

**ROYAL COMMISSION INTO INSTITUTIONAL
RESPONSES TO CHILD SEXUAL ABUSE**

**Public Hearing - Case Studies 28 & 35
(Day 161)**

Level 17, Governor Macquarie Tower
1 Farrer Place, Sydney

On Wednesday, 2 March 2016 at 8am

Before

The Chair:

Commissioners:

Justice Peter McClellan AM

Justice Jennifer Ann Coate

Mr Andrew Murray

Counsel Assisting:

Ms Gail Furness SC

Mr Angus Stewart SC

Mr Stephen Free

1 <GEORGE PELL, on former oath: [8am]

2

3 <EXAMINATION BY MS FURNESS CONTINUING:

4

5 MS FURNESS: Q. Cardinal, can you hear me?

6 A. I can, thank you.

7

8 Q. And you can see us, Cardinal?

9 A. I can.

10

11 Q. Thank you. Cardinal, yesterday you were asked
12 questions in relation to the Consultors Meetings and what
13 was said at those meetings and you referred a number of
14 times to paedophilia or paedophilic tendencies, in what was
15 said at the meetings. When you were using that term, were
16 you using it to mean all sorts of activity that could be
17 described in a number of ways including paedophilia, or
18 just that word "paedophilia"?

19 A. No, I was - I think I said that was not discussed at
20 the Consultors Meetings and by that I meant what is
21 sometimes - it's under-age sexual activity, what is
22 sometimes described as paedophilia and ephebophilia

23

24 Q. Were you also intending to mean language that would
25 generally describe sexual activity with children, such as
26 interference with children, that sort of thing?

27 A. Yes.

28

29 Q. Including being overly affectionate with children?

30 A. Yes, I can't remember that being mentioned either.

31

32 Q. So your intention was to give evidence that at those
33 meetings nothing was said that could be interpreted as
34 being sexual activity, misconduct or interference with
35 children, in a broad sense?

36 A. That - that's - that's my recollection.

37

38 Q. Thank you. I asked you yesterday about whether the
39 Consultors Meetings were either preceded or whether
40 afterwards there was a discussion about priests and other
41 matters that might have been on the agenda of the meetings.
42 I think I particularly referred to outside of those
43 meetings. Do you remember that topic generally?

44 A. Yes.

45

46 Q. Can I ask you whether, outside of those Consultors
47 Meetings and, in particular, the 1982 meeting, there was

1 discussion among one or more of the consultors about what
2 was known of complaints against Ridsdale?
3 A. I wasn't aware of such discussions.
4
5 Q. Did you participate in any such discussion?
6 A. No.
7
8 Q. And you weren't aware of any of the consultors
9 speaking among other consultors, not in your presence,
10 about such matters?
11 A. No, I have no such recollection.
12
13 Q. Thank you. Now, just turning to Brother Dowlan, you
14 gave evidence on Monday that you heard there were problems
15 at St Pat's College, and you said you "could have heard it
16 from one or two of the students and certainly I think one
17 or two of the priests mentioned that there were problems".
18 Do you remember that evidence?
19 A. I do.
20
21 Q. Can you tell us who was the other student you referred
22 to?
23 A. The other student?
24
25 Q. You referred --
26 A. Can I mention - you asked me yesterday not to mention
27 his name.
28
29 Q. We have now obtained his name from those who represent
30 you, so you don't need to mention the student's name that
31 you referred to on Monday. There was a second student. Do
32 you remember the name of the second student?
33
34 MR DUGGAN: I object to that question. The answer was
35 "one to two". It wasn't definitely two, so perhaps that
36 could be clarified, your Honour, with respect.
37
38 MS FURNESS: The answer was one or two.
39
40 MR DUGGAN: The assumption in the question is that it was
41 definitely two. Perhaps that can be clarified.
42
43 MS FURNESS: Q. Did you hear that, Cardinal?
44 A. I did.
45
46 Q. Was there a second student?
47 A. I was aware of the claims of Mr Green.

1
2 Q. Mr Green was the second student you're referring to;
3 is that right?
4 A. I - yes, that was in the back of my mind. I don't
5 have any recollection of that incident, but that was the
6 other possibility I was referring to.
7
8 Q. So do you accept that Mr Green spoke to you in or
9 about 1974 about Brother Dowlan?
10 A. No, I don't. I have no such recollection of such a
11 dialogue.
12
13 Q. But it may have happened?
14 A. I - pardon?
15
16 Q. It may have happened?
17 A. I have no recollection that it happened. I'm
18 certainly not suggesting that Mr Green is telling lies, but
19 I am suggesting that I have no such recollection.
20
21 Q. So your reference on Monday to you "could have heard
22 it from one or two of the students" is a reference to the
23 man whose name you gave us yesterday and Mr Green?
24 A. That is correct.
25
26 Q. Now, you went on to say:
27
28 *... and certainly I think one or two of the*
29 *priests mentioned that there were*
30 *problems ...*
31
32 Can you help us with the names of the one or two priests?
33 A. No, I'm - I can't, but I can mention the priest that
34 I mentioned it to.
35
36 Q. Who was that?
37 A. That was Father Brendan Davey.
38
39 Q. Yes, you mentioned that. That was the chaplain?
40 A. That is correct.
41
42 Q. Now, the one or two of the priests mentioned, are they
43 likely to have been priests you were living with at the
44 time?
45 A. That is certainly a possibility.
46
47 Q. Do you know whether the one or two priests you

1 referred to did anything with the information?
2 A. No, I don't.
3
4 Q. You said that you mentioned it to the school chaplain
5 and he told you that he thought the brothers had the matter
6 in hand. Did you take any further action in relation to
7 that information to determine what the brothers did?
8 A. No, I didn't, but I soon became aware that Dowlan was
9 shifted.
10
11 Q. Did you become aware that Dowlan had admitted the
12 allegations?
13 A. No, I did not.
14
15 Q. You didn't know one way or the other?
16 A. I --
17
18 MR DUGGAN: I object to that question. What allegations
19 are we talking about, I would ask that to be clarified?
20
21 MS FURNESS: Q. I'm talking about the evidence you've
22 given, Cardinal, you understand that, about what was said
23 to you.
24 A. They were - it was a generalised suggestion,
25 accusation. There was nothing specific.
26
27 Q. Did you understand that the allegations that you
28 indicated were told to you were admitted or otherwise by
29 Brother Dowlan?
30 A. No, I didn't know what his response was other than
31 eventually the effect.
32
33 Q. The effect being that he was moved?
34 A. Correct.
35
36 Q. And did you know whether that was to another - I'm
37 sorry, Cardinal?
38 A. I - I would say that in the light of my present
39 understandings, although - I would concede I should have
40 done more.
41
42 Q. What do you now say you should have done?
43 A. Well, I should have consulted Brother Nangle and just
44 ensured that the matter was properly treated.
45
46 Q. Can you tell us why you didn't do that?
47 A. Because, one, I didn't think of it and, when I was

1 told that they were dealing with it, at that time I was
2 quite content.

3

4 Q. Thank you.

5

6 THE CHAIR: Q. Just before you move off, Ms Furness -
7 Cardinal Pell, you said you were told of generalised
8 allegations by the priests. What were you told?

9 A. I can't remember. There was - I can't remember in any
10 detail except that there were unfortunate rumours about his
11 activity with young people. It was always vague and
12 unspecific.

13

14 Q. But you I assume understood it to be rumours in
15 relation to sexual activity with young people?

16 A. Yes, that, and possibly excessive discipline or
17 violence, but certainly the first was - the first element
18 was present.

19

20 Q. You said the matter was resolved by him being moved;
21 correct?

22 A. I think he was moved at the end of '74.

23

24 Q. Well, did it not cause you concern that a brother
25 against whom you had heard rumours of sexual activity with
26 children was dealt with by being moved from one place to
27 another?

28 A. No. One, I didn't know exactly what he was accused
29 of, but 40 years ago, or more than 40 years ago, I did not
30 think that was unusual or inappropriate.

31

32 Q. Do you mean that it was not inappropriate to move
33 someone who may be offending against children to a
34 different location where they could continue to offend, but
35 against different children?

36 A. No, I don't believe that now, and I didn't believe
37 that then. My whole assumption would - or was - that the
38 brothers would be dealing adequately with the matter.
39 I was not aware then that they - of their poor record,
40 which I learnt about later, in dealing with such things.
41 I presumed that when they shifted him, they would have also
42 arranged for some appropriate help.

43

44 Q. You made these assumptions, but I gather that you
45 didn't make any inquiry to see whether your assumptions
46 were correct?

47 A. No, I did not.

1
2 Q. Did you tell the Bishop?
3 A. No, I did not.
4
5 Q. Can you tell us why you didn't tell the Bishop about
6 this issue?
7 A. Firstly, because it came under the control of the
8 Christian Brothers and I was told that they were dealing
9 with it.
10
11 Q. You were the Bishop's representative in relation to
12 education, weren't you?
13 A. I - I was.
14
15 Q. But you say that, even in that role, you didn't feel
16 any necessity or responsibility to tell the Bishop about
17 this problem?
18 A. No, I - I didn't. I - I certainly would not have
19 presumed that he definitely would not have known, but
20 anyhow, I didn't. I regret that I didn't do more at that
21 stage.
22
23 MS FURNESS: Q. Cardinal, can I turn now to your time in
24 Melbourne. You were appointed parish priest of Mentone
25 in April 1987?
26 A. That is correct.
27
28 Q. And you were shortly thereafter ordained as an
29 Auxiliary Bishop of the Archdiocese of Melbourne?
30 A. That is correct.
31
32 Q. And in your role of Auxiliary Bishop you were a member
33 of the Curia with the Archbishop, the Vicar General and
34 some others; is that right?
35 A. And the other auxiliaries, that is correct.
36
37 Q. Were there any others on the Curia other than the
38 auxiliaries, with the Vicar General?
39 A. The business manager came along for part of the
40 meeting and the Archbishop's secretary was, I think, the
41 secretary of the meeting.
42
43 Q. You were also a member of the Personnel Advisory
44 Board?
45 A. That is correct.
46
47 Q. And that was because of your position as Auxiliary

1 Bishop?
2 A. That is correct.
3
4 Q. And the purpose of the Personnel Advisory Board?
5 A. Is to do what its name suggests, and that is to advise
6 the Bishop on placement of the priests.
7
8 Q. Was that its only role?
9 A. I can't off the top of my head think of any other
10 roles, but if there were and you would like to put
11 something to me, I can say "Yes" or "No". I can't think of
12 other activities.
13
14 Q. In relation to the placement of priests, did it have a
15 similar role to that of the consultors in Ballarat, leaving
16 aside property for the moment?
17 A. No, because I think it had even less status than
18 consultors, but it certainly did similar work.
19
20 Q. When you say "less status", it nevertheless advised,
21 in this case, the Archbishop on whether priests should be
22 appointed or transferred from particular parishes?
23 A. It provided that advice when it was asked, that's
24 certainly true.
25
26 Q. In what way did it have less status?
27 A. Because a Personnel Advisory Board is not recognised
28 in canon law.
29
30 Q. But it nevertheless carried out the same function of
31 the consultors, which was recognised in canon law, in
32 relation to priests and personnel matters?
33 A. Well, one of the matters to be established is exactly
34 what the role of the consultors is and I think advising on
35 personnel changes is not mentioned, to my recollection, in
36 the church law on the role of consultors.
37
38 Q. I'm sorry, when you say "one of the matters to be
39 established", what do you mean by that, Cardinal?
40 A. Well, I think it's very relevant to our discussion to
41 become clear just what the church law says, if anything,
42 about the Personnel Advisory Board, about consultors and
43 about auxiliary bishops.
44
45 Q. I take it that the evidence you gave yesterday as to
46 what was done in the Consultors Committees is your
47 understanding of what happened on the occasions that you

1 were there - that's right?

