

Senate Submission

Commonwealth Redress Scheme for
Institutional Child Sexual Abuse Bill 2017

by

Mrs Chrissie Foster.

Addition for Joint Committee Submission 1st July 2018

The only thing I have to add for the JOINT STANDING COMMITTEE ON OVERSIGHT OF THE IMPLEMENTATION OF REDRESS RELATED RECOMMENDATIONS OF THE ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE, to this my earlier Senate Submission on Redress is that the indexing of payments to victims should be removed. Past payouts often had a legal fee the victims were obliged to pay, sometimes \$10,000 or \$15,000 or \$20,000. Are past legal fees deducted from victims' payments from redress? Perhaps this money (legal fees) which the victims did not receive should be taken into consideration as well and deducted from the perceived amount victims obtained. Regardless, the government indexing victims' insignificant and paltry 'gratis' hush money, is unfair and petty – you are acting like the churches.

Introduction

I, Christine (Chrissie) Foster am the parent of two daughters, Emma and Katie, who were sexually abused at their Catholic primary school Sacred Heart in Oakleigh by our parish priest Fr Kevin O'Donnell. The abuse took place in the late 1980s and ended when Fr O'Donnell retired mid-August 1992. Fr Kevin O'Donnell was sexually assaulting children for his 50 years as a priest with his catholic hierarchy knowing about his assaults from complaints they received since the 1940s but chose not to remove him from ministry, hence allowing the assaults to continue unabated until his retirement which the church hierarchy then honoured by

bestowing upon him the title emeritus pastor giving him a larger pension than other retired priests.

I wrote a book on our Catholic Church experience with Journalist Paul Kennedy titled “Hell on the Way to Heaven” published in September 2010. It was an account of our experience with the church hierarchy and helped bring about a Victorian Parliamentary Inquiry - Politician Ms Ann Barker, having read my book, announced to the Victorian Parliament on Tuesday 5th April 2011 that she intended to write to the Victorian Attorney-General Robert Clarke to request a state led inquiry into child sexual assault in the Catholic Church. From that date, for 12 months, the Catholic Church hierarchy was in negotiations with the Victorian Attorney General as to what type of inquiry that would be – as stated by Attorney General Clarke on the ABC’s 7.30 Report in April 2012 two days after the Inquiry Into the handling of Child Abuse by Religious and Other Non-Government Organisations was announced.

Our family gave evidence at the Victorian Parliamentary Inquiry. With the exception of two half days of hearings, my late husband Anthony Foster and I attended every hearing of the Parliamentary Inquiry held throughout Victoria. Over the years of hearings our attendance was extensive, as was our learning.

During the Victorian Inquiry, on 12th November 2012, our then Prime Minister Ms Julia Gillard announced that the Government would hold a Royal Commission into child sexual abuse in institutions.

Anthony and I had a private hearing with the Royal Commission into Institutional Responses to Child Sexual Abuse in March 2014, I was then summonsed as a witness to give evidence in Case Study 16 – The Melbourne Response in August 2014.

Over the five years of Royal Commission hearings we spent weeks, well over 100 days in attendance at the following Cases Studies in Victoria and New South Wales:

- Case Study 4 Towards Healing, Sydney December 2013
- Case Study 8 Towards Healing John Ellis, Sydney March 2014
- Case Study 14 Catholic Diocese of Wollongong, Sydney, June 2014
- Case Study 16 Melbourne Response, Melbourne August 2014
- Case Study 22 Yeshivah, Melbourne February 2015
- Case Study 28 Catholic Church Authorities, Melbourne and Ballarat
May and December 2015 and February 2016
- Case Study 35 Catholic Archdiocese of Melbourne, Melbourne

November 2015

Cast Study 35 Catholic Archdiocese of Melbourne, Cardinal Pell, Rome

February 2016

Case Study 44 Catholic Church Authorities in Armadale and Parramatta, Sydney,

September 2016

Case Study 50 Catholic Church in Australia, Sydney, February 2017

Case Study 57 Nature, Cause and Impact of Child Sexual Abuse, Sydney, March 2017

Closing Ceremony of Child Abuse Royal Commission, Sydney, 14th December 2017.

