ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE

Public Hearing - Case Study 50  
(Day 243)

Level 17, Governor Macquarie Tower  
1 Farrer Place, Sydney

On Tuesday, 7 February 2017 at 10am

Before:

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

Counsel Assisting: Ms Gail Furness SC  
Mr Stephen Free
MS FURNESS: Your Honour and Commissioners, we have Dr Thomas Doyle giving evidence this morning.

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

<EXAMINATION BY MS FURNESS:

MS FURNESS: Your full name, Dr Doyle?

DR DOYLE: Good morning.

MS FURNESS: Would you tell us your full name?

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

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

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

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

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

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

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

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

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

MS FURNESS: What attracted you to the Dominicans?
DR DOYLE: At that time, by the way, I just want to say that the priesthood, back in the 1960s, was an honourable profession and it was one that a lot of us thought about. It had not been subjected to any significant criticism, at least that most of us knew about.

So I was attracted to the Dominicans because I was sort of thinking about becoming a priest and I had met some and I was very impressed with two things about them: one, they were very much down to earth and normal; and, two, they did a lot of college educational work, research work, and I was interested in that dimension. I wasn't too interested in being a parish priest.

MS FURNESS: You took your vows in 1968?

DR DOYLE: Final vows in 1968.

MS FURNESS: What did you do after that?

DR DOYLE: In a religious order, most of them, you take your vows during the course of your formation, but ordination, if you are going to be a priest, takes place separate from that. You have to have final vows, your solemn vows, in order to be ordained, so I went back and completed - actually, after 1968, I began my theological studies and, at the end of those, I was ordained a priest.

MS FURNESS: And the theological studies you undertook where?

DR DOYLE: I did my theology in Dubuque, Iowa. Our seminary of theology was in Dubuque, Iowa and that's where I did it.

MS FURNESS: You ultimately did a PhD in?

DR DOYLE: In canon law.

MS FURNESS: When was that?

DR DOYLE: I received my doctorate in 1978 from Catholic University of America.

MS FURNESS: As you know, doctor, we'll be dealing with canon law later and you will be joining us later for
a discussion on canon law.

DR DOYLE: Yes, ma'am, I do.

MS FURNESS: Thank you. You refer to, in 1981, being asked to serve as Secretary-Canonist at the Vatican Embassy in Washington DC.

DR DOYLE: Yes.

MS FURNESS: How did that come about?

DR DOYLE: I at the time was working for the Archdiocese of Chicago as a judge in their ecclesiastical tribunal, and I was called by my superior, the Dominican Provincial, who informed me that I would soon be receiving a telephone call from the Papal Nuncio's office asking me to go out for an interview, and he said, "If they offer you the job, take it." They did and I did.

MS FURNESS: What was the job?

DR DOYLE: The job was to work at the Papal Nunciature in Washington DC as a staff canonist, and my main duty was to manage the process whereby candidates for the office of bishop are investigated, whereby dioceses are created, bishops are changed, transferred or retired. I handled all of the administrative dimension of that.

MS FURNESS: What investigations did you do into potential bishops?

DR DOYLE: We would get the names of potential bishops. Let's say a bishop wants an auxiliary, an assistant, he would send us three possible names and then we would look in our own lists of candidates that were there, possible candidates, and we would send out questionnaires, confidential questionnaires, to about 20 or 25 people. Some names were provided by the bishop, others that we found, classmates, other people the candidates had worked under. They would all come back. These were very comprehensive questionnaires, several pages long, with maybe 40 or 50 questions.

At that time, Pope John Paul II was the Pope and there were several key questions that had to be answered affirmatively. One was complete adherence to the Church's
doctrine on sexual morality; complete adherence to the
Church's doctrine on marriage of priests, women priests and
homosexuality. If you didn't pass that, you didn't get any
further.

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

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

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

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

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

DR DOYLE: Yes, there were, and if something was mentioned
in the area of sexuality, we would generally try to verify
it to make sure that it wasn't a disgruntled somebody
writing in to do the guy in, and we would have to verify it with the bishop of the diocese that was requesting the auxiliary bishop, for example. If he said, "Well, I didn't know anything about that", and if it was nebulous, we would err on the side of caution and we would terminate that candidacy.

MS FURNESS: Was this process only for auxiliary bishops?

DR DOYLE: No, ma'am. The process was for anyone who was going to be consecrated a bishop. It was also done for bishops who were being promoted or changed from one diocese to another. The questions were slightly different if a man, let's say in Canberra, was going to be promoted to Sydney, the questions were somewhat different, but we still had to look at his suitability for what they called higher responsibilities in the Church.

MS FURNESS: Was the bishop from where the person came required to give something like a certificate of good standing?

DR DOYLE: Yes. In fact, the bishop who promoted, who put the man's name forward, would also put forward his curriculum vitae as well as a report on his suitability. So that would be - he's voting for this man and this is what we have, and then we would go from there.

MS FURNESS: That procedure wasn't set down in canon law, was it?

DR DOYLE: No, it's not. The only thing canon law does is say they have to be investigated and suitable. The guidelines we used were essentially guidelines we had received from the Congregation for Bishops in Rome. They were the ones - after our process was finished, it was all sent to the Congregation, and then they would do another investigation, and if they found something over there that we did not find, or if someone on the Congregation didn't happen to like the particular candidate, it would end there.

MS FURNESS: From your work internationally, are you able to help us with whether that form of investigation is done elsewhere or was done elsewhere?

DR DOYLE: Yes, ma'am. That type of investigation is done
throughout the world. There are some differences. For
most of the world, the process is worked through the
Congregation for Bishops.

MS FURNESS: In Rome?

DR DOYLE: In Rome. When they finish the process with the
candidates and they decide - always three candidates are
sent over, what they call a terna. If they decide, "The
first candidate is the one we're going to promote and
propose to the Pope", the Prefect of the Congregation meets
with the Pope once a week and generally he'd say, "I have
all these candidates for the office of bishop." And the
Pope, under John Paul and under Benedict, would maybe look
at a couple of them, sign off on a couple and then he'd
give a general approval of all the rest, because there is
no way he could have known them all.

MS FURNESS: The investigation was done locally prior to
it going to Rome?

DR DOYLE: Yes. Everything locally had to be completed,
synthesised, analysed and a report completed with the
Papal Nuncio's opinion. I would have to prepare why each
candidate was suitable for the office of bishop. If the
Nuncio liked what I prepared, he would sign off on it. If
he wanted changes, I would prepare changes. That went to
the Vatican.

MS FURNESS: So the material that you sent out to,
effectively, the referees was sent back to you. What did
you do with it?

DR DOYLE: The material from --

MS FURNESS: The surveys, the completed surveys.

DR DOYLE: The surveys. I would go through them and
I would --

MS FURNESS: But physically, where did you put them?

DR DOYLE: Where did I put them?

MS FURNESS: Yes.

DR DOYLE: Every candidate had his own file. The whole
bottom floor of the Nunciature was a huge archive and it
had files down there going back to the time of
Pope John XXIII. Everything before that had been taken to
Rome. So we put them there, and if the candidate never got
anywhere, if he was never promoted or if it wasn't the
right time, the files remained there.

MS FURNESS: Were the files covered by the pontifical
secret?

DR DOYLE: Yes, ma'am.

MS FURNESS: Did the files go to Rome?

DR DOYLE: Eventually they would go to Rome, generally
whenever Rome decided they wanted the files from that
particular Nunciature to go to Rome.

MS FURNESS: That was the work you were doing in 1985 when
you began that position?

DR DOYLE: I began there in 1981 and I was doing that
throughout. But the way it worked was that the staff
members did whatever the Nuncio wanted us to do. For
example, somebody would send him a book in the mail, and he
would give me the book and say, "Read the book and give me
a little report." "Okay."

MS FURNESS: When was it that you first came into touch
with victims or survivors of clergy sexual abuse?

DR DOYLE: My first contact with actual survivors was in
1985. That was not my first contact with the problem at
the Nunciature, but my first contact with survivors was in
Louisiana in 1985.

MS FURNESS: What was your contact with the Nuncio in
relation to sexual abuse of children?

DR DOYLE: My first contact with the issue at the
Nunciature involved two bishops. We were notified, in one
instance by law enforcement, that a bishop had been picked
up, a retired bishop, with a couple teenage boys, and
rather than go any further, the law enforcement agency
brought it to the Papal ambassador, who in turn called the
sitting bishop in the diocese where this retired bishop was
living, and he went and saw him and talked to him and
called us back and said, "Everything's fine", except that it wasn't fine because, a few months later, the same bishop got caught again, and this time the law enforcement agency said, "We'll cover this time, but there had better not be a third because then we're going to have to do something official."

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

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

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

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

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

DR DOYLE: No, none whatsoever.

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

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

MS FURNESS: Why not?

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

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

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

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

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

That word got back to the diocese and they decided, "Maybe we should do something." So they pulled Father Gotay offline and sent him to a place called the...
House of Affirmation. At that point, the diocese entered into - they were approached - they knew. There were, I believe, nine families that had been after them constantly. They entered into an agreement with these nine families that involved total confidentiality on their part and a payment of approximately $300,000 per family on the part of the diocese. Now, this was the first time that I know of that something like that happened.

MS FURNESS: That was an awful lot of money then.

DR DOYLE: It was a lot of money at that time, but there was a lot at stake at that time and they realised it.

One of the families, however - let me backtrack. When that happened, the Vicar General of the diocese wrote a letter to the Papal Nuncio and he explained, "We have entered into an agreement with these families because this priest had done inappropriate things with their children, and it's all taken care of. Don't worry about a thing."

So the Papal Nuncio read the letter at our staff meeting, gave it to me and said, "Prepare a response and put it in a file", which I dutifully did. Two days later, we received another letter from the same Vicar General, who said, in a sense, "Never mind, because one of the families has pulled out of the agreement. They have engaged the services of a very brilliant, a very aggressive anti-Catholic lawyer." The man was an anti-Catholic lawyer because he had been excommunicated by a former bishop for representing divorced people in divorce cases.

So he was with this family and they were going to sue the diocese. They named in the suit the diocese, the bishop, the Vicar General, the priest, the pastor, the Papal Nuncio and the Pope. When that happened, of course, it was public knowledge all of a sudden. The district attorney in the area, which would be, I think, the equivalent of a Crown attorney here maybe, realised that these events were, many of them - all of them, within statute of limitations and he had to file criminal charges against the priest. That's when the media got involved.

The media - unlike in the past where anything involving a priest of this nature was buried at the bottom of column 6 on the women's page, this time it was different. It was on the front page, with pictures, and it
went viral. There was a picture of this priest in his gaol cell that was in Newsweek magazine, so it was worldwide.
That actually began - that's how I got started.

I was in charge of handling the case, preparing documentation, keeping my boss informed as to what was going on, because the Nuncio was blown away. He didn't know what this was - he knew what it was about, but he was just stunned when he found out that these people were going to sue the Catholic Church and that the media was pointing at the bishops and blaming them.

MS FURNESS: What were your riding instructions when you were handling the case?

DR DOYLE: My instructions were simply to prepare information for the letters that had to be signed by the Apostolic Nuncio to the bishop and the diocese. One of the things I did was I realised that they needed some professional help dealing with the accused priest, so I connected the bishop up with a man named Father Michael Peterson, who was also a psychiatrist, who had founded a place called St Luke Institute, which was and still is a health care facility for priests dealing with substance abuse issues and psychosexual issues.

Peterson went and interviewed the man, tested him and wanted to find out what was going on. He said, "We've got to bring him up to my place and give him a full battery of tests for about a week, and then he's got to go back into a lock-down situation." In fact, by then, they had him in gaol.

MS FURNESS: Were his faculties taken from him?

DR DOYLE: His faculties were taken from him. To my knowledge, he has not yet been officially laicised.

MS FURNESS: Do you know why not?

DR DOYLE: I don't know.

MS FURNESS: He was ultimately convicted and gaoled?

DR DOYLE: He was ultimately convicted. He was sentenced to 20 years and he got out after 10. He moved to a small house in East Texas, next door to a woman who had
a three-year-old son, and he was picked up for sexually
abusing the three-year-old son and thrown in gaol. He was
in gaol for about a year, but the woman didn't want to go
forward because she didn't want to get on the stand and she
didn't want her child exposed.

So he got out of gaol for a while. Then he was picked
up again for failure to report because he was on a sexual
registry. To my knowledge, now, he has two types of cancer
and he is living alone in a small house near Houston,
Texas.

MS FURNESS: Did the Church continue to support him
financially after he got out of gaol the first time?

DR DOYLE: I think they did for a while.

MS FURNESS: Did they take any responsibility for
supervising him?

DR DOYLE: No.

MS FURNESS: Is that something the Church does now?

DR DOYLE: Well, they say they do, but the supervision,
from my experience - now, let me just backtrack and say
I've been involved directly with this issue for 33 years.
I've been involved in actual cases in a number of ways
throughout the United States and in several other
countries, so I've seen the promises that, "Father will be
under strict supervision. He will have three men who will
be his support team." Sometimes that is actually done.
I know of a few cases where it actually is done the right
way. But for the most part, oftentimes you find that the
men on the support team don't even know they're there, and
this all comes out when the man reoffends. So in general,
I think you cannot presume that the supervision will be
done in a competent, effective manner.

MS FURNESS: Just coming back to the role of the Nuncio,
was his role in relation to liaising in some way with Rome
or was it more of a local role?

DR DOYLE: His role was liaising with Rome. He functioned
as a regular ambassador. He had really no actual authority
in his office, only what might have been given to him, so
it was mostly liaising with Rome, which he did
significantly as we went through this.

I was tasked to prepare a report that he would sign and send to the Pope in February 1985.

MS FURNESS: Just let me stop you there for a moment. So you understood the purpose of your work was to inform the Nuncio, who in turn would inform Rome?

DR DOYLE: My job - that's exactly right. Inform the Nuncio; liaise with the dioceses; see what they were doing; and keep a file, a record, of everything.

MS FURNESS: When you say "liaise with the dioceses", did it involve any oversight or any discretion as to recommendations you might make to them?

DR DOYLE: What I did was connect them with this Father Peterson, and he was making recommendations as to what they were going to do, the disposition of the priest.