2 A. In Ballarat, yes.

3

4 Q. And are you suggesting that there may have been some
5 non-compliance with canon law or church law during those
6 meetings?

7 A. No, I'm not.

8

9 Q. So when you indicate that you think it's relevant to
10 see what the church law says about the Personnel Advisory
11 Board and about consultors, what do you say the church law
12 says about those things?

13 A. It says that the Personnel Advisory Board has -
14 because it's not mentioned in canon law, has no authority,
15 it's not a cabinet, to endorse the decisions of the
16 Archbishop about the placement of clergy, and I believe
17 that there is a similar silence on that topic on the role -
18 in the description of the role of the consultors.

19

20 Q. How does that affect the evidence you gave yesterday,
21 Cardinal?

22 A. I think it reinforces what I said about the
23 predominant role of the Bishop.

24

25 Q. And you --

26 A. But let me just say - let me just say by way of
27 background, I was an Archbishop for 18 years and in the
28 decisions that I took on personnel matters, I would never
29 think of attributing blame to either the consultors or the
30 advisory board, because I recognised that, as Archbishop,
31 they were my decisions.

32

33 Q. Blame about what?

34 A. I would not have believed that it is appropriate if,
35 for example, I had made a wrong decision, that something
36 didn't work out, I didn't think it would have been
37 appropriate to blame my advisers for the decision that
38 I had taken and, in that, this would reflect the church
39 law.

40

41 Q. The role of the consultors and the advisers is to
42 advise, isn't it?

43 A. I've explained that their status is quite different
44 and, actually, the matters on which the two bodies give
45 advice are also different. The personnel advise on clergy
46 appointments. The consultors do have specific roles,
47 mentioned I think in canon law, on property matters and

1 financial matters.

2

3 Q. Well, the consultants also advised the Bishop, didn't
4 they?

5 A. Yes, I just said that.

6

7 Q. Well, with respect, you didn't, but your evidence is
8 clear that the role of the consultants in Ballarat was to
9 advise the Bishop on - including matters of priests and
10 where they were appointed; isn't that right?

11 A. That is right, and what I am saying is that in church
12 law they had no official role in providing such advice. It
13 was advice that was sought and was given, but it's quite
14 clear that it's nothing like a cabinet decision.

15

16 Q. Are you suggesting that the fact that in church law
17 they had no official role affects any of the evidence you
18 gave yesterday?

19 A. No, I don't, but I think it reinforces the point I was
20 trying to make about the prime responsibility of the Bishop
21 in making appointments, and I think it demonstrates the
22 point that I was making about different levels of
23 responsibility.

24

25 Q. Now, the Auxiliary Bishop is referred to in canon law;
26 is that right?

27 A. That is correct.

28

29 Q. And what does canon law tell us about the role of the
30 Auxiliary Bishop?

31 A. I think the first - and I'm not trying to be
32 flippant - the first point that the canon law makes I think
33 is that ultimately the Auxiliary Bishop has no authority to
34 take decisions against the will of the Archbishop.

35

36 Q. The Auxiliary Bishop is appointed with responsibility
37 for a particular region; isn't that right?

38 A. No, that is - that is not right. An Auxiliary Bishop
39 in some dioceses was given almost, within some limitations,
40 the functions as defacto Bishop of that area. In
41 Melbourne, for example, there were four regions. We were -
42 each of the Auxiliaries was allocated to a region. We had
43 the role there of providing pastoral support to the
44 priests, the people, communities, and especially to provide
45 the sacrament of confirmation.

46

47 Q. So your role as Auxiliary Bishop in relation to the

1 region that was allocated to you was to provide pastoral
2 support to the priests, people and communities and
3 especially to provide the sacrament of confirmation -
4 that's right?
5 A. Yes, that's what I said.
6
7 Q. And what region were you allocated?
8 A. The southern region.
9
10 Q. What parishes were encompassed by the southern region?
11 A. I - those parishes that run down the eastern side of
12 the bay.
13
14 Q. They included Doveton, I take it?
15 A. Yes, it did.
16
17 Q. Now, as Auxiliary Bishop, the meetings of the Curia
18 that you were present at with the other Auxiliary Bishops
19 and the Vicar General from time to time dealt with
20 complaints or concerns about priests?
21 A. Yes, that is correct.
22
23 Q. In your time as Auxiliary Bishop, is it the case that
24 the Catholic Education Office had primary responsibility
25 for dealing with administrative matters within schools and
26 parishes insofar as the parishes had schools - is that
27 right?
28 A. Yes, the Catholic Education Office had educational
29 responsibility for the parish schools and for those
30 diocesan high schools. The religious order high schools
31 were led by the religious order superiors.
32
33 Q. The head of the Catholic Education Office when you
34 were Auxiliary Bishop, and in relation particularly to
35 Doveton, was a priest?
36 A. That is - that's right.
37
38 Q. And the Catholic Education Office ordinarily reported
39 matters to the Vicar General?
40 A. When they touched on priests or parish life, that's
41 correct.
42
43 Q. And had the capacity to report to the Auxiliary
44 Bishop, but they didn't do so with the same frequency as
45 they did with the Vicar General?
46 A. With nothing like that frequency - quite rarely, in my
47 experience.

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Q. The evidence seems to suggest, Cardinal, that it depends upon the accessibility or approachability of the Auxiliary Bishop as to whether, in the case of Doveton, those in the Catholic Education Office approached the Vicar General or the Auxiliary Bishop. Do you understand that?

A. I - I understand what you're saying, but the Auxiliary Bishops, to my knowledge, were never normally consulted and, in some cases, if an Auxiliary Bishop was not particularly open to dealing with this, they mightn't go near him on almost any - any occasion.

Q. So was it the case, when you were Auxiliary Bishop, that you were particularly open, or not particularly open, to dealing with complaints of a sexual nature against priests?

A. I was there to - to receive complaints from whoever wanted to complain.

Q. So were you particularly open to dealing with those complaints, or not?

A. I was certainly open to dealing with those complaints, as with any other complaint.

Q. Now, you said that Auxiliary Bishops were normally never consulted and, in some cases, if the Auxiliary Bishop was not particularly open to dealing with this, they might not go near him on almost any occasion. Now, I take it, given your answer to the subsequent question, that the Catholic Education Office people did come to you on occasions in relation to matters in Doveton?

A. They certainly did.

Q. And, from time to time, in the Curia and the Personnel Advisory Board, matters concerning Doveton and the parish priest were brought to attention.

A. They were discussed on some occasions, yes.

Q. Now, Bishop Connors gave evidence about what he described as Archbishop Little's blind spot in relation to priests and taking action against priests. Now, do you consider that Archbishop Little, when you were there as his Auxiliary Bishop, had such a blind spot?

A. I didn't - I was never Vicar General - a Vicar General. Obviously, I was never Director of Education, so I very rarely, if ever, had one-to-one

1 discussions with him on these matters, so I - I wouldn't
2 have been able to say so succinctly that he had a blind
3 spot on those matters.
4

5 Q. You have, in the past, been critical of
6 Archbishop Little's handling of sexual misconduct cases
7 against priests?

8 A. Yes, I'm - I have to say that I am strongly critical
9 of it.
10

11 Q. What aspects are you strongly critical of?

12 A. That on some occasions, one which - in the Searson
13 case, for example, that he had a lot of information which
14 he never made available to me when I took the Searson
15 matter to him and asked his advice.
16

17 Q. So that's in relation to one case. Are there any
18 other cases about which you're strongly critical of him?

19 A. I've studied these papers for the inquiries and I'm
20 aware of publicity, and what I know now and what I knew
21 subsequently and what emerged from the Melbourne Response
22 hearings was sometimes deeply disturbing.
23

24 Q. Perhaps you can explain that.

25 A. Yes. Well, it was that Archbishop Little on some
26 occasions did not act when he should have and certainly did
27 not make appropriate information available to the Personnel
28 Advisory Board on some occasions.
29

30 Q. Now are there other aspects of his handling such
31 complaints that you're critical of? You've described the
32 provision of information.

33 A. Yes, allowing people to remain in place and sometimes
34 transferring such people.
35

36 Q. And who are you referring to in particular?

37 A. I'm - one such example I think would be Bill Baker.
38 Another such example would in fact be Searson.
39

40 Q. What did he do wrong with Searson?

41 A. Well, I've only fairly recently discovered the extent
42 of the problems at Sunbury. I discovered that somebody had
43 prepared a list of infractions - a page and a half. I was
44 never informed that this had been prepared and I was never
45 informed about the variety and the seriousness of the
46 problems in Sunbury.
47

1 Q. So from the answers to the last few questions, it
2 seems that your criticism of Archbishop Little is largely
3 about the provision of information to others, primarily
4 yourself - is that fair?

5 A. I'm - I'm not sure that it is, because I think I said
6 that he made wrong decisions. I - I might say - give you a
7 little bit of background on my relationship with
8 Archbishop Little.

9

10 Q. Can you hear me, Cardinal?

11

12 (Pause in video link)

13

14 MS FURNESS: No doubt we'll be told shortly whether the
15 problem is short or longer term.

16

17 Q. Cardinal, can you hear me?

18 A. I can hear you and see you, counsel.

19

20 Q. You were about to provide us with some background on
21 your relationship with Archbishop Little.

22 A. Yes, I was. We had quite different approaches to
23 theology. I was a Ballarat priest, so I had come into the
24 Archdiocese, so I had not worked with him for years, I had
25 not worked closely with the other Melbourne priests. His
26 method of operating was quite different from mine and our
27 relationship - we were not close friends in any sense. Our
28 relationship was professional and courteous.

29

30 Q. Now, Archbishop Little ultimately resigned on grounds
31 of ill health, didn't he?

32 A. That - that was what was said and he certainly had
33 four or five different health problems.

34

35 Q. When you say "that was said", are you suggesting that
36 there were other reasons for his resignation, other than
37 what was said?

38 A. I - I can't give any book, chapter and verse on this,
39 but he resigned four years early and I suspect his
40 situation would have paralleled that of Bishop Mulkearns
41 who resigned early, perhaps eight years early, and has
42 pointed out that one of the reasons for this early
43 resignation was the problems with the treatment - the way
44 he handled paedophilia cases.

45

46 Q. Bishop Mulkearns gave evidence that he decided for
47 himself that he wasn't handling those matters well and,

1 therefore, resigned. Was it the case with
2 Archbishop Little that he decided for himself, or that it
3 was suggested to him that his handling of those complaints
4 was deficient?

5 A. Both the Bishops would have had to offer their
6 resignation. As I said, I can't give book, chapter and
7 verse, but it would not surprise me if Archbishop Little
8 was requested to put in his resignation, but he certainly
9 was sick.

10

11 Q. Can you help us with who requested him to put in his
12 resignation?

13 A. No, I can't.

14

15 Q. Who would have had the, if not power and authority,
16 influence to be able to do such a thing in 1996?

17 A. The Apostolic Nuncio.

18

19 Q. Who was the Apostolic Nuncio at the time?

20 A. I think he was an Archbishop called Brambilla.

21

22 Q. Was it the Apostolic Nuncio who suggested to
23 Archbishop Little or requested that he put in his
24 resignation?

25 A. No, I can't, as I said, give book, chapter and verse
26 on that, but it would have had to have been worked out in
27 consultation with him.

28

29 Q. It wasn't worked out in consultation with you?

30 A. No, it wasn't.

31

32 Q. Just coming back to your position as Auxiliary Bishop
33 with responsibility for, I think you said, the southern
34 region, that was your first position in the Melbourne
35 archdiocese?

36 A. Yes, that was my first position in the Archdiocese,
37 because I entered the Archdiocese as a - I had been a
38 Ballarat priest; when I entered I became an Auxiliary
39 Bishop of Melbourne.