We also listened and watched the following Case Studies via the webcast:

Case Study 6 Toowoomba, Brisbane February 2014

Case Study 11 Christian Brothers, Perth April 2014

Case Study 31 Retired Bishop Geoff Robinson, Sydney August 2015

Anthony attended two Royal Commission Roundtable discussions on Redress in Sydney.

I made additional submissions to the Royal Commission and wrote letters commenting on evidence given by various Catholic Church hierarchy members during their testimony.

In October, November and December 2017 I participated in the making of the ABC documentary 'Undeniable' which was aired on ABC1 on 13th December in time for the handing over of the Royal Commission's Final Report and Recommendations to the Governor General. The purpose of the documentary, which was the idea of journalist Paul Kennedy, was to recap for politicians and society, a picture of the role the Catholic Church hierarchy played in the extensive child sexual assault crime which plagued the church. It was a reminder for us all as to why the 5 year, \$450 million Royal Commission was necessary in the first place and why it is now necessary to implement the Commission's recommendations.

Purpose

The purpose of this submission is to counter what looks like a Catholic Church encouraged reduction in the redress amount of \$200,000 as recommended by the Royal Commission down to match the Melbourne Response and now Towards Healing limit of \$150,000. I do not understand why the government would appear to be influenced by the Catholic Church on this matter when the churches will fund the payments of their own child sexual abuse victims.

For Your Consideration

During the Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations, in February 2013, Anthony and I attended a hearing in Geelong. In that hearing we listened to the evidence of a 72 year old illiterate victim retell his sexual abuse experience in a boy's home run by the Franciscan Monks. He described how church lawyers, engaged and instructed by the Franciscan Monks, had offered him and other boys \$5,000 for their lifetime of pain and suffering because of their years of sexual assaults at the hands of the Franciscans.

Asked by a Parliamentary Committee member, why the offer was so low, the victim responded that he and the boys could not name their offenders. The Committee member then gently asked why he couldn't name the monk who had sexually assaulted him. With a shame that did not belong to him the 72 year old described how – the monk would enter the dormitory with the hood of his Franciscan monk's robe pulled down over his head - hiding his face - the monk/child sex offender would then turn off the lights and select his victims in the dark, so they never got to see who it was and therefore could not identify the offender.

www.theaustralian.com.au/news/nation/priest-blasts-churchs-response-to-child-abuse/news-story/38087b22c293790f120d5d6a9aed66d6

See also the inquiry transcript for details

This 72 year old victim's experience meant he never learnt to read or write. His ability to earn a decent or proper wage was hindered his entire life not to mention other sufferings. Yet the Catholic Church, the Franciscans in this case, were happy with the fact that these disadvantages orphans who they elected to care for and indeed had a duty of care to educate and nurture, were/are happy to rip-off these disadvantaged children, now disadvantaged adults by using the very cunning means of non-identification the offender himself used to avoid being identified/captured/responsible/prosecuted. The Franciscans and their lawyers now used this deception to their advantage – as the main reason why not to pay their fellow monk's victims. Fair compensation for their life of pain and suffering was nothing to these Christian monks – saving their assets was of utmost importance. The victim's very sticking point of identifying their offenders was used against them to lever and force the acceptance of a disheartening and depressing and hopeless and insulting \$5,000 compensation pittance.

This inhumane situation, that the Franciscans were probably proud of because their legal steps kept their loss of assets to a minimum, is an example of the Catholic Church clergy in action. It is just one of the many cruel stories which have come to light in the Victorian Parliamentary Inquiry and the Child Abuse Royal Commission. There is no charity, empathy, pity, love or

understanding – not even any Christianity from the leaders of the Franciscans, not then when the victim was a child and not now when he is an old man.