But another factor came into play in very early January 1985. The attorney who the diocese had hired to defend the priest on the criminal charges called Father Peterson, the psychiatrist, whom he had been liaising with, and he said, "I need to talk to this guy, Doyle, at the Vatican Embassy. It is very important."

So he flew up from Louisiana and on a freezing January morning sat down with me in my office. I had never met him before. He was very direct, and he always called me by my last name, never "Father", never "Tom". Now he calls me "Tom" once in a while. But he said, "Doyle, I want to tell you something" - I'm going to pretty much quote him. He said, "We've got this one guy, Gotay, down there under wraps, but the diocese is hiding about six others that are still roaming around and preying on children. Now, I'm worried about that for two reasons: One, I have three kids at home; and, two, I'm not going to be able to construct a decent defence if this is going on and the jury finds out about it."

What he wanted to do with Gotay, the priest, was work out a deal with the court whereby he would be in custody, he would be locked down, but at a special confinement centre in southern Maryland that dealt only with sexual offenders where they were actually studied by the Sexual
Disorders Clinic at Johns Hopkins University. That's what he wanted to have done. He wasn't trying to get him off the hook, because everybody knew the guy did it.

MS FURNESS: But why did he come to you? What power did you have in that area?

DR DOYLE: He knew I worked for the Vatican Embassy and he wanted me to go to my boss, the Papal Nuncio, and tell him that this was going on, that those other men were down there and that they knew about them, the Church knew about them. So I did.

The Papal Nuncio, in the little meeting we had - Father Peterson, the psychiatrist, was in on the meeting. It all happened within 24 hours. We told him what the information was that we had, and he called the bishop up and he called the Archbishop of New Orleans and said, "I want the two of you up here within five days to meet with Father Doyle and Father Peterson to sort this out."

So the two of them came up with their lawyers, and we confronted them with the fact that we knew about these people. They didn't know how we knew, and we told them, "It doesn't matter how we know. We know. Something needs to be done right now." The deal was that they would go back and inform - the bishop said they would take them offline; they would pull them in.

We were too busy dealing with the one case to get --

MS FURNESS: The bishop said that they would take them offline - that is, the six or so priests they knew about?

DR DOYLE: Yes, the ones they knew about, that we informed them about. The bishop and the Vicar General knew about all of them - that they would take them out of ministry and put them on hold somewhere while they sorted out what they were going to do.

Keep in mind, this was 1985. Up to that point, this had been going on all over the place, all over the United States, but it was done in a deeply secretive manner. Nobody found out. These men were transferred somewhere else under the cloak of secrecy, and if they were discovered again, they were transferred again.
MS FURNESS: So you prepared a report in 1985?

DR DOYLE: Yes. I suggested to the Papal Nuncio that we ask the Holy See to allow us to send a bishop down there to sort this out, to make an investigation, to find out what's going on, because I've only given you a little bit of the chaos that was going on. I mean, there were prominent laypeople involved trying to defend the Church. They were threatening to burn down the newspaper and the TV stations because they were publicising this. It was a mess.

So he agreed, but he said, "We have to get the permission of the Pope, and that could take a while, so we'll short-circuit this." He said, "You prepare me a report in detail and we will get it to the Pope as quickly as we can." So I did about a 42-page or 44-page detailed graphic report, names, dates, places, what the guy actually did, from the reports from the psychologists. The Nuncio signed it without making a single change.

MS FURNESS: This is the one fellow now you are talking about?

DR DOYLE: The one man. But we also mentioned that there were six others down there floating around and that we also, by January, had heard information from two other dioceses where it was bubbling to the surface because of the publicity. So all of that went in there, in other words, basically saying, "There are credible reports of priests sexually abusing children right now, February 1985, from at least four dioceses in this country."

The report was sent by courier to the Cardinal Archbishop of Philadelphia, Cardinal Krol, who took it the next day to the Vatican, when he flew over. He gave it to the Pope and wired back that the Pope did read it, and the appointment of the bishop was made within three days.

MS FURNESS: So the bishop was appointed from within the United States?

DR DOYLE: Yes. His name was AJ Quinn. To cut to the chase on him, he turned out to be part of the problem and not part of the solution, because he was trying to figure out how they were going to continue with the cover-up.
MS FURNESS: How was he chosen?

DR DOYLE: Pardon, ma'am?

MS FURNESS: How was he chosen?

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

MS FURNESS: That was important?

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

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

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

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

Well, in the process, we received another report from an attorney down there, who said, "I'm representing Mrs So-and-so and I want you to know that we're going to file a suit because Father Albert" - I forget his last name - "had sexually abused all five daughters in her family, and she wants you to know that she's not going to the bishop or to the Church. She's going directly to the court." This was 1985.
So what they did with him - they told him to pack his bags and go to Holland because we don't have an extradition treaty with Holland. You can't make this stuff up. It sounds bizarre, I know. It may sound somewhat humorous, and I have to admit that one of the only ways I could cope with this through the years is find some humour. Otherwise I would have gone totally mad.

MS FURNESS: So the work you were involved in broadened after these events?

DR DOYLE: Yes. It broadened fairly quickly because of the publicity. What we learned was that the secular papers were now putting this in a prominent place. It was on TV in the secular papers. It wasn't being covered up.

So in many instances, families where parents had heard these things from their children, where their children would try to explain what Father had done, where they didn't believe them or didn't want to make a report - they were coming forward. I believe it was by June of that year we thought we had a huge number of reports, and it was about 42. Some would report directly to us. Some would report to a bishop, who then would call us and want to know what to do.

MS FURNESS: It seems unusual, doctor, that the Papal Nuncio's office, and you in particular, attracted all of these reports.

DR DOYLE: Unlike probably other embassies, in the United States people write to the Papal Nuncio for a lot of things. If the priest on Sunday doesn't say the right kind of sermon or does something a little off kilter, they write to the Papal Nuncio.

MS FURNESS: Is it because there was the perception that, indeed, the Papal Nuncio had a supervisory role over bishops and priests in the States?

DR DOYLE: I think the perception was that it would get to the Pope. Many people thought that the Pope would be interested in their report. Not everybody reported to the Nunciature. Many of these came from other bishops, who would then report in. It attracted a tremendous amount of interest from the American bishops because of the
publicity. They were all talking about it; they were all worried about it.

MS FURNESS: They would have been worried from an asset protection point of view, wouldn't they?

DR DOYLE: That played into it significantly. Many of them, I must say, that I talked to - because they knew I was the canonist there, so they called me for a lot of things, and that was one of them - said, "We've heard that this existed, but we don't know what to do." The ones that did know what to do - namely, cover it up and move them from one place to another - didn't call to ask.

I also found out at that time that some of the bishops, in my opinion, sincerely wanted to do the right thing. The blockage in the United States didn't come from the body of bishops. And remember, we have approximately 350 bishops in the United States. It came from the National Conference of Catholic Bishops General Secretariat, their administrative body at the top. They are the ones that didn't want anything to happen, and so they did the blocking.

MS FURNESS: So you had, I think you said, 43 or 44 or 42 reports?

DR DOYLE: That's right.

MS FURNESS: You thought that was large at the time?

DR DOYLE: At the time, we thought it was large.

MS FURNESS: Did they continue to come to you?

DR DOYLE: They did continue to be - we continued to be made aware because sometimes the people - we would find out about it through the media, sometimes through other bishops. Sometimes other priests would write, that kind of thing. It was a different - there were a number of them. We weren't dealing with individual cases.

What my two colleagues and I did, though, as a result of this - I mean, I was spending a significant amount of time every day on this. We decided that we would like to prepare some sort of a manual for the bishops so that they would have something to look at because this was new for us...
and it was probably new for them. So we did. In preparing this, because I was dealing with bishops all the time, I consulted with several ones that I trusted and that I knew and that I liked.

MS FURNESS: Not Bishop Quinn, I take it?

DR DOYLE: No, Quinn I didn't. I consulted with a man who was a friend of mine - two men who were friends of mine at the time, whom I knew before they were bishops. One was Cardinal Law - he was a bishop at the time - and the other was Bishop Tony Bevilacqua, who eventually became the Archbishop of Philadelphia. They said, "Set this thing up in a question and answer format." So we did. It had sections on civil law, criminal law, insurance, pastoral care, canon law and the medical part. It had attached to it several articles that Father Peterson had selected on what paedophilia is, its incurability, the effect on the victims and the kinds of treatment modalities that are used. This came out to be a grand total of about 140 pages.

We finished it up. It was like a free-will offering, I guess, if you'd call it that. My boss, the Nuncio, was very much in favour of the endeavour. All we wanted to do was give it to the National Conference of Bishops and ask them to circulate it among the bishops so they would have something to use.

MS FURNESS: Did you get the approval of Rome to prepare it and then circulate it?

DR DOYLE: No, I got the approval of the Papal Nuncio. That's all we needed. It was not an official document; it was a pastoral aide, as they called it.

Well, the National Conference of Bishops didn't want it. They made both public and private statements that everything in it they were aware of; they knew everything that was in it, and so they didn't want to - they didn't see any need to have it.

In any event, the three of us were very disappointed. We had meetings, a couple of meetings, with some high-ranking bishops to discuss disseminating this and where to go from there, and that all stopped because we were told, "It's not going anywhere, so you may as well
forget about it."

But at our expense, we did have copies made of that document and sent to every bishop in the United States, and we did that on December 8, 1985. Some of them used it. Some just put it in the trash, I guess. I don't know.

MS FURNESS: Was it around this time that you started dealing with victims and their families?

DR DOYLE: Yes, it was. There weren't too many, but I met - up to that time, dealing with it was a serious - I knew it was a serious problem, but the victims were pieces of paper that I read. I read the descriptions, and they were pretty disturbing.

But then I met a 10-year-old boy with his family, and when I looked into his face - I still see it - it was empty. That moment changed my life. The parents were simple, good, decent people who could not comprehend why they were being treated the way they were by the Church. They couldn't understand why this man had been shifted from one place to another and nothing was done.

I had no answers - I couldn't. But that was the first of - I can't count the number of victims I've met. The youngest was that boy, who was, I think, 10 or 11 at the time. The oldest was a woman who at the time was 91, who had waited until she was 88 or 89 to disclose what had happened to her when she was 12. What prompted her to disclose was when her own daughter, at the age of 60, disclosed what had happened to her. The woman told me that because of what had happened to her, she never was able - she had had three husbands - to have a decent relationship. She said, "I could never get rid of the anger or the shame or the guilt, and now because of what happened to my daughter, and it's out in the public, I feel I can talk about this."

MS FURNESS: So if she was 91 when you spoke to her, the abuse happened in the late 1800s, early 1900s?

DR DOYLE: This woman's abuse happened - well, I met her when I was stationed in Germany, so this would have been 2001 or 2002. I don't remember exactly when it happened, but I did listen to her for the longest time, and she just unloaded. I didn't want to question, discuss, parse it.
Just listening was painful enough for both of us.

MS FURNESS: In what capacity were you talking to these people?

DR DOYLE: I was talking to them only in the capacity of someone who was interested in helping them. I had no official mandate from anyone. I felt that I was an active priest at the time, that that's what I should be doing, is reaching out as a pastor.

MS FURNESS: From that time on, you spoke to thousands of survivors and their families?

DR DOYLE: Yes. I still have contact. But since then, I've met them individually, in groups, contacted by phone. Many of them don't want to tell me who they are or didn't want to tell me who they were, but they wanted to talk. I was the only priest in the United States who was prominent, who was known to have stood up to the system, which is why I was exited out of the embassy in 1986.

MS FURNESS: When you say you were "exited", you were sacked?

DR DOYLE: I was sacked. They do it in a very gentle fashion.

MS FURNESS: I'm sure they do.

DR DOYLE: I was told that my room, my office and my bedroom, was going to be needed by another man who was coming. Well, I figured that out pretty quickly. I wasn't born yesterday, so - yes.

MS FURNESS: Had you achieved a public profile by that time?

DR DOYLE: I didn't - I was never looking for anything like that. I did achieve somewhat of a profile because when this document that we had prepared - when the media got a hold of it, my name was on it. So they were calling me and they were calling the other two, the lawyer and the priest psychiatrist.

MS FURNESS: But you prepared that report with the approval of the Nuncio?
DR DOYLE: That's right.

MS FURNESS: Was he the one who sacked you?

DR DOYLE: I think they decided that there was too much heat and too much attention being given to this issue and that it would be better to let it sort of - I was told several times, "We don't air our dirty laundry. We take care of our problems in-house." I didn't want to do that.

MS FURNESS: Who is the "they" you are referring to?

DR DOYLE: The other members of the staff. The Nuncio told me that if I wanted to have a career, I had best change my interests elsewhere than that particular problem.

MS FURNESS: Where did you go after you were exited?

DR DOYLE: I went to work for the military, what at that time was called the military vicariate - the diocese for the military in the United States. I was with them for about three years, but in 1986 I enlisted in the United States Air Force.

MS FURNESS: Did you do some work there in relation to people with addiction?

DR DOYLE: Yes, I was a chaplain, and after I was certified as an addictions therapist, which was in 2000, then I did addiction work as well.

I will say, if it's okay, I'm a recovering alcoholic. I have 25 years of sobriety. I was trained as a therapist and am licensed and I'm approved, I guess. That work, or that reality, was something I've exchanged and shared with a lot of the victims, and it has helped me more than anything to have a rapport with some of these people.

MS FURNESS: What did you learn, doctor, after talking to those thousands of people over the years? What did you learn from them?

DR DOYLE: From the victims, a couple of things - many things, but there is unanimity about one, which is the profound spiritual damage that is done to victims who are from devout Catholic families and who are sexually violated
by a Catholic priest. I will say that one of the massive
holes in the Roman Catholic Church’s approach to this
issue, still today, is a failure to completely comprehend
the depth of the spiritual damage that is done to the
victims, to their families, especially their parents, to
their friends and to the community itself. There seems to
be no ability to even ask the proper questions.

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

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

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

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

DR DOYLE: That's right.

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

DR DOYLE: That's right.

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

DR DOYLE: That's correct.

MS FURNESS: When was this?
DR DOYLE: I think it took place about two and a half years ago, three years ago, perhaps. It was not long after they started up and got organised.

