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MIKE LEDINGHAM - AFFIRMED

EXAMINED BY MS JANES

MS JANES: May it please the Commission, we have our first witness, Mr Ledingham.

CHAIR: Mr Ledingham, good morning. In terms of the Inquiries Act 2013 under which the Royal Commission is operating, I am required to seek your answer to an initial question. (Witness affirmed).

A. I do, as I remember it.

MS JANES:

Q. Mr Ledingham, is your full name Michael Joseph Ledingham?

A. Yes.

Q. And you have prepared a statement for the Commissioner which you have signed and dated?

A. Yes.

Q. And I understand that as we go through the evidence, there will be some changes because of subsequent events after you completed this?

A. Yes, when we get to that stage I will make a note.

Q. Perfect. And just before we start on your evidence, I understand that you have been notified that our Chair is a Catholic and as a courtesy because you have experience of abuse in the Catholic Church, there has been a discussion about your comfort?

A. Yes. Not only am I representing myself here today, I am representing my two younger brothers who were also abused. Speaking to them last night, they found it odd that a member of the faith, the perpetrating faith, is in charge of this Commission. But I have been assured that you are an honourable man and you will deal with everything impartially and will advocate impartially.

10.08
10.09
10.10

- 1032 -

1 And on that advice, I am happy with that. And I passed
2 that on to my two brothers.

3 **CHAIR:** Thank you, Mr Ledingham. I acknowledge and
4 respect and understand what you have said. Myself
5 and my four colleagues are New Zealanders of varied
6 backgrounds, Samoan, Maori, European and we come
7 from a number of faiths, Presbyterian, Catholic and
8 I am Catholic and that is widely known and that has
9 been made clear. But we have, as assiduously as we
10.11 10 can, endeavoured to make our footprint asserting
11 independence and our willingness to listen to
12 everyone who comes before us, particularly those
13 who have been survivors. So, I acknowledge what
14 you've said and can understand what you've said and
15 I will now invite you to provide the material that
16 you wish to bring to our attention. Thank you.

17 A. Thank you.

18 **MS JANES:**

19 Q. Just before we get into the evidence, can you confirm
10.12 20 that when you speak about your brothers and a particular
21 third party who is a friend of yours, that you have their
22 consent?

23 A. Yes, I have their full consent to use their case as part
24 of my submission.

25 Q. Mr Ledingham, can I ask you to start reading then from
26 paragraph 2 of your statement?

27 A. All right. I found it extremely difficult to formulate
28 this address. It is hard to remain detached when you
29 have experienced what we did. But for all the victims'
10.12 30 sakes, here I am today, hopefully speaking for a vast
31 silent majority also.

32 I have written a book about our experience called
33 The Catholic Boys. It was published in June this year
34 after taking me more than 20 years to write.

- 1033 -

1 I have had three other books published over the past
2 five years after finding out later in life I did have a
3 talent for writing but oh to have learnt this at a much
4 younger age. My publisher Mike Smith of BMS Books
5 Rotorua, a Catholic himself, always knew I had this draft
6 copy of The Catholic Boys squirrelled away and kept
7 encouraging me to finish.

8 I put it aside many times before, not only because I
9 kept becoming disgusted with recalling what had happened
10.13 10 but also our experience of the arrogant and seemingly
11 non-caring attitude of the Catholic Church.

12 **CHAIR:** Mr Ledingham, I intervene only to ask you to
13 keep your eye on the stenotyper and the people who
14 are translating into sign language what you're
15 saying. It's an obvious thing that having said
16 that, I'm asking you to please moderate the pace of
17 what you're saying.

18 A. Moderate?

19 **CHAIR:** Go more slowly.

10.14 20 A. Okay, yep. So, I dithered around with it for 20 years
21 but this changed suddenly late last year when the Bishop
22 of Adelaide proclaimed words to this effect, "I would
23 never report a priest who confessed to sexual abuse. To
24 me, for the victim this is like having contact with God
25 through the priest".

26 I was outraged at this and I thought how sick is
27 that? I was appalled like the people like that Bishop of
28 Adelaide were in charge of the church. So, it was
29 exactly the motivation I needed and I finished the book
10.14 30 ably supported by my sister Mary as the narrator because
31 I was too close to the story to do it and my two younger
32 brothers who have each told their side of sordid
33 childhood.

34

- 1034 -

1 **MS JANES :**

2 Q. You say in your next paragraph that it took you some
3 40 years to fully disclose and later in your brief you
4 talk about why you didn't report. Can we move on to
5 paragraph 11?

6 A. I make no apology for the language when describing what
7 happened. It may offend some of you, especially
8 religious people, but then nobody really apologised to us
9 when we disclosed that Catholic Church clergy performed
10.15 10 deviant~~e~~ practices on us bewildered frightened children.

11 Q. Carry on.

12 A. The horrific abuse that happened can't be told and
13 understood using polite words or ~~watered-down~~watered-
14 down rhetoric.

15 I make the point also, I have not always been a good
16 person, I was screwed up mentally for quite a few years
17 and didn't always do the right things.

18 By the same token, I don't preach or tell people to
19 follow me like churches do. I'm more like "don't follow
10.16 20 me I'm lost".

21 We, my brothers and I, make up the numbers of
22 countless other victims of abuse in the Catholic Church
23 who are out there, and I somewhat feel we also have a
24 duty to those silent, suffering people to try and bring a
25 sick and self-centered institution out of the dark ages
26 to face the realisation of what they have done.

27 Sexually abusing anyone is a crime.

28 Sexually abusing children is abominable.

29 If any one of us did it, we would face years in
10.16 30 jail.

31 So, how can they be allowed to get away with it?

32 Q. Mike, thank you for having the courage to come forward
33 and tell your story. Can you now describe what happened
34 to you, starting at paragraph 27?

A. Okay. What happened. On the face of it, we grew up in a

- 1035 -

1 great example of a Catholic family with strong Irish
2 roots. My family was typical of many of those who lived
3 in the area. My father worked, my mother stayed at home,
4 and us 8 kids were raised to respect adults and those in
5 authority, especially priests of the Catholic Church.

6 We were regarded as what was then called a good
7 Catholic family, and it was always impressed on us from
8 an early age that we were privileged to be members of the
9 one true church and had standards to uphold.

10.17 10 My brothers and I served as altar boys at the local
11 Catholic Church.

12 We attended the local parish convent school, St
13 Joseph's Onehunga. There were many religious visitors to
14 our house. We became accustomed to seeing them, liked
15 most of them and, unfortunately as it turned out, trusted
16 them implicitly.

17 In our small wee eyes, the Catholic Church was all
18 powerful, always correct and in fact infallible.

19 Q. And then when did the abuse begin for you? You have that
10.18 20 at paragraph 34.

21 A. For me, my memory, the actual abuse proper began in 1958
22 at Father Frank Green's Aaunty's house in Mt Roskill.
23 Previously when doing gymnastics or especially when
24 riding in the front seat of his car, he would rub up and
25 down your legs and body quite inappropriately but we
26 didn't understand that at the time.

27 We'd gone up to his Aaunty's house ostensibly to
28 redecorate the house while she was away. We worked for a
29 while, then stopped for a break. He asked me how my
10.19 30 training for the silver badge in gymnastics was going. I
31 said okay except for the splits exercise which I found
32 really hard.

33 Green said he could help me and got me to do the
34 splits while he got down behind me and began rubbing the

- 1036 -

1 area of my crack and my balls which surprised and
2 unsettled me.

3 After a while, he said it would be a lot easier if I
4 took my strides off. I was unsure and unwilling to do
5 ~~this~~this, but he ordered me to do it. He then started
6 stroking and massaging my whole genital area while he
7 went quiet and strange breathing heavily with some sort
8 of movement of his body going on. I understand now that
9 he was masturbating himself, although again, as an 8 year
10.20 10 old child with no idea about sexual matters, I certainly
11 didn't understand this at the time.

12 Q. And you have described the effect that this abuse had on
13 you.

14 A. Well, yeah, you need to understand that I was only an 8
15 year old. We'd had no sexual, you know we knew nothing
16 about sex. In fact it was a ~~tabu~~taboo subject. I was
17 totally uncomprehending, shocked, frightened and
18 sickened. I felt very dirty. When he was
19 finished I went straight to the toilet and locked myself
10.21 20 in and just sat there in abject misery until he ordered
21 me out, dropped me home and left with not even a word
22 spoken.

23 My life had suddenly turned into a total nightmare.
24 More especially after all the teaching about love of God,
25 piety and purity and burning in hell fire forever if you
26 sinned being hammered into you from an early age.

27 I understand now that for an 8 year old child, me,
28 this was quite a catastrophic event in my life.

29 I was so traumatised by the events I never once
10.21 30 managed to tell a soul what had happened until years
31 later.

32 Q. And you've also described the effects it had on your
33 health and your education.

34 A. I developed asthma around that time. My attention at
school was sadly lacking and the nuns were pretty quick

- 1037 -

1 to dish out the strap or other punishments for this.

2 Green very quickly followed up the abuse with orders
3 to the nuns for me to report to him at the presbytery
4 after school for unspecified reasons. After just about
5 sweating blood all day over this, sick and frightened
6 about what might occur, I knew I could not ignore this
7 instruction.

8 Once there, he would always accuse you of some sort
9 of misdemeanour, all bullshit of course, theft, damage to
10.22 10 the school or church or grave yard but his favourite
11 subject was talking about masturbating. He seemed to
12 have a fixation on this heinous sin but I didn't know
13 what he was talking about. I became even more confused.
14 I can still remember him asking me what colour the fluid
15 was that came out of my penis when I played with myself.
16 For me, an 8 year old boy, this was totally
17 non-~~comprehendable~~comprehensible. You know, like, I
18 couldn't, you
19 begin to doubt yourself. Your mind.

19 This type of interrogation happened on at least 4 to
10.23 20 6 occasions that I recall, so you can imagine my
21 attention at school had been well and truly diverted. I
22 spent my time with my head over my shoulders worried and
23 after school could not get the hell out of that place
24 quick enough.

25 My asthma continued to plaguey me, meaning days
26 at
27 home in comparative safety and I can remember the doctor
28 telling Mum that there didn't seem to be a clinical
29 reason for the asthma, so it must be a nervous thing. I
30 think he was spot on.

10.23 30 Funnily enough, as soon as I left secondary school
31 and went working on a farm, the asthma disappeared and
32 I've never had it since. I gave up church at that time
33 too.

34 Q. And, Mike, you also talked about the abuse at the convent

- 1038 -

1 school but did Father Green also assert himself into your
2 home life?

3 A. He did.

4 Q. Paragraph 54.

5 A. It wasn't really safe at home because Green turned up
6 often because our Mum did typing for the church.
7 Remember this priest was God on earth to an Irish
8 Catholic family at that time. The intimidation continued
9 on a regular basis. I remember once ~~when~~ mywhen my

10.24 10 brother Gerry had a school mate come over for the
11 weekend, Green heard about this. We
12 found out years later that Green had also abused this
13 boy. He called us both up to the presbytery
14 after school, split us up into separate rooms and told us
15 that the other boy had told him we'd all masturbated
16 ourselves around the back of our house. We
17 denied this but he kept us there until we finally
18 admitted it and then he warned us that he would tell the
19 nuns and our parents if we ever got together with that
10.25 20 boy again.

21 On the way home, Gerry said he hadn't done it and I
22 said I hadn't either but neither of us actually told the
23 other of the abuse that had occurred to us at that time
24 because it was a dirty, terrible, dark secret. I think
25 Green was scared we would compare notes with that other
26 boy too and I can tell you this, it was far from our
27 minds. We were too scared to tell anyone about the
28 nightmare we were now living.

29 Q. And at paragraph 59, you list a lot of the profound
10.25 30 effects that it had on you?

31 A. Yes, like many other victim survivors we lived in
32 confusion and silence, I achieved no qualifications. I
33 mistrusted authority. I developed a blind hatred of
34 intimidation which was to cost me a fair few good jobs.
I did not feel safe letting people get close to me. I

- 1039 -

1 developed a drinking problem that I think I still have.
2 I committed a few crimes in the latter 60s which could
3 have had me in jail or Borstal if I'd been caught. But I
4 always knew when to cut and run.

5 After I joined the Army, I did spend time in the
6 Military prison.

7 Q. Up until that time, you had believed you were the only
8 one experiencing abuse but what happened to them and how
9 did you find out about your brothers?

10.26 10 A. I didn't know but obviously he tried me and because of
11 the asthma and he wasn't getting a chance, he must have
12 moved on to my younger brother Gerry, he's 11 months
13 younger than me, so he could have only been 7 when this
14 happened. We are very similar in thinking but we have a
15 few differing personality traits. He is a very private
16 man and I don't think he has told me the full extent of
17 the abuse that occurred to him but I could be wrong about
18 this.

19 What I do know is that, like a lot of the victims,
10.27 20 he loathes the Catholic Church and distrusts them
21 completely which you can't blame him for forgiven what
22 happened and then the shameful way we were treated when
23 we tried to get redress.

24 I asked him if he would like to say something to you
25 today and he had this to say:

26 "Nothing much has changed. They (the church) go on
27 about how sorry they are and how they now look after the
28 victims, but you know, not once in the 17 years since we
29 were forced to go public has anyone even rung to see how
10.27 30 we were travelling or if we needed anything. They are
31 full of shit and as far as I'm concernedconcerned, they
32 can shove their sick religion right up their jacksy".

33 Thanks for that Gerry, that gets your point across
34 pretty succinctly, I feel.

- 1040 -

1 My brother Chris was always a quieter far more
2 gentle and more studious type than me and Gerry. He
3 wouldn't hurt a fly. And Gerry and I used to have to
4 fight his battles for him at school. Mum always used to
5 say look after your little brother and so we did.

6 This part I find hard. Finding out in 2002 Green
7 had got to him badly upset me greatly. I felt I had let
8 him down and I cried. My sister, Mary, pointed out given
9 the powerlessness of the situation we were in, I wouldn't
10.28 10 have been able to do anything about it anyway. But if I
11 had known earlier while Green was still alive I'd have
12 nailed the bastard for sure.

13 Chris used the money he got from the church to go to
14 Uni in Aussie. He achieved two degrees and had the
15 education he was supposed to, that he would have got in
16 his 20s had things been normal, with the chance of
17 earning good money for far more years before retirement.

18 Like the rest of us who were abused, he hasn't got
19 much to retire with. In fact, with the interference the
10.29 20 abuse caused to our early education, and the subsequent
21 loss of further education, qualifications and employment,
22 we are a typical example of many bright intelligent
23 children with potential to achieve and be financially
24 independent who are now facing a meager retirement.

25 I asked Chris for you today and this is what he
26 said, having read this book, Walking Towards Thunder by
27 Peter Fox an ex-Aussie Policeman who was trying to
28 inquire into sexual abuse within the Catholic Church, he
29 now knows the Catholic Church did conspire to cover up
10.30 30 sexual abuse crimes. His quote stems from the church's
31 handling of the pedophile Priest Denis McAlinden who they
32 knew had been abusing young girls for years. They
33 claimed beyond transferring them what else could they do?
34 My answer to that would be hand them over to the Police.

- 1041 -

1 But the church's canon law acknowledged the inherent
2 sinfulness of clergy abusing children but only required
3 McAlinden to be rebuked and given warnings. They tried
4 moving him but that had failed.