40

41 Q. Did you have any particular knowledge or understanding
42 of the region before you were appointed to it?

43 A. I had no particular knowledge or understanding of it,
44 no.

45

46 Q. What did you do to acquire knowledge and understanding
47 of that region when it was allocated to you?

1 A. I immediately took up a busy schedule of activities
2 and visits and moved around the Diocese, and I would have
3 slipped in immediately into the program of confirmations,
4 which were for most of the year, during term time, would be
5 three confirmations a weekend.
6
7 Q. Did you speak with the Vicar General at the time, or
8 the former Vicar General, to understand more about what was
9 happening?
10 A. He would have been one of the people I spoke to.
11
12 Q. Did you seek access to any files in relation to what
13 was happening in that region?
14 A. No. That was not a possibility offered to me, but if
15 I had - if problems came and I wanted a bit of background,
16 I would, of course, ask the Vicar General or possibly the
17 Archbishop
18 Q. You didn't ask them for access to files relevant to
19 matters in your region?
20 A. No, I didn't, because as I have said, the auxiliary is
21 not in the normal executive line of authority.
22
23 Q. But you didn't doubt that had you asked for them,
24 access would have been granted?
25 A. I'm not - that's probably the case. I couldn't have
26 been sure that they would have given me access to all the
27 information. As a matter of fact, knowing what I know now,
28 I'm pretty certain that I would not have received it on
29 some cases.
30
31 Q. But you didn't seek it? But you didn't seek it,
32 Cardinal?
33 A. On what matter?
34
35 Q. On any matter.
36 A. Oh, yes, I would regularly have inquired about the
37 different priests, the different activities in my region.
38
39 Q. No, seek access to the files, Cardinal, was my
40 question.
41 A. No, I did not feel any need to request access to
42 files.
43
44 Q. Now, about a year after you were appointed, there was
45 an Australian Catholic Bishops Conference meeting at which
46 Father Usher and Father Lucas presented information they
47 had acquired about, broadly, sexual misconduct of priests.

1 Do you remember that?
2 A. I do - not in any detail, but I certainly remember
3 their work.
4
5 Q. Perhaps if I can show you tab 59 - it's the Searson
6 bundle if that's not otherwise clear. You recognise this
7 document. Is it in front of you yet, Cardinal?
8 A. It's just arrived, thank you.
9
10 Q. That's a document that you've seen before?
11 A. It was presented at the Bishops meeting, was it?
12
13 Q. It was?
14 A. Well, I would have - I would certainly have seen it.
15
16 Q. Did you understand at about that time that the
17 problem, as set out at the bottom of that page, refers to,
18 in the sixth dot point:
19
20 *[The] bishop must be able to demonstrate to*
21 *the community and secular law that he has*
22 *taken some action once he knows of the*
23 *problem.*
24
25 A. Yes, that is correct.
26
27 Q. Do you remember being aware of that at the time?
28 A. I do - I do remember that.
29
30 Q. And then the final dot point is:
31
32 *advise priests to act prudently e.g.*
33 *careful about kids in presbytery, not being*
34 *alone with kids.*
35
36 A. I do remember that.
37
38 Q. And you remember those being issues that were drawn to
39 the Bishops' attention at that time?
40 A. Yes, I do.
41
42 Q. Perhaps if we could turn to tab 60, is that a document
43 that's familiar to you?
44 A. I haven't seen it in my preparation. If it was
45 presented to the Bishops I certainly would have read it and
46 studied it.
47

1 Q. Turning to the second page, third paragraph, there is
2 reference to the possibility that a claim could be brought
3 against the church on the basis of negligence in that the
4 authorities reasonably could foresee the likelihood of a
5 child being at risk and negligently failed to take steps to
6 prevent it. Then the document provides that the
7 possibilities could be at the time of recruitment, at the
8 time of investigation prior to ordination or inappropriate
9 action following a complaint, such as further appointments
10 or inadequate treatment. Now, was that concept familiar to
11 you at or about this time?

12 A. Yes.

13
14 Q. Being about a year into your position as
15 Auxiliary Bishop, and having those pieces of information
16 drawn to your attention, what did you do in the Archdiocese
17 of Melbourne in relation to your responsibilities to find
18 out whether or not you had any offending priests in your
19 patch?

20 A. I think it was the late '80s or early '90s a Special
21 Issues Committee was set up in Melbourne. I supported
22 that. I did not make any specific inquiries about any
23 specific person. Those matters - it was a heavily
24 centralised Diocese. Those matters were dealt with, first
25 of all, by the Vicar General and I was certainly free to
26 ask him about this priest or that.

27
28 Q. Was any attention paid, after this information was
29 provided to you, to make sure that circumstances of risk
30 such as set out in the document were identified and the
31 risk reduced by preventive or precautionary events?

32 A. I'm not sure at that stage explicit policies were
33 introduced, but certainly, as a result of these meetings,
34 all the Bishops were much more alive to these matters, and
35 certainly I think the Education Office was ahead of the -
36 of the parish system in their dealing with these matters.

37
38 Q. In particular, this document suggested that priests be
39 advised to act prudently, "careful about kids in the
40 presbytery and not being alone with kids". Did you, or to
41 your knowledge, your Archdiocese, take any action to advise
42 priests in this particular way?

43 A. I can't remember explicitly on this, but my
44 recollection was that the information conveyed to the
45 Bishops was brought to the attention of the priests at
46 clergy meetings, but I couldn't give book, chapter and
47 verse that this - when and where this was done in

1 Melbourne.

2

3 Q. Your understanding was that because of the conveying
4 of that information, you would expect priests to be aware
5 of those risk situations, as were described in that
6 document?

7 A. Yes, that - because in many ways the document did not
8 break new ground. It set it out very clearly and
9 comprehensively and concisely, but it wasn't entirely new
10 by any way of thinking.

11

12 Q. So that you were conscious by that time about kids in
13 the presbytery and priests not being alone with kids?

14 A. Yes, that is correct.

15

16 Q. And that that was a risk factor in relation to the
17 work carried out by priests.

18 A. Yes, that is - that's right.

19

20 Q. Now, when you were appointed Archbishop, you appointed
21 the now Archbishop Hart as your Vicar General?

22 A. I - I certainly did. It was a very successful
23 appointment.

24

25 Q. And, clearly, you trusted his judgment and valued his
26 advice.

27 A. Certainly.

28

29 Q. And Monsignor Cudmore had previously been the
30 Vicar General. What was your view of the way in which he
31 had carried out his work?

32 A. I think his work as Vicar General, especially in the
33 matter of sexual abuse, constituted a very, very
34 significant advance and improvement. I knew him a bit.
35 I spoke to him off and on. I encouraged him. I think he
36 extended his staff in this area. We had a woman expert and
37 a canon lawyer who spent at least some time helping him on
38 this area, so he, in my judgment, represented a
39 considerable improvement.

40

41 Q. And you didn't keep him on for what reason?

42 A. Because I thought Archbishop Hart as he became,
43 Father Hart, would be better.

44

45 Q. And that proved to be the case, in your view?

46 A. Yes, I think it did. Father Hart is a
47 formidably good - was a formidably good administrator, but

1 my personal relationship with Cudmore - it was a sensitive
2 issue. I worked hard to try to avoid him being hurt and
3 I'm grateful for his cooperation and for his contribution.
4

5 Q. Turning, first of all, to the Parish of Sunbury,
6 that's not a parish that you ever had any responsibility
7 for - it was never allocated to you in any way, was it?

8 A. No.
9

10 Q. I take it from what you said earlier that you have
11 seen some of the documents relevant to Father Searson's
12 time at Sunbury?

13 A. I have - that's right.
14

15 Q. Perhaps if I can just take you to a couple of those.
16 This is tab 4 in the Searson bundle. You'll see that this
17 is a letter to Archbishop Little.

18 A. I do.
19

20 Q. The author is redacted, but perhaps if we can just
21 deal with the first paragraph for the moment, firstly, the
22 author speaks of the intolerable situation at Sunbury?

23 A. I read that, yes.
24

25 Q. And then, coming down, it refers to the personal
26 experience, which is the third paragraph from the bottom.
27 Do you see that paragraph?

28 A. Thank you, yes.
29

30 Q. Referring to the "extreme provocation from autocratic
31 decisions and lack of sincere communication from
32 Fr Searson" and then in the next --

33 A. Yes, I do.
34

35 Q. -- paragraph the author says:

36
37 *I have, much to my spiritual discomfort,*
38 *instructed my children to refuse to be*
39 *called to Fr Searson's office unless*
40 *accompanied by another child or adult.*
41

42 A. I see that, yes.
43

44 Q. If you were Archbishop at the time, how would you
45 interpret that?

46 A. That - I would say that it would be sufficient ground
47 for some sort of official investigation quickly.

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Q. The author of the letter on the last page expresses the opinion that Father Searson must be removed from parish duties. Do you see that in the third-last paragraph?

A. Yes, I do.

Q. The response from the Archbishop is in the next tab, tab 5. In the third paragraph the Archbishop replied:

You will understand that I, through my Regional Bishops, Consultors and advisers continually monitor the progress of the various parishes within the Archdiocese.

That was how the Archbishop worked at that time in 1982. You've got no reason to doubt that?

A. No, I haven't.

Q. Then, in the final paragraph:

The matters you have raised with me will be given further consideration by me in discussion with my advisers.

From your answer before, you say that that letter should have resulted in an investigation. What do you say about the response of Archbishop Little at the time?

A. I think the style and the content are absolutely unsatisfactory and it's that style of letter that helps explain my differences with him and lack of enthusiasm for the way he ran the Archdiocese.

Q. Now, the next tab is a letter again to the Archbishop from a priest at the Sunbury Catholic Parish Centre. I take it you'll have seen this letter in your preparation?

A. I'm not absolutely sure that I did. No, I don't think I've seen such a long letter.

Q. The author of this letter is, or was, the assistant priest to Father Searson at Sunbury. You understand that?

A. Yes, I do, and I'm aware - if not of the explicit content, I'm aware that such a complaint was made.

Q. Generally, the complaint was in strong terms, including expressing the view that Searson was psychologically unsuitable to be a pastor, or the pastor of that parish.

