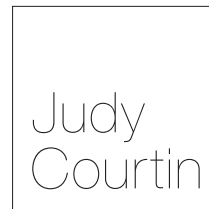


50+ years of raping and sexually assaulting children within the Archdiocese of Melbourne



Legal

Kevin O'Donnell was ordained a catholic priest of the Archdiocese of Melbourne in July 1942. He died in 1997, aged 81. For more than 50 of those years, O'Donnell drugged and sexually assaulted children, some as young as five years of age.

During the Royal Commission into Institutional Responses to Child Sexual Abuse, the Archdiocese publicly admitted that O'Donnell was a serial child sex offender from the time of his ordination in 1942. Until 2022, the Archdiocese did not admit they were legally liable though for those early crimes.

We represent many victims of this paedophile catholic priest. Our oldest client is now 86 years of age, and he was drugged and sexually assaulted by O'Donnell at the age of about eight or nine in 1943/1944.

Our youngest client is 39 years old. She was drugged and raped by O'Donnell between about 1989 and 1992 at the ages of 5 to 7.

There was no shortage of child victims provided to this Catholic priest by the Archdiocese of Melbourne.

O'Donnell was knowingly moved around the Archdiocese of Melbourne. His appointments included South Melbourne, Balaclava, Chelsea, Seymour, East Melbourne, Dandenong, Hastings, Oakleigh, Moorabbin, East St Kilda and Chadstone.

As a parish priest, O'Donnell reigned as monarch. This powerful position provided him with open access to children in the primary schools and altar boys in the church. He took children away to his country retreats and raped them there as well.

The informed and deliberate inaction of the Archdiocese of Melbourne (including moving O'Donnell from parish to parish) enabled, and by default, put a stamp of approval on O'Donnell's odious sex crimes against children.

We will never know the true number of his victims. But we estimate between about 1500 and 2000. Of course, far too many have died prematurely by suicide or by slowly drinking and/or drugging themselves to an early death.

Further, one victim would most likely have been assaulted multiple times. With this in mind, the number of sex crimes committed by O'Donnell would be inestimable.

John Bentley

Our client, Mr Bentley, was born in 1943 and attended St Mary's Primary School in Dandenong from Prep to Grade 8. O'Donnell would take children, including our client, to the presbytery to assist with cleaning and maintenance tasks. The young Mr Bentley was also an altar boy and a member of the local Scouts Group, which was run by O'Donnell.

O'Donnell committed hideous sex crimes against the young Bentley over a period of about two years from 1956 when Bentley was 13 years old until 1958.

O'Donnell abused his position and power and took every opportunity to commit his heinous crimes against the young John including at St Mary's Presbytery in Dandenong, the office at St Mary's Primary School, a holiday house in Rosebud, a hall in the showgrounds in Dandenong where the scouts met once per week, a Hall that was being used as the Church in Dandenong, the Presbytery at St Michael's in Berwick, a furniture van which KOD used to take groups of kids to the drive-in theatre and, in his own car.

In 1958, the very courageous John Bentley reported O'Donnell's sex crimes to Gerry Drummond, who was a scout leader at the time. Drummond met with Vicar General Monsignor Moran and told him about the complaint. Moran then visited O'Donnell accusing him of those crimes.

Fast forward to the mid-1990s, two other victims of O'Donnell (including BTZ – see below) commenced civil claims in the county Court of Victoria. At this time the Archdiocese lied to the court and said there had been no complaints made about O'Donnell before 1992, by which time O'Donnell was not performing any priestly duties as he had been charged by police in relation to 12 victims.

Mr Bentley, like so many other victims, went back to the Archdiocese of Melbourne with cap in hand. He applied to the Melbourne Response, the internal complaints process for the Archdiocese that had been set up by George Pell in 1996. The Melbourne Response process, according to the findings in my doctoral research, was established to further contain and silence victims of clergy sexual assaults.

In 1997, the year after the Melbourne Response was established by Pell, Mr Bentley was paid \$35,000 for the life-long harm caused by two years of sex crimes by O'Donnell.

As with all other applicants to this internal Archdiocesan process, Mr Bentley could only accept the money if he agreed to sign away all his future legal rights.

At this time, it was not possible to sue institutions for historical child sex crimes due to legal barriers. These barriers have since been removed following recommendations by the Royal Commission. These reforms enabled Mr Bentley, and other survivors of historical institutional abuse, to lodge civil claims against the institution.

John Bentley is a hero. He was a hero back in 1958 aged 14 when he stood up to the church hierarchy and told the truth about O'Donnell. He continues to be a hero today. It was his heroism and courage that enabled so many other victims of O'Donnell to access proper justice and accountability through the courts.

BTZ

BTZ was sexually assaulted by O'Donnell in 1971 when he was a student at Immaculate Conception Catholic Primary School in Hastings. The sex crimes against BTZ continued for the next 5 years from the age of 11 to 16. The sexual assaults occurred in the presbytery, in O'Donnell's beach house in Rosebud, at a community hall, at a farm in Seymour, interstate and multiple other locations.