5 Canon law also dictated that. "A priest's good name
6 be protected, and secrecy demanded by Crimen
7 Sollicitationis, a 1962 Holy Office instruction which
8 American priests and academic Thomas Doyle would later
9 describe as "an explicit policy to cover up cases of
10.31 10 abuse by clergy".

11 So McAlinden's crimes were concealed a pontifical
12 secret.

13 That gives the lie to the fact that they were
14 conspiring to cover up sexual abuse.

15 Thanks, Chris, that tells a story and gives the lie
16 to denials of organised cover ups.

17 Can I just explain Walking Towards Thunder? It is
18 an Irish saying, it means in your life there will be
19 trouble and storms, you walk towards the thunder and
10.31 20 eventually you'll get through it and come out into the
21 sunshine. I think you should all read this book. It is
22 a compelling read and it is a sad read. I couldn't put
23 it down.

24 Q. Thank you, Mike. And then you talk about the life, the
25 effect on not only your life but your brother's life and
26 the family's life at paragraph 76?

27 A. Life after the abuse. My sister summed it up with her
28 statement:

29 "With the abuse came our journey from a happy family
10.32 30 with the usual happy feisty kids to one of three troubled
31 teenagers who became angry, abusing and self-abusing men,
32 with consequences for themselves and traumatic results
33 for our family".

34 Even today, there is still things in our family that

- 1042 -

1 have never been sorted because of religion, this sort of
2 thing can split families.

3 As I have said, after the abuse by Green, my
4 attention waned in school and I stopped achieving, my
5 health was affected. I am not a professional man, nor am
6 I well educated. In fact you could well say that I was
7 brought up in the school of hard knocks and arse
8 covering, literally. It is hard enough as a young child
9 to recognise that the better your education, the better
10.33 10 your employment would be without having someone having
11 designs on your arse.

12 I left school after the 5th form after failing
13 School Certificate. From memory, I had asthma around the
14 time of the exams, which didn't help, but I feel I never
15 really regained the ground that those last miserable
16 years at that convent cost me.

17 I was certainly very mixed up and confused.

18 When you've been brainwashed by religion, and then
19 sexually abused by a priest at a young age, it is not a
10.33 20 good recipe for logical thinking.

21 Basically, I ran wild for four to five years, had
22 jobs on farms, had altercations with bosses, had jobs at
23 the freezing works, had altercations with fellow workers,
24 couldn't hold down a job very long. I had an honest
25 pathological hatred of intimidation and wasn't a
26 successful drinker. I got involved in brawls and
27 vandalism, caught a few good hidings and left a couple of
28 towns one step ahead of the Police but I always seemed to
29 know when to cut and run.

10.34 30 Many of my friends in those days were Maori and this
31 remains so today. They thought I was a mad bastard, up
32 north they called me crazy horse and I loved their
33 humour, willingness to stand their ground and fight and
34 also their stoicism when suffering from racism, which

- 1043 -

1 there was a lot of back then.

2 Doing national service in 1971, this is what I
3 struck, the guys I was doing national service with a lot
4 of Maori boys, camaraderie, humour. So, we decided to
5 join the regular force, a lot of us, which was a good
6 thing for me discipline-wise. It probably kept me out of
7 jail. Although as mentioned, I did do time in the
8 Military prison. I still hated intimidation and over the
9 years had several fights with more senior people.

10.35 10 I did two tour up in Southeast Asia with the
11 Infantry Battalion Station, missed Vietnam which we were
12 brassed off about but as we got older we realised we were
13 lucky.

14 In 1978 was talked into having a go they SAS
15 selection course, surprising myself I was one of 9
16 candidates from about 56 who passed and I spent the next
17 7 years there. Nothing the SAS threw at me physically or
18 mentally phased ~~face~~ me as much as the sexual and mental
19 abuse I suffered as a child at that convent.

10.35 20 Sadly, after 7 years with the SAS the old
21 intimidation thing rose again when as a Corporal I
22 attacked a Warrant Officer after an argument. The boys
23 broke it up when ~~and~~ it became obvious I was going to
24 mangle him.

25 That effectively was the end of my service after
26 15 years. In another 5 years I would have got a full
27 Military pension.

28 I married a Maori girl I met in the Army in my 30s,
29 although I still had closeness and trust issues. We had
10.36 30 5 children rapidly. Sadly, one died just before she
31 turned 3. My wife suffered from depression after this
32 and with my own problems, as well as grief, I wasn't too
33 much good to her and in the end we split after 25 years.

34 I brought my children up as heathens with a great

- 1044 -

1 contempt for any religion but they also knew if they
2 struck any problems, especially people problems, Dad
3 would be there for them. You don't need a Bible in your
4 hands to be a good person.

5 I am lucky. My children all have a good work ethic,
6 are good people with many friends from all cultures and
7 walks of life. And I now live next_door to one daughter
8 who has two boys and 5 minutes away from another one, a
9 girl, my Mokos.

10.37 10 I often look at the 8 year old boy sometimes and
11 wonder, he's about the age I was when I got abused. And
12 although they are a lot more sophisticated now, he is not
13 as street-wise as we were back then. But I'll say this,
14 if anyone ever touched him I'd cut their throat and
15 happily go to jail for the rest of my life. Life is good
16 you might say but I can't help feeling it should have
17 been better for all of the victims. We all had something
18 snatched away from us at a very young age that you can
19 never get back, trust and innocence. The Bishop of
10.38 20 Auckland claimed that nobody knew anything about Green's
21 offending in the 12 years at Onehunga ~~parish~~Parish, but I
22 find that extremely hard to believe. I was a single
23 soldier for 11 years before I got married, lived in the
24 barracks for 7-8 of those years. When you live close with
25 others like that you get to know what they are like and
26 if they have any particular bad habits, like being bent.
27 Fortunately, we only found a couple like that in my time
28 in the service. With what we now understand to be
29 Green's history of offending, the argument that nobody
10.38 30 knew doesn't wash with me Mr Bishop of Auckland.

31 I firmly believe what Green did to me and others
32 denied many of us our right and ability to determine our
33 futures.

34 Q. And then, Mike, you reinforce in your following

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1 paragraphs some of the things that you've spoken about,
2 about not feeling secure in your home, not being able to
3 trust. Can I take you to paragraph 106. You talk there
4 about the moment of truth coming when you found out about
5 your youngest brother.

6 A. Can I just read something from 104 first?

7 Q. Yes.

8 A. My adolescent years instead of being a time of growth and
9 development, instead I had to find out, to try and find
10.39 10 myself which was to prove an elusive goal. I compensated
11 for lack of confidence, especially around females, by
12 drinking heavily, I lacked stability, drifting from one
13 job to the next, never staying too long in one place and
14 never being able to trust or form a close relationship
15 with anyone, thinking there was something wrong with me
16 because of what occurred, keeping my unspeakable secret
17 buried deep.

18 The moment of truth came in 2002 August when our
19 youngest brother Chris confided in Gerry and me about the
10.40 20 abuse that he had suffered from Green and revealed that
21 he had written to the church twice and they wouldn't
22 answer him.

23 So, it was then we got together and understood what
24 the abuse had cost our families and us.

25 Yeah.

26 Q. Carry on.

27 A. Carry on?

28 Q. Mm-Mmm. You've talked earlier about it took quite a
29 while for you to fully disclose. This would probably be
10.40 30 a good time to touch on why you hadn't reported earlier
31 and also why your brothers hadn't reported earlier, and
32 that's at paragraph 115.

33 A. We, like other victims/survivors, have been asked why we
34 told no-one at the time, why has it taken so many years

- 1046 -

1 to report what happened to you? The culture of that time
2 was that we, as children, had no power at all.

3 If you were accused of something by a nun or priest,
4 you were automatically assumed guilty. If you did have
5 the temerity to protest your innocence, you are generally
6 punished twice; once for the misdemeanour you were
7 supposed to have committed and once for calling the nun
8 or priest a liar. Plus, of course, as children, the
9 abuse that occurred was way beyond our meager
10.41 10 comprehension to actually put it into words was
11 impossible.

12 I was so traumatised by the events I never once
13 managed to tsell a soul until my brother Gerry and I
14 finally spoke about it in 1985. I'd just been kicked out
15 of the Army and he was heading to Perth and we had a big
16 booze up, everyone else went home, we were sitting around
17 talking and he said, he mentioned this Father Green and I
18 said I think he was a fucken pedophile and Gerry said he
19 was, he had a go at me and I said yeah, he had a go at me
10.42 20 too. I've always been an attacking sort of a person, I
21 said let's do the bastard. He was still alive then, l but
22 our Mum wasn't well and she believed in this all her life
23 and we decided we couldn't take that away from her. I
24 now wish we'd done something about it. It was
25 not until 2002, my brother Chris encouraged by his
26 counsellor shared his abuse with us. So, then he informed
27 us he had written to the church twice in 2002 and been
28 ignored.

29 And then we knew they'd been informed of his sexual abuse
10.43 30 and we wrote further to tell them about we other two.

31 So, the response of the church. What did they do?
32 They did what they're good at, ignored, delayed,
33 deferred, detracted, denied. They did anything, anything
34 they could not to accept responsibility until we felt
forced to go public.

We didn't know really what to expect from the church

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1 but they seemed to draw it out for as long as possible
2 with many excuses for lack of progress.

3 A visible complaints process didn't seem to be in
4 place then and they drew things out for so long, both my
5 brothers began to have nightmares and flashbacks.

6 Chris, not knowing we had also been abused had first
7 written to Bishop Dunn on 18 April 2002 explaining what
8 had happened to him and finishing with:

9 "I don't know what to expect from this letter, I
10.44 10 just know I have to write it".

11 Having had no answeranswer, he wrote again on 6 of
12 June finishing with:

13 "I urge you to take some interest in this matter for
14 our own mutual healing benefit".

15 He eventually got a reply from the Bishop on 1
16 July 2002 and the church's professional Standards
17 Committee on 11 July 2002. By then because it was taking
18 so long, on advice he had confided in us and was shocked
19 to learn we had also been abused. So, he wrote to the
10.44 20 Professional Standards Committee telling them about us
21 and giving them his Perth telephone number for a contact.

22 Despite various letters back and forward over the
23 next few months, there did seem to be a deafening silence
24 while they fluffed around with committees, meetings,
25 excuses, claims of an unseen letter and nobody seeming to
26 know what to do, we made the decision to engage a
27 New Zealand lawyer, with no perceivable progress being
28 made over the next weeks and realised just how much the
29 Catholic Church were messing us about, we decided to take
10.45 30 action.

31 There is an old infantry adage that I've always been
32 fond of, "The best means of defence is attack". So, we
33 went in boots and all.

34 We went public in the New Zealand Herald on the 7th

- 1048 -

1 of December 2002.

2 This certainly produced some reaction with Bishop
3 Dunn flying over to Perth to meet us and also resulted in
4 various other victims coming out of the woodwork.
5 Certainly, it wasn't our greatest wish to have the whole
6 sordid business public but we needed to get some sort of
7 resolution while they appeared to be playing for time.

8 They did fly Chris and I over to Auckland for a
9 hearing in 2003. Gerry hates them so much he couldn't
10.46 10 stand to be near them and he couldn't take responsibility
11 for what he might do, so he stayed where he is.

12 We went to their place in Ponsonby accompanied by my
13 sister Mary and our lawyer. They had a couple of QCs
14 with the Bishop and various other religious people
15 present but not too much eventuated from this meeting.

16 They showed us a balance sheet showing there was no
17 money and I do recall the Bishop actually stating that
18 they didn't want to pay us too much because it might set
19 a precedent for future cases.

10.46 20 The saga dragged on through 2003. There was another
21 release in The Herald, "No joy for abused trio". Both my
22 brothers were still having nightmares and flashbacks.
23 So, in late 2003, when an offer was made, it was decided
24 we accept this.

25 The matter was finally settled on 15 January 2004.

26 After the settlement, we never heard from the church
27 again. And we only began to take - I only began to take
28 interest after the outrageous statement from the Bishop
29 of Adelaide which motivated me into finishing the book.
10.47 30 I have to say, although the Bishop prattled on about
31 closure, you don't ever feel you've got closure when you
32 continue to wake up suddenly after having a dream about
33 the whole sordid nightmare that was your main childhood
34 memory.

- 1049 -

1 Tellingly, although I am now back living in
2 New Zealand, both my younger brothers prefer the
3 anonymity of living in Australia after being forced to go
4 public with our story, although they are Kiwis at heart.
5 Basically, they are refugees from their own country.

6 Q. And you set out in your evidence your belief that there
7 are other abused -

8 A. We know there are others. After my book was published,
9 my publisher was contacted immediately by a woman, told
10.48 10 him her brother had also been abused by Green around that
11 time and committed suicide.

12 My publisher put this lady in contact with the
13 Commission and I believe she's made a submission.

14 Recently, I met and talked to an old school friend
15 from those days. He stayed in the general vicinity all
16 those years and he knew or suspected who the victims are
17 when we were together at school. He shared with us his
18 own horrific story of abuse by Green. Although he has
19 passed away, he did speak to the Commission about 10 days
10.49 20 before he died and I have his permission to share part of
21 his story with you.

22 His father was killed in a car accident when he was
23 7. Immediately after which, Green zeroed in on him and
24 began abusing him. Soon he became pretty wild and
25 uncontrollable, which you might well understand. His
26 mother, with another ~~6-year-old~~6-year-old brother and 4
27 other young girls, the youngest a babe in arms, could no
28 longer control him. In desperation, she eventually sent
29 him off to stay with relatives in the country. There
10.49 30 away from the perverted attention of the predator he
31 settled down and was happier again.

32 When I first spoke to him about this it was on
33 Messenger and I'm deaf and Messenger is in and out. When
34 we sat with Sandra, his story changed so I'm going to

- 1050 -

1 tell you what happened.

2 After some months of being away, Green told the
3 mother that he should be at home with her and he, Green,
4 would help control him. Green went down to where the
5 child was staying, ostensibly to pick him up. Denis came
6 home from school, saw Green's car in the driveway, went
7 to the back of the farm and hid. As soon as Green went,
8 he came back and went inside. Green stayed in the
9 general vicinity for two days looking for this boy to
10.50 10 take him back. Eventually, Green went back but he got to
11 the mother and within a week he'd organised for Green -
12 Green organised for him to be brought back home within a
13 week. Green then continued abusing him until he was
14 11 years old. Can you imagine that? I only remember the
15 one instance of being abused but I do remember the mental
16 abuse. This poor guy for 4 years at least he was abused
17 by this priest. I think that's bloody horrific. Sadly,
18 he has passed away but lucky he spoke to the
19 Commissioners just before he died.

10.51 20 He saw our case in The Herald in 2002, got a lawyer
21 himself and took issue with the church.

22 His experience of reporting to them was similar to
23 ours. He said he had to face a board and felt very
24 intimidated as they questioned him, seemingly looking for
25 some sort of hole in his story that they could seize
26 upon.

27 He reported the Bishop told him that the church was
28 not responsible for the abuse because they did not employ
29 Father Green.

10.52 30 So, Denis asked the Bishop, who did then? God?

31 This did not go down too well. The church by then
32 had accepted responsibility for our abuse by Green, so to
33 me this was a pathetic way to try and avoid
34 responsibility to a single victim on his own.

