable situation.117

142. Mr Sleeman gave the following evidence in relation to Graeme Sleeman’s
resignation letter:

“I outlined the fact that it was intolerable for me to stay there because
of his bizarre behaviour, his dishonesty or thieving of money, and the
inappropriate way that he handled children, and his dealings with them
were, in my opinion, bridging on criminal offences.”118

143. In relation to reconsidering his resignation, Mr Sleeman’s evidence was that
he was begged, I think by a number of people, including Dooley and others, to
reconsider.119 Mr Sleeman gave evidence that he decided against it because:

why would I remain in a place where my values, my morals and
everything else that I had stood up for the last 30-odd years that I was
alive and compromise those to protect - whatever the word is you want
to place about Searson. He was not a nice man.”120

116 RC Transcript Case Study 35: 01/12/2015 C130 page 13812 lines 6 – 12.
117 RC Transcript Case Study 35: 01/12/2015 C130 page 13812 lines 14 – 19.
118 RC Transcript Case Study 35: 25/11/2015 C126 page 13308 lines 35 –42.
120 RC Transcript Case Study 35: 25/11/2015 C126 page 13314 lines 29 – 34.
Catholic Education Office – Treatment of Sleeman Post Resignation

144. It is submitted that the behaviour of the Catholic Education Office and the Archdiocese towards Graeme Sleeman and their inactivity towards Fr Searson extended beyond Mr Sleeman’s retirement so that he was effectively punished for his courageous stance by failing to be reemployed as a headmaster ever again in the Catholic education system in Australia.

145. Exhibit 35-0020 is a summary of the unsuccessful applications Graeme Sleeman made to try to obtain work as a principal in the Catholic Education System. When combined with the telling comment in the PS to the note from Peter Annett that stated “P.S. If G Sleeman resigns and applies for other positions, need to inform the Archbishop in a brief note.” It is submitted that the overwhelming inference to be drawn is that Mr Sleeman was “blackbanned” by Archbishop Little or someone in Archbishop’s Office, presumably for the stance he had taken against Fr Searson.

Applications for re-employment

146. Monsignor Doyle acknowledged that Graeme Sleeman made numerous applications for other jobs but never received another position as principal within the Catholic system.\(^\text{121}\)

147. Monsignor Doyle was able to provide nothing in response to questions in regard to Graeme Sleeman’s applications for positions being vetoed from above and who may have vetoed his applications.\(^\text{122}\)

148. Monsignor Doyle gave evidence that he thought it was a fair inference to draw, that somebody had ‘blackballed’ Graeme Sleeman in his application for jobs following his resignation at Doveton even though Monsignor Doyle regarded him as a very good headmaster.\(^\text{123}\)

\(^{122}\) RC Transcript Case Study 35: 26/11/2015 C127 page 13455 lines 28 – 38.
Townsville job

149. Mr Sleeman gave evidence that he was flown out there from Townsville, and I met with a parish priest who was very convinced; as far as he was concerned that he would have the job “and he wanted to work with me.”

150. Mr Sleeman gave the following evidence regarding the explanation from the Parish Priest as to why he didn’t get the job:

“No-one would speak to me.” I started with the parish priest and rung him, and I was told he was on holidays and he’d be back in a month. So I rung him and I said who it was, and he said, "Oh, yeah, what can I do for you?” I said, "Well, what’s happening about the principal’s position?” He said, "Haven’t they told you? They didn’t take my advice, they’ve appointed someone else". So I then went and rung and rung and rung the Catholic Education Office in Townsville to speak to the director, but for some reason he was always unavailable.

151. In relation to another job application, where Allan Dooley was an interviewer, Mr Sleeman gave the following evidence:

“Q. Again, in December - this is the last one of the ones you are confident about - well, you were confident about getting the job at Hampton Park, that's job No.6, because Allan Dooley was on the - was the interviewer?

A. I'm sorry to laugh about that but it was quite humorous to me that someone who had given me handwritten references, praising my abilities as an educationalist, the progressive programs that I implemented.”

152. Mr Sleeman gave the following evidence in relation to whether he got the job:

“Q. And you didn't get that job?

A. I certainly didn't.”
**Bacchus Marsh job**

153. In relation to the Principals’ position at Bacchus Marsh Mr Sleeman gave evidence that Fr Glasheen had told him that “he tried everything in his power to have me as his principal at his parish school”. 129

154. Mr Sleeman gave the following evidence in relation to why he didn’t receive the job with Fr Glasheen:

   “Q. Again, was there any explanation as to why you didn’t get that job?

   A. No, my mother only gave me the explanation of telling me, if I had have kept my mouth shut [in relation to Fr Searson] 130 I would have gotten that job.” 131

155. Mr Sleeman’s evidence was that he made a total of 15 applications, all of which were unsuccessful 132 without any official explanation. 133

**Catholic Education Office re failure to re-employ Graeme Sleeman**

156. In relation to future prospects of employment, Allan Dooley agreed that it was his understanding that the Archbishop has the right of veto within the Archdiocese. 134

157. Allan Dooley gave the following evidence (Tab 30) in relation to a memo from Peter Annett dated 23 September 1986 and the need to inform the Archbishop of whether Graeme Sleeman resigns and applies for another job:

   “Q. Could you just help us, and this is the final reference, could you just help us with a file note that appears at tab 30. You will see, it’s a memo from Peter Annett, who we understand at that time was in charge of the Catholic Education in the absence of Monsignor Doyle. This is obviously shortly prior to Graeme’s resignation.

   Could you help us with the last note, that is, the

   "PS":

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130 RC Transcript Case Study 35: 25/11/2015 C126 page 13317 lines 46 – 47.
131 RC Transcript Case Study 35: 25/11/2015 C126 page 13317 lines 40 – 44.
133 RC Transcript Case Study 35: 25/11/2015 C126 page 13319 lines 43 – 44.
If G Sleeman resigns and applies for other positions, need to inform the Archbishop in a brief note.

Can you tell us what that means? Are you able to assist us in some way?

A. I can't tell you what was intended."\textsuperscript{135}

158. Allan Dooley provided that he was not aware of the Archbishop having to be notified if anybody applied for a job.\textsuperscript{136}

159. The persistent failure by the Catholic Education Office to re-employ the well regarded principal Graeme Sleeman ought to be fully investigated by the Catholic Education Office including the payment of compensation to Mr Sleeman for his loss of career as a principal and psychological stress and suffering he endured in relation to the lack of support for him in his dealings with Fr Searson.

FINDINGS:

In the above circumstances the Royal Commission ought to infer the following from the failure of the Catholic Education Office to re-employ Mr Sleeman:

(a) Graeme Sleeman was prevented from obtaining further employment as a headmaster in the Catholic system by the Catholic Church.

(b) Precisely how this occurred is not plain, however the evidence leads to a strong inference that the Catholic Church prevented GS from pursing his career as a headmaster in the Catholic system.

(c) That Graeme Sleeman’s health suffered significantly as a consequence of his experience with Fr Searson and his failure to obtain subsequent employment as a headmaster in the Catholic system.

(d) That in the circumstances that it is fair and reasonable that the Catholic Church should provide compensation to Graeme Sleeman for the loss of career and damage to his health.

\textsuperscript{135} RC Transcript Case Study 35: 27/11/2015 C128 page 13497 lines 25 – 41.