1994 claim – the Archdiocese lied to BTZ and to the Court

In 1994 BTZ issued proceedings in the County Court of Victoria in relation to the psychiatric harm caused by O'Donnell.

At that time, the Archdiocese denied that there had been any prior complaints made to the Archdiocese about O'Donnell. The Archdiocese said that there were no records of any complaint against O'Donnell before November 1992, by which time O'Donnell did not hold any official office with the church.

This was a lie.

Complaints about O'Donnell sexually assaulting children were being made in the 1940s and the 1950s.

The reason the Church would not admit that they had prior knowledge of O'Donnell's child sex offending, is that this would amount to an admission of legal liability for what happened.

\$30,000 settlement in 2000

Due to the legal impediments at the time, this County Court proceeding was discontinued, and in 2000, BTZ was offered \$30,000 from the Melbourne Response process. This payment was offered on the condition that BTZ never again sue the Archdiocese. This was done by way of a deed of release.

The Archdiocese stood firm in its insistence that they had not received any prior complaints against O'Donnell and thus they were not legally liable for the harm caused by O'Donnell's sexual assaults against BTZ.

2021 Claim in the Supreme Court of Victoria

About 26 years later, our client, BTZ, commenced another matter against the Archdiocese of Melbourne. This time it was in the Supreme Court of Victoria.

This was enabled by changes to the laws in Victoria which gave the power and discretion to the court to set aside previous unfair and unjust settlements and deeds of release.

We commenced BTZ's claim in the Supreme Court of Victoria in April 2020.

In July 2021, at the 11th hour and just before trial, BTZ settled his claim out of court against the Archdiocese of Melbourne. He was offered and accepted \$1.375 Million plus legal costs.

Compensation is central to these claims but what is equally important is an admission by the Archdiocese that they are legally liability for the harm caused to our client by O'Donnell's sex crimes.

Just before the trial commenced, the Archdiocese of Melbourne was finally forced to do just that – to acknowledge and admit that they had prior knowledge of O'Donnell being a paedophile some 15 years before BTZ was assaulted, yet they did nothing to stop O'Donnell from sexually assaulting and raping more and more children.

Finally, the Archdiocese of Melbourne admitted they had breached their duty of care to BTZ and were negligent. This is a fundamental element for a successful civil claim.

BTZ's persistence and courage meant that he became the harbinger to future claims by victims of O'Donnell.

This significant (albeit forced) admission from the Archdiocese as to its legal liability, means the other matters we are running for victims who were sexually assaulted by O'Donnell, do not need to prove the legal liability component of their claims.

Not only should the Archdiocese have admitted its legal liability at the beginning of BTZ's matter in April 2020, it should have done so way back in 1994.

What does all this mean?

By the Archdiocese unnecessarily dragging out the civil claim to the eleventh hour, meant the incursion of significant additional legal costs and increasing stress and trauma for BTZ and his family.

BTZ was then required to vigorously fight the Archdiocese to have these legal costs paid and even then, he was forced into accepting an amount for costs that was greatly reduced.

Archdiocese of Melbourne is not a model litigant

The Archdiocese of Melbourne claims to be a model litigant in civil claims involving child sex crimes.

According to the Royal Commission, a model litigant should approach the legal process so that there is minimal potential for re-traumatisation of victims; it should avoid unnecessary adversarial responses to claims and it should publish and make available their model litigant guidelines to victims and their legal representatives.

Our clients' experiences with the Archdiocese attest that this is not so. The Archdiocese's approach re-traumatizes our clients as it models itself on an overly prescriptive adversarial process.

BTZ was forced to prolong his legal claim by the Archdiocese refusing to admit legal liability when they should have. As said earlier, the Archdiocese should have admitted that it received complaints about O'Donnell way back in the 1940s and 1950s. And it should have done this in the 1994 claim in the County Court of Victoria.

But it lied to the court by saying that the first complaint was in 1992, by which time O'Donnell was no longer acting as a priest.

BTZ's story shows how the powerful Catholic Church continues to try and crush victims as adults as they try to get some accountability and justice via the legal process – a process to which they are legally entitled.

But BTZ and all of our other brave, lion-hearted clients, stand victorious. This is in contrast to the cowardly, cruel, righteous, highly litigious and criminal institutions that not only covered up the crimes of its paedophiles, they enabled their paedophiles to rape children for decades. Further, these institutions continue to try and crush our clients today by using the black letter of the law and an inherently adversarial approach to these civil claims.

We at JCL salute BTZ and all of our clients. They are the heroes and the vanquishers. They are the courageous ones. They are the principled and ethical ones. They are the victors.

John Bentley also had his past unfair and unjust settlement set aside and lodged a new civil claim in the Supreme Court of Victoria. His matter settled recently and successfully. It took Mr Bentley 65 years to force the Archdiocese of Melbourne to pay him some compensation.

“Legal payout brings hope for other victims of paedophile priest.”

[Read this article from *The Age* here.](#)