MS FURNESS: What were you to do as a consultant?

DR DOYLE: Well, the first thing I did, I met with a number of them in London, and they said, "We're going to give you two days, and all we want to hear is everything you know about this", which I did.

MS FURNESS: Only in two days?

DR DOYLE: Only in two days. Well, actually, we went over two, but I had to pick and choose, obviously, so I gave them what I thought were the key issues that they should know about this.

The Commission is focused on the care and protection of minors - present and future protection of minors. What I told them, I said, "I'm going to give you the conclusion flat out, right now, before we do our two days." And if it's okay, I will do it here; I will tell you what it is.

MS FURNESS: Certainly.

DR DOYLE: I said that the key issue is not the protection of minors today and tomorrow. The issue today for the Church is the pastoral care and the support and the love of the hundreds of thousands of men and women who they have violated spiritually and physically over the years. The victims have to be taken care of.

If there is one hole in all of the processes, the procedures and the protocols that have been issued from the top down, it is proper care of the victims. Over the number of protocols and reports that I've read, promoted and created by different Church entities, one of the things that I see hardly ever mentioned is something comprehensive about caring for the victims. It is not enough to say, "Give them money to go to psychologists."

MS FURNESS: What was the response to that?

DR DOYLE: They agreed. The people that were there, the laypeople, agreed. There were two survivors on the panel, and they said that was the main goal, was to convince the
Holy See and convince the panel, the Commission, that this
is what is really important. Protecting children certainly
is. That is doable. That we can do. We can set up all
kinds of protocols. We can make sure they happen. We can
fire bishops and priests if they don't make them happen.
But what they don't know how to do, and what they didn't
know how to do, was face the men and women who have already
been harmed and deal with their anger, with their shame,
with their guilt, with their disappointment.

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

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

DR DOYLE: On the part of the Commission?

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

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

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

So I don't know if they took my advice. I do know
that in the time they have been in existence, I think the
most productive thing they have done was convince the Pope
to create a law that made it against the law for bishops to
be complicit or negligent in covering up those who sexually
abuse children. Whether that will ever be applied in the
canonical system is one question, but where it is very
helpful is in the civil courts, because now there is an
official statement that, "What we have been saying all
along is wrong. Now the Pope says it's wrong, namely,
covering up and lying and being complicit with abusive
bishops, enabling it to happen."

MS FURNESS: There was talk of a tribunal in relation to
bishops?

DR DOYLE: That got scuttled. At first, you know, I would
say in the first half hour, that sounded like a good idea,
but actually all it was was another layer of bureaucracy
that would allow them to prolong any accountability even
further. And nobody - there was no - they just said,
"There's going to be a tribunal", but there were no norms,
o no explanation, nothing, nothing about it. So it sunk.

MS FURNESS: There is something that is set up,
presumably, in its place?

DR DOYLE: Nothing was set up in its place because the
Pope doesn't need a tribunal to fire a bishop. All he
needs is for somebody to give him the information. And he
has done it. This Pope has done it. He has done what
hasn't been done in history. He has actually laicised
three or four bishops and made them go through the
canonical process.

MS FURNESS: The structure I thought that was established
after the tribunal was, as you say, scuttled was related to
misconducting priests, wasn't it?

DR DOYLE: The structure that they developed was basically
dealing with - the Holy See changed some of the laws
dealing with the priests, the offending priests, but across
the board, the main focus has to be on why they did what
they did and why they were allowed to do what they did and
why they were allowed to continue to do what they did.

You mentioned Janis Joplin yesterday. The John Jay
study - if I can divert into that just for a second?

MS FURNESS: Yes, certainly.

DR DOYLE: When that came out, the second version of it -
the first one was valuable; it was somewhat like what you
produced yesterday, statistics. The second one was titled
Causes and Contexts, and the hope was that this one was going to get into why this has happened.

I was asked to go meet with them for three days, which I did. I gave them the best pitch I could as to the foundational structural problems that influence how and why bishops and other superiors do what they do in relation to sexual abuse.

When the report came out, they dealt not at all with the structural issues or reasons. They dealt with, I would say, relational issues, circumstantial issues in the sociocultural environment. They said that a lot of these abuse reports came from the 1960s and 1970s, so it must have been, you know, the acid rock and the sexual revolution. So if you listened to Janis Joplin, you went out and violated a kid.

But then our questions - my colleagues and I said they missed a major, major source of data, which is the data that comes from the court actions. Now, what do you do about all the priests that violated the kids in the 1940s and the 1950s? Are you going to nail Benny Goodman? Seriously. I mean, that's how shallow that report was, and it was roundly criticised.

MS FURNESS: Why was that report so shallow in that respect, do you think?

DR DOYLE: Because the bishops didn't want them to get into it. They were telling them what to look at. They were reporting in every six weeks. They didn't have freedom to do what they wanted to do. They were sociologists, so they would have needed theologians and canon lawyers to help them really look at the structure of the Church, the meaning, and sociologists that were experts in the clerical culture. But they didn't have any. John Jay College is a college for criminal justice.

MS FURNESS: Just coming back to the 1960s, it has been said by a number of Church leaders that that, as you say, was the catalyst for a lot of sexual abuse. From the work you have done, particularly on the history, that's just not the case, is it?

DR DOYLE: Absolutely not. I think that's an excuse. It's not a reason. It's a way to deflect from the core
Two other gentleman and I published a book, and you mentioned one the other day, one of the gentlemen up here, Richard Sipe, who is probably the world's foremost authority on clerical celibacy. Anyway, we published a book in 2006 called Sex, Priests and Secret Codes. That was based on a huge report that I had done on prior notice. I thought I would take a look at prior notice up to the maybe 1940s or 1950s, but I used my skills - I specialised in medieval law, so I used my skills and I just kept digging, and the bottom of the hole I dug into went back as far as 309 AD.

Since that time, I've done considerable research, as has Kieran Tapsell, who will also be on deck later, into this issue to trace the Church's own documentation. The paper trail, so to speak, is from official documents from the Catholic Church, and the first one we could find dates from the year approximately 98 AD. It was a teaching document called the Didache, or the teaching of the twelve apostles, which was found in the late - mid-19th century as a scroll somewhere. Anyway, it was a document that was used by the infant church, which was not an organised church at all; it was people gathering in homes.

But they had a moral code, and the second chapter said two things: one, "Men shall not engage in sex with young boys"; and, two, "Nobody shall engage in illicit sex with anybody else", mainly males. Now, there were no clerics at the time. There was the leader of the community, who was probably at that time called a bishop. I'm not sure if the concept of priesthood came into it then or not. Anyway, the point was that in the Graeco-Roman culture that allowed that type of behaviour, they were saying, "You cannot do this." So that was 98.

309 was the first actual Council of Catholic Bishops in southern Spain that enacted laws. They were called canons. The reason canon law is called "canon law" is from a Greek word "kanon" - it begins with what we call a "K" - which means a rule or a straight line. They enacted 81 canons at this meeting, and the majority of them dealt with sexual issues, including making it a canon, against the canon law, to engage in sex with minor boys, and those who did engage in sex with minor boys were denied communion even on their death bed.
There was another canon that said that clerics, including priests and bishops and deacons - or deacons, priests and bishops - were forbidden to have illicit sex with women or boys, and, if they did, they were denied communion on their death bed. Pretty severe.

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

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

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

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

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

MS FURNESS: Has it changed?

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

Now, there is no inconsistency there, unfortunately,
but there are protocols that they have to report offenders to civil authorities. There has been a tremendous amount of push-back against that by a lot of the people in the Vatican. Nevertheless, it is a major topic of conversation and something that has been, simply put, legislated: you have to do this.

MS FURNESS: When you say there are protocols that they have to report offenders to civil authorities, is that only where there is a law, a secular law, in the jurisdiction requiring them to do that?

DR DOYLE: No. I think the latest Vatican document, which goes back to 2010, said that they have to report it to civil authorities, I think. I can double-check it. When we get to canon law, I will talk about that. But the Vatican - when the Irish bishops sent their protocol over and when the Americans sent theirs over, both of them said "mandatory reporting to civil authorities" and they were sent back for correction, and they were sent back because their primary concern was the priests, due process for the accused priests, and they did not want that included in those protocols.

MS FURNESS: As you say, that issue will be dealt with later. Just coming to the causal factors as you see them, doctor, where would you like to start?

DR DOYLE: Let me look at my notes just for a second, if I may. It will only take a sec.

MS FURNESS: Certainly.

DR DOYLE: The causes. I believe the causes of why men sexually violate children - if they're children, they're paedophiles. That's a psychosexual disorder and that's not my competence to discuss, as you know.

The majority sexually involve themselves with young adolescent boys or girls. That can come from a variety of issues. But my concern throughout has not been that. I have been concerned about the effect of the clerical culture in - I don't want to use the word "support", but enabling this, but my main concern has been the institutional systemic causes: why this has happened; why it has been covered up; why it has been lied about; why the victims have, in many instances, been turned into the
enemy; why, when the victims enter into the civil courts, they are pounded into the ground by the Church's attorneys, in many instances. You had a classic example of that right here in Australia with the John Ellis case.

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

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

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

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

So you have the great reverence toward this structure, and this must be protected at all costs, because if it
goes, our way to ensure salvation goes.

Now, attached to that are all the things to keep that structure going, which are sociocultural deference, respect of the community, and assets, commonly known as the patrimony - that's the money of the Church. So the protection of this entity is of all-embracing importance. That means the bishops themselves must be protected at all costs and must be protected from embarrassment, from being lowered in the esteem of the community. Because if these things happen, the Church itself, as a way to salvation, will be seriously tainted and lose its ability.

MS FURNESS: What you have said there, doctor, goes to the response of the institution to the incidents of child sexual assaults being made public.

DR DOYLE: Exactly. The response - what I've noticed over my years of every other investigation that has been done into this, and by "every other" I mean every other, including some done by Church authorities - one of the main causal factors has been the prioritising of the image, the power, the authority of the institutional Church and the bishops over the welfare of the victims.

MS FURNESS: So in addition to that being part of the institutional response, how does that affect the fact of clergy and religious sexually abusing children?

DR DOYLE: That affects the fact of clergy and religious, those who sexually abuse children in this way: when they are reported, we have to keep it secret because if we don't keep it secret it will become known and it will cause an embarrassment. So that was the motivation over the years.

Now, I find it interesting - I read in the statement from the Truth, Justice and Healing Council yesterday a number of pages explaining about how society wasn't aware of what sexual abuse was back in the 1940s - that whole argument. I've seen that many, many times. My response is: well, if they didn't know how serious it was, if they didn't know it was a problem, why has the Church buried it in mountains of secrecy for so long and banished anybody who brought it forward publicly - if it's not that important, if nobody knew what it was, if it wasn't that serious?
So it has also affected the victims because once they are encountered with, say, by Church authorities, they are enjoined in any way possible from ever going forward to lawyers, to the media, to making this known. The means that have been used have been soft, trying to convince them, "You wouldn't want to hurt the Church", "You wouldn't want to hurt the bishop". "No, I wouldn't want to". "You are very devout?" "Yes." "Okay, so let's just keep this quiet. We will take care of it" - which has never happened - up to and including, "If you go forward, you will be excommunicated".

So the point is, the stature, the image, the power is far more important than the welfare of the victim. And in the theology that I believe in, there is no office in the Catholic Church or anywhere else that is so important that it justifies sacrificing the welfare of one innocent child. Period.

MS FURNESS: How is it that that structure creates an environment or a context which allows, permits, doesn't prevent, religious and priests sexually abusing children?

DR DOYLE: Let me see if I understand your question: how does that structure create a context whereby it allows men to abuse children?

MS FURNESS: What you have just said to us, doctor, is one of the factors in how the Church responds and why the Church responds to allegations. What I'm asking you is whether or not those factors also have a role to play in why priests and religious sexually abuse children?

DR DOYLE: Yes, they do. I believe they do for a number of reasons, but I will give you the ones that I think are the two main ones. That concept of the Church as a sociocultural reality in our life, as being all important, is grounded on the clerical subculture. Yesterday I believe someone talked about clericalism and gave a definition of it. It is a virus that has infected the Church, or any church, whereby it is believed that the churchmen, the priests, the bishops, are in some form or way sacred and above ordinary people, and because of this sacredness, because of their importance, they must be held as more important and protected more.
So it enabled the priests, many of them, in doing this, because they felt that they would be protected. They used this stature, this belief on the part of people that they were higher beings, oftentimes, to seduce, to groom the victims, to lead them in. The victims didn't know what they were getting into. They had no idea. I can't tell you how many have said, "I thought it was a tremendous honour that he was picking me out, because he's a priest. He's on a pedestal. He's higher than others." And he's on that pedestal because this concept of the institutional Church has built that pedestal for him. So he's up there. And it's easier - the seduction, the grooming takes place and the priest can use that to control the victim, to scare the victim: "Don't you tell anyone about this or God will be angry." Many victims that I've talked to are totally, completely confused through all of this, because they are taught anything sexual is a mortal sin. "Priests don't do sex, priests don't do sin. He did this to me. It must be my fault. Why did he do it?"

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

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

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

DR DOYLE: Without going into it in depth, my view is that it is directly affected. I do agree with those who say
it's hard to stretch it that just because a man has assumed mandatory celibacy, because he can't have a sexual outlet with age-appropriate people, he's going to turn to children. I don't agree with that. But I do agree that the grounding for celibacy, the training, the nurturing and the formation for celibacy has prevented men from maturing sexually, emotionally, psychologically in many ways, so that, as one priest psychologist said, what we have out there is the best-educated group of 14-year-olds in the country.

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

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

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

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

So a lot of the individuals, a lot of clerics, have a very stultified comprehension of human sexuality, and
that plays in when they are unable to comprehend the damage that the sexual violation of a boy or a girl does to an individual; when they are unable to comprehend the damage that rape does to an adult woman or what happens to a child.

When the leadership - the bishops - say, "Well, father was passed by two psychiatrists, we're going to let him back in ministry" - when all they can see is that he has passed, they don't comprehend what has happened to those victims, that's never going to go away. It is never going to go away. That's soul murder, and sometimes those murdered souls stay dead.

MS FURNESS: On that note, your Honour, is that a convenient time?