\textsuperscript{136} RC Transcript Case Study 35: 27/11/2015 C128 page 13498 lines 12 – 15.
PART 4 - BVC

160. As stated in paragraphs 743 to 746 and paragraph 767 of the CA Submissions it is submitted that if the litany of earlier complaints against Fr Searson had been properly investigated by those in a position of authority to do so within the Melbourne Archdiocese then BVC would not have been abused by Fr Searson in the 1990’s.

Evidence of BVC

161. The CA Submissions summarise the essential components of BVC’s evidence in paragraphs 743 to 746, which is submitted to be a fair summary of BVC’s evidence in chief. For convenience it is set out in these submissions as follows:

743 The Royal Commission received the evidence of BVC who said that he was abused by Searson beginning in around the middle of 1992, when he was in Grade 5 at Holy Family School. These events were not the subject of a complaint or notification to the Archdiocese or the CEO at the time.

744 BVC began serving as an altar boy in 1992 and said that he would go over to the presbytery to perform chores.

745 BVC gave evidence that:

About the middle of 1992, when I had been working in his garden on my own, Fr Searson invited me inside the presbytery to help with something, it might have been helping him to move a table. After this first occasion, he continued to find reasons to invite me inside the house, and gradually this developed into Fr Searson sexually abusing me. I don’t even recall how it started. I have tried to block it all out, but I remember Fr Searson raped me anally and orally over the course of the next four or five years.

746 BVC said that not long after the abuse started his parents asked him, ‘Did Searson touch you?’ which he denied. He said he was not able to explain what had happened, that he felt confused and embarrassed and that he thought it was his fault. BVC said that he did not disclose to anyone that he had been sexually abused by Searson until he told his parents in 2014.
162. Further to Paragraph 745 BVC stated in evidence that he remembers:

“That some teachers seemed hesitant about letting me go over to the presbytery and some even said no, but I don’t recall which teachers and I was never given a reason if I was not allowed to go. I can remember the expression on one teacher’s face when I asked her if I could go over to the presbytery at lunchtime. I can't remember which teacher it was. She looked at the presbytery and then to the school and I could see the indecision on her face.” 137

163. He also provided the following details on his emotions from when he was first abused:

“At first, when the abuse started, I was shocked. I didn't know what to do. Often when Fr Searson had finished he would give me a box of candy or something. I remember now that at the time I just felt trapped. It was like I'd woken up in this place thinking, "How the hell did I get here?" I didn't understand what was happening really.” 138

164. Further to Paragraph 746 of the CA submissions, BVC gave evidence on how the abuse he suffered altered his personal life significantly:

“I continued to serve as an altar boy even when I left Holy Family and went to high school and the abuse by Fr Searson continued. In Year 8 I started trying to distance myself from Fr Searson. I was still serving on the altar but I started arriving at mass just in time to help out and then I would leave immediately after the service finished. This reduced the abuse as Fr Searson no longer had the same opportunities as before. I also changed my group of friends and really distanced myself from most people I had anything to do with in primary school.” 139

“About 1996 there was a big issue in my family that went on for a couple of years. It resulted in a lot of friction, and the stress stirred up a lot of emotions in me regarding my abuse. This led to me suffering from obsessive compulsive spasm release disorder, which I was told was my body going through spasms because I had shutdown emotionally and did not let the emotions emerge. I found that at school, while I could feel extremes of emotion, day to day emotional responses were something I couldn't understand. This lack of emotional response continued until later, as a teacher, I was able to reconnect and feel sympathetic again. I then had to relearn appropriate emotional expressions to every day situations, something which has taken a long

Further to Paragraph 747 of the CA submissions, BVC provided that throughout his life, suicide has always been a thought:

“I have considered suicide. For me it is like my escape plan. If life gets just too hard I will always be able to take a couple of extra pills or take a trip down to the river. For a long time I felt it was my first option if things went bad, but now I just keep it at the back of my mind as a final option.”

Further to Paragraph 767 of the CA submissions, whilst the referral of Fr Searson to the Melbourne Response and the 1997 hearing before Peter O’Callaghan QC eventually resulted in Fr Searson being removed in 1997, it is submitted that a more prompt and adequate referral to police by the Melbourne Archdiocese at an earlier time ought to have been the preferable outcome.

The fact that no referral was made by the Archdiocese or CEO is especially significant given the statement on the police files (which is considered below) that there was “high level resistance” to police enquiries being made into Fr Searson by unnamed persons within the hierarchy of the Melbourne Archdiocese.

Other evidence impacting on BVC

We refer to the evidence aptly summarised in the CA Submissions in relation to the knowledge of Fr Searson being a danger to children prior to the abuse of BVC commencing in 1992.

Of particular importance in this history is the meeting between Cardinal Pell and the parents in 1991 described in paragraphs 577 to 622 of the CA Submissions.

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Meeting between Cardinal Pell and delegation of Holy Family Staff members on 20 November 1989

170. Further to paragraph 576 of the CA Submissions, Cardinal Pell gave evidence in relation to this meeting that he had had discussions with parents in an attempt to determine what was fact in response to the allegations of Fr Searson requiring children to go to the confessional and the toilet incident.\(^\text{142}\)

171. Further to CA’s Submissions at paragraphs 543 to 547, it is submitted that on any view Cardinal Pell was well aware of allegations against Fr Searson in that he received a list of grievances pertaining to the incident’s that had occurred at Doveton from the teaching staff. Cardinal Pell admitted he was aware of the list of grievances presented to the school by all 18 teachers at the school.\(^\text{143}\) It is submitted that the clear reference to “Unnecessary use of children’s toilets” in this list was at the very least a significant “red flag” that compelled further investigation, especially in the light of Fr Seasons’ known history.

172. It is submitted that Cardinal Pell further downplayed the seriousness of this information when he relayed this information to Archbishop Little by stating that the teachers weren’t asking for Fr Searson to be removed.\(^\text{144}\) This last comment reveals a preparedness for Cardinal Pell to seek to downplay the seriousness of the issues raised and look for excuses for inaction on Fr Searson rather than perform his duty as a Bishop in the hierarchy and commence a thorough investigation.

173. Cardinal Pell concurred that it was obvious the problem had to be addressed and at the Archbishop’s instruction, returned to take some action.\(^\text{145}\) However it is submitted that Cardinal Pell’s response was totally inadequate and was

\(^{142}\) RC Transcript Case Study 35: 03/03/2016 C163 page 16536 lines 3 – 11.

\(^{143}\) (see Tabs 61, 62) RC Transcript Case Study 35: 03/03/2016 C163 page 16532 lines 13 – 24.

\(^{144}\) RC Transcript Case Study 35: 03/03/2016 C163 page 16538 lines 4 – 10.

\(^{145}\) RC Transcript Case Study 35: 03/03/2016 C163 page 16538 lines 17 – 21.
merely to inform Fr Searson about the concerns and that he was to “follow all the rules and regulations very, very carefully and explicitly.”\(^{146}\)

174. Cardinal Pell stated that he ensured that Fr Searson was obeying his requests, and followed this up by continuing contact with the CEO and Archbishop Little.\(^{147}\)

**Meeting between Cardinal Pell and 1991 Delegation of Parents**

175. As part of these submissions we refer to adopt paragraphs 643 to 679 of the CA Submissions in relation to the second 1991 delegation of parents. We contend that the failure to act following the 1991 delegation was of great significance in the fate of BVD.

176. Cardinal Pell admitted that he would have been aware of the allegations raised in point 7 of the letter contained in Tab 90.\(^{148}\) He also admitted that these matters clearly raised the issue of Father Searson being a risk to children in terms of abusing.\(^{149}\) This passage is significant and it is set out in full:

"Q. And this time it's not teachers, it's parents; is that correct?  
A. Yes, yes.