The hierarchy of the Catholic Church has made the abuse issue about money – attempting to hold on to their money and massive assets at any cost. Victims and the damage done to them through unchecked and unbridled paedophile priests and brothers that the hierarchy had received complaints about and took no action to protect children but to hide child rapists and further enable offending priests and brothers to do more damage to more children should be met with severe monetary consequences for cruelty to vulnerable little children who were orphans without parents in their care. There is a punitive responsibility which needs enforcing upon the leaders of the Catholic Church because they don't care about children or the lifelong damage they and their institutional set-up enabled. Not then and not now.

The Government of Australia is the only body in this country capable of holding the hierarchy of the Catholic Church to account for their behaviour through civil law and other penalties/regulations they put in place. The Royal Commissioners over their 5 years of listening to evidence and examining over 1.2 million documents are experts on this issue of child sexual assault in religious institutions. They know and understand exactly what needs to happen to minimise the crime of child rape and molestation in institutions. The \$450 million recommendations from the Royal Commission, which taxpayers have paid for, are our hope because this crime of child sexual assault must not happen again in institutions in the future. Everything possible must be done to curb it. Politicians must create change by implementing the Royal Commission recommendations. The Redress scheme is the first test of the government's true grit on bringing to an end in institutions - and then by example sexual abuse in families - the insidious crime of child rape. Monetary punishment for disregarding children and moving offenders on to sexually assault more children is part of that change too. Compelling religious and other institutions to pay redress for not giving a damn will force them to make better decisions in the future because it will cost them, change will not happen because of a love of children but through their love of their amassed assets.

Anthony attended the Child Abuse Royal Commission roundtable discussions on Redress. Anthony fought hard to have the Catholic Church redress limit set at \$500,000 (half a million dollars) then tried to hold out at the \$300,000 level but was assured by the Commission that the churches and government would accept a redress maximum level of \$200,000. So eventually Anthony agreed to that sum. It was to our great horror when Christian Porter, Federal Minister for Social Services announced to the general public via a speech on television one afternoon in November 2016 that the redress limit was now \$150,000. We were in Byron Bay in NSW. Within an hour or so Anthony rang a relevant Victorian Member of Parliament

who knew nothing of the speech or the diminished sum – Christian Porter’s announcement came without consultation with the State of Victoria at least. How can that happen? Who did the Federal Government consult with to officially lower the Royal Commission’s redress recommendation by \$50,000? The now \$150,000 Federal redress limit just happens to match the Catholic Church’s limit to their own scheme, Melbourne Response and now also Towards Healing, as mentioned by Francis Sullivan in an interview on Channel 10’s The Project on 15th December 2017.

Towards Healing sent a victim back to the nuns who violently mistreated her as a preschooler in an orphanage. Because of the mistreatment the victim was illiterate. When she went to the nuns they said they had no money but offered her less than \$2,500 which she took. That was in 1997. Towards Healing has been happy with that unjust outcome for the past 20 years. Why are they looking now at offering more? Twenty years ago they should have fixed it but chose not to. There are many cases like this that the church has cruelly treated victims in their unfair and unjust systems which they set up – without any government oversight - to quash and minimise payouts to the victims they created through their own negligence after being told of offenders and then simply moving those offenders elsewhere. Then they speak in the media boasting they are the first to initiate schemes to look after victims, their set-ups have saved them millions of dollars.

\$62million to be exact according to the article below by Chris Vedelago in the Sunday Age from 6th December 2015:

“The \$62million saving; How the Catholic Church short-changed abuse victims”.

The \$62million is only in relation to the Melbourne Response which is solely victims abused by Melbourne Archdiocese priests, not Brothers abusing in schools in Melbourne:

<http://www.theage.com.au/victoria/catholic-church-saves-62-million-on-sexual-abuse-claims-20151205-glgavf.html>

The government needs to act for victims to make the churches behave justly via civil law and other regulations they can put in place for victims because the Catholic Church have proven they are incapable due of their ironfisted determination to hold onto their assets.