THE CHAIR: We will take the morning adjournment.

SHORT ADJOURNMENT

MS FURNESS: Dr Doyle, before the break you were speaking about celibacy - mandatory celibacy and the way in which that may have had a relationship to what had happened. You referred, I think, to "so-called celibacy". What did you mean by that?

DR DOYLE: What I meant by that is that the concept of mandatory celibacy is in fact not practised universally and consistently by Catholic priests, probably throughout. It's fairly well known that in many of the Latin American countries, South American countries, African countries, priests have concubines or whatever - I'm trying to look for a respectable term to describe the woman, but they have them and they are accepted in the community and in the society. But the fact is, as one of the gentlemen cited Dr Sipe yesterday, his statistics still are solid and believable, and one of his conclusions is that less than 50 per cent, at any given time, of priests are actually practising celibacy. Some involved in long-term, stable relationships; some short-term relationships; and then a certain percentage with children or young adolescents.

THE CHAIR: Doctor, that somewhat challenges the integrity of the Church's public message?

DR DOYLE: Yes, it does, and that's exactly what the
problem is, sir. There is a hypocritical dimension of that where the Church will say 98.9 per cent of priests are practising celibacy, where the data from surveys, from the courts, from therapists who are actually dealing one-on-one with the priests, says something quite different.

THE CHAIR: From your experience inside the Church, how does the Church from within, those who are ordained, deal with that contradiction?

DR DOYLE: How does it deal with it? Sir, it deals with it - when it is confronted with that information, there will be a defensive response, "Well, there is only a few and they really don't understand it and they need help", or, at a local level, let's say a rectory or a presbytery, as I believe you call them here, or monastery, if you know that there are men - sometimes they are just ignored; it's just ignored by the other priests in the house. Sometimes the superior will seek them out and talk to them and tell them to terminate the relationship, but in many instances it's tolerated, it's known, but it's kept secret - somewhat secret.

The response of the institutional Church from the top down has been defensive and we are continually told that celibacy is of the essence of the priesthood, which it is not, because there are a lot of Catholic priests that are officially married men. All the eastern rites, 84 per cent, are married men, and in several countries the Church is accepting former Anglican and other non-Catholic denominations, ministers and priests, re-ordaining them and then they go into ministry, full ministry, with their children and their wives.

THE CHAIR: Can you explain, in these circumstances, why it is, then, that the Church continues to proclaim celibacy for its priests?

DR DOYLE: Sir, I can only give you my opinion, which is shared by others. There are a lot of spiritual excuses surrounding celibacy, that if you are celibate, for example, you are totally dedicated to the ministry, you have no distracting issues such as your wife and your children.

I was a military chaplain for many, many years, and I rubbed shoulders all the time with married Protestant
chaplains. I never met one that I thought was in any
manner, way, shape or form less dedicated, less unselfish -
in fact, most of them were more unselfish than I could ever
dream of being. So that argument falls flat, I think.

The justification is generally given in spiritual
terms and it's all based on the teaching of human
sexuality, that if you don't have sex you are a better
person, a higher person than those who do. Frigidity is
a higher calling. That doesn't say much about all the
people who aren't that are married, but that's the official
teaching.

So those are some of the defences. But there is
another layer that is not openly discussed and that's the
fact that the celibacy issue creates a power link between
the superiors and the priests, a controlling link that you
have there. It also creates a mystique about the priests,
as I mentioned earlier, that we have some sort of extra
power, something about us because we are able to live in a
celbate life, we are set apart, we are over there. So
those are some of the issues that come, that surround it.

Now, historically, one of the reasons that celibacy
was a positive issue was because when the priests, the
married priests, died, their property would go to their
oldest son. So money talks, and if you eliminate the
possibility of an oldest son, it will divert to the Church.
There is a lot of historical evidence that verifies that.

COMMISSIONER MURRAY: Going beyond the contradiction and
back to the integrity issue, Dr Doyle, celibacy is a vow,
is it not?

DR DOYLE: Celibacy for diocesan priests is a promise.
There is a technical difference in canon law. But
essentially, the end result is the same: the diocesan
priest assumes mandatory celibacy when he is ordained
a deacon.

COMMISSIONER MURRAY: Are you familiar with the "broken
windows" concept?

DR DOYLE: I'm not, I'm sorry. I probably should be if
you have mentioned it.

COMMISSIONER MURRAY: It is an American concept, and
Mayor Giuliani gives himself credit for it, but it is the idea that if there is a broken window in a district and you don't repair it, it allows for further broken windows and results in a general breakdown of order and so on and so forth. He said basically to his police force, "Attend to the broken windows and that will help attend to other things."

The point of that analogy is this: surely, if, by virtue of human nature, priests are unable to contain themselves within the celibacy promise, then breaking that particular promise can induce a lack of observance of other promises?

DR DOYLE: I think you are correct in that.

COMMISSIONER MURRAY: And, therefore, that lack of integrity can extend to such things as child sexual abuse or the institutional response to reports of child sexual abuse - in other words, it diminishes all vows?

DR DOYLE: I think you have phrased that in a way I wish I could, but yes, I would agree with that, that it does diminish.

I believe the men who are sexually abusing children that are suffering from a psychosexual disorder are under a tremendous burden of compulsion. This much I do know from some of my training. They don't even think about vows or promises when they are compelled to act out. Many of them feel a tremendous amount of guilt and shame after they have acted out.

It is much like an alcoholic, who is still an alcoholic, a practising alcoholic: he wants to stop drinking - and of this I know what I'm talking about. He wants to stop desperately, but when the situation is there, the compulsion to drink is too great and you cannot stop, and so you do, until something radical happens and there is a complete rebuilding of you, of your person from the inside out into sobriety.

With this, in many instances, with the men who suffer from a serious psychosexual disorder, there is the compulsive level.

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

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

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

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

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

In the 1980s when all of this came out there were some priests who I knew of who preached about it from the pulpit, about the fact that we need to do something about
this seriously, and they were told to stand down, not to preach about it. So that's at that level there that did not want that becoming publicly known for the protection of the institution.

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

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

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

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

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

But that belief, if you believe that deeply - first off, for many of these men that belief guarantees their
past, their present and their future, their whole life.

Second, that belief justifies protecting the Church, "Even though we hate to have to do this, we don't want to sacrifice these victims and so on, but we must protect the Church at all costs." That essentially is what is the justification, the concept that this structure, this institution, this governing structure and the men in it - they are the Church and they must be protected at all costs.

One thing I didn't mention earlier, and I can briefly say, is that the Catholic Church revolves around the sacraments, the seven ceremonies that are connected with various important parts of your life - communion, baptism, confirmation - and our way to salvation, to the door to the other side, is through the sacraments.

The sacraments are controlled by the clergy. The average layperson has a passive dependant relationship with the priests because the priest decides if you are going to get married or not; he gives your communion; he hears your confession; he does your confirmation, or the bishop does, et cetera. So the sacraments, which are part of the institution, are the visible symbols or the insurance policy that you have, so to speak, and that's protected by the clerical culture and by the institutional Church. So that does take on a tremendous amount of importance whereby I think it renders it possible to not even see the concept of the Church as people of God, as this wide group out there, and not even consider these children or these young adults, or these older adults from abuse years ago, as as important a person in the Church as the Pope or the Cardinals. That is the doctrine: everybody is equal in the eyes of God. Not down here, but up there they are.

MS FURNESS: Doctor, from your experience and knowledge are there any suggestions you might make to the Royal Commission as to what changes might be made to affect for the better the institutional response going forward?

DR DOYLE: Yes. I wouldn't have come over here, I think, if I couldn't offer some suggestions, thank you.

First, I would like to say I am very honoured to be here, because I believe what you are doing is unique in the world. It is historic. It is going to make a mammoth
difference in the long run. You have taken something on
that is mind-boggling and you are going into it in a
deep, more enlightened, more courageous manner than any
other body that I have had contact with, and I've had
contact with a lot of them that are doing analogously the
same thing.

This problem, this sexual abuse, the way we've
described it, the way you are seeing it, is not unique to
Australia. It is worldwide. And what you do and what you
say and what you come up with at the end is going to have
an effect around the world. It is hopefully going to have
a profound effect in the Vatican and it is another pile of
information that is saying what they do not want to hear.

But this issue is damaging the most vulnerable people
in the Church, and I believe the community - you are the
people of God - has an obligation to say to the system, to
the institution, "This is what we have found. You need to
make some changes to make sure this doesn't keep happening,
and those changes are structural."

Now, I'm not so naive to think that the monarchy is
going to fall. There has never been a monarchy that we
know of that has voluntarily given up its system in favour
of democracy. But that's what you are dealing with.

So somehow or other, to make it clear that the primary
importance, the primary concern has to be the victims of
sexual abuse or any other kind of abuse that happens at the
hands of the clergy, and that the clergy, from the Pope on
down, we're all on the same level. It's an equal playing
field in the eyes of God, and so we have to take care of
each other in the same way.

I think that what you are doing here - one of the
biggest holes, as I mentioned earlier, has been the lack of
pastoral care for victims.

Now, the Church, the broader Church, takes care of the
victims. There are men and women, religious women, who are
reaching out and helping the victims. There are two
gentlemen out here who said that they are here to be aides
for the victims.

But the official system has not sent down a decree
from on high on offering pastoral care and how to do it and
asking the kinds of questions, "What kinds of pastoral care
do they need?"

For me, it has just been listening - letting them cry,
be angry, yell, scream, whatever, get it off, and trying to
help the people understand, you know: "You aren't guilty
of anything". But there is a whole bag there.

But that is more important than all the protocols, all
the structures, all the policies, all the paperwork, all
the talk, talk, talk that has been going on. The action is
what is needed. Victims are sick and tired of apologies
and explanations, of more promises, of more protocols, of
more policies, "We're going to do this, we're going to do
that". They want something to happen so that if they make
a complaint, why isn't it okay for the bishop to say, "I'm
getting in my car and going over to her house and sitting
with her family to listen to what happened." That's pretty
important and I think that, to me, is the essence of the
whole thing.

So if you want to recommend one thing, it is that
there has to be a primary concern on the care of the
present victims, the ones who are there, those whose souls
have either been damaged beyond repair or who are seriously
suffering.

COMMISSIONER MILROY: Dr Doyle, you said earlier in your
evidence that there was an inability to comprehend the
damage. Did you want to just elaborate a bit more about
why there is this inability to comprehend the damage that
clearly you have been able to understand as you have
worked?

DR DOYLE: When I first became involved in this I didn't
have a full idea. I knew, just as a normal person, that if
an adult male engages in some form of sex with a child or
an adolescent, using force, that that is going to be
damaging. I didn't know what it was. But I think as we've
gone on, the whole concept of human sexuality - where it is
put traditionally in the Catholic Church in the realm of
morals. It's something the will controls. It is a sin and
you get absolution for the sin. If you are the victim, you
put it behind you and you move on. The inability I think
to understand some of those non-concrete realities of what
happens when you are violated sexually, and that stems,
I think, from the inability or the lack of awareness as to
what human sexuality really is.

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

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

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

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

THE CHAIR: Mr Gray?

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

THE CHAIR: No questions? Dr Doyle --

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

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

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

THE CHAIR: Thank you, Dr Doyle, and we very much appreciate your coming.
He can't be excused, but what do I do with him?

MS FURNESS: Dr Doyle, you may leave the witness box.

THE WITNESS: Thank you. I don't want to go out in the rain, so I will stay here.

MS FURNESS: Do stay.

<THE WITNESS WITHDRAW

MS FURNESS: Your Honour, there is a panel to be convened. It will take a little amount of time. Perhaps we might take an early luncheon adjournment.

THE CHAIR: We will take the luncheon adjournment now and resume at 1.30.

LUNCHEON ADJOURNMENT

MS FURNESS: Your Honour, we have three witnesses to be sworn in.

<FRANCIS JAMES MOLONEY, sworn: [1.34pm]

<NEIL JAMES ORMEROD, sworn: [1.34pm]

<MICHELLE KATHLEEN MULVIHILL, affirmed: [1.34pm]

<EXAMINATION BY MS FURNESS:

MS FURNESS: Starting with you, Dr Mulvihill, could you tell the Royal Commission your full name?

DR MULVIHILL: Yes, Michelle Kathleen Mulvihill.

MS FURNESS: And, doctor, what is your current occupation?

DR MULVIHILL: At present I'm the managing director and owner of a group called The Corpsych Australia, which is a psychology company, organisational psychologists consulting to not-for-profit organisations, corporations, businesses, health care sectors and, in some recent times too, a variety of churches around issues relating to child sexual assault.

MS FURNESS: How long has your company been operating?
DR MULVIHILL: In 1986 we began. Some time ago.

MS FURNESS: And your qualifications?

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

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

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

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

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

MS FURNESS: When was that?

DR MULVIHILL: That was between 1998 and 2006.

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

DR MULVIHILL: In the St John of God Brothers?

MS FURNESS: Yes.
DR MULVIHILL: I resigned from that organisation because I could no longer deal with the corruption and systemic abuse that was my experience of what was happening inside that organisation. I could do no more.

MS FURNESS: When did you leave, again?

DR MULVIHILL: 2006 - the end of 2006, beginning of 2007, when they voted in, to be on their leadership team, someone who is a criminal.

MS FURNESS: Since 2006, have you had any engagement as a psychologist with victims?

DR MULVIHILL: Yes. One rang me on the way here this morning. I have had some engagement. I work using the better health scheme for Medicare, which means offering free-of-charge counselling to some victims and to some victim groups in an ongoing way in different countries - in Australia, but I have probably stepped aside a little in the more recent years from dealing with this.

MS FURNESS: Do you have a religious background yourself?

DR MULVIHILL: Yes. My family was a very fervent religious family in Bathurst, New South Wales, and at the age of 17, or 18, I joined a religious order called the Sisters of Mercy in Bathurst and I was finally professed in that group. I stayed there for about 13 or 14 years and then left, came to Sydney and did some retraining.

MS FURNESS: So you left the order when you came to Sydney?

DR MULVIHILL: Yes, I did. Yes, I did.

MS FURNESS: What sort of work did you do when you were in the order?