1 A. Yes.
2
3 Q. If you can just turn to the last page of that letter,
4 which is 0016, there is reference at the top of that page -
5 he is referring there to "they", being people in the
6 parish, asking that there must be something that can be
7 done, somewhere he can go that causes less damage. The
8 assistant priest said he suggested to Joe O'Connell an
9 appointment to the Armed Forces. Joe O'Connell was an
10 Auxiliary Bishop at the time?
11 A. Yes, he was. He was a Regional Bishop, I think for
12 the western regions.
13
14 Q. So he was the Auxiliary Bishop who had been allocated
15 the region in which Sunbury was a parish?
16 A. Yes, I think that's the case.
17
18 Q. And then if we can turn to the next tab, these are
19 minutes of the Diocesan Consultors. You understand that
20 the Diocesan Consultors was the body that existed prior to
21 the Personnel Advisory Board?
22 A. I - I see that now.
23
24 Q. And had similar functions?
25 A. Yes, similar functions in this - in this area.
26
27 Q. Turning to page 3, item 13, there is a reference to
28 the Parish of Sunbury. What is noted there is:
29
30 *It was agreed that the personnel situation*
31 *in the Parish of Sunbury requires constant*
32 *review.*
33
34 A. I see that.
35
36 Q. So that tells us that those present at the meeting of
37 the consultors agreed to that outcome, doesn't it?
38 A. They did. How much they knew about the content of the
39 letter and the true issues, I wouldn't have any idea.
40
41 Q. No, but from these minutes, they knew something of the
42 personnel situation?
43 A. That's correct.
44
45 Q. You would say that that decision - that is, to
46 constantly review the situation without doing anything
47 more - was an inadequate response to the concerns that had

1 been raised?
2 A. Yes, I think it was completely inadequate.
3
4 Q. Now, you would be aware from Archbishop Hart's
5 evidence and his statement that he was critical of
6 Archbishop Little's response. Would you like me to take
7 you to that, Cardinal, or are you aware of his criticisms?
8 A. I - not in specific, in detailed form, but I'm aware
9 of that, yes, but I'm happy to - obviously, whatever you
10 wish.
11
12 Q. Perhaps if we can go to tab 15 of the statement
13 bundle, which is now Archbishop Hart's statement.
14 A. Yes.
15
16 Q. Do you have that, Cardinal?
17 A. I do, thank you.
18
19 Q. We're waiting for it to come up on the screen. If we
20 can go to paragraph 101 - do you have that, Cardinal?
21 A. I do.
22
23 Q. The Archbishop says that based on the material he has
24 reviewed - and you'll see from what precedes it that that
25 includes the documents I've taken you to - the response to
26 the general complaints being raised was inadequate and that
27 there seems to have been no investigation of the matters
28 being raised against Searson at the time. You would agree
29 with that criticism, I take it?
30 A. Yes, of course.
31
32 Q. In his oral evidence he also said that the
33 Vicar General was responsible for conducting an
34 investigation - not alone but also responsible - and you
35 would agree with that?
36 A. That would have been the normal practice then.
37
38 Q. If we can just put that document to one side, when did
39 Father Searson first come to your attention after you were
40 made Auxiliary Bishop?
41 A. I - I can't recall exactly. I presume it would be the
42 first time I visited the parish, probably in connection
43 with a confirmation.
44
45 Q. Do you recall now whether you had formed an early view
46 of him?
47 A. Yes, I - he was a disconcerting man. In fact, at his

1 worst moments he could be described as one of the most
2 unpleasant priests that I've met, although he didn't show
3 that side of his personality to me very often, but
4 I quickly learned that he was a difficult customer.

5

6 Q. Did you learn that from your observation of him, or
7 from others?

8 A. I'd say both.

9

10 Q. Did you have any engagement with him where he sought
11 to enlist your help to achieve any particular outcome in
12 the parish?

13 A. He - I think he was keen for me to support his plans
14 either for a new church or a renovated church, and I was
15 happy to do that.

16

17 Q. Cardinal, can I take you to some documents that are
18 relevant to Searson in the time before you became
19 Auxiliary Bishop. I'm sure you'll have seen some of these.
20 If we can have the first tender bundle of Searson and if we
21 can have tab 15 put in front of you. Do you have that,
22 Cardinal?

23 A. Yes, I do, thank you.

24

25 Q. You'll see it's a letter to Archbishop Little dated
26 15 August 1984?

27 A. Yes.

28

29 Q. One of the concerns raised under paragraph A, if you
30 could scroll down a little, there were criticisms of the
31 sermon that was given by him.

32 A. Yes, I see that.

33

34 Q. Do you see that the author says "the sermon was based
35 on pornography/censorship". Was there more than one way in
36 which to conduct a sermon based on different aspects of the
37 learnings of the church at that time?

38 A. Well, Bishops' - priests' styled varied, but the
39 directions were that, especially on the Sunday Mass, they
40 should be based on the scripture readings of the day, at
41 least as a starting point, generally as a theme.

42

43 Q. Thank you. If we could turn over to page 2, the last
44 paragraph on that page.

45 A. Yes.

46

47 Q. Page 2. Do you have page 2, Cardinal?

1 A. I do, thank you, yes. About the handgun?
2 Q. Yes, perhaps we can have page 2 here, the last
3 paragraph. There is reference there, if we can scroll to
4 the end of that paragraph:

5
6 *Father has pointed a handgun at a couple of*
7 *people who will not come forward for fear*
8 *of repercussions as many have been ...*
9

10 A. "As many have been intimidated by him".

11
12 Q. Yes. What's your reaction to the Archbishop having
13 received a letter like that?

14 A. I think at the very - well, there are two parts to
15 that. If this had been new, you would at least have
16 discussed the possibility of an investigation. Given that
17 this came after the Sunbury matters, I think it's
18 extraordinary that, at the very least, there was no
19 official inquiry.

20
21 Q. Well, it certainly suggests, subject to the outcome of
22 the inquiry, that this man is unsuitable to be a parish
23 priest, doesn't it?

24 A. Yes, it does.

25

26 Q. Now, if we can turn to tab 18 of the same bundle - do
27 you have that?

28 A. Yes.

29

30 Q. Do you see that's a memo to Father Doyle - at the top?

31 A. I do.

32

33 Q. Father Doyle, when you began, was the effective head
34 of the Catholic Education Office?

35 A. Yes, I think that's correct.

36

37 Q. In the first paragraph there is a reference to an
38 Allan Dooley, and you understood he was one of the officers
39 at the Catholic Education Office?

40 A. That's - that's correct.

41

42 Q. If we can have paragraph (i) completely on the screen,
43 that's reference to a mother having phoned Allan Dooley to
44 report that her grade 6 daughter was spoken to by
45 Father Searson on the playground yesterday about her size
46 and that he'd tickled her stomach and made remarks to
47 another girl saying, "Don't you ever look at yourself in

1 the shower", and then further that --
2 A. That's terrible. That's terrible.
3
4 Q. The first girl was the same one whom the father had
5 cuddled in the sacristy in February. The conduct described
6 in that paragraph is conduct that should not be found in a
7 priest - isn't that right?
8 A. That's correct.
9
10 Q. Then in the next paragraph, there is reference to the
11 father wanting a child to sit on his knee and that she
12 didn't want to go to confession because of that.
13 A. That's correct.
14
15 Q. Putting those two paragraphs together, there is
16 certainly at least the suggestion of over-familiar conduct
17 by the father with girls?
18 A. That's right.
19
20 Q. And there would be the suspicion that the father was
21 engaging in improper conduct with those girls.
22 A. That's correct.
23
24 Q. A suspicion that would require further investigation?
25 A. Yes, I agree.
26
27 Q. If we can go to tab 17, which is prior to the tab
28 you've just looked at, and these are the minutes of the
29 meeting of the Personnel Advisory Board.
30 A. Yes.
31
32 Q. On page 2 at paragraph 6 there is reference to the
33 Vicar General, in relation to the Parish of Doveton,
34 informing the members that he would receive a delegation of
35 concerned parishioners from the parish in May of that year.
36 Do you see that?
37 A. I do.
38
39 Q. So that's indicative that from time to time the
40 Vicar General would bring to the attention of the Personnel
41 Advisory Board matters in the parishes in relation to
42 priests?
43 A. That's correct.
44
45 Q. Because there would be little doubt that the
46 delegation was in relation to Father Searson's conduct, at
47 least of a general nature.

1 A. Yes, that is correct.

2

3 Q. Now, if we can turn to tab 22, firstly, this is a memo
4 from Monsignor Connors, who was then the Vicar General, to
5 the Archbishop in relation to the Parish of Doveton in
6 late October that year. Monsignor Connors refers to a memo
7 that he had received from Mr Norm Lalor. Just stopping
8 there, he was an officer of the Catholic Education Office
9 when you were Auxiliary Bishop, wasn't he?

10 A. Yes, he was.

11

12 Q. You knew who he was at the time you were
13 Auxiliary Bishop?

14 A. That's - that's correct.

15

16 Q. The Vicar General effectively summarises a complaint,
17 which I'll take you to, and he firstly refers to having
18 spoken to Father Searson about a tape-recorder being used
19 for the playing of hymns while he was celebrating the
20 sacrament. If we can just turn to tab 23, and we'll come
21 back to that - tab 23 you can assume is the memo that's
22 referred to in tab 22 and it's signed by Norm Lalor. If we
23 can just scroll up a little, it refers, firstly, to the
24 concern that Father Searson had a tape-recorder going while
25 having confession. And then the second item, which is
26 further down the page, is that Father Searson asked
27 children to kneel between his legs when they go to
28 confession. They are the two matters that were raised by a
29 parent, or a set of parents, to Monsignor Connors, who, in
30 turn, in tab 22, raised them with the Archbishop. If we
31 can come back to tab 22, do you see in that
32 paragraph I took you to before Monsignor Connors refers to
33 discussing the allegations with Father Searson and in
34 relation to the tape-recorder he accepted that he had a
35 tape-recorder in the confession. However, he said the
36 purpose of the tape-recorder was to play hymns. Do you see
37 that?

38 A. I do.

39

40 Q. He spoke to Father Searson about the second matter and
41 Father Searson, from this sentence, accepted that he had
42 done so, but assured him that he would insist upon the use
43 of a kneeler - do you see that?

44 A. That's for the confession, yes.

45

46 Q. Just stopping there, those complaints, taken together
47 with the previous complaints I referred to, increased the

1 suspicion about Father Searson in relation to his conduct
2 with girls, don't they?
3 A. Yes, both as far as the Doveton evidence goes, and
4 doubly so because of Sunbury as a prelude.
5
6 Q. And particularly having children kneel between his
7 legs when giving confession is quite abhorrent, isn't it?
8 A. Yes, it is.
9
10 Q. I am sorry, Cardinal, were you going to add something?
11 A. No, what that meant, it would have to have been
12 established by the - by an inquiry, but it is abhorrent and
13 something certainly to be investigated.
14
15 Q. When you say it needed to be established by an
16 inquiry, it's clear from this, isn't it, that
17 Father Searson accepted that he had been playing the
18 tape-recorder and accepted that he had the children kneel
19 between his legs, but then indicated the reason for playing
20 the tape-recorder was hymns and, secondly, that he would
21 remedy having children between his legs by insisting on the
22 use of a kneeler. Do you see that?
23 A. Yes, I do.
24
25 Q. In fact, you don't need an investigation, because you
26 have the allegation and the allegation being admitted,
27 don't you?
28 A. I said at least an investigation that should have been
29 referred to some person in authority for effective action.
30
31 Q. Well, it was, wasn't it, because it was from the
32 Vicar General to the Archbishop. It's hard to imagine more
33 authority than that?
34 A. That's correct.
35
36 Q. So isn't it the case that the lack of action is lack
37 of action by the Archbishop who knew of the information
38 from the Vicar General?
39 A. That's correct.
40
41 Q. If we go down to the end of that page, you see that
42 the Vicar General said he told Mr Sleeman, who was the
43 principal of the school, that there was nothing to be done
44 other than to monitor the situation?
45 A. That is correct.
46
47 Q. And he says further up that letter that he had to

1 accept the explanations given by Father Searson. Do you
2 see that in the middle of the fourth paragraph?

3 A. Very good. Yes, I do.
4

5 Q. And, in fact, Father Searson had admitted the
6 allegations. It was not a question of accepting his
7 explanations. He had admitted that he had the
8 tape-recorder and did not use a kneeler.

9 A. Yes, but I don't want to be drawn into defending
10 Father Searson, but he did say he was using the
11 tape-recorder to play hymns.
12

13 Q. He did indeed, but the allegation was not the purpose
14 of the tape-recorder, but the fact of the tape recorder and
15 it was recording material so, indeed, the acceptance that
16 there was a tape recorder, albeit he was saying he was
17 using it for a different purpose.

18 A. If he was using the tape-recorder to record the
19 confessions, that is sacrilegious. If he was using it
20 simply to play hymns, it was something that was an error of
21 judgment, because obviously such a machine could be used
22 for other purposes.
23

24 Q. If I can ask you to turn to tab 26 - do you have that
25 in front of you, Cardinal?

26 A. Thank you, yes.
27

28 Q. It's a letter from Allan Dooley, who is the
29 educational consultant we talked about earlier, to
30 Reverend Doyle, who was the director of the office,
31 in November 1985. If we can have that on the screen.