Q. It is patently obvious from this, when you look at this letter, for example, about point 7 in the letter, "frequenting boys' toilets, observing boys going through showers on camps, taking children into presbytery at lunch time without teachers' or parents' permission, parents do not want children near him." That is, indeed, from the parents a very considerable escalation of what had occurred in November 1989; is that correct?  
A. Yes, yes.

Q. Indeed, you say you kept in touch with the Catholic Education Office. What I suggest to you is that if you had done that you clearly would have known about these things in this letter.  
A. I clearly would have known about?"

\(^{146}\) RC Transcript Case Study 35: 03/03/2016 C163 page 16538 lines 23 – 27.  
\(^{147}\) RC Transcript Case Study 35: 03/03/2016 C163 page 16538 lines 37 – 40.  
\(^{148}\) RC Transcript Case Study 35: 03/03/2016 C163 page 16539 lines 6 – 14.  
\(^{149}\) RC Transcript Case Study 35: 03/03/2016 C163 page 16539 lines 27 - 30.
Q. The matters that I've just put to you in document 90, in the letter of 26 August from the group of parents.

A. Yes, I can't recall them in this detail, but I wouldn't dispute that.

**Q. Well, those matters in that letter in document 90 clearly raise the issue of Father Searson being a risk to children in terms of abusing, do they not - clearly?**

A. Yes, I think so. Yes.

Q. Having seen the parents and being aware of those allegations, did you take any action in relation to those allegations?

A. I continued to liaise with the Education Office and I think I took the matter again to the Vicar General, but these matters were handled - they were the normal channels for action.

Q. Cardinal, can I put this to you. At this time - that is, by August or later, whenever the meeting was - in 1991, you were in the loop as far as knowledge of Father Searson being a risk to children, in terms of abusing - you were in the loop?

A. Yes, and the whole point at issue, of course, is the level of that risk and just what could be done within church and State law to - to deal with that.\(^{150}\) (emphasis added)

177. It is submitted that unlike the witnesses Bishop Connors, Bishop Deakin, Monsignor Doyle and Allan Dooley, Cardinal Pell would not concede that he had acted inappropriately as an Auxiliary Bishop in failing to vigorously pursue the allegations against Fr Searson.

178. This failure to act directly contributed to Fr Searson remaining in a position to cause the abuse to BVC that occurred after 1992.

179. The suggestion implicit in the question and answer from Counsel representing Cardinal Pell to Monsignor Doyle referred to at paragraph 757 of the CA Submissions, namely that “if Cardinal Pell had been Archbishop in the 1980s and had Monsignor Doyle recommended to him that Searson be removed, that would likely have happened”\(^{151}\) should not be accepted as a statement of what might have happened in preference to the actual evidence of Cardinal

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\(^{150}\) RC Transcript Case Study 35: 03/03/2016 C163 page 16539 lines 2 – 47

\(^{151}\) Doyle T19204: 7 – 25 (Day 189).
Pell’s inactivity and therefore culpability in the failures to even properly investigate the allegations which were referred to him in the various delegations that spoke to him prior to and during the period of BVC’s abuse in the early 1990’s.

180. The failure and inactivity of Cardinal Pell should be judged in the light in the light of Cardinal Pell being a forceful figure as he himself acknowledged particularly in relation to the Catholic Education Office “where he was seen as “the new boy block” who had a reputation as being “capable of being outspoken.”

181. There is no evidence, for example that Cardinal Pell in acting on these complaints sought to have Fr Searson removed and was blocked by Archbishop Little, or any recommendation of Cardinal Pell’s to commence a proper Canonical or police investigation to Archbishop Little was made or rejected by the Archbishop.

FINDINGS:

It is submitted that the Royal Commission should make the following findings:

(1) That it was known to the leading officials in the Melbourne Archdiocese and the Catholic Education Office including Archbishop Little, Vicar Generals Connors and Deakin, Cardinal Pell, Monsignor Doyle, Peter Annett, Allan Dooley and Sister Joan Powers that Fr Searson was a danger to children.

(2) That the admission by Cardinal Pell that he “knew Fr Searson was a danger to children” was a significant admission in the light of the evidence concerning the 1991 meeting between Cardinal Pell and the parents of the Holy Family School in Doveton and his subsequent dealings with other Church officials from that time.

(3) That the actions of Cardinal Pell were inadequate and fell short of what was reasonable in terms of protecting the pupils of the Holy Family

152 RC Transcript Case Study 35: 03/03/2016 C163 page 16536 lines 43 – 46.
School in Doveton. In the circumstances Cardinal Pell ought to have pursued the case against Fr Searson with much more vigour including:

(a) instigating an investigation of Fr Searson’s behaviour particularly in relation to the 1991 allegations.
(b) investigating prior complaints against Fr Searson which at that time were on the record.
(c) discussing the allegations with school officials and parents.
(d) reporting the above matter(s) to the police.

(4) The failure and inactivity of Cardinal Pell should be judged in the light in the light of Cardinal Pell being a forceful figure as he himself acknowledged particularly in relation to the Catholic Education Office “where he was seen as “the new boy block” who had a reputation as being “capable of being outspoken.””

(5) If Cardinal Pell had acted with appropriate vigour in 1991 and thereafter then there was reasonable prospects that he would have prevented the appalling abuse that occurred to BVC and probably a number of others.

(6) That the culture in the Catholic Church of complete deferral to the authority of the Archbishop was not an excuse for Cardinal Pell’s failure in 1991.

153 RC Transcript Case Study 35: 03/03/2016 C163 page 16536 lines 43 – 46.
PART 6 - COMPENSATION FOR VICTIMS INCLUDING SECONDARY VICTIMS AND PROTECTION FOR WHISTLEBLOWERS

BVC

182. As a primary victim, in the circumstances BVC ought be entitled to compensation for the abuse he has suffered. In this regard it is submitted on behalf of BVC that the recommendations contained in the Final Report in Redress and Civil Litigation Report of the Royal Commission released September 2015 (“Redress Report”) in relation to primary victims such as BVC ought to be adopted.

183. In particular, BVC supports the recommendations for:

(a) a redress scheme; 154

(b) removal of limitation periods in civil litigation; 155

(c) Duty of Institutions; 156

(d) Identifying a proper defendant; 157 and

(e) Model litigant approaches. 158

184. The following passage from the CA Submissions (which is set out below for convenience) well summarises the tragic circumstances of BVC’s abuse and the culpability of the individuals and institutions who could have, but failed, to prevent it occurring:

"767 The experience of BVC demonstrates the catastrophic human consequences of inaction by the Archdiocese in relation to Searson. The abuse of BVC, in 1992, occurred many years after the Archdiocese had come into possession of information which could and should have led to the removal of Searson. The fact that Searson

154 Recommendations 2 to 84 of the Redress Report.
155 Recommendations 85 to 88 of the Redress Report (also noting the passage of the Limitation of Actions Amendment (Child Abuse) Act 2015).
156 Recommendations 89 to 93 of the Redress Report.
157 Recommendations 94 to 95 of the Redress Report.
remained in a position of authority as a parish priest, which he exploited to abuse BVC, is directly attributable to the ongoing failure of the Archdiocese to take available action against Searson.”

185. BVC renews its support for the implementation of the recommendations in the Redress Report (including the interim recommendations) as an urgent priority.

Secondary Victims and Whistleblower Protection

186. It is submitted that any review of the circumstances pertaining to Mr Phil O’Donnell and Graeme Sleeman supports a view that as secondary victims and whistleblowers they have suffered injustice as well as stress and damage for which they ought to be properly compensated for by the Catholic Church.