DR MULVIHILL: I did a lot of youth work. I did some school counselling. I did a lot of travelling around rural New South Wales from place to place, parish to parish, working with young people and their families in rural and remote areas.

MS FURNESS: Thank you.
Professor Ormerod, perhaps you could tell the Royal Commission your full name?

PROFESSOR ORMEROD: Neil James Ormerod.

MS FURNESS: And your current occupation?

PROFESSOR ORMEROD: I'm Professor of Theology at Australian Catholic University.

MS FURNESS: How long have you been in that position, professor?

PROFESSOR ORMEROD: Twelve years.

MS FURNESS: What sort of work did you do before that?

PROFESSOR ORMEROD: Prior to that, I worked at the Catholic Institute of Sydney where we provided the theological education for seminarians. Prior to that, the Centre for Christian Spirituality. And prior to that, I was 10 years at St Paul's National Seminary teaching theology. That institution has since closed.

MS FURNESS: Have you ever worked outside of the Church?

PROFESSOR ORMEROD: Prior to all that, I worked as a mathematician at the University of New South Wales.

MS FURNESS: And you moved from mathematics to religion?

PROFESSOR ORMEROD: I did.

MS FURNESS: Any particular reason?

PROFESSOR ORMEROD: That's part of the story, yes. I had what might be called an adult faith appreciation at that stage. There were a number of us who were sort of living in a communal sort of setting. I met my wife in that setting, my future wife. We married. Some 12 years later, she revealed to me that the priest who was at the centre of that community had sexualised his relationship with her, and that set in train my interest in the issue of clergy sexual abuse.

MS FURNESS: Your wife was an adult at the time?
PROFESSOR ORMEROD: She was. Didn't fall under the child sexual abuse, but she was a vulnerable adult at the time and the relationship was quite exploitative. We knew immediately - or I knew immediately there would be a number of other victims who weren't difficult to identify.

Out of our experience, my wife and I helped establish a network of survivors, known as Friends of Susanna, and together my wife and I wrote I think what's probably the first book on sexual abuse in the Australian context.

MS FURNESS: I wonder if I could ask you just to speak a bit more closely to the microphone because I'm having a bit of difficulty hearing you.

PROFESSOR ORMEROD: Sure.

MS FURNESS: So you wrote the first book on sexual abuse. What was that?

PROFESSOR ORMEROD: When Ministers Sin.

MS FURNESS: When was that?


MS FURNESS: So it has been an area where you have worked intellectually as well as with other survivors?

PROFESSOR ORMEROD: Yes, and not just in the Catholic setting and not just in a church setting. In 1995, we were also part of an organising group for an international conference which included not just clergy survivors but also those in health care settings and other sort of adult survivor abuse situations.

MS FURNESS: So I take it your wife's experience and your experience informed your work in seminaries?

PROFESSOR ORMEROD: It did to some extent. It was a fraught situation. The abuser at the time was actually working with me at the seminary when my wife disclosed. Ironically, he was teaching the students about celibacy, amongst other things. So it was a difficult time and a lot of sorting out that had to go on. It did help inform my practice to some extent.
When we moved, when I was finally at the Catholic Institute of Sydney, we were involved mainly in their theological formation, not their pastoral formation. The pastoral formation was conducted at the seminary itself, not at the Catholic Institute.

MS FURNESS: Can you explain the difference between the theological and pastoral formation?

PROFESSOR ORMEROD: There is. I was teaching Christology, Trinity, grace, these sorts of classic theological themes, and that intellectual formation is often carried out distinct from their spiritual and personal formation, which is undertaken at the seminary itself.

MS FURNESS: So to the extent there's any discussion about leading a celibate life, that would be in the pastoral side rather than the theological side?

PROFESSOR ORMEROD: That was a responsibility for the seminary, yes.

MS FURNESS: Does it still operate like that?

PROFESSOR ORMEROD: I believe so, yes.

MS FURNESS: Thank you.

Can I turn to you, Professor Moloney. Perhaps if you could provide the Royal Commission with your full name?

PROFESSOR MOLONEY: Francis James Moloney.

MS FURNESS: What do you do now, professor?

PROFESSOR MOLONEY: At the moment I'm a Senior Professorial Fellow at the Catholic Theological College, a member college of the University of Divinity in Victoria.

MS FURNESS: And you are a member of the Salesians?

PROFESSOR MOLONEY: Yes. Yes, I joined the Salesians in 1959, did the usual formation program, novitiate, teacher training; taught at Sunbury for three years; went overseas, did a Masters Degree in Theology in Rome; then did a Masters Degree specialising in Biblical Studies in Rome,
then did a PhD in Oxford; then came back and taught --

MS FURNESS: What was your PhD in?

PROFESSOR MOLONEY: This will relate to what I will say in a moment. My PhD was on the meaning, the sense, of the use of the expression "the son of man" in the fourth gospel. It's found 13 times. Why? And why where it's found?

MS FURNESS: How long did it take you, professor?

PROFESSOR MOLONEY: Three years.

MS FURNESS: And you published it?


THE CHAIR: Ms Furness, we need to stop. The professor can't be heard in the back of the room. We will have to do something about it.

MS FURNESS: You have a lapel mic.

PROFESSOR MOLONEY: Yes. Do I have to turn it on, or are they turning it on and off from there? Okay, they should be able to hear, they say. I'll speak loudly.

So I finished the PhD at Oxford. That was published. It's called The Johannine Son of Man. It has been through three editions, all sold out. It has become a classic in the field. Since then, I've continued to publish. I've been Visiting Professor of New Testament in Israel, in Europe, and I was in the United States for six years and taught at the Catholic University of America as the Professor of New Testament and was eventually the Dean of the School of Theology and Religious Studies at the Catholic University of America, until I was called home by the Superior of all the Salesians in the world because my predecessor, facing all these issues, had had a major breakdown and was not communicating. So I was asked if I would abandon what I was doing and come back to Australia, and I came back and took over there in 2006 through until 2011.

MS FURNESS: So you took over as the Provincial Superior of the Salesians?
PROFESSOR MOLONEY: That's correct.

MS FURNESS: Does that mean you were the head of the Salesians Australia wide?

PROFESSOR MOLONEY: And in New Zealand and Fiji and Samoa.

MS FURNESS: What did you find when you took over that job?

PROFESSOR MOLONEY: I found a great mess. I found a lot of difficulty, and I can understand why my predecessor, who was quite introspective, had had his breakdown and eventually died. He found the whole thing overwhelming.

I did the best I could to surmount the difficulties, to stand by victims at all stages, to keep a close relationship with police at all stages --

MS FURNESS: Let me stop you there. You talked about your predecessor finding the whole thing overwhelming and the difficulties you experienced. Perhaps you could be a little bit more specific about what you're referring to?

PROFESSOR MOLONEY: Yes. I think my predecessor found two things very distressing. The first was the face-to-face encounter with the victims, which is always stressing, soul destroying, and he found that very hard to cope with.

THE CHAIR: Professor, I think what Ms Furness was wanting to understand - when you say you found a mess, you're talking about the sexual abuse of children?

PROFESSOR MOLONEY: That's right.

THE CHAIR: By members of the order; is that right?

PROFESSOR MOLONEY: Yes, yes.

THE CHAIR: And your predecessor's response to that - he was overwhelmed by it?

PROFESSOR MOLONEY: He was overwhelmed by it, yes.

THE CHAIR: Now you're talking about what you faced and how --
PROFESSOR MOLONEY: No, I'm answering what created the stress in my predecessor.

THE CHAIR: Okay, right.

PROFESSOR MOLONEY: And that was he eventually found those experiences emotionally overwhelming.

MS FURNESS: The experiences of talking to victims?

PROFESSOR MOLONEY: Exactly. And the second stressful thing, as always in our situation, is that you find people that you've lived with and known for 30 and 40 years have betrayed everything you stand for. He just couldn't cope with it and he had a complete breakdown.

MS FURNESS: So when you arrived, what was the situation that you arrived to in respect of the dealing with allegations and claims, and no doubt reality, of child sexual abuse within the Salesians?

PROFESSOR MOLONEY: Yes, I came back to a situation of a number of unresolved issues, some already in the process of legal procedure.

MS FURNESS: Perhaps if we could be a bit more precise, professor. What do you mean by "some unresolved issues"?

PROFESSOR MOLONEY: Some allegations that were as yet to be resolved either criminally or through the Towards Healing process - a number of those.

Then there were pending court cases that were still pending when I arrived home, both resolved --

MS FURNESS: Is that criminal and civil?

PROFESSOR MOLONEY: Criminal. Criminal. Both resolved --

MS FURNESS: By "resolved", what do you mean?

PROFESSOR MOLONEY: Those people finished in gaol. So that was the situation I had to run with.

MS FURNESS: And what did you do?
PROFESSOR MOLONEY: What did I do? Worked as hard as I could day and night to meet victims, to make sure that all the people against whom allegations had been made were removed from any possible contact with young people and --

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

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

MS FURNESS: It's a question.

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

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

PROFESSOR MOLONEY: Yes, of course.

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

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

MS FURNESS: Did you do anything?

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

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

PROFESSOR MOLONEY: There were some of those, maybe four
or five. Most of the victims I spoke to were victims who were a part of the Towards Healing process. An essential, very important part of the Towards Healing process was that once the legal teams of both parties had met and come to some sort of agreement, then it was very important, as far as I was concerned, for me to have a one-on-one with the victim and anyone else from his family who wanted to be there. To me, that was the most essential part of the whole process.

MS FURNESS: When you say "his family", I take it that most of them were male?

PROFESSOR MOLONEY: All of them were male.

MS FURNESS: All of them?

PROFESSOR MOLONEY: All of them, but very often they had their wives with them in that session with me.

MS FURNESS: Did you make any changes to the way in which the Salesians operated during the period that you were Provincial in relation to this particular area?

PROFESSOR MOLONEY: I would say the change that I made was that I was more aggressive in seeing to the defrocking, elimination, of people and more aggressive in unconditional support to victims, both in terms of my care for them and in terms of the sorts of financial payments that were made to these victims.

MS FURNESS: As an order, what was the process for laicisation?

PROFESSOR MOLONEY: That, of course, is determined by Catholic Church canonical procedures. There are two differences. With Brothers, it's much simpler because you simply apply to the Superior-General of the congregation, and he very rapidly gets permission from the Holy See, and within three or four weeks you can dismiss a Brother. The problem is once they're in Holy Orders, once they become priests. Then you have to go through the process - there are two processes.

The process is dismissal, which is the most vigorous way, which the Vatican has been very loath to allow. They will go through a long, long process in order to get to
The easier process - still a problem, but the easier process - is for the Provincial to try to talk the religious concerned, the priest religious concerned, to resign. Now, if they resign, then you have to go through a process of tracking back his records, any signs of this earlier, et cetera, because the Church won't let them resign unless there's very good reasons to resign.

Then you had to also call in up to four witnesses who had journeyed with him across his life. So it was basically an assessment of this person's character and then his personal request, giving the reasons why he thinks he should resign. That is a much more gentle process for the person you're throwing out and marginally quicker.

MS FURNESS: In the event that the reason you wanted to throw them out was that there were allegations which you had sufficient belief in to throw them out, wouldn't that be enough?

PROFESSOR MOLONEY: No. No. This isn't BHP. This is the Roman Catholic Church. I as Provincial can't say, "You are out. Pack your bags and go", because he can pack his bags and go, but he's still formally in religious orders.

MS FURNESS: But you can remove his faculties, can't you?

PROFESSOR MOLONEY: Oh, yes.

MS FURNESS: Which means he can't minister somewhere?

PROFESSOR MOLONEY: Absolutely. Oh, that always happened immediately. But that's not the same as dismissing them altogether.

MS FURNESS: Salesians have Brothers as well as priests?

PROFESSOR MOLONEY: Yes, not many, but we have some.

MS FURNESS: Not many priests?

PROFESSOR MOLONEY: Not many Brothers. I was surprised by those numbers. Going back to 1950 it talks about something about 22-point-something per cent allegations against Brothers. We've only had about 25 Brothers since 1950. So
that makes for a very high percentage - about a quarter of
25 people - and I knew all those people. I find that
pretty hard to imagine. But I know we gave you the
figures, so that's where they're coming from.

MS FURNESS: The figures were in relation to non-ordained
religious, so the Brothers, 21.9 per cent; and in relation
to the priests it was 17.2 per cent.

PROFESSOR MOLONEY: Yes.

MS FURNESS: Is there anything that you can tell us about
why you think the figures are the way they are?

PROFESSOR MOLONEY: Well, the figures came from our own
records, and I have no idea. I mean, I haven't been in
that office for six years. That has all been work that has
been requested by the Commission and by the justice and
peace group, and they've been worked on in the Provincial
House with no consultation with me whatsoever.

THE CHAIR: Professor, I think Ms Furness was actually
seeking a different question to be answered, and that is
why do you think it happened?

PROFESSOR MOLONEY: Is that what you're asking?

MS FURNESS: It was indeed what I was asking.

PROFESSOR MOLONEY: Why did I think that there was --

THE CHAIR: Why were there so many allegations against
Salesians of abusing children?

PROFESSOR MOLONEY: If I knew the answer to that, that
would be very helpful.

THE CHAIR: Well, professor, it's a serious question for
us.

PROFESSOR MOLONEY: Of course it is.

THE CHAIR: And it surprises me that you, having held the
position you did, haven't reflected upon why it happened.

PROFESSOR MOLONEY: Of course I have.
THE CHAIR: Well, then, what's your --

PROFESSOR MOLONEY: What's my opinion?

THE CHAIR: Yes.

PROFESSOR MOLONEY: Well, my opinion would be that, to start with, there would have been people attracted to the Salesians, who worked for young people, particularly boys, who were paedophiles and would-be paedophiles whether they were Salesians or not. But coming into this order that looked after boys was a direction that they took. I'm not saying there was wickedness about them, but this was sort of something that attracted them - to work for young people for the rest of their lives. So that's one reason.

The second reason I think is poor formation. You took it for granted that if somebody wanted to abandon the world and come into a religious order and work for young people for the rest of their lives, the first thing they would do would be obey the ten commandments, and the second thing they would do would be to try to live by the gospel, and the third thing they would do would be to try to live the dream of a Salesian. They betrayed all three.