- 1051 -

1 I reckon it's porky telling, although the Bishop may
2 well differ.

3 A terminally ill man has no reason to lie you'd
4 think? I know who I believe.

5 Support and compassion from the church you'd hope?
6 This victim suffered a further trauma when he first went
7 to have chemo. On his hospital record he was listed as
8 RC, Roman Catholic, even though like the rest of us he'd
9 tossed away religion years previously. A Catholic
10.53 10 liaison officer rocked up to see him but he told her he
11 was no longer a Catholic because he had been sexually
12 abused by a priest as a child. "Are you sure it
13 happened?", she said. "Are you sure it happened?" I'm
14 sure I'm not allowed to repeat what he told her here but
15 she got out that door pretty quick, he said.

16 This incident highlights a problem we found in this
17 church, the denial, the denial the abuse happened, the
18 denial of responsibility and the silence of the Laity.

19 Where are they, the Laity?

10.53 20 Why are they not questioning and asking for
21 explanations from their leaders?

22 This is serious. These so-called leaders of faith
23 are having input into what is being taught to the
24 children in their schools.

25 Many are possibly guilty of permitting crimes
26 against children to go unpunished.

27 I could never send my kid to any school like that.

28 My sister, who acted as conduit for us boys in
29 dealings with the Catholic Church at the time had this to
10.54 30 say:

31 "The church at the time did not handle them in the
32 way that it should have. It is my most sincere prayer
33 that those at the top will see the error of their ways
34 and reconcile what was, in reality, further abuse, at

- 1052 -

1 that time".

2 Q. Mike, you have some suggestions that you would like to
3 make to the Commissioners?

4 A. I do, I do. What needs to happen? Commissioners, I
5 agreed to give this testimony today to give voice to the
6 abuse that has happened, not just to us but many children
7 in New Zealand, by church institutions, state
8 institutions and in our case the Catholic Church.

9 So, I'm not just reporting our experience to you
10.54 10 today, Commissioners. I'm reporting an experience that
11 many other victims/survivors of the church in New Zealand
12 and their families will recognise has only been too
13 similar to their own.

14 The church must be held accountable.

15 The church cannot be trusted, in my experience, to
16 do what must be done, so the criminal abuse of children
17 stops.

18 Of the many things I think you need to look at, the
19 confessional is one. I quote from the Heal Project's
10.55 20 website:

21 "This culture of silence and shame around sex and
22 sexuality creates a breeding ground for child sexual
23 abuse".

24 This is exactly what the confessional does. It
25 ~~forgives these for lives the~~ perverts of their crime,
26 does nothing to stop them and allows them to continue on
27 with their deviant ways.

28 Therefore, I strongly recommend the supposed
29 sanctity of the confessional be totally disregarded,
10.55 30 especially legally.

31 There is no doubt in my mind that many of these
32 abusers went to confession after defiling children, got
33 themselves back into a supposed "state of grace" then
34 went on to reoffend, again and again.

Surely, the safety and sanctity of the children

- 1053 -

1 comes first?

2 When the abuse occurs and is confessed, you have two
3 serious criminal offenders - the abuser and the priest
4 who heard the confession and did nothing about it.

5 This church needs to abolish this monstrosity
6 immediately and all alleged abusers should be
7 interrogated thoroughly as to who they confessed to
8 and/or who knew about the offending.

9 This nonsense is what has allowed these abusers to
10 flourish.
10.56 10

11 The other point I'd like to make to you,
12 Commissioners, is the Catholic Church should in no way be
13 allowed to handle allegations of sexual abuse in-house.

14 Serious sexual abuse is systemic right throughout
15 this organisation worldwide, ably encouraged by their
16 archaic confessional laws.

17 They are extremely reluctant to take ownership of
18 the abuse suffered by my brothers and I, and were
19 extremely difficult to engage in meaningful dialogue, and
20 there were three of us. Imagine the difficulty facing a
21 single victim.
10.57 20

22 Sexual abuse of children, especially of children is
23 a crime after all.

24 All allegations of sexual abuse should be handled by
25 the Police or, if historic, a non-aligned professional
26 group funded by the group themselves.

27 The Catholic Church I believe is the biggest
28 shareholder in faith-based abuse. They don't pay tax
29 anyway, so why can they not take the burden placed on our
30 society of the hundreds if not thousands of victims of
31 abuse by their own clergy?
10.57 30

32 They have amply demonstrated they cannot honestly,
33 fairly and charitably deal with the blight that affects
34 their church. This church has a debt not only to victims

- 1054 -

1 and their families but also to the taxpayers. Talking to
2 an old Army mate of mine who has been a prison guard for
3 30 years, he told me most of the prisoners he looked
4 after had been abused in some form or other and yes, many
5 by faith-based institutions.

6 To the church, I'd say, stop reading from the Judas
7 book of betrayal, denial and hanging onto the 30 pieces
8 of silver and read from the Jesus file. Do the right
9 thing. You have the assets. Sell some of them and fund
10.58 10 the programme for victims run by professionals. I am
11 sure Jesus would agree with that. You preach that you
12 and your followers are going to inherit the Kingdom of
13 Heaven, so you should be able to afford a few of your
14 many castles on earth, use the money as reparation for
15 the countless victims of your clergy.

16 I'd also like to address the abusers and enablers
17 out there. Many of you are getting closer and closer to
18 the big D day, death. You may think you have been
19 forgiven by going to confession but I really do have my
10.59 20 doubts. Why don't you do something to break the cycle of
21 silence and perhaps gain back some vestige of your own
22 ~~self-respect~~self-respect. Simple. You are
23 propagating a fraud and you are living a lie. Own up.

24 Own up for the abuse and/or its cover up.

25 At least have the balls to stand up and be counted,
26 a last chance to do the decent thing before you front up
27 to the big man.

28 Finally, I am a great fan of the words in Bob
29 Dylan's earlier protest songs, he had a great one
10.59 30 protesting about weapon manufacturers, while young people
31 died buried in the mud, called Masters of War. I have
32 changed one of the verses and called it Masters of Shame.
33 This is for all you abusers and enablers out there:

34 "I think that you'll find when your death takes its

- 1055 -

1 toll, all your money, power and confession could never
2 buy back your soul. And I'll tell you further, for I
3 know that it is true, even Jesus would never forgive what
4 you do.

5 I stand here in solidarity with all abused victims,
6 both State and faith-based. Most of us have been walking
7 towards thunder all our lives. Commissioners, you have
8 an opportunity here to perhaps allow a little bit of
9 sunshine to shine on us, please do so. Thank you very
11.00 10 much. Can I just say after this we're going down to tie
11 some ribbons in memory of the abused victims down at the
12 cathedral. Thank you very much.

13 **CHAIR:** Thank you, Mr Ledingham.

14 **MS JANES:** Thank you, Mike, for your testimony. I have
15 no further questions of you but I will ask the
16 Chair to check if there are any from counsel or
17 whether there are any from the Commission.

18 **CHAIR:** Thank you, Ms Janes. Are there questions which
19 counsel wish to address to Mr Ledingham?

11.01 20 **MS MCKECHNIE:** I appear as counsel on behalf of the
21 Bishops and Congregational Leaders of the Catholic
22 Church. I am here as counsel.

23 A. Sorry?

24 **MS MCKECHNIE:** My name is Sally, I am here as counsel on
25 behalf of the Bishops and Congregational Leaders of
26 the Catholic Church. I don't have any questions
27 for you, Mr Ledingham, but I wanted to acknowledge
28 your evidence. On behalf of the Bishops and the
29 Congregational Leaders, I wanted to acknowledge
11.02 30 what you've said today and your hurt and your anger
31 about what happened to you when you were in care.
32 We reiterate the Bishop of Auckland's apology to
33 you for the wrongs that were done to you and your
34 brothers. You should not have been harmed by

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1 Father Green. You should not have been hurt when
2 you were in the care of the Diocese of Auckland.

3 Representatives of the Catholic Church of the
4 Auckland Diocese are here, Mr Ledingham, and they have
5 heard what you have to say and they have heard your anger
6 and your concern about the redress process.

7 The Bishops and Congregational Leaders have a lot of
8 lessons to learn from this Commission, and one of those
9 lessons is going to be how to improve the redress
11.02 10 process, how to help people like you, the survivors, with
11 their healing.

12 A. I don't think you have the capacity to deal with it. I
13 am saying it needs to be done by non-aligned, I don't
14 think you have the capacity. You are a ~~dinosaur, d~~
15 inosaur; you are a thing of the past. I
16 think you have to admit that you can't handle it and
17 contract it out to non-aligned people. I
18 would not trust you people as far as I could kick you,
19 and I am sorry to have to say that but that's the way I
11.03 20 feel.

21 **MS McKECHNIE:** Thank you, Mr Ledingham, I think we would
22 acknowledge we haven't earned your trust and we
23 will learn the lessons from the Royal Commission in
24 this process when they examine the Catholic Church
25 and try to improve and learn the lessons we will
26 have from you and other survivors like you. Thank
27 you for your evidence today, thank you for your
28 courage.

29 A. No worries, I die a happy heathen.

11.04 30 **CHAIR:** I now wish to ask my colleagues if any of you
31 have any questions yourselves that you might wish
32 to address to Mr Ledingham. I'll start with you,
33 Commissioner Paul Gibson.

34 **COMMISSIONER GIBSON:** No questions but thank you for
your courage and testimony and to those of your

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1 brothers and others who stories you have come
2 forward with, thanks.

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- 1058 -

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MIKE LEDINGHAM

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QUESTIONED BY COMMISSIONERS

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6 **COMMISSIONER ALOFIVAE:** Thank you, Mr Ledingham, for the
7 courage that you spoke with this morning and for
8 the very clear and strong recommendations that
9 you've asked us to look at.

11.04 10

Can I just ask you one question? The issue of
11 celibacy in the church with the priests, do you think
12 that is a problem that's worthy of further attention?

13

A. I think it stands out like a greyhound's balls.

14

COMMISSIONER ALOFIVAE: We can add that to the list of
15 recommendations?

16

A. Yes.

17

COMMISSIONER ALOFIVAE: Thank you.

18

COMMISSIONER ERUETI: Mr Ledingham, I appreciate that
19 you are giving this testimony not only on your own
11.05 20 behalf but on behalf of your brothers. Thank you
21 for giving this testimony on your own behalf but
22 also on behalf of your brothers.

23

I am picturing you as a 7 or 8 year old when you
24 first experienced this abuse and the difficulty it must
25 have been, as you say, to articulate what you were
26 experiencing. I suppose you think about if there's
27 someone you're going to talk to it's likely to be your
28 family but of course in your case, and it seems in the
29 case of many other young children who have been abused in
11.06 30 faith-based institutions, that the family are so closely
31 affiliated to the church that you really can't turn and
32 speak to them either; is that your experience?

33

A. Yeah, we knew we wouldn't be believed. You know,

34

everything was tipped against us. I didn't understand

- 1059 -

1 what it was. You know what I mean? It screwed my mind,
2 you know. And I never, it ~~scr~~kewed my mind for years and
3 I never really dealt with it until I learned about my
4 younger brother. I never thought about killing myself
5 but I thought about killing other people. Is there
6 something wrong with me?

7 **COMMISSIONER ERUETI:** And I wanted to also ask about
8 redress and plainly for you it is important that
9 any process be with the Catholic Church, that it be
10 independent.

11.07

11 A. I strongly, it is the only way it will ever, the truth
12 will ever be got at, by them not being able to handle it.
13 They don't deserve~~ing~~ to handle it because of what
14 they've done. Read this book, I recommend you read that,
15 it is a brilliant read.

16 **COMMISSIONER ERUETI:** Thank you. There was a strong
17 point emphasised in the context of State based care
18 as well, the importance of independence. In your
19 brief of evidence, you describe the tortuous
20 process trying to get information about the redress
21 scheme was difficult as well. So, in addition to
22 independence, are there other features that are
23 important to you that should be ~~part~~ssed of a
24 redress scheme?

11.07

25 A. I wouldn't be letting priests near the kids. I'd be
26 certainly, you know, I wouldn't want a priest near my
27 kids. You don't trust them. Whatever it was they took
28 from me, I will never get back. You know what I mean?
29 Yeah. My kids give me love but they know I am a bit
30 stand-offish but they accept that, that's who I am. You
31 know what I mean? I've never been able to give them, you
32 know, like when they get into trouble, one of them had a
33 partner who was a moron, I dealt to him, that sort of
34 thing they'll come to me but the love side I am not

11.08

- 1060 -

1 really good at. The Aroha.

2 **COMMISSIONER ERUETI:** In addition to monetary
3 compensation, a cheque, are there any other parts
4 that would form part of a redress for you?

5 A. I believe a lot of victims have clogged up the health
6 system, particularly Mental Health System, druggies,
7 they've cost the taxpayer thousands and people in the
8 prison, the same. Why should the government be forced to
9 fork out for that or the tax man? They (the Church) have
11.09 10 got billions of dollars worth of assets, why can't they
11 sell assets and fund the programme to look after these
12 people? That is the least they could do, never

13 mind going to confession and getting holy water thrown at
14 you, that does nothing, and prayers, that's nothing.

15 They need to do something constructive
16 to show they are sorry, you know, to show they are
17 capable of showing Aroha for what has been done. And to
18 me, they just sidle away from it all the time.

19 **COMMISSIONER ERUETI:** Kia ora, thank you.

11.09 20 **COMMISSIONER SHAW:** Mr Ledingham, I don't have any
21 questions. I just want to acknowledge, first of
22 all, the powerfulness of your account. You've said
23 it like it is and that's deeply appreciated.

24 I also want to acknowledge that it's because of your
25 experiences, you find it difficult to trust people and I
26 fully understand that. And so, your demonstration today
27 of some trust at least in the Commission to hear you, is
28 deeply appreciated. I know it doesn't come easily and I
29 think that you have shown enormous integrity in doing
11.10 30 that, so I want to acknowledge that as well.

31 And could you just pass on from the Commission to
32 your brothers our deep gratitude for the contribution
33 that they have allowed you to make on their behalf, it's
34 much appreciated.

A. Thank you. As I said, we've been walking through the

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1 thunder for a lot of years but also not only might we be
2 coming out into the sun but the cliff face is there that
3 we might fall off soon and die, so it needed to be done
4 and thank you for bringing this Commission, it needed to
5 be done before I die.

6 **COMMISSIONER SHAW:** Thank you very much indeed,
7 Mr Ledingham.

8 **CHAIR:** Mr Ledingham, I have the final word. I simply
9 want to reflect and endorse what has been said by
11.11 10 my colleagues. You are to be thanked for having
11 the courage to speak in public about what has
12 happened and you are to be respected for the force
13 with which you have applied to what needs to
14 happen. Thank you.

15 A. Thank you very much for the opportunity.

16 **MS JANES:** Thank you, Mr Ledingham. That concludes your
17 evidence and thank you very much for your testimony
18 today.

19 A. Thank you.

11.11 20 **CHAIR:** Madam Registrar, would you please adjourn the
21 sitting for the morning adjournment?

22

23 **Hearing adjourned from 11.12 a.m. until 11.30 a.m.**

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- 1062 -

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EMERITUS PROFESSOR DESMOND CAHILL - AFFIRMED

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DR PETER WILKINSON - AFFIRMED

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EXAMINED BY MS JANES

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MS JANES: May it please the Commissioners, I call to the witness stand, they are there, Dr Peter Wilkinson and Professor Des Cahill.