32 A. That's correct.
33

34 Q. In the second paragraph it refers to "Graeme", who you
35 can accept is Graeme Sleeman:
36

37 *... met with Father Searson to discuss the*
38 *subject of a phone conversation ...*
39 *The parent had indicated concerns about*
40 *what they saw as a sexual advance to their*
41 *daughter by Father Searson.*
42

43 A. Yes.
44

45 Q. That is an extremely serious allegation, is it not?

46 A. That's correct.
47

1 Q. And an allegation that should have resulted in
2 immediate investigation?
3 A. Correct.
4
5 Q. And that he should have been stood down while that
6 investigation occurred.
7 A. That's correct.
8
9 Q. And neither of those things happened.
10 A. That's - that's right.
11
12 Q. If we can turn back to tab 25, this is the letter from
13 the principal to the director of the office, and in this
14 letter the principal refers to in that first paragraph a
15 staff member, who has informed him that she will not take
16 her class to reconciliation with Father Searson again:
17
18 *Her reasons for this stand is for the*
19 *safety of the children because she fears*
20 *that Father Searson may make advances of a*
21 *sexual nature to the children.*
22
23 Do you see that?
24 A. That's correct, yes.
25
26 Q. So there is a complaint by a parent and then the
27 teacher has taken that complaint to the consequence that
28 she won't allow her children to take a class with
29 Father Searson.
30 A. That's correct.
31
32 Q. All that does is strengthen the concerns about
33 Father Searson, doesn't it?
34 A. Yes, it does.
35
36 Q. That a teacher was so concerned as to not let the
37 children in her class alone with Father Searson?
38 A. Yes.
39
40 Q. It's the case, isn't it, Cardinal, that at this stage,
41 having regard to the information from Sunbury and the
42 information available either to the Archbishop, the
43 Vicar General, or the head of the Catholic Education
44 Office, Father Searson should have been stood down, at the
45 very least?
46 A. That's correct.
47

1 Q. Do you think this is an example of what Bishop Connors
2 referred to as Archbishop Little's "blind spot"?
3 A. Archbishop Little for some reason seemed incapable or
4 unable to deal with Father Searson, or even to provide any
5 adequate level of information about the situation. Yes,
6 you could say - one way of describing it is "a blind spot".
7
8 Q. Do you think that blind spot he had was in relation to
9 protecting the church from the scandal that would arise
10 from standing down a priest, or otherwise removing a priest
11 from parish life, because of his conduct generally and with
12 children?
13 A. Yes, that was probably one part of it. Whether that
14 was the whole of it, I just don't know.
15
16 Q. That approach, assuming for the moment that it was one
17 part of it, is similar, isn't it, to the approach that
18 Bishop Mulkearns took in Ballarat?
19 A. Yes, it is.
20
21 Q. So it's the case that we don't have just one leader in
22 this part of the world - that is, Victoria - we have two
23 leaders who are taking, at least in part, the approach that
24 I've suggested.
25 A. Yes, they were both very reluctant to act and both of
26 them did not provide adequate information to their
27 advisers.
28
29 Q. Are you referring there particularly to your role as
30 an adviser?
31 A. I'm speaking more generally, but obviously that
32 touches on myself.
33
34 Q. If I can turn to tab 36, this is a letter to the
35 Archbishop which attaches a petition from members of the
36 parish in relation to Father Searson. If I can take you to
37 a number of paragraphs, and if we can go to page 2, the
38 second paragraph refers to Father Deakin having been in
39 discussion with the parishioners about the problem.
40 Father Deakin at this stage was standing in, I understand,
41 for Auxiliary Bishop Kelly who was not well. Does that fit
42 with your understanding of the timing of things?
43 A. Yes, it does.
44
45 Q. Continuing on to the second-last paragraph one concern
46 raised was:
47

1 *Parents, especially women, feel that*
2 *Father intimidates them and looks down on*
3 *them. Women appear to be afraid to be*
4 *alone with Father and many will not allow*
5 *their children to be alone with him.*
6

7 That, again, extends the concern about Father Searson and
8 the safety of children with him, doesn't it?

9 A. Yes, that's true.

10
11 Q. By this stage - that is, in October 1986 - given the
12 complaints since Sunbury about him, some being of a
13 sexualised nature and some not, again I suggest that
14 Father Searson should, at the very least, have been stood
15 down, or, if stronger action was taken, removed from the
16 parish. Do you agree with that?

17 A. I do.

18
19 Q. There was ample evidence at this stage to invoke those
20 two canons which permit a priest to be removed if he has -
21 and I'm paraphrasing - lost the reputation and good
22 standing in the community. You understand the canon I'm
23 referring to, Cardinal?

24 A. Yes, I do, but it would be no easy matter to use that
25 particular canon for that purpose, but that's - they
26 wouldn't necessarily, I believe, have to have used that to
27 stand him down.

28
29 Q. No, you wouldn't have necessarily used it, but
30 certainly that was an available avenue to take,
31 notwithstanding that it may not have been easy, wasn't it?

32 A. That's correct. That's correct.

33
34 MS FURNESS: Your Honour, I note the time.

35
36 THE WITNESS: That is correct.

37
38 THE CHAIR: We'll take the short adjournment.

39
40 **SHORT ADJOURNMENT**

41
42 MR DUGGAN: Your Honour, just before we begin,
43 Counsel Assisting said yesterday she would deal with the
44 transcript corrections after Ridsdale. I just invite her
45 to do that now, if it is an appropriate time.

46
47 THE CHAIR: I don't think it's an appropriate time but it

1 will be dealt with in due course.

2

3 MS FURNESS: Q. Cardinal, can you hear me?

4 A. I can, thank you.

5

6 Q. Cardinal, I was taking you to tab 36, which was a
7 letter containing a petition. Could I take you now to

8 tab 36Q, which is an attachment to that letter.

9 A. Yes.

10

11 Q. Do you see this is addressed to the Vicar General and
12 about three-quarters of the way down the page the author of
13 the letter said that Searson made her child sit on his
14 knee. He also pushed her against him:

15

16 *He also pulled a gun out of his pants and*
17 *handed it to a boy from our class to go*
18 *down and turn off the sprinklers ...*

19

20 and he said "he wanted me to take my first reconciliation"
21 in his house. His mother said no. On the second page:

22

23 *None of the teachers will let us go and see*
24 *him alone. There has to be three or four*
25 *of us.*

26

27 Further down, do see where it starts "Father", about two
28 thirds of the way down?

29

A. Yes, I do.

30

31 Q. It says:

32

33 *... he sexually assaulted my friend and*
34 *it's not going to happen again.*

35

36 Stopping there, you can see it's a letter to the
37 Vicar General?

38

A. I do.

39

40 Q. I suggest that that letter alone is grounds for the
41 priest to be removed from the parish. Do you agree with
42 that?

43

A. Yes.

44

45 Q. If we can turn to tab 50, these are minutes of the
46 Archbishop's Personnel Advisory Board in November 1986.
47 There is reference in paragraph 4 on page 2 to the Parish

1 of Doveton. Father Searson sought a transfer and it is
2 noted that:

3
4 *He is to be advised... that he considers*
5 *that he ought to leave his present*
6 *appointment for the sake of the Parish.*
7 *Meanwhile he is to be informed that no*
8 *suitable Parish is available.*

9
10 Now, that didn't happen, did it?

11 A. Well, he didn't leave the parish. I don't know
12 whether he was informed or not there was no parish
13 available.

14
15 Q. Which becomes redundant if he didn't leave the parish,
16 doesn't it?

17 A. Yes, I suppose so.

18
19 Q. That is up to the time before you became
20 Auxiliary Bishop, Cardinal. Can I take you to the
21 information that was available to the Archbishop, the
22 Vicar General, or the Catholic Education Office after you
23 became Auxiliary Bishop. Firstly, if I can ask you to turn
24 to tab 56, do you have that?

25 A. I - I do.

26
27 Q. It's a letter again from Mr Dooley to the Director of
28 the Catholic Education Office in July 1987 and drawing his
29 attention to a matter at St Mary's Primary School and
30 referring to a grade 6 student, Julie, who discussed a
31 couple of matters with her teacher and one concerning
32 Father Searson. Then it goes on to say that the matter was
33 detailed to him in a letter on 20 November 1985. If you
34 can assume that that matter is the matter of the child,
35 Julie Stewart, running from the area where reconciliation
36 occurred after being in there with Father Searson. Do you
37 remember that? I took you to that earlier?

38 A. I remember reading about that.

39
40 Q. Can you assume that the reference in this letter is a
41 reference to that?

42 A. I think that's a safe assumption.

43
44 Q. Turning to the second page, "Faye", who is the
45 teacher, it is said:

46
47 *... raised the matter and the referral with*

1 (Mr Dooley) ...

2
3 The letter was then referred verbally to Mr Lalor through
4 the author - that is, Mr Dooley. Again, Mr Lalor was an
5 officer with the Catholic Education Office. That's right?
6 A. That's correct.

7
8 Q. And you'll see at the top paragraph on that page there
9 is reference to a psychologist who saw Julie saying that
10 she was seriously traumatised and in a state of anxiety.
11 One can conclude from that, can't one, Cardinal, that
12 whatever happened to Julie Stewart was of a significant
13 event so as to seriously traumatise her and put her in a
14 state of anxiety?

15 A. That is correct.

16
17 Q. Now, in March 1988 there was a complaint of Searson,
18 that he struck a child and was engaged in animal cruelty.
19 That is in tab 57, if I can take you to that. Tab 57
20 refers to the attachments and 57A is again a letter to
21 Father Doyle from Mr Dooley and refers in the first
22 paragraph to a complaint from a parent that Father Searson
23 had struck her son in the face with a clipboard and noted
24 that --

25 A. That's --

26
27 Q. I'm sorry, Cardinal, do you see that?

28 A. I do.

29
30 Q. And that the parent approached Father Searson and then
31 told the Vicar General. Do you see that in the third
32 paragraph?

33 A. I do.

34
35 Q. And then over on the second page, the full
36 paragraph beginning "Early one morning", there is reference
37 there to what he did in relation to a cat.

38 A. Yes.

39
40 Q. Which was extreme cruelty.

41 A. Absolutely.

42
43 Q. Again, can I say, Cardinal, that this information was
44 clearly within the Catholic Education Office and certainly
45 the assault allegation was told to the Vicar General - you
46 accept that?