187. In this regard, we note that the key recommendations in relation to secondary victims in the Redress Report are said to be the subject matter of a “separate work on support services”. For convenience, on pages 9 and 348 of the Redress Report the Royal Commission considered secondary victims and stated as follows:

“We have focused primarily on providing redress for survivors themselves rather than for their families or broader communities that might also be affected by the abuse. We acknowledge the needs of ‘secondary victims’ of institutional child sexual abuse. These secondary victims include family members of victims who are now deceased, in some cases as a result of suicide. These needs will also be considered further through our separate work on support services.

Recommendation 3. Funders or providers of existing support services should maintain their current resourcing for existing support services, without reducing or diverting resources in response to the Royal Commission’s recommendations on redress and civil litigation.”

... In relation to ‘secondary victims’, as discussed in Chapter 4, we have focused on providing redress for survivors themselves rather than for their families or broader communities that might also be affected by the abuse. The needs of ‘secondary victims’ will be considered further through our separate work on support services. We do not recommend

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159 Redress Report page 131.
That a redress scheme should provide redress to anyone who is not themselves a survivor of institutional child sexual abuse.\textsuperscript{160}

188. It is submitted that the recommendations calling for amendments to the existing laws as set out above for primary victims must necessarily extend to protection and compensation for whistleblowers who (as has been the case in relation to Mr O'Donnell and Mr Sleeman) may not have the injustice of their situations uncovered for many years after the event.

189. In this regard, for example, until the admissions of key personnel such as Mr Dooley, Bishop Connors and Monsignor Doyle had been made in this case study (i.e. October 2015) there was no acknowledgement of the correctness of Mr Sleeman's stance and the real (as opposed to spurious) reasons for his resignation from Holy Family Doveton by representatives of the Melbourne Archdiocese or the Catholic Education Office. This approach should not be continued in the light of the evidence elicited from the material witnesses in this case study.

\textbf{Phil O'Donnell}

190. Mr O'Donnell is also one of the relatively few priests (or former priests) to have reported suspected abuse to appropriate ecclesiastical authorities and spoken out at any stage against the inadequate institutional response to clergy child abuse over many years. He has also provided care and support to many victims of clergy child abuse over a long period as was recognised in his laicisation papers.

191. The pain and strain of challenging the Archdiocese over these many years was one of the causes of him eventually deciding to seek and being granted laicisation in 1999. At the time of his laicisation then Archbishop Pell acknowledged Mr O'Donnell's genuine concerns and activity on this issue and stated as follows:

\begin{quote}
“The tragedy of paedophilia in the church has many victims, not all of whom have been directly sexually abused. The victims include good
\end{quote}

\textsuperscript{160} Ibid, page 348.
priests who have had the misfortune to serve with paedophile priests and who are traumatised and dispirited because of the effects they have seen in the lives of Catholics. Philip O'Donnell is one of these victims.”

192. Bishop Connors accepted what Archbishop George Pell had stated in his laicisation documents applied to Mr O'Donnell whom he knew well. Cardinal Pell accepted that he had described Phil O'Donnell in the above passage as a victim of Fr Searson.162

193. Mr O'Donnell is one of the few people who have been part of the inner workings of the Catholic Church who has had the courage and the sense of justice to have spoken out proactively on the issue at the time (and even now). This is in stark contrast to the failings, defensiveness and inactivity of much of the past and present hierarchy of the Melbourne Archdiocese and the broader Catholic Church to be genuinely proactive on the issue of clergy related child abuse.

194. Nevertheless, these circumstances have taken a personal toll on Mr O'Donnell including challenges to his reputation, which has been exacerbated by the spotlight shone on this issue. Regrettably Mr O'Donnell has also suffered other unrelated tragedies recently in his life and it is no understatement to say that his appearance before the Royal Commission placed further strain on him. He would like to achieve some personal closure on this issue, which has dominated a large part of his life.

Graeme Sleeman

195. The LH Witnesses refer to Part 3 above in relation to the submissions concerning Graeme Sleeman’s resignation and post-resignation treatment by the Catholic Education Office and the Melbourne Archdiocese.

162 RC Transcript Case Study 35: 03/03/2016 C163 page 16530 lines 32 – 36.
196. Bishop Connors accepted that both Graeme Sleeman (and Carmel Rafferty) were also victims of the institutional response to the Catholic Church child abuse that occurred at Doveton.\textsuperscript{163}

197. Bishop Connors accepted that Graeme Sleeman’s decision to resign was morally correct.\textsuperscript{164}

198. Mr Sleeman gave the following evidence in relation to the feelings of stress experienced by him before he resigned:

“I think I would have to admit, now in hindsight, that because I had this personality that says, "I'll never get beaten", I would never have admitted to anyone that I was under stress or I was failing in any way. But now, after the events and what's happened to me, I now can say honestly, when I think about it, I was under severe stress and from two perspectives: (1) that I was trying to do something about Searson's behaviour, and secondly, no-one in all the time I was in Doveton offered me any support, counselling, assistance on how to cope or deal with this. I felt as though I was left alone, no-one cared about me.”\textsuperscript{165}

199. Bishop Connors also believed that there should have been better pastoral care for teachers and principals such as Graeme Sleeman.\textsuperscript{166}

200. Bishop Connors admitted that he was aware of the disturbed and possibly psychologically disturbed state of Fr Searson because of the letters that Phil O'Donnell had been sending to him.\textsuperscript{167}

201. Fr Searson was inflicted on the community of Doveton and Mr Sleeman as the Principal responsible for 400 children notwithstanding Archbishop Little’s awareness of the 1982 offending by Fr Searson. This decision also ignored Mr Sleeman’s pleas to send “someone pastorally minded” to Doveton after Mr Sleeman had successfully removed Fr Vic Rubeo for sexual misconduct. Worse, it seems that Fr Searson was in effect rewarded by Archbishop Little for his offending in 1982 by being made the Parish Priest at Holy Family Doveton. Regrettably, notwithstanding Graeme Sleeman’s clear and repeated

\begin{footnotes}
\item[163] RC Transcript Case Study 35: 27/11/2015 C128 page 13558 lines 12 – 18.
\item[164] RC Transcript Case Study 35: 27/11/2015 C128 page 13558 lines 29 – 35.
\item[165] RC Transcript Case Study 35: 25/11/2015 C126 page 13312 lines 5 – 17.
\item[166] RC Transcript Case Study 35: 03/12/2015 C132 page 14029 lines 17 – 29.
\item[167] RC Transcript Case Study 35: 27/11/2015 C128 page 13564 lines 1 – 5.
\end{footnotes}
calls to remove Fr Searson he remained in place for a further 13 years (until 1997) after Mr Sleeman first reported allegations of child abuse of Julie Stewart by Fr Season at Doveton.

202. Graeme Sleeman's reports of sexual abuse were disregarded and ignored on numerous occasions and resulted in the loss of work for him. Because of the difficulty Sleeman had, both during the events and after his resignation, it may deter other potential 'whistle-blowers' from speaking out if they have important information.

Protection for Whistleblowers

203. It is submitted that greater protection for whistle-blowers is required, and this protection ought to include compensation for those who are not protected for speaking out against poor institutional responses to the protection of children from child abuse. It is clear that from this case study that without sufficient protection for whistle-blowers, members of the Catholic Church who had knowledge of child abuse were hesitant to speak up, resulting in a lack of information and action on this serious problem.