11.37 10

11

Chair, I will leave you to administer -

12

CHAIR: Gentlemen, as we start, the New Zealand

13

Inquiries Aact 2013 requires me to ask you both and

14

to receive an answer to this question - (witnesses

15

affirmed).

16

MS JANES:

17

Q. Before we start, could you each please state for the record your full name?

18

19

DR WILKINSON: Peter Julian Wilkinson.

11.38 20

EMERITUS PROFESSOR CAHILL: Desmond Phillip Cahill.

21

Q. Together, you have produced a comprehensive paper with appendices which have been provided to the Commission and that is to the best of your knowledge true and correct as at the time it was written?

22

23

24

25

EMERITUS PROFESSOR CAHILL: Correct.

26

DR WILKINSON: Correct, yes.

27

Q. You have also produced a shorter summary paper which you are going to be presenting today?

28

29

DR WILKINSON: Correct.

11.39 30

EMERITUS PROFESSOR CAHILL: Correct.

31

MS JANES: Chair, with your leave, I will produce the shorter paper as an exhibit. I am not sure what number we are up to.

32

33

34

CHAIR: Thank you.

- 1063 -

1 **MS JANES:**

2 Q. Professor Cahill, could you start please with the
3 introductory remarks that you would like to make? But
4 prior to that, can I ask you to provide background and
5 experience and also Dr Wilkinson, so that the
6 Commissioners understand the basis on which you are
7 providing expert evidence today?

8 **EMERITUS PROFESSOR CAHILL:** Thank you, madam counsel.

9 Firstly, may I make it clear that I am not a
10 victim. I was ordained a Catholic priest in 1970
11 after studying in the Melbourne seminary and then I
12 was sent to Rome where I did my four years
13 theology. I came back and worked for 6 years and
14 then I decided to do a career switch. I am married
15 and am now a very happy husband, father and
16 grandfather. And then I embarked on an academic
17 career and I became a trained
18 ~~psychologist~~ psychologist, but I focused on the
19 areas of immigrant and refugee movements, cross-
20 cultural communication, second language education,
21 and then multi-cultural and multi-faith societies.

22 I am now the Chair of Religions ~~For~~ for Peace which
23 is the world's largest inter-faith organisation and I am
24 Deputy Moderator of Religions ~~f~~ fFor Peace Asia.

25 My engagement with child sex abuse began really way
26 back but it was in 2012 that I made a submission to the
27 Victorian Parliamentary Inquiry into Institutional
28 Responses to Child Sex Abuse and I was called up on day
29 2; initially, interestingly enough, to give evidence on
30 child sex abuse in the non-Christian religions because we
31 know that there are significant problems in countries
32 like India, Thailand and Indonesia with the issue of
33 child sexual abuse in ashrams, temples and boarding
34 schools.

- 1064 -

1 In 2014, I was asked to go to -

2 **CHAIR:** Professor Cahill, can I intervene for just a
3 moment, and I am sure you will realise why. When
4 you speak, the stenotyper in front of you is taking
5 it down and the signers are also keeping up with
6 what you're saying, so if you would be good enough
7 to moderate your pace by looking at them, you will
8 get the notion of speaking at a rate where it can
9 all be transcribed.

11.42 10 **EMERITUS PROFESSOR CAHILL:** Thank you, Chair. I am too
11 used to lecturing.

12 So, I went to a workshop in Spain, organised by the
13 International Institute of Sociology and the Law that
14 focused on sex abuse in the Catholic Church which brought
15 together the world's leading scholars and researchers.

16 After that, I was asked by the Australian Royal
17 Commission to be the senior consultant on the Catholic
18 Church to the Commission. And ~~so~~so, I worked with my
19 colleague, Peter Wilkinson, to produce the RMIT report
11.43 20 which, when it was released went global.

21 More recently, I was asked to go to London to give
22 advice to the UK's Independent Inquiry into Child Sex
23 Abuse, commonly known as the Jimmy Savile Inquiry and now
24 I have been asked to come here.

25 I appreciate the opportunity for you to hear of our
26 expertise and insights that we hope we bring to your
27 considerations.

28 Q. Thank you, Professor Cahill. Dr Wilkinson?

29 **DR WILKINSON:** I am a Melbourne boy and at the age of 18
11.44 30 I was admitted to the seminary of the Missionary
31 Society of St Columban. I was ordained in 1961 as
32 a Catholic priest and did my postgraduate studies
33 in Rome on two occasions, first for missionology
34 and then a doctorate in missionology.

- 1065 -

1 I taught in the Columban seminary in Melbourne and
2 also in Sydney for approximately 4 years and after
3 receiving my doctorate I was appointed to South Korea to
4 work as a missionary there and was there for 4 years.

5 Then I decided to seek laicization in order to marry
6 and at the moment I am married and I have four adult
7 children and four grandchildren.

8 My association with the subject of child sexual
9 abuse began I think in 2010 when I was asked to join a
11.45 10 small renewal group in Australia called Catholics of
11 Ministry. At that time I wasn't particularly interested
12 in church matters and my approach was to buy a copy of
13 the Australian Catholic Directory and examine it as a
14 piece of research, and what I found was that, looking at
15 the evidence, there was a serious crisis within parish
16 ministry within Australia. And looking further, it
17 became clear that one of the causes of this crisis was
18 child sexual abuse in the Catholic Church in Australia.

19 So, I had two reports on parish ministry published.

11.46 20 Also, at around that time, another group formed in
21 Melbourne and we called ourselves Catholics for Renewal.
22 One of the first actions of that group, was to write a
23 letter to Pope Benedict XV and call the Bishops of
24 Australia and state that the church was in crisis and
25 that the question of child sexual abuse had to be
26 addressed openly, if the church in Australia was to be
27 Christ-centered.

28 At that time also, the Victorian Parliamentary
29 Inquiry was setup. So, our group decided that we would
11.47 30 make a submission to the Victorian Parliamentary Inquiry
31 and that the subject of our submission would be good
32 governance which we believed was lacking.

33 We also argued that the Victorian Government should
34 establish mandatory criminal reporting for instances of

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1 child sexual abuse.

2 The recommendation of the report Betrayal of Trust
3 recommended that that action be taken by the Victorian
4 Parliament and it did.

5 Des has already spoken about our work with RMIT and
6 what we did in regard to the Australian Royal Commission.
7 Thank you.

8 Q. Thank you, that provides very good context, so I now
9 invite you to begin with your introduction.

11.48 10 **EMERITUS PROFESSOR CAHILL:** Well, I'd like to
11 congratulate the government and the people of
12 New Zealand for conducting this high level Inquiry
13 into child abuse, and to have included in its Terms
14 of Reference those government based and faith-based
15 institutions.

16 As we learnt this morning, the road to this Royal
17 Commission has been long and arduous, particularly for
18 the victims/survivors. Their suffering must be paramount
19 in our minds and hearts. Our focus, as we've already
11.49 20 indicated, will be on child sex abuse in faith-based
21 institutions but particularly the Catholic Church.

22 Of course, this is not New Zealand's first Royal
23 Commission into child sexual abuse. In August 1900, a
24 short Royal Commission investigated the Marist Brothers'
25 Stoke residential facility outside Nelson. The
26 Commission's report found much to criticise in its
27 management, staff and standard of care. And the Marist
28 Brothers eventually were forced to vacate that facility.

29 So, the physical, emotional and sexual abuse of
11.50 30 children, even though it occurs more often in families
31 and we need to keep that in mind, is a scourge. In
32 Christian history we can trace it back to the New
33 Testament times when the paterfamilias would abuse the
34 slave boys and slave young women of his household. And

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1 in our RMIT report, we document that the examples
2 throughout history where it has happened as much as we
3 know.

4 One outstanding example that is relevant to
5 Australia and New Zealand, was that in 1871, Mother Mary
6 MacKillop, Australia's first saint, whose Josephite nuns
7 came to New Zealand in 1880, was excommunicated by the
8 Bishop of Adelaide and one of the major reasons was
9 because she had been a whistle blower on a parish priest
11.51 10 in a rural parish outside Adelaide who was sexually
11 abusing children attending the nun's school. The priest,
12 other priests and the Bishop were all Franciscans and
13 they ganged up on her and she was excommunicated.

14 The real reason for her excommunication was kept
15 hidden from the Australian and New Zealand Catholic
16 communities for more than 140 years and one wonders what
17 salutary effect knowledge of this incident might have had
18 on religious offenders in subsequent decades.

19 The Irish Christian Brothers who came to Dunedin in
11.52 20 1876, in Australia the first one was jailed in 1919, and
21 that particular religious order had problems in every
22 decade of the 20th Century.

23 The Christian Church has always condemned child sex
24 abuse but unfortunately in recent decades has seen it as
25 a sin and not as a crime. And so we've had, as we've
26 heard this morning, the ravished innocence of the child
27 abused, assaulted, violated, raped and sodomised, and
28 that lies at the centre of this religious catastrophe.

29 In the Christian tradition, children are seen as
11.53 30 close to the mystery of God. Each and every child is
31 embraced in God's infinite tenderness, and for parents to
32 have their patient, time-consuming and loving handiwork
33 of raising a child, damaged and destroyed by abusing
34 clergy and religious is at the very core of this

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1 religious tragedy.

2 In educating our children about their own
3 self-protection, I like to use the very useful Christian
4 maxim, highlighting bodily ownership and integrity; no
5 trespassing: this is MY body.

6 It cannot be denied that the public image of the
7 Catholic priesthood and religious life has been
8 irrevocably damaged. This has impacted upon the public
9 image and self-image of countless good, committed and
11.54 10 saintly priests who have dedicated their lives
11 administering to the Catholic communities here in New
12 Zealand and across the world. I suppose this has shown
13 to us that there needs to be a thorough going renewal of
14 the Catholic Priestley ministry, including the
15 aggregation of mandatory celibacy so this would not be a
16 panacea. We have just in the last two weeks seen that
17 process begin in Rome with the findings of the Amazonian
18 Synod driven by the desire of Pope Francis to reform the
19 church.

11.55 20 I'd like to make a few reflections, madam counsel.

21 Child sex abuse is always about power and the abuse
22 of power. Power corrupts and ecclesiastical power
23 corrupts ecclesiastically. Pathologies can infect any
24 organisation. Further, child sex abuse is always hidden,
25 very hidden, hidden by the priest and religious
26 perpetrator, and that is why it is so insidious. The
27 crime takes place in secret and the victim is neutralised
28 into silence, going back to that point. The Australian
29 Royal Commission found very little evidence of pedophile
11.56 30 rings in religious settings.

31 An additional reflection that I want to make is
32 this. Priest and religious offenders are very great
33 deniers, continually and determinedly protesting the
34 denial of their own criminal behaviour. And some

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1 Catholic bishops and religious superiors have found this
2 to their great cost. And the higher up the church
3 hierarchy the offender, the more determined is the
4 denial. And so, we have to understand this within the
5 parameters of dysfunctional governance, and we will be
6 emphasising this during our presentation. The lack of
7 transparency and accountability all within the culture of
8 secretive clericalism and within flawed selection,
9 screening and training processes in previous decades and
10 centuries.

11.58

11 Q. You've set yourself four tasks for today which you
12 outline on page 5. Perhaps you could just quickly
13 summarise those and then we'll start moving through them?

14 **EMERITUS PROFESSOR CAHILL:** Okay. We want to bring to
15 your attention the recommendations of the various
16 government-sponsored and church-sponsored inquiries
17 because we were asked by the Australian Royal
18 Commission to look at 27 Australian and
19 international Inquiries.

11.58

20 To present the findings, some of the findings
21 and recommendations of the Australian Royal
22 Commission which are contained in volume 16 of the
23 7,400 page report to give you a roadmap for
24 understanding why it happened.

25 And then to present some ways forward for you here
26 in New Zealand.

27 And then we will address some special issues which
28 Peter will do, about mandatory reporting, the religious
29 confession redress issues.

11.59

30 Q. For this specific Inquiry, Terms of Reference 20 (d)
31 requires our Commission to have regard to information and
32 evidence from other Inquiries and reviews. You have
33 evidence about the Australian Royal Commission, I'd now
34 invite you to go through that section.

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1 **EMERITUS PROFESSOR CAHILL:** The Australian Royal
2 Commission's figures show that 572 Australian
3 priests, 597 brothers, as well as 543 lay persons
4 sexually offended in Catholic settings against
5 children, usually boys, about 70%.

6 Comparable to the US evidence, and using the
7 weighted figures, between 1950 and 2012, 1 in 13 diocesan
8 priests, 1 in 17 religious order priests sexually
9 offended against children under 18.

12.00 10 The offending was worst in regional diocese and the
11 least was in the archdiocese of Adelaide.

12 An estimated 1 in 8 religious brothers sexually
13 offended against children, especially amongst the St John
14 of God brothers who care for mentally disabled children,
15 as well as the Christian brothers, the Marist brothers
16 and the De La Salle brothers teaching in orphanages,
17 day-time and boarding schools.

18 When we look at the New Zealand context, there is
19 nothing to suggest in historical terms, based on the
12.01 20 prevalence data in comparable countries, that the
21 offending rate with New Zealand diocesan priests would
22 not be in the range of 5-7% and 2-5% amongst religious
23 order priests, although it may be lower because fewer
24 male religious priests had charge of schools and youth
25 ministries.

26 New Zealand has always had a relatively high
27 proportion of religious order priests compared to
28 diocesan priests and this may have had a dampening effect
29 of offending priests and the number of victims.

12.02 30 There's other reasons why amongst religious brothers
31 it may be less than the Australian rate. First,
32 New Zealand was less impacted by the child migration
33 scheme. And there's a long history to that.

34 Secondly, New Zealand moved -

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1 **COMMISSIONER ERUETI:** Would you be able to explain the
2 difference between a diocesan priest and a
3 religious order priest? I don't think it would be
4 clear to everyone.

5 **EMERITUS PROFESSOR CAHILL:** A diocesan priest is one who
6 is ordained, and incarnated is a technical term,
7 into a particular diocese. A religious order
8 priest, such as the Marist, they are called
9 religious order priests because they are founded by
12.03 10 a specific founder like St Mary of the Cross.
11 Okay?

12 Some of those may work in parishes but others may
13 work in schools, in universities, in welfare groups,
14 advocacy groups, all sorts of other kinds of work that
15 the church is engaged in across the world. Okay?

16 The second point I was going to make is that
17 New Zealand seems to have moved a little bit earlier than
18 Australia and Ireland away from large scale orphanages to
19 foster care arrangements, which again are not without
12.04 20 their problems.

21 The exception is that Catholic boarding schools but
22 their numbers greatly declined in the post-World War II
23 period.

24 The third reason we think is that through Peter's
25 research particularly, is that the number of religious
26 brothers in New Zealand has been relatively modest, 116
27 at the moment, and it peaked at 385 in 1966. We also
28 note in the post-World War II period, all the Catholic
29 orphanages, as which understand it, were being run by
12.05 30 female religious orders.

31 Now, I need to talk about the nuns. The Australian
32 figures show there was very little sexual offending by
33 nuns. Sometimes, through sheer sexual naivety, they did
34 permit priests and handymen to have access to children in

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1 their orphanages. However, both the relevant Australian
2 and Irish reports have documented serious emotional and
3 physical abuse by nuns against children in their
4 residential care institutions, though also many former
5 inmates regard their nun carers with love and affection.