47 A. I do.

1
2 Q. At this stage, he should have been referred to the
3 police, shouldn't he?
4 A. I believe so.
5
6 Q. Because he'd committed a criminal act of assault.
7 A. Yes.
8
9 Q. Well, the allegation was certainly that he had
10 committed that act?
11 A. Yes.
12
13 Q. And the act in relation to the cat probably was a
14 criminal offence as well, I suggest, so there's no doubt
15 that he should have been sent off to the police - that's
16 right?
17 A. Yes, I'm - I'm happy to take your word for that.
18
19 Q. Well, rather than take my word for it, there is an
20 allegation that he assaulted a child, isn't there?
21 A. Yes.
22
23 Q. And that allegation should have gone to the police,
24 shouldn't it?
25 A. Yes, normally the consent of the parent or the child
26 involved would be obtained before it went to the police -
27 before you took it to the police.
28
29 Q. And are you aware from the material you've read that
30 that occurred in relation to the assault?
31 A. I don't think it did. I don't think so.
32
33 Q. And you would say that that essential step should have
34 been taken?
35 A. Yes.
36
37 Q. Now, there was another occasion on which there was an
38 allegation of Father Searson hitting a child. If I can
39 take you to tab 66, this is a memo from Graham Downes to
40 Norm Lalor in the Catholic Education Office. In that
41 second paragraph there is a reference to Father Searson
42 having either pushed or hit a boy who went home and told
43 his mother. Do you see that?
44 A. Yes.
45
46 Q. So that's the second allegation of assault
47 between March 1988 and September 1989. Do you agree with

1 that?
2 A. Yes.
3
4 Q. And still --
5 A. Yes.
6
7 Q. -- no action had been taken against Father Searson to
8 stand him down or investigate the allegations.
9 A. That's correct.
10
11 Q. Just further down this memo there is reference in that
12 second-last paragraph, the last line, to:
13
14 *Simon caught father in the toilets on one*
15 *occasion ...*
16
17 A. Yes.
18
19 Q. If you received that complaint you would see that, at
20 the very least, as odd behaviour?
21 A. I would.
22
23 Q. There was a delegation that came to you in 1989 -
24 that's right?
25 A. That's correct.
26
27 Q. And that delegation, as you understood it, came to you
28 because you were the Regional Bishop?
29 A. That is correct. It wasn't a usual step, but it was a
30 step available to them and they took it.
31
32 Q. Before that delegation took place, I think you were
33 provided with a list of grievances. Do you remember that?
34 I'll take you to the list.
35 A. Please do.
36
37 Q. It's behind tab 62. Is that familiar to you,
38 Cardinal, from 1989?
39 A. I think that's correct.
40
41 Q. Do you see that that list includes various health and
42 safety issues?
43 A. Yes.
44
45 Q. Harassment of staff and parents?
46 A. Yes.
47

1 Q. And then, finally, children. Do you see under the
2 heading "Children" there are five matters. The first is:
3
4 *Small group of children shown dead body in*
5 *coffin.*
6
7 A. Yes.
8
9 Q. Secondly:
10
11 *Cruelty to an animal in front of young*
12 *children.*
13
14 A. Yes.
15
16 Q. Thirdly:
17
18 *Compulsion on children to attend*
19 *reconciliation on demand.*
20
21 A. Yes.
22
23 Q. And then:
24
25 *Unnecessary use of children's toilets.*
26 *Harassment of children.*
27
28 A. That's correct.
29
30 Q. Do you remember being presented with this list either
31 prior to or at the beginning of the meeting with the
32 delegation?
33 A. I remember being presented with a list and I've got no
34 reason to doubt that this is the list.
35
36 Q. Thank you. If we can turn to tab 63, this is a memo
37 to Mr Lalor from Mr Annett within the Catholic Education
38 Office referring to the list of grievances I've just taken
39 you to and noting that it was handed to him by
40 Gerry Palmer, who you can assume was a union
41 representative.
42 A. That is correct, I believe.
43
44 Q. The author notes that it has been discussed with the
45 Vicar General?
46 A. Yes.
47

1 Q. And that Cath, a person within the Catholic Education
2 Office, "will monitor it by providing reports to the
3 Director of Catholic Education who will provide them to the
4 Vicar General". Do you see that?
5 A. Yes.
6
7 Q. That seems to be the way suggested by Catholic
8 Education that they were going to handle this list of
9 grievances?
10 A. That's correct.
11
12 Q. And then the delegation took place in November 1989?
13 A. Yes.
14
15 Q. Prior to the delegation taking place, you were clearly
16 informed that it was to take place?
17 A. Yes.
18
19 Q. And you were given a list of the grievances?
20 A. Yes.
21
22 Q. And you attended the delegation with Mr Lalor from the
23 Catholic Education Office?
24 A. I think he was present when we met.
25
26 Q. When you met with the delegation?
27 A. Yes.
28
29 Q. Now, did you seek to obtain information about problems
30 at Doveton and the list of grievances before you attended
31 the delegation?
32 A. I did. I spoke with the - with Lalor - is that his
33 name?
34
35 Q. Yes?
36 A. Or Dooley - it would have been Lalor. I spoke with
37 the Education Office.
38
39 Q. I take it the Education Office took you through the
40 various matters I've taken you through this morning in
41 relation to the dealings with Father Searson and the
42 complaints against him at Doveton?
43
44 MR DUGGAN: I object. Are we talking about the list of
45 grievances, or are we talking about all of the incidents
46 that have been referred to.
47

1 THE CHAIR: I think the question is perfectly plain,
2 Mr Duggan.
3
4 MS FURNESS: Q. Would you like me to repeat it,
5 Cardinal?
6 A. Please do.
7
8 Q. I take it the Education Office took you through the
9 various matters I've taken you through this morning in
10 relation to the dealings with Father Searson and the
11 complaints against him at Doveton.
12 A. They certainly did no such thing in any comprehensive
13 way at all.
14
15 Q. When you say "in any comprehensive way", in what way
16 did they do it?
17 A. We discussed the list of grievances that were on the -
18 on the - on that sheet. I had - I had asked - there had
19 been the resignation of Mr Sleeman. I asked what the story
20 was there and I was told that Sleeman was also a difficult
21 person and there were two sides to the story and, of
22 course, he offered his resignation. So I had no adequate
23 background briefing on the long-term problems at all.
24
25 Q. When you say "adequate background briefing on the
26 long-term problems", are you speaking about the various
27 matters I've taken you to this morning between the Catholic
28 Education Office, the Archbishop and the Vicar General?
29 A. Yes, and I'm not sure that I was informed about any of
30 those particular letters and documents. I didn't even know
31 they existed at that stage.
32
33 Q. When you were told about the delegation, did you ask
34 the Education Office or the Vicar General if they had any
35 material you should read before you met the delegation?
36 A. I asked them to brief me adequately.
37
38 Q. Did the Vicar General brief you?
39 A. I'm not sure that he did. I think it was just to the
40 Education Office.
41
42 Q. Did you speak to the Archbishop before you met with
43 the delegation?
44 A. I don't think so. I might have, but I did speak with
45 him afterwards.
46
47 Q. From your various activities within the parish that

1 you described earlier, did any information come to your
2 attention in an informal way as to the complaints and
3 concerns about Father Searson?
4 A. Very little, except that he was certainly a difficult
5 and eccentric man.
6
7 THE CHAIR: Q. Cardinal, I'm not sure I understand.
8 You've said to Ms Furness that you sought a briefing from
9 the Education Office before the meeting; is that right?
10 A. Yes.
11
12 Q. And you had that briefing?
13 A. Yes, that's correct.
14
15 Q. And that briefing was given to you by which person?
16 A. I think it was Lalor.
17
18 Q. And as Ms Furness has taken you through the material,
19 it is plain that the Education Office, in documentary
20 material if nothing else, knew a considerable amount about
21 Searson's misbehaviour, didn't they?
22 A. That is correct.
23
24 Q. And I assume that, being briefed, you were told what
25 they knew; is that right?
26 A. That's an incorrect assumption.
27
28 Q. Well, if you weren't told, are you telling me they
29 deceived you?
30 A. Yes.
31
32 Q. So the Education Office decided, through its
33 individual person, to deceive you; is that right?
34 A. The Education Office, through the local person, did
35 not give me anything like adequate information. I'm not
36 exactly sure how much of the information he was privy to.
37
38 Q. Can you give us any reason why the Education Office
39 would choose to deceive you in relation to Searson's
40 behaviour?
41 A. Yes, I was a new boy on the block. I was known to be
42 capable of being outspoken. They might have been fearful
43 of just what line I - I would take when confronted with all
44 the information.
45
46 Q. What do you mean "fearful of what line" you might
47 take?

1 A. Well, they were very keen to keep the lid on the
2 situation. The line that was given to me was that
3 certainly there were problems but they were insufficient to
4 remove Searson.

5
6 Q. You were the Auxiliary Bishop at this stage receiving
7 a delegation by way of complaint about a priest, weren't
8 you?

9 A. That is correct.

10
11 Q. Does it strike you as extraordinary that the Education
12 Office would choose to deceive you about information that
13 might be relevant to your assessment of that complaint?

14 A. Yes, it is. Whether they saw not giving all the
15 information as a deception is a question for them.

16
17 Q. Well, obviously, if you were to do your job properly,
18 you needed to know everything that the Education Office
19 knew, didn't you?

20 A. I did.

21
22 Q. And, if they didn't tell you, they were deceiving you,
23 weren't they?

24 A. Yes, that is correct.

25
26 MS FURNESS: Q. Did you subsequently understand that
27 they had lied to you?

28 A. No, not - not for a long, long time - even before
29 the - by the time of the Victorian parliamentary inquiry,
30 I still had no idea of just how much information was
31 available to me, especially about Sunbury and about some of
32 the earlier Doveton incidents.

33
34 Q. Do you know whether anybody within the Archdiocese
35 took any action in relation to the Catholic Education
36 Office for the way in which they handled complaints against
37 Searson?

38 A. By that you mean possibly the Archbishop or the
39 Vicar General?

40
41 Q. Or anyone else, but including those two.

42 A. No, I'm - I'm unaware of anyone so dealing or speaking
43 with the Education Office and, at that stage, I had a great
44 respect for the professionalism of the Education Office and
45 presumed that what they were saying and recommending was
46 appropriate.

47

1 Q. It's the case, isn't it, that given what you've said
2 about what you were told and what you now know was
3 available, there should have been disciplinary action taken
4 against those in the Catholic Education Office who were
5 responsible for conveying information to you?
6 A. Yes, that is - that is correct.
7
8 Q. Now, do you know one way or the other whether or not
9 those people are still employed by the Catholic Education
10 Office?
11 A. No, I don't.
12
13 Q. Now, coming back to the account you gave earlier of
14 the briefing, you said you were told there were two sides
15 to the story about Sleeman's resignation. Do you remember
16 saying that?
17 A. Yes.
18
19 Q. Do you recall what --
20 A. Yes, I --
21
22 Q. I'm sorry, Cardinal.
23 A. I'm happy to hear your question.
24
25 Q. Do you recall what each side of the story was?
26 A. On the Sleeman side it was that he was sometimes fiery
27 and a difficult person, and, of course, that Searson was a
28 rude and a difficult person. What I now know of course is
29 that Sleeman was basically justified.
30
31 Q. Justified in what?
32 A. In his side of the argument against Searson. He had
33 much more right on his side than Searson did.
34
35 Q. Well, wasn't part of Mr Sleeman's side of the story
36 that he had raised complaints of sexual misconduct by
37 Father Searson and they hadn't been properly dealt with?
38 A. Yes, that - that is - this happened before my time,
39 but that is correct.
40
41 Q. You indicated earlier that part of the briefing was to
42 tell you that there were two sides to the story about
43 Mr Sleeman. Were you told about this part of one side of
44 the story - that is, that he had raised allegations of
45 sexual misconduct against Searson?
46 A. I might have been in a non-specific way and the
47 implication was that they could not be sustained.

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Q. I'm sorry, when you say "a non-specific way", perhaps you can tell us what it was that you were told about allegations of sexual misconduct against Searson.

A. No, I - I can't remember exactly what was alleged.

Q. You say it was in a non-specific way. Perhaps you can help us with what you meant by that?

A. Not a great deal, because - given - I can't give a list of examples such as those that I've read. I'm --

Q. Having - I beg your pardon, Cardinal?

A. Good.

Q. Having had, even in a non-specific way, allegations of sexual misconduct against Searson, that would surely make you want to know more about it and what were the results of any investigation; isn't that right?

A. Yes. That was why I agreed readily to meet with the delegation.

Q. But before meeting with the delegation, didn't you seek from the Catholic Education Office more information about this allegation of sexual misconduct against Searson by Mr Sleeman?

A. No, because I don't think that was mentioned on the - on the list of complaints that came from the - came from the parents, or is it the staff, in this '89 --

Q. But, Cardinal, you indicated that the briefing given to you included the fact that there were two sides to the story about Sleeman's resignation. Now, that's not a matter that's explicitly on the list of grievances, is it?