So why that happened, as I say, I think insufficient investigation into the quality of the people as they came in; insufficient intellectual formation and human formation in their formation period; and insufficient supervision of their lives after ordination. So I would suspect that's what went on.

We took it for granted that once people took this life on, they were going to do good things, not bad things, and that was a mistake.

MS FURNESS: Are you aware of Dr Marie Keenan's research in this area, professor?

PROFESSOR MOLONEY: I am. I've read the book, yes.

MS FURNESS: In the book, she discounts the theory that men coming into, in your case an order, did so in order to seek out children and with a known predisposition to abuse. You understand that?

PROFESSOR MOLONEY: Yes.
MS FURNESS: Her research suggests that in fact that is not the case.

PROFESSOR MOLONEY: I agree.

MS FURNESS: You agree that that's not the case?

PROFESSOR MOLONEY: Yes. I don't think they were self-acknowledged paedophiles who became religious in order to be with young people. I think they'd come to us, and these tendencies emerge, but it's a psychosexual deviation that's there that is latent but then appears once they find themselves involved one-on-one with young people. So I don't think they joined for that purpose. I think Marie Keenan is quite right on that.

MS FURNESS: You think, then, that it's therefore situational, in that they're in a situation with access to children and they act on that in a criminal way?

PROFESSOR MOLONEY: Correct, in the way that Dr Doyle spoke about this morning. They find themselves in this situation and the powerful desire to act out - they just can't control it.

MS FURNESS: Dr Keenan has also said in her book that to look at it solely as situational or access driven denies the institutional factor, which is in one way the structure and governance of the Church. Do you agree with that?

PROFESSOR MOLONEY: Sure.

MS FURNESS: So what is it that you see in the structure and governance of the Church that permitted the numbers that we know about, in terms of claims, to abuse children?

PROFESSOR MOLONEY: I would agree here largely with what Dr Doyle said this morning about structures, what no doubt Neil and Michelle will say later on. I mean, we're basically dealing with a structure that is a pyramid where you have the point at the top and everything flows down from the top, and it must work in its hierarchical system, with all the possibilities of use and abuse of power that take place in that sort of situation, leading also to the appointment of fragile leadership, people who won't bite the bullet, who wait for advice from upstairs. All of
those institutional things played into this - clericalism. The widely discussed issues, I think, are the issues that need to be faced. There are institutional issues, yes.

MS FURNESS: Coming back to clericalism in a moment, the various factors that you described are factors that are relevant to understand the institutional response of the Church to allegations and abuse; do you agree with that?

PROFESSOR MOLONEY: Yes.

MS FURNESS: What about factors that help understand why priests and religious abused children in the first place?

PROFESSOR MOLONEY: In my opinion - and, you know, I'm not an expert in this. As I often say, anything after the fall of Jerusalem, I get a bit vague.

MS FURNESS: Your opinion is what we're seeking, professor.

PROFESSOR MOLONEY: Good, but it's only worth what it's worth. In my opinion, these were damaged people or socially, sexually deviant people latently before they come. They come, they then arrive into a situation, and these issues begin to emerge. That, I think, is why perhaps we are attractive for them - number one, we were working with young boys; number two, the Salesians have a basic philosophy of life which is one of affection, of warmth.

I joined the Salesians at 21 years of age because I met Salesians who were regular human beings, not like the priest down the street, who dressed funny and wasn't very warm. Our system of education is one based on reason, religion and love. So this was the whole system, which they found attractive for probably very good reasons. But once they come in, then of course they're in a situation where any deviancy can blossom.

MS FURNESS: So, effectively, you're saying that it is the individual make-up, psychosexual and otherwise, of individuals that makes them offend within your order?

PROFESSOR MOLONEY: Well, I don't want to defend the order and say the order's perfect, because it isn't. But I can't think, after 57 years as a Salesian, that there is anything
in our internal structures that promotes or sort of opens the door to this sort of devastating activity. It just doesn't come to me.

MS FURNESS: Professor Ormerod, is there anything you would like to assist the professor with in terms of structures?

PROFESSOR ORMEROD: Yes. I took some interest in the figures that the Commission itself provided, and if you look at those figures in terms of the deviations from the norm, you already have data there which indicates some of the factors which are contributing to abuse.

If you look at religious orders, in particular the male religious orders, it's very clear that a lot of that is about access to vulnerable people. Those who have the greatest access to the people who are most vulnerable are the ones who are abusing at the highest rate.

MS FURNESS: And you're referring to --

PROFESSOR ORMEROD: The St John of God Brothers.

MS FURNESS: Having access to children with disability?

PROFESSOR ORMEROD: They worked with children with disabilities, mental and physical disabilities. I would imagine you would find the same sort of thing happening in the nursing profession, those who are working with people with disabilities and with mental problems. It is something about the interaction of vulnerability, power and domination. Where people feel inadequate - and most religious life does leave people feeling very inadequate - they have this institutional power, personal - and Marie Keenan spells that out - private powerlessness, public unsupervised dominance.

Now, that's a really potent mix, and there's something about vulnerability to a powerful person who has that that is sexually alluring. If I may tell a story on this, and it struck me - this is when I was working at St Paul's many years ago.

We had a student who was openly homosexual, and at that stage that wouldn't automatically bar him from the seminary. He was really quite a well-integrated human
being. I got on really well with him. He told me of a pastoral situation he was in with a woman who was distressed, and he found himself being aroused.

Now, this is a gay man. He said, "Look, I didn't know what was going on." But in that situation - and of course he didn't think, "Oh, this is an opportunity"; he was reflective enough to sit back and try to understand what it was about that situation which elicited that response from him. There is something sexually attractive about vulnerability. And we see it not only in these situations but in cultures of male violence, in rape, and so on. This is a much larger problem, I'm sure you're aware of that, but here it's been manifest in a situation where you have vulnerable people and other people who have access and power to use that. And that's what the statistics, it seems to me, are telling you.

MS FURNESS: What do you need, going forward, then, to ensure the safety of vulnerable people - because there will always be vulnerable people, and there will always be members of churches who interact with them.

PROFESSOR ORMEROD: Yes, indeed.

MS FURNESS: Those members of churches will have gone through some formation process. What are your suggestions, going forward, for making those children safer?

PROFESSOR ORMEROD: Sure. Look, the one that has been mentioned a number of times - and the word I think is a little bit misunderstood - is pastoral supervision. That doesn't mean someone looking over your shoulder, but it's the sort of thing that occurs in other professions, such as psychology, social work, psychotherapy. Anyone who's working with people in emotionally distressed situations, in vulnerable situations, almost as a professional responsibility has to have a person that they see on a regular basis to help them become reflective practitioners, to be able to reflect back to them their situation and their performance in that situation.

This is, at present, one of the more effective ways, I think, of putting that barrier between the vulnerable person and the potential abuser and giving that potential abuser some tools of reflective self-understanding, of what it is that's happening to them in that situation.
Now, other churches do employ this as a requirement of their ministers, and it's simply not happening in the Catholic Church. In fact, I was a bit put out when I read the document from the Truth, Justice and Healing Council, where a number of dioceses said that they had in place the protocols and procedures of the Integrity in Ministry document, and that's simply not accurate, because one of those requirements within that document is that priests and people in pastoral ministry should have ongoing pastoral supervision. And it's not happening.

You saw that the other day Michael Whelan presented his evidence. Michael is on the side of the angels. He's a good guy. Only in the last six months has he undertaken pastoral supervision - had pastoral supervision from someone. These provisions have been in place since 2002.

Now, if Michael Whelan, with all his background and insight, has only undertaken that in the last six months, I can tell you that there is probably not a parish priest in Sydney who is receiving pastoral supervision.

MS FURNESS: I think we'll deal with that issue a bit later next week in terms of professional supervision. Can we just go back. Is it the case that you're saying had there been professional supervision of a real type earlier on, then there would not have been the abuse that the data suggests through the claims?

PROFESSOR ORMEROD: I think it would have shifted the probabilities, yes. I don't know that you ever eliminate it any more than you can eliminate it in other professions, but you can shift the probabilities away from occurrence to it becoming less likely.

MS FURNESS: What other causal factors do you believe exist or existed in relation to the abuse that's revealed by the claims data?

PROFESSOR ORMEROD: The other interesting thing, of course, is what was the lowest diocese in Australia, and that was Adelaide. Now, ask ourselves what is it that is special about Adelaide? Why is Adelaide so different?

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

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

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

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

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

PROFESSOR ORMEROD: Consultation with them.

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

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

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

PROFESSOR ORMEROD: Some of them were lay women. Some of
them were nuns.
THE CHAIR: And chosen all by the archbishop?

PROFESSOR ORMEROD: Yes.

THE CHAIR: How big was the group, or how big is the group?

PROFESSOR ORMEROD: It was fairly small. I think four or five.

The other thing, of course, is if you look at the dioceses where it is significantly higher, they're rural dioceses, they're dioceses with very few resources, loneliness, distance, isolation - these are significant contributing factors to the abuse.

MS FURNESS: More likely conservative and therefore less inclined to have women, lay or otherwise, in positions of some authority?

PROFESSOR ORMEROD: Yes, indeed.

PROFESSOR MOLONEY: If I might just add to what Neil said - the women were actually appointed, given the canonical status of episcopal vicars, which is a very significant status. That's why the priests didn't like that.

PROFESSOR ORMEROD: Yes.

PROFESSOR MOLONEY: To have a woman episcopal vicar - for schools, it has to be a priest.

THE CHAIR: You will have to explain?

PROFESSOR MOLONEY: What happens, there are various sectors in the life of the Church in any given diocese, and so the bishop appoints someone to be his episcopal vicar - he doesn't make them bishops, but they're vicars appointed by the bishop for a certain sector of the ministry of the archdiocese. So for the first time in the history of the Australian Church, Leonard Faulkner appointed women episcopal vicars.

THE CHAIR: And that gave them authority to make decisions and manage issues; is that the way it works?
PROFESSOR MOLONEY: Yes. Always in consultation with him. He would have had a plenary council. But they were the ones - they were where the buck stopped.

THE CHAIR: Were they women who had taken orders?

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

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

PROFESSOR MOLONEY: Absolutely.

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

PROFESSOR MOLONEY: I would think so.

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

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

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

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

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

PROFESSOR MOLONEY: That's right.

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

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

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

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

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

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

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

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

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

MS FURNESS: Just going back to you, Professor Ormerod, you were speaking in relation to professional supervision and that being an issue. What other causal factors do you consider have been at play?
PROFESSOR ORMEROD: Look, there are so many, and a number of them have already been mentioned and I don't want to repeat what other people have said.

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

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

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

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

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

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

DR MULVIHILL: I suppose the matter of ethics arises at any point, and particularly going back to the so-called vulnerable people theory here this afternoon, where it sounds like it's being claimed that perhaps your group, professor, or others, offended because you were dealing with vulnerable people. I find that offensive. As a psychotherapist and therapist who works with vulnerable people every single day, what is it about your group that makes you more abusive than my group? Because that's what you're saying.

In terms of ethics, I think we have really very little doubt that what we're talking about here is systemic abuse. I don't buy the "bad apple" theory for a moment. I don't buy the "these boys were damaged before they arrived at our place and we just didn't know". I don't buy that for a second.

The amount of systemic abuse inside this organisation is massive. It's at every single level. And yesterday we heard that new changes are around because it's laypeople now who take care of education and human services and health care, and I would say to you it is the same barrel, it is the same system.

The abuses are there every day, and the ethics around those - let me give you some examples. The systemic abuse, when you think about it, of taking vulnerable children into care - maybe into boarding schools, maybe these people are damaged in some way, that they have a learning difficulty or whatever - dressing them up in grass skirts in the community room and sitting around looking at them and fondling them together is not the sort of thing we can sit down and have an ethical discussion about. It's just wrong. It is just wrong. And this continues. This has happened, and, in my view, the systemic abuse is something that we haven't really faced yet.

MS FURNESS: What is it that you see about the structures and governance of the Catholic Church that has allowed, permitted or provided an open door?
DR MULVIHILL: It's all about power, isn't it? All roads lead to Rome. It's all about who's in charge, and that person, be they, as in yesterday, a good bishop or a bad bishop, or as in today, thinking about the role of the organisation and the boundaries within that organisation, where an organisation's main task becomes corrupted - that is, it changes from what you set out to do - when that task becomes corrupted, people move out of role and boundaries are breached. And that's what has happened and that is what continues to happen.

MS FURNESS: What task do you say has been corrupted?

DR MULVIHILL: Well, what is the main task of any church? There would be millions of answers and thousands of responses, I assume.

MS FURNESS: But what do you say the task is that has been corrupted?

DR MULVIHILL: The main task of the Catholic Church, I thought, was about Christianity and the promulgation of Christianity. What I'm seeing has nothing to do with that. People have moved away from that task and the very priests and religious that we were looking at the figures for yesterday and today demonstrate, unfortunately, that that has happened.

Now, I would be the last to demonise those people because I think it's time we stopped to say, "They're wrong and they're right. Those people did the wrong thing and these victims did the right thing", and I have spent my life with victims and know this.

We need to look at the whole fabric, not just the different threads, and we need to stop this splitting, because the splitting plays into the hands of systemic abuse. It allows it to continue. And it's time we stopped it.

MS FURNESS: So, doctor, what suggestions would you give to the Commissioners about how, going forward, this system can become attractive?

DR MULVIHILL: First of all, we have been given documents for the Royal Commission in preparation, for example, into the setting up of a Truth, Justice and Healing Council Pty Ltd.
Ltd or Catholic Professional Standards, whatever you want
to call it. How many victims are going to be on the panel?
How many victim support groups are going to be available?
How many are on it now? The answer I will leave to you.
How many are on it now?

We need to change the power balance. How many women are engaged in a place, in a misogynous place, where women are told, "You don't really belong here. We can give you a job, if you like. You can do the flowers."

Compulsory registration of active priests and religious is absolutely necessary. I'm registered as a psychologist. I have to report to the Australian health providers agency. I have to do training. I have to keep up my CPD points. And if something goes wrong, I can get the flick. You can't sack these people. They're unsackable, pretty much. That needs to be legislated for every pastoral worker in Australia, in my view. Anyone who says, "We are here on behalf of a church", they need to be registered and Australians need to know who they are.

