

National Victoria [Child abuse](#)

# Judge lashes Xavier's 'troubling' conduct as school faces abuse claim



**David Estcourt**

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Catholic boys' school Xavier College is facing a multimillion-dollar lawsuit after a Supreme Court judge overturned a settlement struck to compensate the sick victim of a paedophile staff member.

The victim, a 69-year-old who cannot be named for legal reasons, successfully appealed the agreement struck in August 2011 between him and the Society of Jesus in Australia, which included a term that Xavier College in Kew cover tuition for his two sons and pay him \$150,000.



Xavier College, in Kew, faces a multimillion-dollar lawsuit from a former student abused by a staff member. JOE ARMAO

In a decision released last week, the victim claims priest Noel Bradford abused him in 1968 and 1970 while he was a boarder. The former student is now claiming loss of past earnings and superannuation of between \$1,248,791.62 and \$4,952,307.62 in damages.

Victorian Supreme Court judge Mary-Jane Ierodionou overturned the deed and criticised Xavier College because the school struck the deal while the victim didn't have a lawyer, and did not tell him to report the matter to police. "The defendant did not ensure that the plaintiff was adequately supported or informed in his negotiations, which led to the settlement deed. He was not legally represented," Ierodionou found.

"Information about other abuse complaints against Bradford was not disclosed. Medical information enabling a proper assessment was not sought ... He was not encouraged to make a complaint to the police.

"If the plaintiff is successful in this proceeding, there is a strong prospect that will result in a significant award of damages that will substantially exceed the settlement sum."

Ierodionou also sharply criticised the conduct of Father Michael Head, a college archivist and former head of professional standards, who provided

pastoral care to the victim and counselled him about his abuse.

But, Ierodiconou found, it was “troubling” that while Head acted as a confidant for the victim, he was also acting as an agent of the school when the deed was struck in the 2011 settlement.

“Based on Fr Head’s file notes, this afforded the plaintiff a space to openly vent his feelings and emotions. There appears to be an element of pastoral care,” Ierodiconou said.



“The plaintiff did not have the benefit of ongoing independent legal advice at this time. The capacity in which Fr Head held his informal meetings with the plaintiff is troubling,” the court found. WAYNE TAYLOR

“The plaintiff did not have the benefit of ongoing independent legal advice at this time. The capacity in which Fr Head held his informal meetings with the plaintiff is troubling. He provided pastoral care to the plaintiff whilst serving the defendant’s interests in negotiating the settlement deed.”

Bradford’s abuse had devastating consequences for his life, the victim said in an affidavit filed with the court, causing him to suffer profound depression and struggle with alcohol and drug addiction.

“I have struggled with depression and suicidal thoughts for decades. I turned to drugs and alcohol to help me hide my emotional suffering from others,” the judgment quotes him as saying.

“The abuse had a huge impact on my education and what I’ve been able to achieve since leaving school. Before I was abused, I was a very good student. After Bradford abused me the first time, I ran away from school three times that year.”

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*[Father Michael Head] provided pastoral care to the plaintiff whilst serving the defendant’s interests in negotiating the settlement deed.*

Victorian Supreme Court judge Mary-Jane Ierodionou

He said he struggled in higher education but failed most of the coursework, failing to hold jobs for a long period of time and often relying on his family for support.

“I’ve moved around a lot as an adult. I’ve had dozens of short-term jobs, and long periods of unemployment. There have been a number of occasions when my family have helped me get work. Without their help, I would have been unemployed,” he said in the document.

Right Side Legal partner Michael Magazanik told *The Age* that the victim is in poor health and the Supreme Court had ordered his claim be fast-tracked as a result.

### Deed of Release

Case records the agreement between [redacted] of [address] and The Society of Jesus, Victoria Provincial, Father Steve Curtin SJ and Noel Bradford SJ.

[redacted] and The Society of Jesus, Victoria, Fr S Curtin SJ, Fr Michael Head SJ and Noel Bradford have participated in acknowledging the events which occurred at Xavier College, Kew between Noel Bradford

[redacted].  
Part of their, being those mentioned above, dealing with the issues arising from this, The Society of Jesus Provincial, Fr Steve Curtin SJ and Fr Michael Head SJ and [redacted] have agreed to resolve all legal matters between them on:

- to pay [redacted] \$150,000 within 15 days of the signing hereof this release;
- a confirmation by this release that The Society of Jesus have agreed to provide positions as student whether it be day pupil or boarder, at Xavier College which is free of all tuition fees, compulsory fees boarding fees if requested by [redacted] or the boys legal guardians for his two sons [names of sons] C.
- recompense To [redacted] of his agreed legal costs this Release.

In consideration of the above, when the payment of the said sum of \$150,000 by the representatives of The Society of Jesus and the observations of the other terms and conditions relating to the education of [plaintiff's sons] referred to herein, [redacted] hereby forever releases and discharges the Society of Jesus, Victoria and its Provincial, and Noel Bradford from any suits, demands claims, or other action howsoever from any event, howsoever occurring prior to the signing of this agreement.

In consideration hereof the parties acknowledging the agreement.

[Signature of [redacted]]

[Signature of Michael Head on behalf of the Society of Jesus, the Provincial and Fr Bradford].

Xavier College settlement deed THE SUPREME COURT OF VICTORIA

“Yet, the Jesuits still thought it appropriate to try and get his claim thrown out on the basis of a paltry payment made years ago when my client was effectively legally powerless and unrepresented,” he said.

“The Jesuits have fought so hard to deny my client his day in court that it makes you wonder how many other legally worthless deeds they are sitting on. How many other victims of abuse at Xavier have been paid off with small sums of money?”

“This decision sends a message to those students: you have legal rights, you’re entitled to proper compensation. My client is grateful and pleased with the decision and is looking forward to his day in court.”

In 2022, an alleged victim of historical sexual abuse by different Xavier College staff members, Eldon Hogan and Father Patrick Stephenson, filed suit against the school, also seeking millions of dollars in compensation.

Xavier College has been approached for comment.

If you or anyone you know needs support call [Lifeline](#) 131 114, or [Beyond Blue](#) 1300 224 636.

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**David Estcourt** - David is a crime and justice reporter at The Age. Connect via [Twitter](#) or [email](#).

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