204. For every Phil O'Donnell or Graeme Sleeman who did speak out, there were many others who remained silent or worse when presented with information concerning the safety of children and the need to challenge persons in authority who had a duty to act but were not doing so.

205. It is submitted that whistle-blowers should be encouraged to speak out about what they have experienced in terms of child sexual abuse in the Catholic Church to help understand the full extent of the problem and to stop future harm.

206. These submissions seek, on Mr O'Donnell and Mr Sleeman's behalf, proper protection and compensation to also be extended to whistleblowers and other secondary victims of child abuse. At the very least it is submitted that the limitations of actions time periods to commence action in the case of whistleblowers such as Mr O'Donnell or Mr Sleeman ought to include such a
time in which the failings of the organisation are exposed or admitted (in this case November/December 2015).

207. Of even greater concern to Mr O’Donnell (and Mr Sleeman and BVC) is that the Catholic Church provide a real commitment to make the cultural change necessary to ensure a more proactive response to ensure that the cultural issues are addressed, victims are properly compensated and cared for and that most importantly children are protected.

RECOMMENDATION

That the recommendations contained in the Final Report in Redress and Civil Litigation Report of the Royal Commission released September 2015 in relation to primary victims of clergy child abuse such as BVC ought to be adopted forthwith (noting that it is nearly a year since the recommendations were first made).

That to ensure that proper protection is provided to whistleblowers and others in a limited class of secondary victims of child abuse such as Phil O’Donnell and Graeme Sleeman that compensation recommendations be extended to cover such persons including if necessary extension on civil limitation periods to the time in which the failings of the organisation are exposed or admitted (in this case November/December 2015).
PART 6 - ROLE OF POLICE IN FR BAKER AND FR SEARSON ALLEGATIONS

Julie Stewart Incident

208. Paragraphs 1574 to 1617 of the CA submissions refer to Assistant Commissioner Fontana and evidence of the police investigation in the early 1990’s of one of the incidents concerning Julie Stewart.\textsuperscript{168}

209. Monsignor Doyle agreed with the notion that he could have done more during the time that Fr Searson was at Doveton. He agreed that one of the actions he could have taken was that he could have gone to the police.\textsuperscript{169}

210. In the Intelligence Report ‘Operation Fox’ provided by Victoria Police Sergeant Andrew Caulfield in regards to Peter Searson and his criminal actions, the following statement was made:

“There is high level resistance within the Catholic Church/parish to any enquiries being made about Searson, within the catholic church/parish.”\textsuperscript{170}

211. In his evidence in this case study former Senior Constable William Howitt (Bill) acknowledged “\textit{that the high level of resistance within the Catholic Church/parish surrounding enquiries into Searson}” was consistent with the responses he had received as a police officer around April of 1993.\textsuperscript{171}

Police Investigation of links between paedophiles

212. Further to paragraph 1608 to 1613 of the CA Submissions, the LH Witnesses submit that evidence in the Case study 35 demonstrates that there may well have been links between clergy abusers such as Searson and other clergy abusers have not been fully investigated by the Catholic Church or the police.

213. Further to the Counsel Assisting submissions at paragraph 1611 and Assistant Commissioner Fontana’s evidence, Sergeant Andrew Caulfield provided an “Intelligence Report” known as ‘Operation Fox’ which is submitted

\textsuperscript{168} See paragraph 1569 – 1617 of CA submissions.
\textsuperscript{169} RC Transcript Case Study 35: 26/11/2015 C127 page 13434 lines 19 – 24.
\textsuperscript{170} VPOL.3037.004.0047_R – Page 19 - Paragraph 7 – Tab 132.
\textsuperscript{171} RC Transcript Case Study 35: 13/12/2015 C132 page 14069 lines 32 – 37.
refer to links between paedophiles and the behaviour of the Catholic Church at the time (including the early 1990’s). On page 2 of this memorandum the following statement was made:

“Probably the most important discovery in the investigation is to provide a nexus between the subject and ... [a number of redacted names] all of whom are convicted paedophiles.

... It would appear that Searson's interest in the [REDACTED] clan and co are far more excessive than would be reasonable in a pastoral care sense.”

214. Former Senior Constable Bill Howitt also acknowledged that no attempt was made to find other potential paedophiles.

215. In response to a question as to whether or not it would have been beneficial to conduct an investigation at the time, (especially in light of recent enquiries conducted by organisations such as SANO), Senior Constable Bill Howitt stated:

“Q. Is that something that you consider now, with the knowledge, would have been helpful or ought to have taken place, especially with the work that, say, SANO and others have been doing in more recent years to investigate this issue?

A. That would be a very specialist area of policing, of which I didn't have the skills, so I would have - in hindsight, if I had intelligence about child abuse, I would have given it to the specialist group.”

216. It is submitted that the lack of police involvement in these investigations and the poor response of some of the initial police investigations as set out in paragraphs 1581 to 1617 of the CA Submissions (particularly in the case of Fr Searson in light of the Julie Stewart allegations) contributed to the widespread nature of child abuse in this case study and likely the broader Catholic Church.

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172 VPOL.3037.004.0046_R. See also RC Transcript Case Study 35: 03/12/2015 C132 p. 140068 lines 39 – 46 and p. 14068 lines 1-8.
174 RC Transcript Case Study 35: 13/12/2015 C132 page 14070 lines 30 – 38.
Phil O’Donnell gave evidence on the lack of communication and involvement with police as follows:

“Q. Did you think about going to the police or talking to the parents about going to the police?”

“A. No. At that stage the parents were insistent that it be private, they were very, very worried about this boy’s name getting out and further damage being done to him, so they were absolutely insistent that it had to be handled in-house.

Secondly on that, at the time our culture wasn't good on going to the police. Again, if that had happened years later, it wouldn't have been a question, I would have asked further questions and it would have been straight to the police. But at that stage, in 1978, we still believed that, if we had a problem in the Catholic community, our Archbishop would deal with it and address it and solve it, and so, it was just, when we had a problem in the parish, it was a problem that had to be taken to the attention of the Archbishop.”

“Q. Was there a sense of time that, if it was to go to the police, then it would become public and affect the reputation of the church or the school?”

“A. Probably not, and that's because it was never entertained to go to the police. It wasn't, let's not go to the police because we don't want this scandal to get out, it was, let's not tell anyone because we don't want this boy's name known to the community.”

Mr Phil O’Donnell gave the following evidence on the question of mandatory reporting as follows:

COMMISSIONER MURRAY: “Q. Before we go on, your evidence to Ms Furness has covered off a non-reporting to police, both by yourself and by others you informed.”

“A. Yes.”

“Q. Is it your opinion that mandatory reporting on the equivalent basis to say teachers will change priests and their superiors’ conduct in that regard?”

“A. Definitely, Commissioner. And I believe that’s already happening. I do believe, in the last 15-20 years there’s been a lot of progress made in that - I think more’s got to be done, but mandatory reporting is essential. I personally do believe, if a paedophile priest comes to the confessional, that absolution should not be given unless there - the

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175 24/11/2015 (C125), P O’DONNELL (Ms Furness), 13174, 34-47. 13175, 1-13.
pence should be, you report yourself to the police or whatever, in other words, not three Hail Marys and walk away and do it again.”

219. Mr Phil O’Donnell gave the following evidence regarding the changing culture within the Catholic Church:

“Q. Would an unequivocal instruction from the Pope to all his followers, and particularly priests, backed by mandatory reporting, result in good outcomes?