6 Now, I think we need to explain the very high
7 offending rate amongst religious brothers. The central
8 factor was their lack of interface with the feminine.
9 Whilst this has now partially changed, their contact with
12.06 10 women was generally minimal, beginning with the fact that
11 they were educated usually in male only schools, went to
12 male only juniorates, novitiates and scholasticates. And
13 then they went on, they did go to university but they
14 were then appointed to male only schools and lived in all
15 male religious communities. This was a recipe for a
16 psycho-spiritual disaster.

17 The Irish Ryan Report has studied this best and they
18 highlight within the Christian brothers their failure to
19 appreciate the emotional needs of the children in their
12.07 20 care or to pursue appropriate training in community child
21 and youth welfare. It documented their lack of
22 acknowledgment of congregational responsibility for what
23 happened, the consequences of the regime of blind
24 obedience with its humiliating punishments, their fear of
25 change, the lack of institutional memory, and their use
26 of government funds to cross-subsidise other activities.
27 Their psychological fear of women were factors that
28 operated across their structures but also right across
29 the structures of the Catholic Church, both in its
12.08 30 decision-making structures and in its ordained ministry.

31 While there is much talk, very little seems to be
32 changing in the Catholic Church, although with the recent
33 Amazonian Synod two weeks ago, Pope Francis will look at
34 the issue of the female diaconate but amongst

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1 traditionalist Catholics they have gone ballistic in
2 their opposition.

3 Terrible as these statistics are, they must be
4 balanced by the fact that 59% of Catholic priest
5 offenders had only one claim of redress against them.
6 This suggests they had only one victim who perhaps was
7 abused many times. And from our own research, we know
8 that the probability of a young Catholic child being
9 abused in a religious setting was always relatively small
12.10 10 but not low. It ranged from about 1 in 200 to 1 in 400.
11 The risk, however, was very much higher for boys,
12 especially if they were altar boys and choir boys, and it
13 was very high for boys in Catholic residential
14 institutions cared for by religious brothers.

15 We know from the American data that when altar girls
16 were introduced in the 1980s, the rate of abusing of both
17 the altar boys and girls was about equal, and this brings
18 up the issue of access and we'll talk about that.

19 This brings out the issue, as we heard this morning,
12.10 20 of the serial predator priest and brother who abused at
21 least 10 children. And we know that the serial offender,
22 Gerard Ridsdale in Australia abused more than 100
23 children.

24 Another offending category is the recycled
25 seminarian; the one who began training in one seminary,
26 was asked to leave and then was accepted by another
27 seminary. This has happened right across the world, we
28 now know, and so there have been Inquiries that we looked
29 at in the US (7), Canada (2), England and Wales (2),
12.11 30 Ireland (4), Belgium (1 but was never finished) and the
31 Netherlands (1). But I must say that none has been as
32 well funded or as thorough or as detailed as the
33 Australian Royal Commission.

34 In September 2018, a year ago, the German Catholic

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1 Bishops published a very useful research report. And
2 last night the French Bishops received a draft report of
3 their research study. The Australian methodology was
4 built around private sessions and written accounts, and
5 then the Prime Minister, in October last year, made a
6 formal apology in Parliament to all survivors, as well as
7 those who didn't survive~~eer~~ through natural death or
8 suicide.

9 The Royal Commission subpoenaed 1.2 million
10 documents and its major other strategy was to conduct
11 57 case studies.

12 The Commission made 2250 referrals to the Police and
13 exactly half of those related to religious settings and
14 those are now working through Police investigation and
15 Court Criminal Justice processes.

16 Q. And we will return a little later to talk about
17 additional matters relating to the Australian Royal
18 Commission but before moving to that, there was some
19 myths that you thought it was important to discuss and
12.13 20 why they should be looked at differently?

21 **EMERITUS PROFESSOR CAHILL:** Yes. In Australia as
22 elsewhere, some Catholics have accused the various
23 government Inquiries such as this one of conducting
24 anti-Catholic vendettas. Anti-Catholicism and
25 anti-clericalism has always been around.

26 Other Catholics have accused the Inquiries, have
27 been disapproving of the media and its journalists,
28 alleging that they're exaggerating its scope and
29 repeating again the same material, and certainly there
12.14 30 has been some of this.

31 But it's been journalists, together with female
32 researchers and priest and ex-priest researchers,
33 particularly psychologists, who have brought this out
34 into the open.

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1 When we look at the figures, except for the Jehovah
2 witnesses, no other religious group came close to the
3 Catholic Church, in the level of offending, though the
4 Anglican level was relatively high and the Jehovah
5 Witness contain~~ed~~ed instances of family abuse that was
6 mishandled by the elders.

7 The second myth is that clerical sex abuse occurred
8 only after World War II and it was made worse by the
9 sexual revolution of the 1960s, and the Second Vatican
12.16 10 Council in the 1960s and the general climate of secular
11 and Catholic 'libertine' liberalism which led priests and
12 religious to experiment. Based on research evidence,
13 we've concluded the Holy See Vatican knew right
14 throughout the 20th Century, as we can see in the 1922
15 Instruction Crimen Sollicitationis, the crime of
16 solicitation which was reissued in 1960.

17 Sexual solliciting by means of the confessional has
18 always been a problem for the church and the situation
19 was made worse in 1910 by Pope Pius X when he lowered the
12.17 20 age of confession from 12-13 to 7-8 years of age.

21 Thise second myth was driven especially by two
22 very good John Jay reports. John Jay is the John Jay
23 Centre for Criminal Justice administration attached to
24 the university of New York. It was commissioned
25 by the
26 New York Catholic Bishops and produced wonderful data as
27 we will be emphasising, but unfortunately it gave
28 credence to this myth.

29 It started its study in 1950 in its data, whereas it
12.18 30 really should have gone back further. But we don't have
31 proper data for the first half of the 20th Century but we
32 now know but we will never be able to quantify it to
33 compare it with later decades.

34 Q. Can I just confirm that in your evidence you talk about
two John Jay reports, one in 2004 and another one in
2011?

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1 **EMERITUS PROFESSOR CAHILL:** Mm, yes. The first one was
2 collecting data ~~from~~ all the diocese across the
3 United States, okay? And it was only focused on
4 diocese and diocese and priests, unlike the
5 Australian Royal Commission which was much broader.
6 Okay? And the second one looked at associated but
7 other issues between 2004 and 2011.

8 Q. And you set out the basis of the data available, if you
9 could go through that, that would be helpful.

12.19 10 **EMERITUS PROFESSOR CAHILL:** Yes. I need to mention also
11 that this second myth has been perpetuated in a
12 recent letter, a very unfortunate letter by
13 Emeritus Pope Benedict XVI unfortunately.

14 There was a rise in offending during the 1950s, into
15 the 1960s, the 1970s and the first part of the 1980s, and
16 later on we'll talk about why. But let us think about
17 why there was this rise.

18 There was greater access to vulnerable children in
19 the aftermath of the Second World War, where there were
12.20 20 increased numbers of such children in orphanages,
21 including migrant children as well and children who were
22 orphaned, abandoned and displaced as a result of the
23 Second World War and wartime dalliances, let us say.

24 There was a marked increase in the Catholic
25 population in the migrant receiving countries such as
26 Australia. So, there was pressure on the Bishops to fill
27 vacant parishes as the Catholic population expanded and
28 they sometimes ordained less than suitable priests who
29 simply should not have been ordained. And there was
12.20 30 remarkable irresponsibility in rejecting the advice of
31 seminary staff.

32 There was a changing lifestyle of the priests, the
33 proliferation of one-priest presbyteries from the 1960s,
34 the greater and easier mobility with access to cars from

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1 1930s by the priests and, as a consequence, less
2 monitoring of priestly activity and less accountability.

3 Also there was an increasingly positive image of the
4 Catholic priesthood and that attracted young members who
5 were prepared to accept mandatory celibacy as part of the
6 priesthood package without fully understanding the
7 commitment. There was greater access to children through
8 the growth of schools, youth clubs Boy Scouts etc.

9 And also greater turbulence in the church
10 immediately and during the Second Vatican Council which
11 may have had unsettling effects upon priests. And there
12 was the impact of sexual revolution but I think that's
13 just one factor.

14 Lastly, there was a deep rejection by the Catholic
15 faithful of the church's theology of sexuality based on
16 the interlinking of sexuality and procreation, following
17 the Humanae Vitae and its condemnation of artificial
18 contraception, with the result the church was unable to
19 offer a credible and acceptable theology of sexuality, a
12.23 20 situation that still exists today.

21 Q. To try and help us understand how and why clerical abuse
22 of children occurred, you've actually identified what you
23 call a constellation of features and you have five of
24 those. You will set out (a)-(d) and then Dr Wilkinson
25 will talk to (e).

26 **EMERITUS PROFESSOR CAHILL:** Let's begin with the
27 psychosexual abnormalities and situational factors.

28 Our reading of the literature points to the central
29 conclusion that young and vulnerable Catholic children,
12.23 30 especially boys, were in danger and at risk in the
31 presence of psychosexually immature, psychosexually
32 maldeveloped and sexually deprived and deeply frustrated
33 male priests and male religious, especially those who had
34 not satisfactorily resolved their own sexual identity.

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1 Psychosexual maldevelopment was usually, not always,
2 but usually associated with the religious perpetrators
3 themselves being sexually abused during their childhood,
4 and this occurred to about one-third of the priest
5 perpetrators. And the notorious Australian serial priest
6 offender Gerard Ridsdale was abused by his uncle, his
7 cousin and a religious offender.

8 This offending behaviour was also mediated, and I
9 know this is complex, but it was mediated by a set of
12.25 10 cognitive and emotional distortions, denial mechanisms
11 and neutralisation techniques. And behind that, were the
12 theological ideas of a patriarchal idea of God that
13 lacked intimacy and closeness in their spirituality.

14 There was a sacrificial theology of priesthood based
15 on their own divine calling as priests and brothers.

16 There was the flawed theology of sexuality that I've
17 referred to.

18 And as well as that, there was a set of
19 psychological realities, unresolved sexual identity, an
12.26 20 ungrieved loss of sexual intimacy in their celibate
21 commitment and overwhelming feelings of emotional
22 loneliness.

23 As well as that, I'll draw on the German study that
24 they were often in stressful situations. Firstly, a
25 general sense of overburden with official duties or
26 problems in their ministry, isolation and loneliness,
27 substance abuse, alcohol, medicines, illegal drugs,
28 inadequate social skills, particularly interacting with
29 parishioners due that immaturity, particular stress or
12.27 30 changes or difficulties related to their personal
31 circumstances, such as financial problems, illness or
32 caring for or death of relatives.

33 This issue of sexual identity raises the whole issue
34 of confusion or denial about those with a homosexual

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1 orientation and their training and operating in a
2 profoundly homophobic church environment.

3 There's little psychological evidence that the
4 priest and religious offenders were suffering from
5 psychotic illnesses. In fact, most of the offenders were
6 talented and attractive men, and they are better educated
7 and had higher IQ than the normal child sex offender.
8 They came from intact families. But there was evidence
9 of a pattern where discussion of sex in the family was
12.28 10 taboo, where the father was generally distant and aloof,
11 perhaps alcoholic or physically abusive, while the mother
12 was a smothering mother, perhaps vicariously covering up
13 her own unhappiness through her son whose priesthood
14 boosted her image and the social status of the family.

15 Now, the issue of homosexuality is important to
16 raise because traditionalist Catholics are basically
17 saying that this whole tragedy is due to homosexuality
18 and the solution is to get rid of all gay priests.

19 Now, Catholic moral theology has always insisted
12.29 20 that homosexual behaviour is intrinsically disordered,
21 based on scripture and on natural law theory. That says
22 that human sexuality is principally about penetration and
23 procreation. There's no Biblical evidence to support
24 that. Whereas, condemned in the Bible is generally about
25 gay prostitution, particularly in temples.

26 Of course, the issue of homosexual behaviour was
27 developed over centuries well before the emergence of
28 concepts such as sexual orientation, sexual preference
29 and same-sex attraction. The traditional Catholic
12.30 30 tradition was not complemented by a relational ethic.
31 And comprehensively rejects the experience of gay people.
32 Now the church has increasingly accepted the presence of
33 conscientious gay people but the official Catholic
34 position is still that all gay people have to live lives

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1 of enforced celibacy without sexual expression, through
2 the virtues of self-control and self-mastery.

3 The final report of the Australian Royal Commission
4 stressed that current, "Vatican documents that link
5 homosexuality to child sex abuse by clerics are not in
6 keeping with current understandings about healthy human
7 sexuality."

8 And this report and every other report intrinsically
9 insists that homosexuality is not the cause of the sexual
10 abuse of children. There are many well integrated and
11 mature gay priests who do not abuse children.

12 Let us now go on and try to enter the mind of the
13 perpetrator. This is difficult for us.

14 We find that the offending, the thinking of the
15 offenders was much more distorted than those of the
16 non-offending priests and brothers.

17 As well, their mechanisms of denial and their
18 techniques of neutralising and ensuring the silence of
19 the child victims had a religious overlay.

12.33 20 Now, with the "normal", if that's the right word,
21 the child sex offender, their cognitive distortions say,
22 "oh well, having sex with children is a good way for
23 adults to teach them about sex". But with religious
24 offenders there's another layer which is driven by
25 psychospiritual and theological factors and by the
26 offender's wilful deliberate suspension of their own
27 moral standards.

28 So, the ~~sere's~~ rationalisations ~~wereis~~, "When God
29 called me, he knew what I was like, what my needs were",
12.33 30 "I have a right to love and affection because I spend my
31 life doing good for others" and "God will look after this
32 particular child and see that it comes to no harm; it
33 will have its special protection".

34 Now, these distortions we find from the two best

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1 studies that the offenders blamed their behaviour on
2 things like alcoholism, mental health problems, their
3 parents, their need for intimacy, their sexual
4 orientation. And so, their denial leads to more denial.

5 Now, I want to give an example from the Queensland
6 report which is an example of the gross misuse of
7 spiritual power. And this is a young victim speaking,
8 this is what he said:

9 "Father told me it wasn't a sin as I was one of
10 God's chosen children and that God made boys to be
11 special so that those who did God's work were not led
12 into the temptation of sinning with women. I was told by
13 him that I was to say nothing to anyone because God would
14 be very angry with me for revealing his secret ways."

15 The second factor -

12.35 16 Q. On that sobering note, you then go on to talk about
17 access to children and that situational opportunity that
18 permits that to occur?

19 **EMERITUS PROFESSOR CAHILL:** Yes, as part of this jigsaw.

12.36 20 There's a fairly direct correlation between
21 religious offending and access to children because
22 there are some religious orders that have no access
23 to children and the rate of offending is nil or
24 extremely low.

25 But the unfortunate reality is that access to
26 children, particularly vulnerable children, has grown
27 immensely over the last two centuries in particular. One
28 was the growth in educational opportunities for children,
29 the massification of education for children and that led
12.36 30 to the founding of many male and female teaching
31 religious orders. It led to the ~~formation~~ offormation of
32 the Catholic schooling system which is quite extensive in
33 many countries. But I do want to say ~~publically~~ publicly
34 at this point in time, that certainly in Australia, and I
am sure

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1 it's true also in New Zealand, that Catholic schools are
2 now very safe institutions because they have brought in
3 proper protocols; and secondly, they are staffed almost
4 100% by laymen and lay women.

5 Alongside this schooling expansion was the
6 development of residential schools and I think we've
7 talked enough about that. We know from the Dutch study,
8 that there were many orphan children after World War II.
9 In fact during World War II and the Dutch Bishops were
10 aware of this issue in the 1940s.