I believe the Government’s Redress scheme should reflect the damage done by various church and other institutions. In the religious area, the Catholic Church is responsible for 61.8% of the total abuse reported to the Royal Commission in religious institutions, creating catastrophic and irreparable damage to society’s children – this damage has caused a massive damages bill the cost of which, so far, the taxpayer and government has had to meet. These massive costs,

already met over decades by the tax-payer, should be financed to a percentage of their contribution to the damage they allowed to occur unabated by refusing to defrock, excommunicate or simply put offending paedophile priests and brothers on administrative leave. This willful and criminal action goes against the very nature and thoughts of non-offending parents - hence the church secrecy surrounding all their actions on this issue. They knew it was a crime. They knew it was inhumane. They knew there would be hell to pay if they let parents know they were hiding offenders by planting them among their children. Yet they persisted in protecting their paedophile priests and brothers, their assets and their reputation above all else. And continue to do so.

In their arrogance the Catholic Church hierarchy has been stating since 1994, when asked why they did nothing to stop offending clergy assaulting children, words to the effect “we didn’t understand the effect it [i.e. sexual assault/rape] would have on children”. In saying these words, they are admitting they knew that sexual assaults were taking place but did nothing to stop the assaults because they didn’t understand it would have an effect!

How can they even say these words, least of all keep repeating them for the past 23 years! Have they learnt nothing from all these years of bad press and inquiries into their actions?

Is this a good enough excuse or explanation? The last time this obscene comment was made was under oath before the Royal Commission in Sydney in February 2017 and broadcast to the world via the webcast. Archbishop Porteous of Hobart stated these exact words:

“Nobody understood the seriousness of the effects of sexual abuse on children...”

Nobody needed to know the ‘seriousness of the effects’ – knowing the seriousness of the effects was irrelevant to the situation. What was relevant and completely understood by church leaders, was the fact that the sexual assault of a child was a crime – the crime of child rape saw many men hung, i.e. executed in our Australian history, others were and still are imprisoned for lesser sexual offences against children – which they knew all about and hence their secrecy. Now they use this pathetic excuse and have done so for the last 23 years – without reviewing their words - to excuse themselves for decades, centuries of child rape and molestation. It is simply not good enough. I have also seen this impotent excuse used by a North American Bishop. It’s as though the Vatican had a meeting pre 1994 and sent out an order to their priests and bishops that this is a good excuse... use it. And so it stands.

When Porteous used these words he was on a panel with four other Archbishops from around Australia, not one of them raised an eyebrow at his words, or contradicted or corrected him. Our children need protecting from church leaders who carry such heinous opinion.

Therefore, if it be open to debate I say the redress limit on the Catholic Church be moved to \$500,000.

If this is impossible I say the government must replace the redress limit on all institutions back to the \$200,000 which the Royal Commission lowered the sum of so that it would be adopted by both government and institutions.

Surely if there is any justice in this world, the Catholic Church hierarchy should pay for their obstinate and persistent sins/crimes. This same hierarchy made it their business to teach me and every other 7 year old in the Australian Catholic Church that if we missed mass on Sunday and died before we could confess to a priest we would go to hell and burn for all eternity. Such dogma beggars' the question; why was the church hierarchy suddenly so dumb and incapacitated when it came to the sin of the rape of children by their paedophile priests?

But now they seem to get away with everything by blaming the dead bishop/archbishop which in turn allows them to remain unpunished and hold on to their extensive amassed assets.

Over the past 12 months, as I have travelled along the Monash Freeway, I noticed a building being erected on the cusp of the Freeway at Berwick. As the stories rose I wondered what it was - a large council building, a university. Recently I found out because erected up in huge letters which are lit up at night and can be seen from afar is the name 'ST JOHN OF GOD', it is a hospital because beside the large sign on the top floor, in small red lettering, it says 'Berwick Hospital'.