A. I'm sure it would. A lot of us Catholics today have a lot of hope in the current Pope, that he'll do something as significant as that. We believe that the direction the current Pope is showing is so ethical and compassionate and decent, that we hope in a sense he can undo the decades or centuries of entrenched thinking and behaviour and turn the ship around, where the modus operandi is healthy and correct, rather than unhealthy and incorrect.”

RECOMMENDATION:
That the links between the various paedophile clergy abusers and in particular “paedophile clusters” in the Melbourne Archdiocese and other parts of the Catholic Church in Australia are significant and ought to be further investigated by the Victoria Police and/or the Catholic Church as part of any ongoing “Truth, Justice and Healing Council.”

176 24/11/2015 (C125), P O’DONNELL (Ms Furness), 13299, 28-46.
177 24/11/2015 (C125), P O’DONNELL (Ms Furness), 13230, 18-28.
PART 7 - CULTURAL FACTORS

220. Further to paragraphs 1765 to 1801 of the CA submissions, it is submitted that the evidence of Mr O’Donnell and Mr Sleeman is that when training to be a priest, there was little preparation or formation given to seminarians to live a life of celibacy.

221. Mr Phil O’Donnell gave the following evidence on how imposed celibacy has contributed to sexual abuse:

“... What else? I think sexual immaturity is one, and I think that's a factor of imposed celibacy. I don't think we were taught intimacy. I don't think intimacy was a natural understanding of priesthood. A lot of priests are very good at it, but I think it's because they're very good, not because they were taught.

A lot of priests are dysfunctional and they then develop alcohol problems or other abuse problems, and I think a lot of the clergy then develop inappropriate relationships and very often that's with a child. So, a lot of it is the stuntedness of sexual maturity. In theology, in religious education, we refer to the fact that some people never grow out of being, say, a 10-year-old or 12-year-old Catholic. They might be a 60-year-old Catholic but they still think in an infantile or childish way of religion; they haven't kept developing their faith. Personally, I think that's the same with clergy.

There are some clergy, the ones who don't handle celibacy well, and I've got no idea how many that is, but those who don't handle celibacy well, that might be 40 or 50 or 60-year-old men, but I think they're 15-year-olds sexually - emotionally they're 15-year-olds in an adult's body, and they can't relate to adults and they therefore parent and take on young ones who don't realise their inadequacies. And in a sense, because they're a 15-year-olds emotionally or sexually, for them to have a relationship with a real 15-year-old is a little bit more understandable, because their sexuality hasn't matured and developed in the normal human relationship.”

222. It is fair to say that others in the Catholic Church have differing views on this important issue. For example, by way of contrast, Fr Walshe’s evidence in Case Study 28 on the clerical celibacy and whether it should be mandatory within the Catholic Church, was instructive and was as follows:

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178 24/11/2015 (C125), P O’DONNELL (Ms Furness), 13228, 40-47. 13229, 1-25.
“A. I believe that it's something that is a gift if people live it properly, and I believe that it's something that we've received from the Lord, and there's a long tradition of it. The trouble is, if people don't look after themselves, keep balance in life, just as if people don't look after their marriages and have balance with time spent together, not over-working, all of those things, if balance is kept, a person can live a fruitful, happy, generous life, but ultimately the purpose of celibacy is supernatural and it will never be understood in human terms.”\(^\text{179}\)

223. In relation to why people of his generation fail in their vow of celibacy, Reverend Walshe gave the following evidence:

“A. Well, I think because they’re human, that’s why. As men and women fail in marriage, and we deal as priests with infidelity all the time, and someone comes to you who's failed. For some, if you try and help them to see, look, here's an opportunity for you to strengthen your relationship with your spouse, it's often a sign that they've fallen away and they haven't looked after one another, and if you can learn from those things, they often go on to make better and happier marriages.

The same with priests who have fallen morally; if they're open to things and receive help, often they become the better priest and, you know, the term "the wounded healer", they know what falling is and they help others.”\(^\text{180}\)

224. Fr Walshe did not accept a proposition that issues of clergy child abuse could be repeated in other forums because priests are fundamentally unable to reconcile a life of mandatory celibacy without reverting to paedophilia of children.\(^\text{181}\)

225. The LH Witnesses appreciate that many priests are faithful to their vows on celibacy. However it is submitted that this Royal Commission has the responsibility to focus on the failures, not the strengths, of celibacy. Accordingly it is submitted that the evidence in this and other case studies demonstrates an unacceptably high incidence of clergy failure to faithfully live by their vows of celibacy.

226. There is evidence that a number of priests were aware of priests who were sexually active and that through the period under review the Melbourne

\(^{179}\) RC Transcript Case Study 28: 16/12/2015 C141 page 14941 lines 33 – 43.
\(^{180}\) RC Transcript Case Study 28: 16/12/2015 C141 page 14944 lines 15 – 28.
\(^{181}\) RC Transcript Case Study 28: 16/12/2015 C141 page 14947 lines 2 – 7.
Archdiocese accepted a degree of tolerating imperfection in regard to celibacy.

227. If is also submitted that this degree of tolerating imperfection assisted paedophiles to avoid detection, (e.g. in the cases of Fr Baker and Fr Ron Pickering. It is submitted that compulsory celibacy is at least a contributing factor in priests sexually abusing children.

228. There is no crime or necessary moral turpitude in relation to priests and religious engaging in heterosexual and homosexual relations, however (hypocrisy aside) when this is coupled with a supposed sacred vow of celibacy it can and appears in some cases to have led to positions of potential cover-up or silence as to the knowledge and behaviour of offending priests.

229. By way of brief example in relation to the question of whether Graham Redfern, John Treacy and [REDACTED] had been convicted, Mr O’Donnell gave the following evidence:

“Q. So they’re the three who you now recall have since been convicted?

“A. Yes, and I do have to say in fairness that there was a rather charismatic leader of the group, a Ray Whitehouse, who was certainly the Reg Livermore of the troupe, and Ray was never charged and he died a number of years ago. But Ray was the leader, quite clearly.”

230. When asked if he could name some of those persons, Mr O’Donnell gave evidence as follows:

Q. Who?
A. There are three that, I believe, have had convictions: Graham Redfern, John Treacy and [REDACTED] they'd be three; I'm not sure of others. Because I wouldn't have been exactly sure who the group was, but they were the more high profile, you know, outrageous types in that sense. ref (32-1/6)

231. It is submitted that having heard all the evidence in this and other case studies this Royal Commission should positively find that the obligation of imposed

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182 RC Transcript Case Study 35: 24/11/15 C125 page 13163 lines 22-28.
183 RC Transcript Case Study 35: 24/11/15 C125 page 13163 lines 2-6.
mandatory celibacy and other aspects of the culture surrounding the Catholic Church have contributed to creating an environment in which child sex abuse amongst Catholic clergy occurred and was allowed to remain undetected.

**Other cultural/structural issues requiring reform**

232. Phil O'Donnell gave the following evidence on the Church structure and required reform:

Q. As you point out, it's not a structure which any corporation that had 200 branch offices would contemplate.

A. Exactly. But, Your Honour, that's the nature of the Catholic structure, that so much authority is in the person of the Pope or the Bishop, and the Pope or the Bishop has total and utter authority, and that's been the traditional theology and practice of Catholicism, and that's why occasionally a Vicar-General will say, "I may think this but I just don't have authority to act". A lot of people find that very difficult to accept, because they're the administrator of the archdiocese, but they're not the authority of the archdiocese. The authority lies in the person of the Bishop, and of course the Bishop of Rome, we call the Pope, is the pre-eminent authority. And it's a system, in today's society, that would not be acceptable in any shape nor form.