12.38

11 And then there was a point about some countries
12 introducing the foster care strategy.

13 The John Jay report says 40% of the abuse occurred
14 in the priest's residence. In the residential care,
15 often the offender's bedroom was next to the dormitory of
16 the children and so, the child would be dragged into that
17 bedroom, often as a punishment for something the child
18 may have done during the day.

19

12.38 20

21 which I've already mentioned, and according to the
22 current UK Inquiry, only 549 children were sent to
23 New Zealand, although I'm not totally convinced of that
24 figure. Just over 6,000 were sent to Australia. It was
25 a well intentioned but badly monitored programme and the
26 British Government knew its flaws in the 1950s.

26 Q. Then you talk about the flawed response of the Bishops
27 and other religious leaders to the findings of sexual
28 abuse or complaints of sexual abuse.

29 **EMERITUS PROFESSOR CAHILL:** Thank you, madam counsel.

12.39 30

31 One thing that strikes anyone who looks
32 systematically at this, is the startling uniformity
33 of the response of the Catholic Bishops in every
34 country. And any report, including the Australian
35 Royal Commission, have heavily criticised the

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1 Catholic Bishops, their failures, their deliberate
2 attempts to cover up the abuse which is all
3 embedded in the secrecy and secretiveness at the
4 heart of Catholic governance, and little has
5 changed.

6 During the 20th Century, more and more secrecy
7 provisions were imposed, beginning with the secret of the
8 Holy Office in 1922 and later the pontifical secret
9 because with the development during the 20th Century of
12.41 10 radio transmissions, newspapers, television,
11 investigative journalism, now with the social media and
12 so on, the Holy See became increasingly fearful of public
13 scandal because it and the diocese bishops were all
14 fearful of scandalising the Catholic faithful.

15 So, they covered up to protect the image of the
16 Catholic Church as an all holy institutionss but all
17 religious leaders do that.

18 Holy See was always concerned about the accused
19 priests and religious leaders would not receive a fair
12.42 20 civil trial but the Vatican showed no concern whatever
21 for the victims of the accused priests and their
22 familiesy. And
23 they used veiled speech and mental reservations, and we
24 go into that in some detail in our longer presentation.
25 But Bbishops even kept his priests consultors in the
26 dark about why he wanted to shift this particular priest
27 or religious brother to another parish, to another
28 diocese, overseas or whatever, all in the good name of
29 protecting the reputation of the priest.

12.43 30 Now, we've called that, using a social psychologist
31 Albert Bandura who is trying to understand why is it good
32 men do bad things? And why much destructive behaviour
33 has been perpetrated by people such as bishops, and he
34 was looking at the Vietnam War, and how that's been done
in the name of righteous ideologies, religious principles

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1 and nationalist frameworks. And we go into some detail
2 about that and how that process operates through very
3 questionable moral justification, exonerating social
4 comparisons and using euphemistic labels, the offending
5 priest is having health problems, other phrases like
6 that.

7 So, that meant the Holy See officials, the diocese
8 and priests, the leaders of religious orders, could
9 minimise their role in causing harm to the victims and
12.44 10 their families through the defusion and displacement of
11 responsibility.

12 And as Bandura states:

13 "The triumph of evil requires a lot of good people
14 doing a bit of it in a morally disengaged way with
15 indifference to the human suffering they have
16 collectively caused".

17 **MS JANES:** Chair, that might be a good time to give the
18 witness' voice a rest and also to take a break.

19 **CHAIR:** We have reached a convenient point on page 16 of
12.45 20 the brief. I think we all agree this is a suitable
21 time to take the luncheon adjournment. Madam
22 Registrar, would you please adjourn the sitting?
23

24 **Hearing adjourned from 12.45 p.m. until 2.15 p.m.**
25

26 **MS JANES:**

27 Q. Professor Cahill, prior to the lunch break, you were just
28 about to move on to the next section, which was the
29 cultural and praxis factors on page 13 of your brief.

14.19 30 A. Thank you very much, madam counsel. We are onto the
31 fourth of the five factors and Peter will deal with the
32 fifth.

33 It is necessary to understand the cultural and
34 praxis factors operating in an institution. And the

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1 Australian Royal Commission listed the following cultural
2 risk factors in institutions caring for children, whether
3 they're schools, orphanages or whatever residential care
4 institutions, whether they're government based ~~orn~~ State
5 based.

6 Firstly, a lack of understanding or awareness of
7 child sexual abuse or its possibility.

8 Secondly, failure to listen attentively and
9 sensitively to children, especially when they are
14.20 10 attempting to disclose.

11 Failure to educate children about healthy and
12 appropriate sexual development.

13 The prioritisation of institutional reputation over
14 the safety of children and the harm done to them.

15 Cultivation of a culture of secrecy and isolation.

16 Failure to see prevention of child sexual abuse as a
17 shared responsibility for all staff.

18 Failure to address racism and prejudice in an
19 institutional culture.

14.21 20 And lastly, normalisation of harmful practices.

21 From the Australian report, we know that for the
22 Anglicans, the problems were in the church of England
23 Boys' Society and in their secondary schools,
24 particularly boarding schools.

25 And for the Anglican's, the Royal Commission said
26 their risk factors included:

27 Weaknesses in structure and governance preventing a
28 consistent approach.

29 The role of the bishops and failures of leadership.

14.21 30 Conflicts of interest for bishops and other
31 office-holders.

32 Cultural issues, including forms of clericalism.

33 The practice of forgiveness and confession.

34 And lastly, inadequate screening, selection,

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1 training and supervision of people in ministry.

2 For the Catholic Church, the contributing factors
3 were:

4 Individual pathology, factors I mentioned this
5 morning.

6 Clericalism in all its facets.

7 Monarchical and feudal aspects of

8 Governmentsgovernance, including lack of transparency
9 and accountability of those in leadership and the lack
10 of any meaningful participation of the laity especially_
11 for women.

12 Lack of leadership, including poor education for
13 leadership.

14 The failure of canon law and its secrecy provisions.

15 The poor selection, screening and inadequate initial
16 formation of priests.

17 Celibacy and the associated sexual dysfunction as
18 the linchpin of the clerical~~ist~~ system.~~element~~

19 The lack of oversight, support and ongoing training
20 of priests and religious.

21 And lastly, the practice of the sacrament of
22 confession and its cheap forgiveness which allowed
23 perpetrators to minimise the impacts of their sexual
24 abusing.

25 The Ssalvation Army were criticised for the
26 questionable environment of its residential institutions
27 with poor resourcing, the hierarchical leadership, the
28 devaluing of children and its types of muscular
29 Christianity.

30 The Jeh~~h~~ovah Witnesses were criticised for the
31 absence ~~lack~~ of women from their decision making
32 processes, their separateness from the world and their
33 two witness rule which maintains a person can only be
34 sanctioned if the sexual abuse has been observed by two
witnesses, this is based on Deuteronomy 19, 15.

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1 As we look at the report, I think itwe should
2 have given more attention to whistle blowing. It
3 showed not much interest in historical-restorative
4 justice, which is not strong in Australia. And a
5 failure to advocate for a healing strategy.

6 And an organisation called For the Innocence Support
7 has produced a healing strategy for the - although it's
8 directed at the Catholic Church. And its 22 strategies
9 incorporate a lot of things from the Royal Commission's
14.25 10 recommendations. But it would envisage the appointment
11 of chaplains for survivors, Gardens of Healing,
12 particularly in the hotspot parishes where much abuse
13 took place, and contritional eucharists.

14 Q. Just before you move on, are you able to confirm what the
15 status of the Hearing Strategy is at this point in time?

16 **EMERITUS PROFESSOR CAHILL:** It has no status. It's been
17 sent to every Catholic Bishop twice now. We get
18 responses from a handful. To what extent they're
19 implementing it varies, I think, across Australia
14.26 20 because the response is more diocesan based than
21 nationally based, although now you do have a
22 Catholic Professional Standards body but that's
23 focused on redress.

24 Madam counsel, I would like now to move on to
25 looking at secretive clericalism, the culture of
26 secretive clericalism.

27 The term is often used and everyone says it's bad
28 but it's not always defined. The Australian Royal
29 Commission called upon I think the world's foremost
14.26 30 expert in clerical sex abuse, Dr Thomas Doyle who was
31 mentioned this morning, a Dominican priest and canon
32 lawyer who was working in the office in 1984 in
33 Washington. And he noticed all these cases coming across
34 his desk and he wrote a report that went to Pope John

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1 Paul II and nothing happened, so that led.

2 He's identified the following elements of the
3 culture of clericalism:

4 The vocational belief that all priests are unique
5 and special because of the supernatural effects of
6 priestly ordination and that links up with the idea that
7 a priest upon ordination is ontologically -
8 ecclesiastically changed and that is a very questionable
9 theoretical concept.

14.27 10 Secondly, consciousness of a special bond of
11 solidarity that exists among all priests and bishops
12 because of the sacred nature of ordination.

13 Priestly authority which is derived from their role
14 as sacramental Ministers and not necessarily connected
15 to their office as priests.

16 The public perception of priests as men set apart
17 and entitled to deference because of their special
18 calling and they're entitled to respect and credibility
19 because of their priesthood, not because of their
14.28 20 personal competences.

21 Life as celibates in a homoe social environment
22 where they interact with women and married people but
23 their essential living environment is all male, with~~there~~
24 ~~are~~ no truly intimate relationships allowed.

25 Priests are part of a monarchical culture that is
26 hierarchically stratified and which creates a clerical
27 aristocracy.

28 Priests have a high degree of discretion in their
29 behaviour and a very low degree of supervision and
14.29 30 accountability.

31 Priests' official dress which sets them apart and
32 when exercising their official ministry at mass and
33 other sacramental celebrations, they are the central
34 focus of rituals that are generally medieval in nature.

The Royal Commission then went on and talked about

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1 similar things, and I won't go through these in the
2 interests of time and you will appreciate that, but I
3 just want to focus on a few things.

4 One is I bring forward the concept from centuries
5 old theology of the church as a *societas perfecta*, a
6 perfect society and how damaging that was in the
7 development of the theology of priesthood and the
8 hierarchy.

9 The other point I want to point out is also the
10 obligation of mandatory celibacy for Latin right priests.

11 In the very complex Catholic church, you have 23
12 eastern Catholic churches like the Ukrainians, the
13 Maronites and the Melkites.

14 And we know from the Canadian and American data,
15 that in these eastern churches where priests are allowed
16 to marry, there's always been married priests in the
17 Catholic Church but not in the Latin right. In those
18 eastern Catholic Churches, there was virtually no
19 offending, no offending.

14.31 20 And so, the Commission found that compulsory
21 celibacy was a contributing factor but not the cause.

22 So, I think we'll now go on to the next part and
23 it's time for Peter.

24 Q. Dr Wilkinson, thank you, and you're going to be speaking
25 to the Commission about the pre-service and in-service
26 training aspects.

27 **DR WILKINSON:** Thank you, Ms Janes. This Royal
28 Commission is looking at historical sexual abuse
29 and the Australian Royal Commission found that most
14.32 30 of the historical abuse occurred in the period of
31 the 1950s through to the 1980s.

32 So, in order to give you a better understanding of
33 the formation programme, what I'm going to talk about
34 most is the formation programme for priests being formed

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1 in the period prior to that or in the period during the
2 time when the abuse was mostly taking place.

3 I'll say a few words about the programs, current
4 programs, but the essential focus will be on the
5 formation programs for the priests who were abusing in
6 that historic period.

7 The literature on the screening of candidates for
8 the priesthood and religious life, I am making the
9 distinction there between the priesthood, the diocesan
14.33 10 priesthood and the religious priesthood. That's priests
11 working in diocese that are incarnated into a diocese
12 that don't take the vows of poverty, chastity and
13 obedience but they do make a promise of celibacy.
14 Whereas, the religious priests and brothers and sisters,
15 they take a vow of poverty, a vow of chastity and a vow
16 of obedience. But I'll talk about both of them in the
17 same address as it were.

18 The literature concludes that the selection and
19 screening processes for young people, and we're talking
14.34 20 essentially about young people, wishing to enter a
21 seminary or officiate or juniorate, those processes were
22 inadequate and often defective.

23 The 1917 Code of canon law, this is a code of church
24 law, and this is the first Code for the Latin Church, was
25 put together in 1917. In that Code, there are canons
26 that specifically talk about who should be selected and
27 how they should be formed.

28 Canon 1354 says that bishops should recruit
29 adolescents for training for the clerical state, that's
14.35 30 for the priesthood. And that they should establish two
31 kinds of seminaries, a minor seminary for younger boys
32 and a major seminary for older boys.

33 Now, in Australia we had just one minor seminary and
34 I understand that in New Zealand you also had one minor

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1 seminary in Christchurch.

2 The Code's screening requirements were focused
3 mainly on the candidate's legitimacy of birth, prior
4 reception of the sacraments, baptism and confirmation and
5 known adolescent life and morals. The prevailing policy
6 was to recruit young boys, and girls if they were going
7 to be religious sisters, showing signs of what was
8 usually called a 'vocation'.

9 And to recruit them as early as possible before they
10 were humanly and sexually mature, and to admit them to a
11 seminary or a religious junior at or owe vitiate to
12 "protect them from the contagion of the world". That is
13 canon 1353.

14 This policy continued the policy adopted by the
15 Council of Trent in the mid 70s which called for young
16 boys from the age of 11-12 years, preferably young poor
17 boys, to be trained in piety and religion before habits
18 of vice took possession of them.

19 At such a young age, proper screening is nigh
14.37 20 impossible, so the real screening was assigned to the
21 seminary formators who, as time passed, and we're talking
22 about considerable time, years, were expected to dismiss
23 "the disruptive, incorrigible and unruly candidates;
24 candidates whose lifestyle and characteristics seemed
25 unsuitable for the ecclesiastical state; those not
26 progressing well in their studies or likely to; and above
27 all, those who offend against good morals and faith".

28 Many of the 27 Australian and international reports
29 that we studied in our review on child sexual abuse
14.38 30 expressed serious misgivings about the screening
31 processes, as well as the use of personality tests which,
32 while they might identify certain personality defects,
33 could not provide a fully accurate assessment of a young
34 candidate's capacity for chaste and celibate living.

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1 Once admitted to the seminary or the religious house
2 of formation, the candidates were placed in the hands of
3 priest or religious formators, for their spiritual,
4 intellectual and disciplinary formation. Prior to the
5 90s, there was no mention of human formation. The
6 formators were meant to be the best people available and
7 professionally trained in their respective fields,
8 particularly philosophy, theology, scripture, canon law,
9 liturgy and spirituality. Sometimes they were not.

14.39 10 For priest candidates, the major seminary programme
11 lasted for a minimum of 6 years, at the end of which the
12 rector or superior of the formation house was responsible
13 for advising the Bishop on each candidate's suitability
14 for ordination. And occasionally, as Des mentioned, some
15 bishops did not take that advice and ordained candidates
16 who were unready or unsuitable.

17 Canon law also warned of the danger of accepting
18 seminarians dismissed from other seminaries and Des
19 mentioned that about the e reuncycled seminarian, and
14.40 20 some Bishops were also lax in this area and did not take
21 the necessary screening precautions. Iit created a
22 problem and that problem was specifically addressed in
23 1996 with a Holy Seen instruction but it appears it has
24 reemerged.