A. No, that's correct, but it was public knowledge that he had resigned and there had been acrimony before the resignation.

Q. What did you do with the information you were told by the Catholic Education Office in your briefing that there had been allegations of sexual misconduct against Father Searson, albeit that you were told in a non-specific way?

A. Well, at - I asked what was the value of those accusations, to what extent were they proven. At some stage I spoke with Peter Annett and said that even from my limited knowledge it seemed that Sleeman had a lot of right on his side and the minimum we should do was to try to get

1 him another job, preferably as a principal in the Catholic
2 schools.

3

4 THE CHAIR: Q. Cardinal, can we just focus on
5 Ms Furness's question for a moment. You've said that in
6 your briefing you were given non-specific information about
7 sexual misbehaviour by Searson. Now, we're talking about
8 1989, aren't we?

9 A. Yes, and I - yes.

10

11 Q. By 1989 the Bishops, at the very least, in Australia
12 had been briefed in relation to issues of sexual misconduct
13 by priests, hadn't they?

14 A. That is correct.

15

16 Q. And whatever may have been the position in the past,
17 there would be absolutely no doubt that, in your mind and
18 in the mind of all Bishops by 1989, sexual misconduct by
19 priests was a significant issue, wasn't it?

20 A. That is correct.

21

22 Q. Having been told, as you say, in a generalised way of
23 allegations of sexual misconduct, did you not think it
24 necessary for you as the Auxiliary Bishop to satisfy
25 yourself that those allegations had been properly
26 investigated and had been properly resolved?

27 A. I asked the Education Office and took their word that
28 they had been dealt with appropriately.

29

30 Q. That's not quite my question. I asked you whether you
31 accepted the responsibility to ensure that they had been
32 properly investigated and properly resolved.

33 A. That was - I didn't have a belief that I had an
34 investigator capacity or role. That was a role which
35 I believed primarily in the schools was taken by the
36 Education Office and I accepted - as I've said, I thought
37 very well of their procedures and accepted their
38 recommendations.

39

40 Q. Were you told of the procedure that they had followed
41 in relation to the investigation of these allegations?

42 A. No, I was given no - no details of that.

43

44 Q. Did you not think it important, when satisfying
45 yourself that the matter had been properly investigated, to
46 establish just what they had done?

47 A. My prime consideration was to prepare myself

1 adequately to hear what the delegation had to say, and
2 anything that - I thought that any decision or any further
3 activity that I was to take would be after hearing the
4 delegation.

5
6 Q. So you're saying to us that you didn't satisfy
7 yourself that the matter or allegations had been properly
8 investigated?

9 A. I believed that they had been properly investigated.

10
11 Q. Well, again --

12 A. And --

13
14 Q. -- I ask you, what were you told had been done to
15 investigate them?

16 A. I - I wasn't told explicitly what they did, but I was
17 told that the Education Office had - the officials had
18 spoken with the parties involved and the matter had been
19 satisfactorily investigated. That was - I took them on
20 their word on that.

21
22 Q. And do you now believe that you were not told the
23 truth there?

24 A. Yes, I wasn't adequately briefed at all.

25
26 Q. So you again were deceived on this issue, were you?

27 A. Yes.

28
29 Q. As we now realise, there could be no more significant
30 issue for a parish priest who is involved in the parish
31 school than allegations that he is sexually abusing
32 children in that school or parish, could there?

33 A. That's correct.

34
35 Q. So are we to understand that your position is that the
36 Education Office chose to deceive you in relation to this
37 issue of fundamental importance?

38 A. I don't know whether they saw it as a deception, but
39 as it has been defined it was a deception.

40
41 MS FURNESS: Q. Now, did Mr Dooley inform you that he
42 had formed the view by about 1985 that Searson was a
43 devious and dangerous man?

44 A. No, I don't think he ever did.

45
46 Q. And did the Vicar General at the time,
47 Monsignor Connors, tell you that he knew enough about

1 Searson by about March 1987 that he should not be in a
2 parish ministry?

3 A. No, he never said any such thing to me.
4

5 Q. And did Mr Annett say to you that he thought Searson
6 was an extremely dangerous and devious man?

7 A. No, he did not say that.
8

9 Q. So in your discussions with the Catholic Education
10 Office and any of their officials - that is, Mr Dooley,
11 Father Doyle or Norm Lalor - did any of them express any
12 reservations about Father Searson?

13 A. Yes, they certainly expressed reservations, but as is
14 obvious - not obvious - as is apparent in at least one of
15 these letters, they felt that there was insufficient
16 evidence, or at least they told me there was insufficient
17 evidence to remove him.
18

19 Q. That insufficient evidence was in relation to sexual
20 misconduct; is that right?

21 A. A whole range - right across the board. Most of the
22 things that were mentioned about him were primarily not
23 about sexual misconduct.
24

25 Q. And you accepted their advice that they had
26 investigated and found insufficient evidence to support any
27 matter against Father Searson that warranted any action
28 being taken by you against him?

29 A. That's - that's correct. I didn't actually have the
30 capacity myself to act against him, but I took the material
31 to the Vicar General and I think I mentioned it at the
32 Curia and certainly discussed it with the Archbishop.
33

34 Q. Did you form the view from the list of incidents and
35 grievances that there should be action taken against
36 Father Searson, regardless of your advice from the Catholic
37 Education Office?

38 A. I - I accepted the advice of the Catholic Education
39 Office and on at least one of - from at least one of the
40 delegations, perhaps the next one, or perhaps this one,
41 they did not - they asked - did not ask for him to be
42 removed.
43

44 Q. Your job as Auxiliary Bishop was for you to apply your
45 mind and experience to matters that came to you in the role
46 as Auxiliary Bishop; isn't that right?

47 A. That is - that is correct.

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Q. So what did you do to apply your mind to the list of grievances that was provided to you to consider for yourself, as Auxiliary Bishop, what could and should be done in relation to Father Searson?

A. I went and sought advice from the executive arms that were regularly used, and I thought that was adequate.

Q. What do you say about the adequacy of it now, Cardinal?

A. No, it was plainly inadequate.

Q. What should you have done?

A. I don't think I was obliged to do anything more than I did, because I took it to the Archbishop and asked what should be done.

Q. Then when you say that it was plainly inadequate, what was it that was inadequate in relation to your conduct?

A. I'm sorry, could you say that again?

Q. Certainly. I asked you what you said about the adequacy now of your conduct in seeking advice from the executive arm and you said it was plainly inadequate. What was it about your conduct that was inadequate?

A. I'm sorry, I didn't mean to say any such thing. What I said was inadequate was the information and briefing given to me. I believe that in seeking advice from the normal executive bodies that that was sufficient.

Q. So was there any inadequacy in the manner in which you handled the matter of Father Searson as Auxiliary Bishop?

A. Very little - precisely because of my limited knowledge. In retrospect, I might have been a bit more pushy with all the parties involved.

Q. Now, it's the case, isn't it, Cardinal, that on two occasions now you have been deceived and lied to by those you had every reason to expect would be frank with you - isn't that right?

A. Yes.

Q. The first occasion is in relation to Bishop Mulkearns and those consultants with knowledge - they deceived you and, in particular, Bishop Mulkearns lied to you by not telling you what he knew in relation to Father Ridsdale when he came up for appointment when he was leaving

1 Mortlake?
2 A. That's correct.
3
4 Q. And now, in relation to Father Searson, you were
5 deceived by the Catholic Education Office, or officers
6 within it, as to what they knew about Father Searson?
7 A. Yes, two different cases but the same practice.
8
9 Q. Now, can you help us as to why, in relation to each of
10 those cases, it was that you were deceived by those who you
11 had every reason to expect would be frank with you in order
12 for you to do your job?
13 A. I think the answer is in your question. I had the
14 reasonable expectation that the authorities, especially the
15 leader of the Diocese or Archdiocese, would give me
16 sufficient truth to be able to make a reasonable judgment.
17
18 Q. And why do you think they didn't do that?
19 A. In both cases it's a mystery, but in both cases, for
20 some reason, they were covering up.
21
22 Q. And why would the CEO cover up from you, their
23 Auxiliary Bishop?
24 A. That - that is a good question. I think they would
25 have covered up from me, as I mentioned earlier, because
26 they would have feared that I would not accept the
27 status quo or what seemed, in retrospect, to be an uneasy
28 truce.
29
30 Q. However, you know from the various documents I've
31 taken you to that the Catholic Education Office was very
32 quick to refer all complaints, if not, most of them, to the
33 Vicar General or to the Archbishop?
34 A. When - when they touched on the priests, I don't know
35 whether they were quick to do so but they did regularly.
36
37 Q. And so they weren't fearful of the Vicar General or
38 the Archbishop in terms of what they would say in respect
39 of those complaints, were they?
40 A. That is correct.
41
42 Q. Because in fact it was a matter for the Vicar General
43 and the Archbishop to take action with respect to the
44 matters that the CEO sent to them - isn't that right?
45 A. That is correct.
46
47 Q. And you as Auxiliary Bishop had, as you've said, not

1 authority in relation to priests, but you were a Bishop who
2 had some responsibility for the parishes. Why would it be
3 that they would single out you not to tell information to
4 when they had readily told it to the Archbishop and the
5 Vicar General who had the power?

6 A. Because - because they realised very clearly I was not
7 cut from the same cloth.

8

9 Q. So they picked you out as someone who would have taken
10 decisive action, so therefore they would keep from you
11 information to enable you to take that action; is that
12 right?

13 A. That might be overstating their position, but they -
14 they might not have been certain that I would take decisive
15 action, but they would have been fearful that I would and
16 pretty certain that I would have asked all sorts of
17 inconvenient questions if I had been better briefed.

18

19 THE CHAIR: Q. Cardinal, Ms Furness has pointed out to
20 you that the Education Office was quick to tell the
21 Vicar General and the Archbishop about what they were
22 receiving by way of complaint; do you remember that?

23 A. Yes, and I didn't quite agree with that, but they
24 regularly did inform the Vicar General and the Archbishop.

25

26 Q. Now, the person with the authority to actually do
27 something definitive was the Archbishop, wasn't it?

28 A. That is - that is correct.

29

30 Q. So why would the Education Office see it necessary to
31 cover up if, in fact, the authority to act or not act was
32 the Archbishop's?

33 A. Yes, but they would realise they had a clear
34 obligation to make accurate and appropriate recommendations
35 to the Archbishop on any matters that touched on the
36 school.

37

38 Q. Well, there is no suggestion that the Catholic
39 Education Office itself endeavoured to cover up to the
40 Vicar General or the Archbishop, is there?

41 A. I - I - I don't think there is.

42

43 Q. No. So it makes no sense at all for the Education
44 Office to want to cover up to you, does it?

45 A. I don't think that follows in any way whatsoever.
46 I was not in the usual chain of command and I represented a
47 very different approach to matters, as became immediately

1 apparent when I became Archbishop.

2

3 Q. Well, the construction that is available from what
4 you're saying is that the Catholic Education Office was
5 acting to protect the Archbishop - is that what you're
6 saying?

7 A. Yes, I think I am.

8

9 Q. Why would the Education Office want to protect the
10 Archbishop?

11 A. Because they might have come to the conclusion that he
12 had chosen a certain path and felt it was their duty to
13 support him in that.

14

15 Q. Or could it be that, in fact, the Education Office
16 told you all that they knew to help you discharge your
17 functions appropriately?

18 A. I have made it very clear already that that certainly
19 was not the case.

20

21 MS FURNESS: Q. How do you say they knew that you had a
22 different approach and, as you say, were not cut from the
23 same cloth as the Vicar General or the Archbishop?