Q. Except in the church?

A. Except in the church, and that's one of the reasons why personally I think this is a massive wake up call to the church globally as well as Australia and Melbourne, and I do question whether the church has the ability to do the radical reform required, because there's so much entrenched theology practice - for example, the permanency of the priesthood. The permanency of the priesthood is a terribly difficult position for a Bishop. Because, what do you do with a Bill Baker, when you find Bill at 40 is violating kids? He's ordained for life and he's a priest forever, and as such, if he was a principal, a teacher or nurse or whatever, he'd be sacked; but you can't sack a priest. You've seen how Rome would overturn a Bishop when he tried to sack a priest.184

**Culture of Secrecy**

233. In relation to whether it was easy for Fr Kevin Dillon to take a position that requested the church to deal with integrity and care for victims given the culture of secrecy, Bishop Deakin gave the following evidence:

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184 24/11/2015 (C125), P O’DONNELL (Ms Furness), 13223, 3-34.
“Q. Was that a position that was easy for one to take, given all the evidence you have said about the culture of secrecy that had prevailed up until that period?

A. Well, it wasn’t easy for Kevin to take this position at all, but it was very brave of him, and as a result – to use a phrase, he painted himself into a corner, I suppose. But he was talking people’s language about this.”

234. Bishop Deakin provided that Fr Kevin Dillon, by taking the position requesting the church deal with integrity and care for victims, had painted himself into a corner that ultimately resulted in Fr Dillon not being thought of for preferment of higher positions.186

235. Bishop Deakin accepted that there is a culture of obedience within the church that results in somebody being shunned should they choose to speak out.187

236. In relation to any recommendations that should take place regarding the culture of obedience and the culture on the issue of paedophilia, Bishop Deakin gave the following evidence:

“Q. In relation to the problems in the Archdiocese that you’ve identified, are there any recommendations that you think ought to take place - you said that you’re not doing this for yourself, it’s for the children - in relation to how both the culture of obedience and the culture on this issue should change for the future?

A. Right, is this the sort of free time I can say something, is it?

THE CHAIR: Answer the question, yes.

THE WITNESS: I can answer it and take three hours maybe.

Well, I did say that I think there has to be a review of - and I know you had it in the state for a while, but legal minds can tone it all up - the mandatory reporting of this so that there’s no cover up. How you do it, I don’t know, but that’s what you brains I think ought to be working out about.

I think one of the faults is there, it’s only one of faults.

Another fault is, you’ve got to somewhere or other, on behalf of humanity and our country and all the rest of it, say something to Rome

185 RC Transcript Case Study 35: 04/12/2015 C133 page 14148 lines 25 – 31.
186 RC Transcript Case Study 35: 04/12/2015 C133 page 14148 lines 39 – 43.
187 RC Transcript Case Study 35: 04/12/2015 C133 page 14149 lines 5 – 9.
about the Roman canon law and its way of handling this, so that it doesn't become a point of refuge for people to provide for cover up, et cetera.

Another thing that I think needs to be looked at, is the training of priests; we haven't talked about it very much, have we? But sexuality and all this sub-development, and development, and I often hear when I talk to friends of mine who are psychologists et cetera, that a lot of these people who do these things are sexually immature, and they use that word constantly, and maybe it's something along that sort of line.

Now, there's a fourth element that I think I would want to think: I think that this Commission, we'll end up thanking it for what it's done and what it's uncovered and all the rest of it. But it's also my considered view that this problem is far beyond the institutions that you're examining.\textsuperscript{188}

237. Archbishop Hart states that he is aware of Fr Dillon winning a number of awards for the work that he has done with child abuse victims but states that he has not sought out any specific assistance from him.\textsuperscript{189}

238. In relation to supporting pastoral approach of priests such as Fr Kevin Dillon and Phil O'Donnell, Bishop Deakin gave the following evidence:

"Q. It's getting to the man in charge. Would you support again the pastoral approach of priests who have done things like Phil O'Donnell and Kevin Dillon, and should they be the people who are listened to in relation to the debates in Rome?

A. I am ready to support anybody, anybody, who does anything to defend the innocent, the young, or even old people who are badly done by."\textsuperscript{190}

RECOMMENDATION:

That the Royal Commission requests that the Catholic Church examine systemic problems in the seminary and the formation of priests and religious including the questions of mandatory celibacy and sexuality as evidenced by the case of Fr Bill Baker and others.

\textsuperscript{188}RC Transcript Case Study 35: 04/12/2015 C133 p. 14154 lines 26 – 47 and p. 14154 lines 1 – 21.

\textsuperscript{189}RC Transcript Case Study 35: 01/12/2015 C130 page 13811 lines 7 – 16.

\textsuperscript{190}RC Transcript Case Study 35: 04/12/2015 C133 page 14156 lines 24 – 31.
That the hierarchical structure of schools in the Catholic system be altered so that the Parish Priest (if present) is no longer the head decision maker, property manager and the employer of the Principal and school staff. This task should be undertaken by an incorporated and accountable body independent of the Archdiocese.
PART 8 – CONTINUING NEED FOR CATHOLIC CHURCH TO UNDERTAKE ITS OWN SYSTEMIC INVESTIGATION INTO CAUSES AND EXTENT OF CLERGY CHILD ABUSE

239. On 12 June 1996 Mr O'Donnell wrote to then Vicar-General Gerry Cudmore strongly urging that the Melbourne Archdiocese undertake a systemic investigation into the extent of child abuse in order to determine the extent to which the emerging cases of Frs Searson, O'Donnell and Baker were the “tip of the iceberg”. In particular, the letter gave the background that Mr O'Donnell was personally aware of from his time with Fr Baker at Gladstone Park.

240. The letter from Phil O'Donnell to Gerry Cudmore, which is discussed in paragraphs 1037 to 1039 of the CA Submissions raises a number of important and topical matters that should be addressed regarding abuse of children by members of the Catholic Church.

Failure to undertake systemic inquiry

241. It is submitted that the failure of the Melbourne Archdiocese to act on information given to the Archdiocese by O'Donnell in 1996 contributed to perpetuating the extent of known sexual abuse in the Catholic Church in Victoria and understating its cases. A better understanding of the extent of systemic abuse and cover up by the hierarchy of the Melbourne Archdiocese is required to prevent any further exploitation of children.

242. It is submitted that transcripts of hearings, key documents and letters show that the Archdiocese knew of a problem and failed to act. In particular, the numerous letters from Mr Phil O'Donnell clearly put the Church hierarchy squarely on notice of the problem and the need for a proper systemic investigation.

243. The absence of a systemic investigation into any of the allegations made at the time exacerbated the consequences of real and significant child sexual

abuse by clergy as many perpetrators such as Frs Pickering and Fr Season were not brought to justice in their lifetime.

244. Mr O’Donnell then recommended, inter alia, that each Diocesan Bishop in Victoria establish a listening/inquiry structure specifically for the purpose of encouraging people to come forward with any relevant information.

**Melbourne Response not systemic inquiry**

245. It is submitted that rather than conducting any systemic inquiry as to the extent or causes of abuse by priests in its ranks the Church’s response initiated by newly appointed Archbishop Pell in October 1996 was to develop the Melbourne Response. As set out in paragraphs 157 to 158 of the CA Submissions this was the subject of a separate inquiry (Case study 16). However, in response to the evidence of Cardinal Pell it is submitted that the Melbourne Response was not a systemic investigative inquiry into the cases and extent of clergy child abuse affecting the Melbourne Archdiocese as recommended by Phil O’Donnell in the 12 June 1996 letter.