25 Instructions have also been issued on screening of
26 candidates with homosexual tendencies in 2005 and
27 Guidelines For the Use of Psychology in Seminary
28 Admission and Formation in 2008.

29 The 2005 document on homosexuality was interpreted
14.41 30 by some as suggesting that homosexuality was tied to the
31 sexual abuse of children and Professor Cahill has
32 addressed that in his presentation.

33 In many respects, priests and religious were not
34 well served by the pre-Vatican II formation programme.
The curriculum was heavily intellectualised and
rationalistic with lectures often given in Latin and
Latin textbooks used. The content and teaching
methodology was

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1 scholastic and favouring the text of the 13th Century
2 theologian St Thomas Aquinas.

3 The principles of competency-based and
4 work-integrated learning were not integrated into
5 seminary ~~learning-teaching and curriculum~~ until recent
6 times, and there was a serious mismatch between
7 competencies and capabilities, particularly in respect
8 of the knowledge, skills and attitudes required by a
9 priest for effective parish ministry.

14.42 10 Until the 1970s, Catholic seminaries and religious
11 houses of formation were usually situated in isolated
12 rustic settings, outside urban ~~centres~~ areas, and often
13 cut off from secular culture and the dangers of female
14 interaction.

15 They were segregated, regimented and all celibate
16 places, where the regime was obedience to the 'rule' and
17 superiors, and conformity to the system.

18 The rules ~~was~~ essentially based on the rules
19 drawn up by St Charles Boromao of Milan in the mid 16th
14.43 20 Century.

21 Yet, they were generally happy places, filled with
22 the natural exuberance of youth and they were places of
23 innocence and youth infused with a spirit of generosity.
24 And for all their shortcomings, they did produce many
25 good competent and pastorally minded priests.

26 More serious were the deficiencies in the spiritual
27 and psychological formation for healthy and mature living
28 of a celibate life.

29 Candidates for the priesthood and religious life
14.44 30 were also inculcated into a clericalist ethos. Des has
31 spoken about that, where priestly and religious holiness
32 were seen as superior to lay holiness. And the 1917 Code
33 stipulated, "Clerics must lead an interior and exterior
34 life holier than that of laity", canon 124. And the
Council of Trent decreed that consecrated virginity was a

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1 higher calling than marriage because of the sacrificing
2 of sexual intimacy.

3 Preparation for celibate living was minimal and
4 usually entrusted to priests who lacked special training.
5 Celibacy, as Des has already mentioned, was simply part
6 of the package and it was presented in terms of sacrifice
7 to a higher ideal of sexual purity in imitation of the
8 celibate Jesus Christ. Serious discussion of sexuality
9 never happened and the psychological aspects were
14.45 10 completely ignored.

11 In the pre-Vatican years and even for decades after,
12 though much of the formation programme was the same in
13 every seminary because it was a systemic programme set
14 down in canon law, each seminary or house of religious
15 formation did its own thing, resulting in much
16 duplication, fewer resources because many of the
17 seminaries were very small and poorer educational
18 outcomes. It has changed however in recent years.

19 Following the second Vatican Council in 1962-1965,
14.45 20 serious efforts were made to reform, update and
21 contextualise priestly formation. Between 1965 and 2019,
22 over 40 official documents addressing priestly formation
23 were issued by the Holy See. The most notable being Pope
24 John Paul II Apostolic Exhortation on Priestly Formation
25 in the present circumstances. The Latin name of the
26 document is Pastores dabo vobis. The other documents
27 were the Fundamental Programme For Priestly Formation,
28 first published in 1970 and revised in 2016 and the
29 Directory on the Ministry of Life of Priests, first
14.46 30 published in 1994 and revised in 2013.

31 These documents have been augmented by others,
32 developed by local episcopal conferences to ensure that
33 the fundamental programme with its key principles is
34 suitably adapted to the local social, religious and

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1 cultural context of the particular country, such as
2 Australia or New Zealand, where the programme is used.

3 In Australia, the national programme for priestly
4 formation was developed by the Australian Catholic
5 Bishops Conference in 2007 and revised in 2016. The
6 New Zealand Catholic Bishops Conference has produced a
7 similar document which I understand has recently been
8 sent to the Holy See for approval. It includes a Ratio
9 Studiorum curriculum, if you like, and follows the
10.47 10 emphasis on priestly identity and formation for
11 priesthood from the perspectives of human, spiritual,
12 intellectual and pastoral formation. One must assume the
13 document addresses the contemporary issues which
14 challenge priests in New Zealand and which challenge
15 their ministry.

16 **CHAIR:** Can I intervene to ask you to just slow down a
17 little so that the signers, as well as the
18 stenotyper, can keep pace with you?

19 **DR WILKINSON:** Thank you, Mr Chair. I would also assume
10.48 20 that the prevention of child sexual abuse would
21 have to be included in that national programme as a
22 challenge to be included.

23 If I may talk now about the source of priests.
24 During the 19th and early 20th Century, the churches in
25 both Australia and New Zealand relied heavily on priests
26 and religious brothers and sisters imported from churches
27 outside both of those countries, mainly from Ireland and
28 from European countries. In the last two decades,
29 certainly in Australia, that reliance on priests and
10.49 30 religious from overseas has reemerged, except now it is
31 mainly Asian churches that are supplying the needed
32 priests and religious for the needs of both Australia and
33 New Zealand.

34 In Australia, local seminaries and locally-born

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1 seminarians did not appear in significant numbers until
2 the 1930s. At that time, there were just 7 seminaries,
3 and then in 1940 there were 30, in 1960 there were 39.
4 And in the 1970s, they peaked at 43 seminaries and houses
5 of formation.

6 Seminarians, both diocesan and religious, number
7 just 200 during the 1920s, rose to 622 in 1940 and peaked
8 at almost 1400 in the mid-1960s.

9 Since 1970, the number of seminaries has decreased
10 from 43 to 15 and seminarian numbers have fallen from
11 1400 to just 302 at the end of 2017.

12 Moreover, at the end of 2017, more than half of all
13 the diocesan seminarians were born outside Australia,
14 mostly in Vietnam, Philippines and several African
15 nations, and an even greater proportion of religious
16 seminarians are from overseas.

17 In New Zealand, the data shows there were 4
18 seminaries in the 1950s and from a low base in the 1940s
19 seminarian numbers grew rapidly to peak at 335 in 1954.
20 Currently, there are just two seminaries remaining and a
21 total of 26 seminarians, 21 diocesan and 5 religious.

22 Q. Just to confirm, that is a change in the numbers from
23 what's in the document by one?

24 **DR WILKINSON:** Thank you.

25 Q. Professor Cahill, you've identified that there has been a
26 decline in sexual abuse since the 1980s and outlined ten
27 reasons for that. Can you summarise those now, please?

28 **EMERITUS PROFESSOR CAHILL:** Thank you. It has declined
29 but I want to insist that offences are still being
30 committed, as we shall see.

31 But the reasons for the decline are, I think the
32 high and sustained public visibility given to the issue
33 since the 1980s, particularly through the media
34 attention, this has been a mitigating impact.

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1 The better child protection mechanisms now in place,
2 including through State legislation.

3 The greater vigilance of Catholic parents and church
4 employees.

5 The declining number of active priests over the past
6 four decades and the associated aging of the remaining
7 group.

8 The dismissal of many at-risk priests and religious
9 brothers.

14.53 10 The almost total collapse of the altar-boy system.

11 Substantial decline in the number of Catholics who
12 regularly make a confession.

13 The closure of the majority of Catholic boarding
14 schools, farming schools, orphanages and other
15 residential institutions.

16 The reduced interaction of students with Catholic
17 priests in Catholic schools which have become much more
18 professionalised, as I was saying earlier, and more run
19 by lay people.

14.54 20 And the partial reform of the selection processes
21 that Peter has been talking about.

22 The Catholic Church has only, in Australia it's only
23 belatedly followed Catholic churches in other comparative
24 countries by putting in place safeguarding mechanisms in
25 every parish and by setting up better monitoring and
26 training mechanisms, or by establishing special
27 initiatives such as hotlines and helplines, as in
28 Germany.

29 We'll come back a little later on to the precautions
14.55 30 that have been put in place in the Ireland, UK and the
31 US.

32 Now I would like to move on to, if I may, providing
33 transformed care in faith-based institutions, and the
34 recommendations of the Australian Royal Commission.

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1 I'll skip over a lot of the detail but I want to
2 emphasise the points, the points which I see as
3 important. The Australian Royal Commission made 58
4 recommendations pertaining to religious institutions.
5 And this has all happened within the establishment of the
6 National Office of Child Safety which last year was
7 placed in the Department of Prime Minister and Cabinet.

8 It recommended that all religious bodies, with all
9 their institutions, should adopt the 10 Child Safe
14.56 10 Standards and work closely with State and territory
11 oversight bodies.

12 So, those religious agencies will have to report
13 their compliance to the National Office, as well as to
14 the religious institution itself, and that all religious
15 leaders must be provided with leadership training in
16 child safety and mechanisms in place for regularly
17 receiving additional professional expertise. And they
18 need to be accountable to an appropriate authority, as
19 well as a provision for managing conflicts of interest.

14.57 20 Any institution with children in its care should be
21 provided with age-appropriate prevention education for
22 the children, including about the power and status issue.
23 And family and community should be involved in commenting
24 and evaluating child safety policies.

25 They further went on and looked at all candidates
26 for religious ministry. They should have an external
27 psychological testing, not in-house. And they've
28 undergone training that equips them with the
29 understanding of the ten standards and about ethical and
14.58 30 boundary issues and how to work with children and
31 understanding the impact of child sexual abuse.

32 And that all people in ministry should have
33 effective management and oversight with regular
34 appraisals and with independent professional supervision.

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1 They particularly focused on the point that Peter
2 was making about priests coming from overseas and
3 seminarians coming from overseas to work in religious
4 ministry and there's about 2000 of those coming to
5 Australia each year for all religious communities and
6 that they should need to be properly screened, trained
7 and professionally supervised and undergo regular
8 training.

9 Another point they made about sacramental confession
10 which pertains to Anglican, Catholic and orthodox
11 churches, if a child is making a confession it should be
12 done in an open space with a clear line of sight from
13 another adult, as well as the priest hearing the
14 confession.

15 There are other recommendations about handling of
16 complaint and removal from ministry, including permanent
17 removal from ministry of anyone who's convicted.

18 And then recommendation 16.57 deals with the
19 situation where a person, a religious person or a lay
15.00 20 person, has been convicted of child sex abuse, has been
21 released from jail, if jailed, and then comes back in a
22 normal way with the particular parish or local community,
23 and how there needs to be a risk management plan put in
24 place for such people, and that there should be a
25 National Register for each religious organisation.

26 Five recommendations applied particularly to the
27 Anglican Church regarding a uniform episcopal standards
28 framework that ensures the accountability of bishops to
29 an appropriate authority. In other words, they can't be
15.01 30 King of their own castle.

31 The management of actual or perceived conflicts of
32 interest, the amending of a Code of Conduct for lay
33 people to incorporate offending against children. The
34 church should adopt a national approach to the selection,

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1 screening and training of ordination of candidates and
2 ensure that all in pastoral ministry undergo mandatory,
3 regular professional development, mandatory professional
4 supervision and regular performance appraisals.

5 The Australian data highlighted that child sexual
6 abuse and its mishandling by the Jehovah's Witnesses'
7 elders which included some family abuse cases, l was a
8 serious problem and this has been confirmed in a recent
9 UK study done by the Independent Inquiry over there where
15.02 10 in a study 11% of all victims of religious perpetrators
11 belonged to the Jehovah's Witness faith.

12 The Australian Commission recommended they abandon
13 their two-witness rule in suchtwo cases, involve women
14 in assessing allegations and no longer require its
15 members to shun those who have basically been
16 whistleblowers.

17 The Royal Commission conducted one case study of
18 Jewish Yeshiva congregations making one recommendation
19 that all Jewish-religious institutions should ensure
15.03 20 that their complaint handling policies explicitly state
21 that the halachic concepts of mesirah, moser and loшон
22 horo do not apply to the communication and reporting of
23 allegations of child sexual abuse to Police and other
24 civil authorities.

25 There were 21 recommendations in respect of the
26 Catholic Church. 8 of those were to do with
27 technicalities with regard to common law, and I won't go
28 into the detail except to mention that one is asking the
29 Vatican authorities to redefine a minor from someone aged
15.04 30 from 14 and under, to someone aged 18 and under. The
31 Catholic Church still allows girls of 14 and boys of 16
32 to enter into a marriage if their parents approve. And
33 this is an issue about the age of marriage and child
34 marriage which is an issue especially in the developing
world.

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1 Another major recommendation was for the Australian
2 Catholic Church to conduct a national review of
3 governance and management and that has now
4 ~~commeneed~~commenced, and we're impressed by its
5 membership.

6 The Commission expressed concern about the quality
7 of bishops and their decision-making capacity.

8 So, it's asked the Australian Catholic bishops to
9 request the Holy See to publish its criteria for the
15.05 10 selection of bishops and establish a transparent
11 appointment process. Nothing has happened. We've heard
12 no word of that.

13 The Royal Commission came to the conclusion that
14 mandatory celibacy was a contributing factor and it
15 requested the bishops to allow voluntary celibacy for
16 diocese and priests.

17 There was also a series of recommendations about
18 guideline documents and current models of initial
19 formation.

15.06 20 I now would like to move on to Catholic safeguarding
21 initiatives.

22 Q. Just before you do that, for anyone who is interested in
23 reviewing all of the recommendations, can you confirm
24 that the 17 volumes of the Australian Royal Commission
25 are available online and those specifically relating to
26 religious institutions are also there?

27 **EMERITUS PROFESSOR CAHILL:** Yes, they are all there.

28 Q. Thank you. We will move now onto safeguarding.

29 **EMERITUS PROFESSOR CAHILL:** Yes. In our review across
15.07 30 the countries outside Australia, I think the three
31 models of safeguarding that this Royal Commission
32 ought to look at, is the Irish, the UK and the USA,
33 and there's more detail in our document. But I
34 particularly want to focus on Ireland because
that's the model for the Australian one. In many

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1 ways it's a very good one but there are other ones
2 but that's the one I'm focussed on.

3 The Catholic bishops in Ireland which covers
4 the Republic and Northern Ireland, establish the
5 National Board for Safeguarding Children in the
6 Catholic Church and its website is there and you
7 can follow all this if you wish.

8 They establish the Towards Healing process, the
9 counselling and support service and one principal focus
15.08 10 has been on the auditing of diocese and religious orders
11 which are published on the website.

12 By September 2015, it had completed 43 such audits
13 and it's now begun this year another round of audits.

14 And an interesting new initiative was to provide
15 training in good child safeguarding practices for those
16 Irish missionary priests and volunteers who are going to
17 work in overseas countries, in Africa and Asia, for
18 example.

19 Its 2018 annual report notes that it received 143
15.08 20 new notifications against priests and religious, which
21 were mainly of a historic nature.

22 It receives thousands of calls on its helpline and
23 provides face-to-face counselling. And its advocacy
24 service dealt with many different matters, including
25 connecting clients to services, financial, homelessness,
26 and educational services. And some of its clients are
27 engaged in restorative justice processes.

28 It meets regularly with the Irish Police and the
29 government child and family agency and provides training
15.09 30 for clergy, current trainers and volunteers. And it's
31 done two reviews also of its services.