I think it's time for us, as Australians, to stand up to Rome and to say, "We are not little Rome. We are not little Italy. We are Australians, and, in Australia, we believe in a fair go." It's time we all got a fair go. It's very much time victims got a fair go. It's time that people who are elevated into becoming bishops or archbishops get a fair go by being trained. Most of them aren't trained in anything useful, like administration, leadership, MBAs, and so on.

And what about the Church providing, as soon as possible, some dignified spaces for discussion and conversation?

See, dignity has been attacked at every level, from the position of a child whose innocence has been taken away, through to the position of normal and ordinary churchgoing people. If it is that we are the Church, then who are we and why aren't we rollicking down the barricades and saying to the Royal Commission and to anyone who wants to listen, "We will not put up with this again"?

MS FURNESS: Professor Ormerod, in relation to the question of registration of those involved on behalf of the Church in pastoral care, what's your view?
PROFESSOR ORMEROD: If that could be done, I think it would actually be a good idea. I don't know whether legally that would be possible, and I think the churches may well resist it, and it shouldn't just apply to the Catholic Church. It should be across the board.

But there needs to be some way - and I mentioned in my submission, I talk about if certain things are not complied with, such as professional supervision, ongoing education, and so on, then they should not get their faculties renewed. There should be a way in which the Church can keep track of what their priests are doing, how they're progressing professionally, how they're being supervised in a professional way, and if they're not doing that, then the Church should simply say, "Sorry, all that good work you're doing, but your faculties are not being renewed" --

DR MULVIHILL: Ms Furness, could I add --

MS FURNESS: Wait until the professor is finished, please.

DR MULVIHILL: I am sorry. My apologies.

PROFESSOR ORMEROD: "Until you do that, you will not have your faculties renewed."

MS FURNESS: Doctor?

DR MULVIHILL: We have men coming out of gaol today who are religious and priests, whose faculties are not removed or they are not defrocked and they are not kicked out of religious orders.

MS FURNESS: Just coming back to you, Professor Ormerod, the issue of supervision and training relates to individual priests and religious and maybe their leaders. Are you suggesting that the main way forward is to deal differently with individuals?

PROFESSOR ORMEROD: Well, to inculcate those sorts of systems, because they are systemic responses, requires a cultural shift. That cultural shift has to come from the top.

I thought it was interesting when Michael Whelan asked the question: how many bishops have pastoral supervision?
Like, where is the leadership being shown at the top level of bishops saying, "I need someone that I can talk to about my ministry to help me become a reflective practitioner"?

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

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

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

PROFESSOR ORMEROD: Yes.

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

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

MS FURNESS: Why?

PROFESSOR ORMEROD: That's what happens with most documents that come from Rome.
MS FURNESS: But why, professor?

PROFESSOR ORMEROD: Because, in the end, there's very little that Rome can do if they don't do it, and also there's no follow-up, in general, from Rome to see whether they have done it.

MS FURNESS: Why, to your understanding, did the bishops in Australia not do what Rome suggested they should do?

PROFESSOR ORMEROD: I actually suggest you ask the bishops that when you sit them down in a week or two.

MS FURNESS: There is no question that that will be the case, professor, but at the moment, can I ask you?

PROFESSOR ORMEROD: Yes, and I don't know. I mean, I don't know why they don't. I think they feel overstretched, under-resourced, inadequate and have, as Michelle said, no training in management, no training in how to move from A to B in a decision chain. So it all gets put in the too-hard basket.

MS FURNESS: There's a capacity, I take it, within dioceses, and perhaps more broadly in the Church, to engage outsiders - that is, people outside the Church - with the necessary expertise to advise on these sorts of matters.

PROFESSOR ORMEROD: Yes.

MS FURNESS: That doesn't happen?

PROFESSOR ORMEROD: Look, in some areas, I think - you know, thankfully, in, say, the financial area, that's happening. The Church has wised up and every parish must have a financial council and every diocese must have a financial council, that it needs outside expertise in order to run that part of itself properly. But in other areas, it's still very amateurish.

MS FURNESS: Professor Moloney, are you aware of the document and what happened thereafter?

PROFESSOR MOLONEY: Yes, yes.

MS FURNESS: Can you help us with why what was suggested didn't happen?
PROFESSOR MOLONEY: I would suggest that there is a very big issue that has not been mentioned in these discussions about the difficulties that the bishops and the leaders face, and that is that a lot of this bounces back from the local clergy. It sort of comes out, and the bishops make all these good resolutions, then it bounces back. Now, we need to look at the local clergy.

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

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

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

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

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

PROFESSOR MOLONEY: Yes.
MS FURNESS: Who would provide those resources?

PROFESSOR MOLONEY: Well, as always with the Catholic Church, it has to come from the Catholic people. If we're going to provide resources of the Catholic Church, the Catholic bishops - it's a bit like the government.

MS FURNESS: Raise taxes?

PROFESSOR MOLONEY: Raise taxes. If you want to provide universal childcare up until two years of age, raise taxes. If you want to have universal Medicare, raise taxes.

MS FURNESS: Do you think, from your knowledge of the way that the leadership of the Church works in Australia, that there would be a willingness to do this additional work, were there to be sufficient funds?

PROFESSOR MOLONEY: That's a tricky question because there are a number of bishops and they would have a number of views on this matter. We have some outstanding bishops in Australia who are doing their best to face these issues and to adopt courageous, forward-looking lines that will change our culture.

We also have a number of very poor bishops, who really are bad appointments and it's beyond them, and many of them - some of them don't think that, but you can ask yourself when you see them. That would be my opinion. Some would be wonderful and you'll really get on side with them. Give them the resources and they would do everything they could to make this happen. Others would say, "What's the point? We're fine."

MS FURNESS: And in the current structure, those that would say, "What's the point? We're fine", stay where they are now?

PROFESSOR MOLONEY: They would. I think what would then happen is there would be a patchy response to this possibility. That would be my impression.

MS FURNESS: Doctor, do you have anything to add to that discussion?

DR MULVIHILL: Not at this point, no.
THE CHAIR: Can I just ask all of you, then. You are
talking about different levels of change in the management
of the Church. There will be some who will say management
of the Church is no business of the Royal Commission;
that's a matter for the Church. Can you help us to frame,
in each of your own minds, why it is that the management of
the Church is critical to the future safety of children who
engage with Church people? Doctor, can you --

DR MULVIHILL: The mismanagement of the Church is the
business of the Royal Commission, in my view, because it
has led to the situation that this Church is in. If this
was a business, we'd be shut down a long time ago, and
particularly with these figures that you've come up with
yesterday.

It is the business of the public of Australia that
children who are sent to organisations in particular should
be treated without any abuse, and the Catholic Church can
do this. The Catholic Church can get rid of that. They
can protect children. What it can't do is stop its own
abusive activity on so many other levels.

THE CHAIR: And then the professors, Professor Moloney?

PROFESSOR MOLONEY: I think that the Royal Commission has
a responsibility to the Australian people, and a part of
the fabric of this nation is a decreasingly significant
religious body called the Catholic Church. Nevertheless,
they are a part of the fabric of this nation and, as such,
the Royal Commission, in its care for the young people of
this nation, has every right and, indeed, a responsibility,
to make carefully articulated proposals, through the
Nuncio, to Rome, that these cultural shifts, these
structural shifts, must be done in order to protect our
young people.

THE CHAIR: So if we were to say, drawing upon the
Adelaide discussion, that women should have a far more
significant role in the management of the dioceses, you
would see that as a legitimate thing for us to talk about?

PROFESSOR MOLONEY: Absolutely, and you would be
absolutely in agreement with Pope Francis. He's saying it
in season and out of season. But there's a lot of people
between us and Pope Francis, and they don't like him.
THE CHAIR: Professor Ormerod, do you have any thoughts on the issue? It's a very large issue, as you can appreciate.

PROFESSOR ORMEROD: It is. It is, because it touches on the whole issue of the relationship between Church and state, as you know, and it's a fraught area because of that. I find it difficult and perplexing to know exactly how to move forward.

I mean, it's easy for the Commission to make recommendations and suggestions. It's difficult to see how they can be enforced or followed up. And it's exactly in that area of follow-up that the Church is at its weakest, of implementing recommendations that have been made and following through and coming to a conclusion. It is a mighty task and a difficult task.

THE CHAIR: The first step is whether it's legitimate for the Commission to speak in this area. I mean, it would be easy to dismiss what we might say if the argument is, "Well, it's just none of your business. We're the Church, you're the state." You know, and shut the door.

PROFESSOR ORMEROD: I think as both Michelle and Frank have said, it has become the business of our society to feed back to the Church that it's not doing what it should be doing and that it needs to get its act together, and these are some concrete ways in which that can happen.

Now, clearly, the issue then is how is the follow-through on that? How can the Commission follow through? Can parliament follow through? Do the churches follow through? I think these are really very difficult questions.

DR MULVIHILL: Child sexual abuse is a criminal activity, and in so much as crimes are occurring, I expect the Royal Commission has every right to advise.

COMMISSIONER MURRAY: Are there some principles you can think through to guide us? I'll give you an example. It is a principle that if any person wishes to practise medicine, they must have an accreditation, a proper medical qualification, and that doesn't matter whether you're a priest or a judge or a grave-digger. It's the same for everyone.
So are there practices which apply - or principles which apply in the public interest which should apply to the priesthood? Of course we're not just talking about the Catholic Church but about all churches. Have you given some thought to that, as to what governance principles are in the public interest, and of course that don't interfere with the practise of faith?

PROFESSOR MOLONEY: Yes. I think there is already something very vague in place, and they're trying to do something more concrete that these people might be able to help us with. There's already the notion of a priest in good standing. That actually is a qualification. If I want to go to Brisbane to celebrate a mass, to preach, to marry somebody, I have to communicate with the Archdiocese of Brisbane and my superior has to formally state that I am in good standing.

Now, at the moment, in order to unify this - I think it's coming from you people - there is now a national computerised system, which is just in its beginnings, where everybody must be registered and checked out, so there will be a full computerised register of every ordained priest, and only those who are in good standing will be in that list.

Now, I don't know the ins and outs - I know it's very slow getting off the ground, but I think that is something that has come from these discussions, that there will be this national register of priests in good standing.

COMMISSIONER MURRAY: Let me question you a little on that. In other professions "in good standing" is governed by a code of conduct. So the code of conduct puts the framework in which good standing is judged.

PROFESSOR MOLONEY: Yes.

COMMISSIONER MURRAY: Are you suggesting to the Royal Commission that such a code of conduct is desirable?

PROFESSOR MOLONEY: Well, in this document, which I've already filled in, you do have a full list of check boxes which indicate that you are in good standing, and your immediate superior must verify that. So there is a code of good standing in this document.
The real problem, as both Neil and Michelle have been indicating, is follow-up. You know, it's all right to have the form out there. How are we sure that all the criteria for somebody in good standing are in fact being continually lived in that person's ministry? That's the next problem.

PROFESSOR ORMEROD: If I may say, in response to that, as I understand it, the document Integrity in Ministry was meant to do that. That was promulgated in 2002. It has been in place since then and has not been implemented.

COMMISSIONER MURRAY: As the Royal Commission itself has identified through other public hearings, a code of conduct in a sports association, for instance, has no real force unless it is enforced and it's properly supervised, and that implies that the Church, or churches, will need to establish such bodies, because plainly the state will not get involved in that.

PROFESSOR MOLONEY: That's correct, yes.

PROFESSOR ORMEROD: Yes, yes, and I think with any system such as that it always becomes: who makes the judgments? As long as those judgments remain within a culture of - and I think you picked it yourself before. There's this sense of the weakness of their commitment to celibacy which gives them a sense of excusing the faults of others.

If I may, again, tell a little story. I know a story of a survivor - it was an adult abuse case, again - who was talking to a priest and spoke about her experience of being abused and that there were other victims, and so on. The response of the priest was, "The poor man, he was struggling with his celibacy." Okay? It's this spontaneous identification not with the victim but with the perpetrator. That's what has to be broken down. But it's a very tight cultural group. They have all sorts of associations, common training, common backgrounds, common lifestyles, that they identify with one another. And that's the problem - that's one of the problems. It's not the only problem but one of the major problems.

I think you'll probably find the same in military situations and armed forces, police forces, and so on, that there's this esprit de corps, there's this sort of bonhomie between priests. They are part of, and as we say, it's a clerical club. A lot of them don't even realise -
because it's so much part of their life, they don't realise
the impact that it has on them. So it's very difficult for
them to make assessments about their brother priests or
religious, because they're the ones whom they spontaneously
identify with when complaints are made, when action has to
be taken.

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

PROFESSOR MOLONEY: Yes, that's true.

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

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

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

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

DR MULVIHILL: Yes, I have.
COMMISSIONER FITZGERALD: Out of that, have you seen any improvements that are worth reflecting from the orders?

DR MULVIHILL: When I look at the figures in front of me about the number of offences that have happened since 2000, I start to wonder if there have been any. There's certainly some idea about themselves having to be more accountable. I haven't yet seen, for example, an official apology from any religious order to victims for the terrible way they've been treated, for example, so I'm wondering when that's going to happen. If that happens, I think we can possibly say maybe there has been an enlightenment happening here. I haven't seen any apology from any bishop to any victims in his diocese, for example, that says, "I treated you badly. We mishandled this. We were in it", and so on.

So I think those are some of the indicators I would be looking for. I don't see them, personally. I have stood away, in the last few years, from it, so I'm not necessarily up to date and may not be the best person. That's what I'm looking for. I'm looking for an apology about the way people were treated and still are treated.

COMMISSIONER FITZGERALD: Can we just have a couple more comments. The reason I asked that is because a number of the orders are shrinking in Australia but expanding internationally. So whilst Australians look at these orders and say, well, there's no problem because they're reducing in numbers, in fact worldwide they're increasing, particularly in the Pacific, Asia, Africa and the Americas. So as a universal Church, these groups are growing, even if they're shrinking here. So I just want to look at the orders just in terms of what I said before.