The Catholic religious order of (The Hospitaller Order of) St John of God, which established itself in Australia from Ireland in 1947, first came to media attention back in 1997 for the Order's sexual assaults on young disabled boys – boys whom their Order of Brothers had placed themselves in a position to carry out their care. Being intellectually disabled made the boys easy victims and very importantly, poor witnesses for a court of law. It was an ideal set-up for a band of paedophiles. Psychologist Dr Michelle Mulvihill who worked with the Order claims in the news article below that 75% of St John of God brothers were accused of sexually assaulting the vulnerable boys.

'75% of St John Brothers Accused' November 12 2012

<http://www.smh.com.au/national/75-of-st-john-brothers-accused-20121111-296st.html>

Yet despite media exposure over the past 20 years which included the front page headline on The Age newspaper – ‘Brothers ‘pack raped’ boys’ - in relation to exposure in the Victorian Parliamentary Inquiry, their business interests seem to be flourishing:

‘Brothers ‘pack raped’ boys’ – November 9, 2012 and

<http://www.smh.com.au/national/brothers-pack-raped-boys-20121108-2917p.html>

The St John of God brothers also received attention in the Child Abuse Royal Commission. These horror stories on the Commission website come with warnings on their content:

Julianna’s Story,

<https://www.childabuseroyalcommission.gov.au/narratives/juliannas-story>

Harry’s Story

<https://www.childabuseroyalcommission.gov.au/narratives/harrys-story>

Carly’s Story.

<https://www.childabuseroyalcommission.gov.au/narratives/carlys-story>

A short search for St John of God child sexual abuse stories would provide many more examples.

These crimes against vulnerable disabled boys happened in Victoria, the Brothers cruel crimes were exposed in a Victorian Parliamentary Inquiry in 2012 and 2013 and again more exposure in the Royal Commission in 2017, yet still the St John of God’s name is upheld and honoured in lights on the freeway when we should not even see their name given their shameful sexual assaults on the intellectually disabled boys in their care. How many checks and balances and processes and approvals did that hospital name have to go through before they were permitted to put that name up there so high and mighty for us all to see on the freeway and for miles around – day after day. Every official who gave it the tick of approval did so without even remembering the scandalous 6 decades of sexually assaulted helpless boys. Does their suffering mean nothing to society? The boys are still suffering – the damage and their pain do not go away.

Why not call the hospital St Mary’s or St Michael’s? A decent and appropriate action might be to remove the St John of God name from its lofty position atop the hospital.

Perhaps the government could also redress this injustice.

Victims and their families can be forgiven for thinking that St John of God for their 6 decades of sexual crimes against the most vulnerable and helpless children would appear to be unpunished. There is no discouragement here, they predatorily picked a victim group of disabled children and very successfully minimised the fallout in arrests because of their wise choice of 'unreliable witness' victims.

It is hard for us to understand the Catholic Church hierarchy's attitude towards their paedophile priests and our children. The gulf between our thinking and theirs is astounding

In June 2002 A Sydney Morning Herald article 'Terms of Abuse' stated the following about a 1994 church meeting which was part of setting up Towards Healing:

"When a very senior cleric of the Australian Catholic Church, with significant responsibilities in addressing sexual abuse matters, expressed his views on victims who were breaking silence, I knew that I was not a Catholic... nor could I continue to be silent. He claimed that 'you cannot blame priests for sexual abuse; after all, we all know what little girls are like'. When I asked him what he meant by such a statement, he responded: 'You know, sidling up to you, wanting to sit on your lap' "

In the Royal Commission's Case Study 44, in September 2016 retired (two weeks before his commission appearance) Bishop Gerard Hanna, stated under oath that years earlier his then bishop had said to him about an offending priest who was soon to be sent to his parish
*"Oh, you know, Gerry, it's that **usual** thing, he was messing around with altar boys"*. (one of those altar boys died by suicide at 28 years of age) Hanna went on to say to the Royal Commissioner,

*"It wasn't unknown, your honour, that there were priests who **used** altar boys..."*

Used altar boys! Such language gives their attitude away, it would appear that, even in 2016, our children are simply a commodity to be 'used' by priests and bishops, a door mat for the clergy to wipe their shoes on, or a tissue to be used and thrown away.