32 In the UK, they have the National Catholic
33 Safeguarding Commission, this is there on its website.
34 In every parish, the UK has a safeguarding

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1 representative, every parish.

2 Its 2018 annual report revealed that in 2017 there
3 were 152 new allegations and that is increasing, although
4 almost all of them are of a historic nature.

5 The US, which is obviously much bigger, its
6 Secretariat of Child and Youth Protection, you can find
7 it on the United States Catholic Conference of Bishops.
8 It's a bit hard to find but it puts out an annual report
9 and last year's June 2019 report, there had been a sharp
10 rise in allegations, 858, these were mostly historical
11 but there were 26 allegations made by those who are still
12 today minors, and 7 had been unsubstantiated.

13 So, I think there's a lot of material on those
14 websites.

15 Q. Thank you, Professor Cahill. Dr Wilkinson, turning to
16 you and the microphone, there are now a matter of some
17 special interest topics that you will address and
18 summarise, please.

19 **DR WILKINSON:** Thanks, Ms Janes. I would like to talk
15.11 20 about mandatory reporting and the seal of
21 confession.

22 Des has already pointed out the occurrence of child
23 sexual abuse by clergy and religious and lay persons has
24 been present in the Catholic Church since early times.
25 It has always been condemned, it has always involved
26 power and the abuse of power, it has usually been denied
27 and kept secret, and in recent times, has been viewed as
28 a sin, not a crime.

29 During the 20th Century, there was substantial
15.12 30 criminal child sexual abuse in the Catholic Church in
31 many countries, perpetrated by Catholic priests and
32 members of Catholic religious orders. The Holy See,
33 could I just explain the Holy See? The Holy See in
34 Catholic legal terms means the Pope and the various

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1 bureaucracies, it's called secastories, that serve the
2 Pope in the work that he does.

3 So, I'll use that term the Holy See. If I refer to
4 the Pope, that will mean specifically the Pope.

5 So, the Holy See, the highest authority in the
6 church, knew about the abuse during the 20th Century and
7 developed a range of legal instruments, including the
8 1917 and the revised 1983 Code of canon law, to construct
9 a wall of secrecy around the abuse, both past and
15.14 10 present, on the pretext that the church faithful needed
11 to be protected from grave scandal and grave offence and
12 that souls must not be harmed.

13 What the Irish and Victorian Parliamentary Inquiry
14 found, however, was that the whole legal construct was
15 designed essentially to keep the handling of abuse
16 in-house and to secure a systemic coverup on an
17 international scale in order to protect the reputation of
18 the church and to prevent perpetrators being held
19 accountable.

15.14 20 Rather than identifying and addressing the problem
21 openly and accountably, looking for the causes of the
22 abuse and seeking to eradicate them, the systemic coverup
23 arrangements ensured that local communities were kept
24 uninformed of the abuse that had happened, and was still
25 happening, allowed the perpetrators not to be held
26 accountable, and contributed to, even facilitated, more
27 abuse. And this happened particularly with the movement
28 of known abusers from one parish where the situation
29 became too hot and the priest was moved to another parish
15.15 30 or to overseas or to another diocese.

31 The arrangements were found to be derived from
32 dysfunctional governance, a culture of secrecy and
33 clericalism, and Des has already spoken about that.

34 In the church's effort to protect its own

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1 reputation, it often either entirely overlooked or gave
2 scant consideration to the welfare of the abused
3 children, the effect of the abuse on them and their
4 families, as well as their just entitlement to
5 counselling, compensation and redress.

6 As public awareness of these horrific crimes
7 committed by clergy and religious became widespread,
8 essentially through the media, various responses from the
9 Holy See emerged. One was a special grant for the
10 statute of limitation, it was extended to 10 years, and
11 the age of minors extended up to 18 years, first in the
12 US in 1994 and then in Ireland in 1996 and everywhere in
13 2001. In 2002 a special limited dispensation from the
14 pontifical secret was granted to the US to allow the
15 reporting of abuse allegations to civil authorities but
16 only in states with mandatory, civil mandatory reporting
17 laws.

18 In 2010, a document entitled, "A guide to
19 understanding basic CDF", CDF is one of the Holy See
20 congregations, called the congregation for the doctrine
21 and faith usually referred to as CDF, "Understanding of
22 their procedures concerning child sexual abuse
23 allegations".

24 And that guide stated, I quote, "Civil law
25 concerning reporting of crimes to the appropriate
26 authorities should always be followed".

27 So, for the first time in worldwide, the Holy See
28 was instructing that wherever civil jurisdictions had
29 reporting laws for child sexual abuse, allegations were
30 to be reported.

31 I'd just like to say something about the duty of
32 care. Before talking about mandatory reporting, let me
33 say that a duty of care is a well defined legal duty
34 placed on institutions to take reasonable steps to

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1 prevent and minimise the risk of child abuse within their
2 organisations. It also gives abuse survivors a clear
3 cause of action to commence legal action against an
4 institution for the abuse that they have suffered, even
5 with the institution having to prove or with the
6 institution having a prove that it did take reasonable
7 steps to prevent the abuse.

8 The Victorian Parliamentary report Betrayal of Trust
9 found that in the State of Victoria, offenders in
10.19 10 institutions often obtained credibility, trustworthiness
11 and easy access to children in the institution, with the
12 abuse facilitated by the trust relationship.

13 But the liability for the abuse was often unclear
14 and limited. So, the Parliamentary Inquiry recommended a
15 clear legal obligation for the institution to implement
16 appropriate measures to ensure the safety of children in
17 their care with the institution liable for the abuse by
18 any person associated with the institution.

19 So, where a child is found to have been abused, the
15.20 20 institution, including a religious institution, is
21 presumed to have breached its duty of care.

22 Mandatory reporting. In the Victorian Parliamentary
23 Inquiry, there was a distinction made between two types
24 of mandatory reporting. The first was mandatory welfare
25 reporting to the child protection authorities, and the
26 other is mandatory criminal reporting, the reporting of a
27 crime or credible evidence of a crime to Police.

28 Welfare reporting is for the protection of a child
29 at risk. Criminal reporting is aimed at catching,
15.21 30 prosecuting and convicting offenders. It is meant to
31 prevent the concealment of child sexual abusers. Child
32 sexual abuse is a crime, or perhaps we should say is
33 above all a crime, as well as a welfare issue.

34 The Catholic Church in Victoria was initially

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1 opposed to the extension of mandatory welfare reporting
2 laws to religious personnel but later accepted it, but it
3 did not want mandatory criminal reporting and has
4 consistently sought to ~~retain~~obtain the exemption for
5 information received during the religious right of
6 confession.

7 The Catholic Archdiocese of Sydney, however, has
8 stated "sexual abuse is a crime which must be reported to
9 the Police. The best way to investigate it is to report
15.22 10 criminal conduct to the Police". But in Australia prior
11 to 2015, New South Wales, of which Sydney is the capital,
12 was the only Australian jurisdiction with a civil
13 criminal reporting law.

14 In its evidence to the Victorian Parliamentary
15 Inquiry, the Victorian Police stated that mandatory
16 criminal reporting creates "a public duty to report such
17 suspicions and send a message to everyone with the
18 organisation who may know such issues, but are reluctant
19 to become involved". The seriousness of criminal child
15.23 20 sexual abusing cannot be denied.

21 The Victorian Inquiry concluded that, "It should be
22 a crime for any person who knows or believes that a
23 serious offence has been committed by another person
24 against a child, and has information that they believe
25 might be of material assistance - it should be a crime to
26 fail to report that information to Police". The
27 Australian Royal Commission came to the same conclusion
28 about the need for a failure to report offence. But it
29 came to a different conclusion regarding an exemption for
15.24 30 information gained in a sacramental confession.

31 Let me talk about mandatory reporting and the seal
32 of confession. The Australian Royal Commission examined
33 both mandatory reporting and the seal of confession. Its
34 criminal justice report recommended the introduction of a

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1 failure to report offence, such as recommendation 33, and
2 its final report, volume 7, in respect of "Improving
3 institutional responding and reporting recommendations"
4 made 6 recommendations. Recommendation 7.1-7.6 on
5 mandatory reporting, including two recommendations, 7.3
6 and 7.4 on religious confession. A practice used
7 especially by the Anglican, Catholic and orthodox
8 churches.

9 Recommendation 7.3 reads, "State and territory
10 Governments should amend laws concerning mandatory
11 reporting to child protection authorities to achieve
12 national consistency in reporter groups. At a minimum,
13 they should also include the following groups of
14 individuals as mandatory reporters in every
15 jurisdiction."

16 Then it listed the groups and at group (e) was:
17 "People in religious ministry".

18 Recommendation 7.4 reads:

19 "Laws concerning mandatory reporting to child
15.26 20 protection authorities should not exempt persons in
21 religious ministry from being required to report
22 knowledge or suspicions formed in whole or in part on the
23 basis of information disclosed in or in connection with a
24 religious confession."

25 During the public hearings for case study 50, and
26 that case study was Institutional Review of Catholic
27 Church Authorities held on 6-24 February 2017, the
28 evidence given by the Catholic bishops and canon lawyers,
29 all the Archbishops of the church in Australia gave
15.27 30 evidence at that hearing, as well as several leading
31 canon lawyers, they discussed the seal of confession and
32 the responses of the bishops amongst themselves was
33 confused and the responses of the bishops and the canon
34 lawyers also did not line up.

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1 And it was over two issues. One was the confession
2 of a child who had been abused, I forget the name, the
3 name I think used was Sally. Sally goes to confession
4 and says, "Bless me father, I have sinned, I have been
5 abused by a priest". The legal question was, is that
6 Sally's sin that she is confessing? No, it's not her
7 sin. But is that information that Sally has given in her
8 confession, information that is covered by the seal of
9 confession? And there was confusion amongst the lawyers
15.29 10 and the bishops about whether that was covered.

11 The other question was, if a priest offender comes
12 to you in confession and confesses that he has abused a
13 child, what are your options? In canon law, the
14 confessor can forgive, give absolution, he can deny
15 absolution or defer absolution.

16 The question arose, is it possible for the confessor
17 to make absolution conditional upon the offender
18 reporting his crime of child sexual abuse to the Police?

19 That wasn't able to be resolved at the hearing
15.30 20 because of the confused responses of the lawyers and the
21 bishops.

22 So, the Australian Royal Commission made
23 recommendation 16.26 and it reads, "The Australian
24 Catholic Bishops Conference should consult the Holy See
25 and make public any advice received in order to clarify
26 whether (a) information received from a child during the
27 sacrament of reconciliation, that's confession, that they
28 have been sexually abused is covered by the seal of
29 confession. And (b) ask the Holy See if a person
15.31 30 confesses during the sacrament of reconciliation to
31 perpetrating child sexual abuse, whether absolution can
32 and should be withheld until they report themselves to
33 civil authorities".

34 I made an inquiry of the General Secretary of the

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1 Australian Bishops Conference before coming here to
2 present to this Commission and I asked what had
3 transpired with regard to these recommendations, the 7.3,
4 7.4 and specifically 16.26.

5 I was advised that all the recommendations of the
6 Royal Commission had been sent to the Holy See and that
7 there had been consultation between the Australian
8 Bishops Conference and the Holy See concerning the
9 specific recommendations. That the consultation is
10 ongoing and that during the Australian bishops visits to
11 home, they are going to visit in June of this year,
12 further consultation had taken place.

13 I was also advised that on the 29th of June of this
14 year, the Holy See's Apostolic Penitentiary, one of the
15 departments of the Holy See, had issued a document
16 titled, "Note of the Apostolic Penitentiary on the
17 Importance of the Internal Forum and the Inviolability of
18 the Sacramental Seal". It was published on the website
19 and approved by Pope Francis and that note is significant
20 for this Royal Commission for it contains very strict
21 interpretations of the seal of confession, including the
22 following:

23 The sacramental seal is indispensable. No human
24 power has jurisdiction over it, nor can any human power
25 lay claim to it. It is indispensable for the sanctity of
26 the sacrament and for the freedom of conscience of the
27 penitent, who must be certain at any time that the
28 sacramental conversation will remain within the secrecy
29 of the confession.

30 Second point, the inviolable secrecy comes directly
31 from the revealed divine right. It does not omit of any
32 exception in the ecclesiastical sphere, nor least of all
33 in the civil one.

34 Point 3. The church has always taught that priests,

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1 in the celebration of the sacraments, acts in the very
2 person of Christ the head.

3 Point 4. The confessor must defend the sacramental
4 seal if necessary "to the spilling of his own blood".

5 The seal is regulated by canon law and explained in
6 the Catechism of the Catholic Church which states "every
7 priest who hears confessions is bound under very severe
8 penalties to keep absolute secrecy regarding the sins
9 that his penitents have confessed to him".

15.35 10 Point 6. The confessor is never allowed for any
11 reason whatsoever "to betray in any way a penitent in
12 words or in any manner" just as "a confessor is
13 prohibited completely from using knowledge acquired from
14 confession to the detriment of the penitent even when any
15 danger of revelation is excluded".

16 Point 7. The sacramental seal includes "all the
17 sins of both the penitent and others known from the
18 penitent's confession, both mortal and venial, both
19 occult and public, as manifested with regard to
15.36 20 absolution and therefore known to the confessor by virtue
21 of sacramental knowledge"

22 Point 8. The sacramental seal concerns everything
23 the penitent has admitted, even in the event that the
24 confessor does not grant absolution. If the confession
25 is invalid or for some reason the absolution is not
26 given, the seal must be maintained in any case.

27 Point 9. The priest becomes aware of the sins of
28 the penitent "not as man but as God". To such an extent
29 that he simply "does not know" what he was told during
15.37 30 confession because he did not listen to the penitent as a
31 man but precisely in the name of God.

32 Point 10. The confessor can therefore "swear"
33 without any prejudice to his conscience to "not know"
34 what he knows only as a Minister of God.

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1 Point 11. In the presence of sins that involve
2 criminal offences, it is never permissible, as a
3 condition for absolution, to place on the penitent the
4 obligation to turn himself in to civil justice. Where a
5 penitent has been a victim of the evil of others, the
6 confessor must instruct the penitent regarding his rights
7 and the practical juridical instruments to refer to, in
8 order to report the fact in a civil and/or ecclesiastical
9 forum to invoke justice.

15.38 10 Q. Peter, may I just stop you there and check with the
11 Chair? I am very conscious that we have gone past the
12 adjournment, that would be a convenient point to stop and
13 pick up.

14 **CHAIR:** Yes, I think this would be a suitable time for
15 the afternoon adjournment to be taken.

16

17 **Hearing adjourned from 3.40 p.m. until 3.55 p.m.**

18

19 **MS JANES:** With the indulgence of the Commission, we are
15.58 20 very conscious of the time. So, if we could move
21 very briefly to redress and civil litigation.

22 I foreshadow the comments that this is a
23 summary of the Australian Royal Commission
24 findings, so they are available to the Commission
25 and anyone else who is interested, and we also have
26 the written long brief and summary, so without any
27 disadvantage to the information available to the
28 Commission.

29 Q. Dr Wilkinson, can I ask you to summarise what the Royal
15.59 30 Commission found was an appropriate redress framework?

31 **DR WILKINSON:** In essence, what the Commission insisted
32 was appropriate redress for survivors who were
33 looking for justice, that the redress should
34 include three elements: direct personal response;