PROFESSOR MOLONEY: I think you have put your finger on a significant issue. I also think you made part of the response in the fact that there is this change of leadership. There is a sort of moving target, you might say. But I would think that many of the things that generate the abuse issue among the priests - among religious priests, anyway - would be the same among the religious Brothers, and they would be loneliness, overwork, people who are fragile in themselves, the affective side of their lives undeveloped. I think this is common, particularly among male and I think also among female
religious, who are often thousands of miles from home,
working in very different circumstances, and these problems
emerge among both the priests and the men and the women who
are not ordained.

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

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

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

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

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

THE CHAIR: It is said - and we'll no doubt hear it - that
the Church has come to understand these problems and these
issues and that, in many respects, change has already
occurred. There's a better selection process for
seminarians. There are better formation processes.
There's a greater understanding of the issues relating to
the management, if you like, of priests and religious. It will also be said, as Commissioner Fitzgerald points out, that the numbers entering the orders in Australia are falling, perhaps almost non-existent in some respects.

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

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

There are good things happening. But, for example, to say that the seminarians are now all fine, the seminaries have been renewed, they're being exposed to this wider society and all that, that is simply not true. The seminaries are closing their doors. They're putting garments on the boys. They're having long Latin liturgies. They like to walk around the streets with their soutanes. That's what's happening. So don't tell me things are changing. A lot of people believe that this is the solution to the problem - make them more clerical than ever. We've got to face these truths. I mean, we have a major problem in the Australian Church, and there's very few that are still coming. Many of them are like this.

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

COMMISSIONER FITZGERALD: Can I just take that point, if
I might. It's very noticeable, what you have just indicated, that whilst in this hearing and in other venues clericalism has been universally regarded as a problem - and we don't need to go into that - what you say is that the seminaries in Australia have returned back to a model of training which in fact reinforces clericalism. How does this dichotomy between what the evidence now shows and this reversion taking place come about and what is driving that?

PROFESSOR MOLONEY: Again, I think we're dealing with the sort of issue that we dealt with earlier, that the Church in the late 1960s wanted to make a quantum leap into a new world. The Church in the Modern World was one of the documents that came out. There was a document on seminaries, and, since that, there has been a pontifical document on seminaries and it's about broader social integration, et cetera, et cetera - all the sorts of things that we're talking about that are necessary.

And for five or ten years, that happened. There was a radical remodelling and a considerable amount of expense put into restructuring the whole seminary. Sydney is a good case in point. Sydney sat in that magnificent gothic building out at Manly since Cardinal Moran's time. So they decided, no, let's get into the city, let's get into town, so let's buy up this place, build individual houses where they would all live in a shared community situation, and we would have the intellectual part of it down the road, all in Strathfield.

That went well. Things were looking good. But then suddenly in comes another archbishop, and it all got shut down. Back to the old system. And the old system is well and truly in force, so much so that the newly ordained priests will now wear little hats on their heads and long lace vestments and say their first mass in Latin. That's what we're looking at. We went backwards.

PROFESSOR ORMEROD: Yes.

THE CHAIR: Professor Ormerod, do you want to add to the discussion about where the Church has got to?

PROFESSOR ORMEROD: Yes. I was working at the Catholic Institute of Sydney at the time of that change.

THE CHAIR: The change back or the change forward?
PROFESSOR ORMEROD: The change back. People who were working on issues of human development and sexuality and professional - you know, getting people to develop as mature adult Christians, people I knew and respected, were simply pushed out and other people were put in their place. As Frank has ably said, we noticed almost overnight a change in attitude in the students, that a lot of them sort of lost interest in their studies because it didn't matter any more, as long as they were pious.

THE CHAIR: When are we talking about?

PROFESSOR ORMEROD: This was in - well, I was there, let's see, 16 years ago. So it was at the time of then Archbishop Pell's appointment to the Sydney Archdiocese.

THE CHAIR: And was it as blunt as, "You must change", or is it just something that happened?

PROFESSOR ORMEROD: Sorry, who must change there?

THE CHAIR: Well, were orders given for change or was it just something that happened?

PROFESSOR ORMEROD: A new rector was appointed, and that rector dismantled the existing system and put in place a much more traditional form of seminary training.

THE CHAIR: Cardinal Pell had some involvement, I think, with seminarians in Victoria.

PROFESSOR MOLONEY: The same situation.

THE CHAIR: Is it the same --

PROFESSOR MOLONEY: The same situation.

THE CHAIR: Is that seminary still running along the same lines today or not?

PROFESSOR MOLONEY: Yes, the same lines as --

PROFESSOR ORMEROD: I can't say what's happening in the Sydney situation now.

PROFESSOR MOLONEY: No, I'm not too close to the seminary,
either, as you can imagine. But to give you a concrete example, there were some outstanding Australian artists involved in the design of the chapel for the seminary in Strathfield.

PROFESSOR ORMEROD: Yes.

PROFESSOR MOLONEY: When the change came over, these magnificent windows were covered because they weren't suitable for a Roman Catholic seminary. I mean, it's just --

THE CHAIR: Did they have a particular design feature in them?

PROFESSOR MOLONEY: I can't remember what the problem was, but I know the artist threatened to take the Church to court.

COMMISSIONER MURRAY: There are those who will say that that has nothing to do with child sexual abuse and the institutional response to it. There are those who say that whether the Church governs itself conservatively or not, or liberally or not, has no effect. Why do you think the way in which the Church governs itself will affect the incidence of child sexual abuse and the response to it?

PROFESSOR MOLONEY: I think it comes back to - again, I'd like to distinguish between - these are two particular situations. I think there are fine archbishops across Australia, who are doing a much better job on this, and bishops. But here we're dealing with a particular situation, which, however, probably trains about 75 per cent of the priests in this country.

The relationship between what's going on in these situations and the child sexual abuse is not direct, but what it does is it creates a clerical and a negative - I don't like to use the word "celibacy". Celibacy is what you don't do. I like to use "developing a positive sense of chastity", which we all have. We're all expected to respect our own personal sexuality and the sexuality of the other. It's chastity we're looking for, instead of this negative word, "celibacy", "you don't do it".

So there has to be this broader - by developing a world where those things get blocked off and the
clericalism emerges, then you get - it's an indirect link, but it's a pretty dangerous indirect link, by creating a caste set apart that is answerable to no-one except their peer group.

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

PROFESSOR MOLONEY: Exactly.

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

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

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

PROFESSOR MOLONEY: That's correct, yes.

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

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

I'll give you an example from my own situation. When I became the Provincial of the Salesians in 2012, we had five Salesian principals, five number ones in our schools. When I left, we had none. But we had five outstanding educationalists, laypeople, who were there from 7 in the
morning till 10 at night, who know the contemporary issues of education. They've got it at their fingertips. The schools are booming and the quality of the care given to the kids is greatly improved.

So the institutions still exist. There are still many young people in the care of institutions that belong to the Church. Of these three places - we own three - two we work for the diocese.

MS FURNESS: But in terms of the clergy and religious interaction with the children, given that we know that lay have taken over teaching and they're publicly regulated, and the like, where do the clergy and religious interact with children these days?

PROFESSOR MOLONEY: Well, unfortunately, not in many places. Basically in the parish. But in our schools, in my own experience, we would have a Salesian or two in some sort of pastoral ministry spending time with the kids, going on various activities with them. So we still do that, but it's becoming less and less. The interaction between religious people and young people in this country is becoming less and less simply because these religious are not around.

MS FURNESS: So there's some interaction with counselling and pastoral work in schools?

PROFESSOR MOLONEY: Yes, yes.

MS FURNESS: Are there altar boys and girls these days?

PROFESSOR MOLONEY: Not in the parish I'm in, but I think if you - for example, I talked about it earlier. If you go to a parish that's sort of 80 per cent Filipino, you might get 20 altar boys and altar girls on the altar. It varies from parish to parish and which particular culture that parish is serving, so there's no universal line under that.

MS FURNESS: We'll deal with reconciliation later in the week, so I won't ask you about that. Given that the access, as you've described it, is variable but lesser than it was, say, 40 or 50 years ago, where is the current fear in relation to children in religious institutions?

PROFESSOR MOLONEY: I think the trauma that we've been
through in this revelation, recognition and acceptance of what has been done and what still needs to be cared for, as again we were reminded this morning, has made us super cautious, super cautious. I think that the interaction between religious people and young people nowadays is so controlled that, for example, you just don't do this (demonstrating) to a kid any more. You just don't do it, whereas once upon a time this was normal. The kid's struggling, he's in a boarding school, he's homesick, he wants to get back to his mum and dad, so you'd go and put your arm around his shoulder. Not any more. This is a negative. This is a downside.

So we're still trying to work out the ground rules, but I think the effectiveness of the presence of Christian people, high-quality Christian people, who have given their lives to the Christian mission to young people is severely damaged by what has happened in the past, and I think that's very sad.

THE CHAIR: One of the vulnerable points that has turned up in some of our studies is the parish priest and the parish school. This is not the education stream that you speak of. In one situation we've looked at, of course, there was a closer relationship between the diocesan arrangements and the parish school than maybe I think occurs in other parts of the Australia. But presumably when you speak about the selection and training of priests, that intersection between the parish priest and the parish school is one that will continue, effectively, indefinitely; is that right?

PROFESSOR ORMEROD: I think, even there, that while canonically they have authority, I think a lot of priests would say that they just don't have much expertise in that area.

THE CHAIR: That may be so, but it's at that point where they have access to children and vulnerabilities emerge?

PROFESSOR ORMEROD: Again, I can only speak from my experience. We had four children go through our parish. Most of the close work with children is undertaken by laypeople, not by the parish priest. Parish priests would be brought in to do certain things, sacramental programs, training, all that sort of stuff.
THE CHAIR: They're the vulnerable points.

PROFESSOR ORMEROD: Yes, but even the training of altar servers was undertaken by laypeople, not by the priest, because the priest was generally too busy doing other things. So it was usually parents who had some background, some training, who would be the ones who would be taking children through those programs.

DR MULVIHILL: Of course, that's in the formal structures. Then in the informal structures, there's the scenario of the lonely priest at night on the internet or finding children to teach English to and developing close personal relationships with them, which is totally unknown, unsupervised, and continues.

MS FURNESS: Professor, you were referring before to that period of time when there was a change in the approach to the seminary and it became more involved in teaching Latin and the various outfits and the like, and you said that there was a change in rector at the time. Who was the new rector?

PROFESSOR ORMEROD: Julian Porteous.

MS FURNESS: Who is now the Archbishop of Hobart?

PROFESSOR ORMEROD: Yes.

MS FURNESS: Thank you. I have nothing further, your Honour.

THE CHAIR: Mr Gray?

<EXAMINATION BY MR GRAY:

MR GRAY: Professor Ormerod, just one thing for you, if I may. You were saying that your understanding was that the Australian bishops - and I'm summarising - have not implemented necessary ongoing training and ongoing education for priests that ought to be happening.

PROFESSOR ORMEROD: Yes.

MR GRAY: Have you had an opportunity to see or to read the statements that the Australian archbishops and bishops have provided to the Commission in respect of this final
hearing?

PROFESSOR ORMEROD: No, I haven't.

MR GRAY: So you're not aware of the evidence that the archbishops and bishops have given in those statements about what is being done in the various dioceses and archdioceses in relation to ongoing education and training?

PROFESSOR ORMEROD: No.

MR GRAY: Then, Professor Moloney, one or two things for you. You would have heard, of course, what Professor Ormerod said this afternoon about supervision of priests and, in particular, how he thought that concept should be understood in terms of, for example, providing for each priest someone to talk to regularly from whom the priest could obtain help in dealing with the difficulties of the role. Do you remember those remarks?

PROFESSOR MOLONEY: Yes.

MR GRAY: And that, it might be thought, amounts in some respects to a form of care, ongoing care, for the priest.

PROFESSOR MOLONEY: Yes.

MR GRAY: Do you have any thoughts on that way of looking at the concept of supervision?

PROFESSOR MOLONEY: Yes, that's a very good remark. This needs to be managed strategically and I think the notion of care is the notion - not, "I'm your supervisor. You must see me once a month", but, "I'm your carer."

The bottom line is the bulk of these people are good people trying to do their best, but they frizzle up. They need help, and this is where we need to institute care, not so much some external supervisor that ticks the box in his little visit but somebody who exercises responsible care. In fact, I like the word "care" more than "supervision", as long as it's there and as long as it's regular, but they need care.

MR GRAY: Then, finally, a different topic but again for you, if I may, professor. You were the Provincial of your order for some years from 2006 --
PROFESSOR MOLONEY: Yes, until 2011, for six years.

MR GRAY: Five or six years?

PROFESSOR MOLONEY: Six years.

MR GRAY: You spoke this afternoon of the claims of abuse, or some of them, that came to your attention during your time as Provincial.

PROFESSOR MOLONEY: Yes.

MR GRAY: During your time as Provincial, did you feel or believe that you were in any way constrained or inhibited by secrecy requirements or otherwise in passing those claims on to the appropriate authorities, such as the police?

PROFESSOR MOLONEY: Absolutely not, and I would have very good support for that from the police at both St Kilda and Fawkner. Never once did I feel, "Oh, no, I can't do that. I've got to protect the Church." Never. If there was an obvious possibility of a criminal offence, that went straight to the police from me.

MR GRAY: Thank you.

THE CHAIR: Ms Furness?

MS FURNESS: Nothing, your Honour.

THE CHAIR: Do these three come back to us at all?

MS FURNESS: The doctor does.

THE CHAIR: Well, then, doctor, I won't excuse you, but you other two I will excuse. Can I, on behalf of the Commission, thank you very much for your contribution today, including your written material. It's very important that the Commission gather together the widest of views from all segments of the Church so that we understand the problem and hopefully can make useful recommendations.

10 o'clock in the morning?

MS FURNESS: Your Honour, I might just indicate that, yes,
we do have the third panel at 10 o'clock, but at
6pm tomorrow we have by videolink Father Gerry O'Hanlon and
we will be sitting between 6pm and 8pm to accommodate the
time frame. Therefore, we will be finishing earlier
tomorrow with the first panel, so there will be a period of
time throughout the day when we won't be sitting.

THE CHAIR: Very well. We will adjourn until 10 o'clock.

AT 3.27PM THE COMMISSION WAS ADJOURNED
TO WEDNESDAY, 8 FEBRUARY 2017 AT 10AM