246. It is submitted that there would still remain in the priesthood and the former priesthood a significant body of knowledge as to the existence of actual and likely abusers and/or priests who have breached or are breaching their vows of celibacy.

**No systemic investigation by Catholic Church into clusters of paedophiles or links between abusers.**

247. It is submitted that the evidence of clusters of clergy child abusers has not been separately investigated (particularly in relation to knowledge between offenders) by the Catholic Church. Both the Melbourne Response and the many police prosecutions that have occurred tend to examine the abuse from the perspective of individual offenders (and/or victims) rather than looking at the links between offenders and in particular the existence or extent of paedophile links between offenders or between offenders and outside community representatives.
Such clusters include the Doveton, Dandenong, Gardenvale/Mentone and Oakleigh Parishes as well as the Christian Brothers and Salesians orders, the orphanages/boys homes along with connections with outside paedophile networks and ritual abuse. Again it is submitted that if the Church had been genuinely interested in understanding the cause and extent of clergy abuse in its ranks it would have undertaken such an investigation.

FINDINGS:

That the failure of the Melbourne Archdiocese to commence a systemic investigation into the causes and into the extent and causes of child abuse by clergy in its ranks as urged by Mr Phil O'Donnell in his letter to Vicar-General Gerry Cudmore on 12 June 1996 was a lost opportunity to understand the extent and scale of abuse in the Catholic Church in Australia.

RECOMMENDATION:

The Catholic Church in Victoria should undertake its own internal investigation into the extent and causes of child abuse by clergy in its ranks. Such investigation should request any knowledge of specific or possible information in order to better understand the extent of systemic abuse and cover up in the past and to prevent the further exploitation of children and should be conducted in conjunction with the Victorian police and including all the files held by the Melbourne Response.
PART 9 – CONCLUSIONS –
PROPOSED FINDINGS AND RECOMMENDATIONS

249. Accordingly, in conclusion it is submitted on behalf of the LH Witnesses that the Royal Commission, if satisfied of the evidence pertinent to this case Study 35, should make the following finding and recommendations:

FINDINGS:

(1) It is submitted that the Royal Commission having heard the evidence of Mr Phil O’Donnell should endorse then Archbishop Pell’s description in his laicisation documents make a finding to the effect that “the tragedy of paedophilia in the church has many victims, not all of whom have been directly sexually abused. The victims include good priests who have had the misfortune to serve with paedophile priests and who are traumatised and dispirited because of the effects they have seen in the lives of Catholics. Philip O’Donnell is one of these victims.”

(2) In the above circumstances the Royal Commission ought to infer the following from the failure of the Catholic Education Office to re-employ Mr Sleeman:

(a) Graeme Sleeman was prevented from obtaining further employment as a headmaster in the Catholic system by the Catholic Church.

(b) Precisely how this occurred is not plain, however the evidence leads to a strong inference that the Catholic Church prevented GS from pursuing his career as a headmaster in the Catholic system.

(c) That Graeme Sleeman’s health suffered significantly as a consequence of his experience with Fr Searson and his failure to obtain subsequent employment as a headmaster in the Catholic system.

(d) That in the circumstances that it is fair and reasonable that the Catholic Church should provide compensation to Graeme Sleeman for the loss of career and damage to his health.
(3) That it was known to the leading officials in the Melbourne Archdiocese and the Catholic Education Office including Archbishop Little, Vicar Generals Connors and Deakin, Cardinal Pell, Monsignor Doyle, Peter Annett, Allan Dooley and Sister Joan Powers that Fr Searson was a danger to children.

(4) That the admission by Cardinal Pell that he “knew Fr Searson was a danger to children” was a significant admission in the light of the evidence concerning the 1991 meeting between Cardinal Pell and the parents of the Holy Family School in Doveton and his subsequent dealings with other Church officials from that time.

(5) That the actions of Cardinal Pell were inadequate and fell short of what was reasonable in terms of protecting the pupils of the Holy Family School in Doveton. In the circumstances Cardinal Pell ought to have pursued the case against Fr Searson with much more vigour including:

(a) instigating an investigation of Fr Searson’s behaviour particularly in relation to the 1991 allegations.
(b) investigating prior complaints against Fr Searson which at that time were on the record.
(c) discussing the allegations with school officials and parents.
(d) reporting the above matter(s) to the police.

(6) The failure and inactivity of Cardinal Pell should be judged in the light in the light of Cardinal Pell being a forceful figure as he himself acknowledged particularly in relation to the Catholic Education Office “where he was seen as “the new boy block” who had a reputation as being “capable of being outspoken.””

(7) If Cardinal Pell had acted with appropriate vigour in 1991 and thereafter then there was reasonable prospects that he would have prevented the appalling abuse that occurred to BVC and probably a number of others.

192 RC Transcript Case Study 35: 03/03/2016 C163 page 16536 lines 43 – 46.
(8) That the culture in the Catholic Church of complete deferral to the authority of the Archbishop was not an excuse for Cardinal Pell’s failure in 1991.

(9) That the failure of the Melbourne Archdiocese to commence a systemic investigation into the causes and into the extent and causes of child abuse by clergy in its ranks as urged by Mr Phil O’Donnell in his letter to Vicar-General Gerry Cudmore on 12 June 1996 was a lost opportunity to understand the extent and scale of abuse in the Catholic Church in Australia.

RECOMMENDATIONS:

(1) That the recommendations contained in the Final Report in Redress and Civil Litigation Report of the Royal Commission released September 2015 in relation to primary victims of clergy child abuse such as BVC ought to be adopted forthwith (noting that it is nearly a year since the recommendations were first made).

(2) That to ensure that proper protection is provided to whistleblowers and others in a limited class of secondary victims of child abuse such as Phil O’Donnell and Graeme Sleeman that compensation recommendations be extended to cover such persons including if necessary extension on civil limitation periods to the time in which the failings of the organisation are exposed or admitted (in this case November/December 2015).

(3) That the Royal Commission requests that the Catholic Church examine systemic problems in the seminary and the formation of priests and religious including the questions of mandatory celibacy and sexuality as evidenced by the case of Fr Bill Baker and others.

(4) That the hierarchical structure of schools in the Catholic system be altered so that the Parish Priest (if present) is no longer the head decision maker, property manager and the employer of the Principal and
school staff. This task should be undertaken by an incorporated and accountable body independent of the Archdiocese.

(5) That the failure of the key officials of the Melbourne Archdiocese and the Catholic Education Office to properly investigate the allegations of criminal child sexual abuse committed by Fr Peter Searson and which were known to these persons by 1991 be further investigated by this Royal Commission and/or referred to the Victoria Police and/or another appropriate authority for further investigation.

(6) That the links between the various paedophile clergy abusers and in particular “paedophile clusters” in the Melbourne Archdiocese and other parts of the Catholic Church in Australia are significant and ought to be further investigated by the Victoria Police and/or the Catholic Church as part of any ongoing “Truth, Justice and Healing Council.

(7) The Catholic Church in Victoria should undertake its own internal investigation into the extent and causes of child abuse by clergy in its ranks. Such investigation should request any knowledge of specific or possible information in order to better understand the extent of systemic abuse and cover up in the past and to prevent the further exploitation of children and should be conducted in conjunction with the Victorian police and including all the files held by the Melbourne Response.

PAUL O’DWYER SC
DAVID O’BRIEN
OWEN DIXON CHAMBERS

INSTRUCTED BY LEWIS HOLDWAY LAWYERS
5 AUGUST 2016