There are many examples of this priestly attitude.

Clergy are a product of the institution they belong to. Any change or apology they make has been forced upon them by social outcry and shaming, none of it from a heart that cares for children. They show no insight or understanding of the damage their actions have caused in the disintegration of so many children's lives.

Instead they close ranks and protect each other and their institution.

It is not in their hearts to protect or uphold the sanctity of other people's children. Please protect our children from these priests and bishops by implementing the Royal Commission's recommendations. Starting with restoring the recommended Redress to the figure the Commission fairly lowered for acceptance by the government.

Time in Prison

I believe that victims who have received prison sentences for crimes they committed should also be eligible for Redress. My daughter Emma's life was so awful due to the years of sexual abuse she became a drug addict and ended up with a conviction, serving a short prison sentence. To exclude people who have spent a certain amount of time in prison only creates another injustice. Time in prison can be part of the ongoing damage of prolonged child sexual assault.

In the Broken Rites submission to the Victorian Parliamentary Inquiry Dr Wayne Chamley in Appendix 2 quotes his earlier evidence to the Senate Inquiry into Children in Institutions, Submission no.329.

"Both Ben and James told me that between them they could recall the names of about thirty boys who had been in institutions with them. They knew of twenty of them who had been incarcerated for murder. Both James and Ben have been sentenced for murder. One of the more notorious figures who had spent time as a boy at Tamworth Boys Home with Ben was James Finch (the Whisky Au GoGo Bomber). Ben said that he was a "poor sod" who never had a chance as he had ended up in Tamworth Boys Home sometime after coming to Australia as a "Leaving Liverpool" boy."

As a society we need to understand the damage done to children and what can emit from such abuse.

What needs to happen is that the Royal Commission's recommendations are implemented which will cause abuse to be reduced, then one day in the distant future many of these crimes will abate.

Guidance for Politicians

In 2011 Cardinal George Pell addressed a meeting in Ireland. He boasted that:

"We have a huge network of services; we educate 20 per cent of all Australians in our schools, operate 23 per cent of hospitals, we provide 55 per cent of palliative care."

The Catholic Church is also the biggest employer in Australia.

All this does not mean that the men who run the Catholic Church are above our civil law – just like none of us are above our civil law.

http://www.ad2000.com.au/cardinal_pell_the_responsibilities_of_church_leadership_october_2011

The clerics of the Catholic Church have proven themselves, via evidence before the Victorian Parliamentary Inquiry and the Child Abuse Royal Commission, to show no protection for the children of this country or justice to victims when they come forward years later and should be treated as such. The Royal Commission findings are scathing of the Catholic Church hierarchy, its actions and its inactions in relation to the children in its care and the ongoing sexual assaults suffered by them while under that care.

If children/victims had not come forward and told of their abuse and the media had not conveyed their stories to the good people of this country then the sexual assault of children would still be happening behind our backs in the Catholic Church today because - as its leaders keep insisting as their defense - they would not have understood the seriousness of the effects of child sexual assault therefore would not be stopping it.

Please act as a government should and protect children and provide justice which the Catholic Church hierarchy refuses to do. The church will obey the government because they have stated so:

Under oath at the Vic Parliamentary Inquiry on 27th May 2013, Cardinal George Pell stated: *“Well, we are good citizens, so if the government sets regulations for the whole of society, we certainly follow them”.*

Also as reported in The Age in February 2016 Cardinal George Pell stated in relation to child sexual abuse that the position of the Vatican on reporting obligations of the clergy was “that the law of the land should be followed”

Therefore the government should feel free to act for the good of victim’s because the Catholic Church will obey any civil laws you enact or regulations you put in place. All you have to do is govern with justice.

Thanking you,

Kindest regards,

Chrissie Foster