24 A. Yes, well, I had been ordained a priest for 20 years;
25 I had been rector of the regional seminary for two and a
26 half years; I had been principal of the Institute of
27 Catholic Education for three campuses between Melbourne and
28 Sydney; people - I was known as someone who was critical of
29 the Education Office approach to religious education.
30 They - many of - I got on very well with them at a personal
31 level, but organisationally they were wary about me.

32

33 Q. So you say, in colloquial terms, that the Education
34 Office had it in for you because of the views you'd
35 expressed and the criticisms and, accordingly, they kept
36 you in the dark in relation to complaints against Searson
37 so that you couldn't show them up for not having done their
38 job properly, is that it, in short?

39 A. Well, I wouldn't put it in those terms, but the
40 substance - the substance would be something like that.
41 I don't know whether it was simply because they would have
42 been shown up, but because it would have meant that action
43 had to be taken against Searson and, of course, that would
44 have re-opened the whole Sleeman event.

45

46 Q. But, you see, Cardinal, those in the Catholic
47 Education Office who had knowledge had told the Archbishop,

1 or at least the Director of the Catholic Education Office
2 had told the Archbishop, on his evidence on more than one
3 occasion, that Searson should be removed. Just accept from
4 me that that is his evidence for the moment. If that's the
5 case, why would it make any difference to him what you
6 thought or did in relation to Father Searson and the effect
7 on him? He's already discharged his duty --
8 A. Who was the --
9
10 Q. This is Father Doyle.
11 A. Who is the head?
12
13 Q. Father Doyle, who was the head of the Catholic
14 Education Office?
15 A. Yes.
16
17 Q. He had already discharged whatever duty he had by
18 saying to the Archbishop and the Vicar General, "Here are
19 the complaints and I think he should go"?
20 A. I only discovered that later.
21
22 Q. But he was no threat to you?
23 A. And just recently --
24
25 Q. I'm sorry, Cardinal?
26 A. Pardon.
27
28 Q. I'm sorry, I interrupted you. Go on.
29 A. Only in preparation for this hearing did I discover
30 that Doyle - Father Doyle had said to the Archbishop that
31 he believed Searson should go.
32
33 Q. You could not have been any threat to him at all,
34 Cardinal.
35 A. Any threat to Doyle?
36
37 Q. Yes. Well, the evidence is --
38 A. No, I would have - if I had known that, I would have
39 enthusiastically supported his request, but I think it
40 became - or he accepted that the Archbishop was not going
41 to do that and he had to go along with it and would not
42 have wanted me making a fuss about it.
43
44 Q. But if he wanted the Archbishop to do something, why
45 wouldn't he have used you to that end by giving you all the
46 information so that you could be another voice, as we say,
47 knocking on the Archbishop's door, to have something happen

1 about Searson - you could have helped him.
2 A. And I would have if I had thought that was his view,
3 and I think Father Doyle is also on the record as saying he
4 didn't think it would have made any difference or been any
5 help. The fact that I would be advocating something to the
6 Archbishop might, in fact, have been an added debit rather
7 than something which would incline the Archbishop to act.

8
9 Q. Cardinal, I have to suggest to you that your evidence
10 in relation to not being briefed properly or adequately by
11 the Catholic Education Office and the reasons for that are
12 completely implausible.

13 A. Counsel, I can only tell you the truth. The whole
14 story of Searson is quite implausible, and the cover-up is
15 equally implausible. I can only tell you the way it was as
16 far as I'm concerned.

17
18 Q. And I suggest, Cardinal, that the evidence you have
19 given has been designed to deflect blame from you on doing
20 nothing in relation to Father Searson that had any real
21 effect after the delegation came to you?

22 A. That is not accurate, because I took up the matter
23 with the Archbishop himself. You talked about knocking on
24 his door. I actually did, and he told me that there was
25 insufficient evidence to do anything. He then went and
26 asked me to convey the message to Father Searson that he
27 should scrupulously follow all the appropriate directions
28 and protocols. Now, that was quite unusual, because
29 normally he would either do that himself or his
30 Vicar General would. The fact that he asked me was an
31 indication to me that he did not think it warranted his
32 intervention --

33
34 Q. Did --

35 A. -- in the --

36
37 Q. I apologise, Cardinal. There is a delay which makes
38 it somewhat difficult.

39 A. I'm sorry.

40
41 Q. No, no, no, my apology. You were continuing. "It
42 warranted his intervention in the"?

43 A. In this - it didn't warrant - it wasn't sufficiently
44 serious for him or the Vicar General to be involved and so
45 he got me to convey that message.

46
47 Q. Did the Archbishop tell you of the correspondence he

1 had received over the years in relation to Searson, or the
2 substance of that?

3 A. No.

4

5 Q. He didn't tell you any of those things?

6 A. Never mentioned - never mentioned a word about it.

7

8 Q. So is it the case that he also deceived you by not
9 telling you the knowledge that was available to him about
10 the deeds and misdeeds of Searson?

11 A. That is correct.

12

13 Q. Perhaps if I can just show you tab 48. This is a
14 letter that the Archbishop wrote to Peter Searson
15 in November 1986, and you'll see that's before you were the
16 Auxiliary Bishop.

17 A. I do.

18

19 Q. If we can just turn down to the paragraph that begins
20 "Although in our conversation".

21 A. Is this the next page?

22

23 Q. No, it's page 1.

24 A. Yes, yes. Good. Yes.

25

26 Q. In the paragraph, "Although in our conversation":

27

28 *Although in our conversation you generally*
29 *dismissed that long litany of allegations*
30 *carefully garnered to convey an adequate*
31 *spectrum of opinion, there still remains in*
32 *the minds of many people perceptions which*
33 *continue to contribute, I suspect, to the*
34 *loss of your good name among upright and*
35 *serious-minded parishioners and, supposedly*
36 *in a good number, even of aversion to you;*
37 *circumstances to this stage would lead me*
38 *to believe that these factors will be*
39 *unlikely to come to an end.*

40

41 *You will appreciate that such a situation*
42 *offers valid grounds for a Parish Priest to*
43 *consider offering his resignation.*

44

45 Do you accept from that letter that that was the view that
46 the Archbishop held in November 1986?

47 A. Yes, I have to reason to think otherwise.

1
2 Q. And you say that the Archbishop didn't convey to you
3 that view he held about Searson having --
4 A. No, certainly not.
5
6 Q. He didn't? So he deceived you about the views he held
7 about Searson, too - is that right?
8 A. That's correct.
9
10 Q. Would you say that he lied to you about the
11 information available to him about Searson's misconduct?
12 A. He certainly concealed the information.
13
14 Q. So we now have the CEO deceiving you and the
15 Archbishop deceiving you and concealing information from
16 you, as well as Bishop Mulkearns and one or more of the
17 consultants in the Ballarat Diocese?
18 A. That is correct.
19
20 Q. It's an extraordinary position, Cardinal.
21 A. Counsel, this was an extraordinary world, a world of
22 crimes and cover-ups, and people did not want the
23 status quo to be disturbed.
24
25 Q. And you put yourself in this world as being the person
26 who would disturb the status quo, do you?
27 A. I not only disturbed the status quo but when I became
28 Archbishop I turned the situation right around so that the
29 Melbourne Response procedures were light years ahead of all
30 this obfuscation and prevarication and deception.
31
32 Q. I suggest, Cardinal, that indeed you did have
33 knowledge in relation to Father Ridsdale's misconduct
34 either during, in, or shortly after the consultants meeting
35 in 1982. What do you say to that?
36 A. I've already - I repeat that that is inaccurate.
37
38 Q. And I suggest to you that the Catholic Education
39 Office properly and adequately briefed you in relation to
40 Father Searson?
41 A. That they probably incorrectly briefed me.
42
43 Q. Is that what you say?
44 A. I'm sorry.
45
46 Q. I'm sorry, I'll repeat it. I suggest to you that the
47 Catholic Education Office properly and adequately briefed

1 you in relation to Father Searson.
2 A. No, they certainly did not properly and adequately
3 brief me and there is no evidence to that effect
4 whatsoever.
5
6 Q. Now, Cardinal, after the delegation in 1989 there were
7 various events that continued in relation to Father Searson
8 that were from time to time brought to the attention of the
9 Curia. Do you accept that?
10 A. Yes. You can remind me of those.
11
12 Q. Certainly. If I can take you to tab 85, this is a
13 memorandum on Vicar General's letterhead. This memorandum,
14 while it's difficult to read, can I say to you that it's in
15 relation to a piece of information provided to the author
16 from a teacher or principal at a school in relation to what
17 he said was sexual interference by Father Searson in the
18 confessional of a girl, then aged 9, in grade 3. Can you
19 read enough of that to accept that that was the story that
20 he was telling in that document?
21 A. Yes.
22
23 Q. And then over to tab 85A, there is reference to "this
24 could go to court".
25 A. Yes.
26
27 Q. Then if I can take you to tab 88, there is a letter to
28 Monsignor Deakin, who was then the Vicar General.
29 A. Yes.
30
31 Q. Advising, in the fourth paragraph --
32 A. I'm sorry, this is a letter of March 1991?
33
34 Q. That's it, tab 88, Cardinal.
35 A. Yes.
36
37 Q. In the paragraph beginning "Three years ago"?
38 A. Yes.
39
40 Q. Noting this is dated 1991, there is reference in that
41 paragraph to Father Searson stabbing to death a bird in
42 front of the children.
43 A. Yes.
44
45 Q. Did that come to your attention?
46 A. At some stage I think. I don't know whether the bird
47 was already dead, but at some stage I certainly was

1 informed of this bizarre happening.
2
3 Q. Does it matter whether the bird was dead, or it was
4 stabbed when it was dead?
5 A. Not - not really. Not really.
6
7 Q. And the paragraph of the letter refers to "proceeded
8 to stab it to death with a screwdriver in front of the
9 children" - do you see that?
10 A. Yes, yes. Yes.
11
12 Q. And then another letter that came to the attention of
13 the Vicar General is behind tab 90, and that sets out a
14 litany of allegations against Searson since being in
15 Doveton.
16 A. Yes.
17
18 Q. Some of those allegations you will have read in
19 previous documents and some are new.
20 A. Yes.
21
22 Q. Did that come to your attention?
23 A. I did receive two delegations and this might have been
24 connected with the second one of them.
25
26 Q. So you received this information around about the time
27 of the letter being written; is that right?
28 A. I - I think that's - that's likely.
29
30 Q. And what did you do with this information?
31 A. Is this from a delegation that came to me?
32
33 Q. Well, it's a letter signed by a number of presumably
34 parents to Father Doyle, with a reference to "copy for the
35 Vicar General".
36
37 MR DUGGAN: Your Honour, I don't want there to be any
38 confusion about this. I would ask for the Cardinal to have
39 an opportunity to read the whole letter.
40
41 MS FURNESS: Certainly.
42
43 THE WITNESS: Yes, I have read the letter.
44
45 MS FURNESS: Q. And do you say that you received that or
46 heard about it some time around August/September 1991?
47 A. I'm not sure that I ever received it. I certainly

1 became aware at some stage of many of the accusations
2 contained in the letter.

3

4 Q. And you became aware of them because of your position
5 as Auxiliary Bishop, or for some other reason?

6 A. I became aware of them principally as a result of the
7 visit of two delegations.

8

9 Q. And the second delegation you say was in about 1991?

10 A. '91 or '92.

11

12 Q. And this information was provided to you by the
13 Catholic Education Office before that delegation?

14 A. No, never.

15

16 Q. Well, then, how --

17 A. Not by the Education Office.

18

19 Q. How did it come to your attention?

20 A. I'm not absolutely sure that it did, but I'm aware of
21 the - a list of accusations, or most of them, at any rate.

22

23 Q. If we could turn to tab 97, and can you assume from me
24 that what follows in the next few tabs is material that was
25 handed to the Vicar General, or perhaps Monsignor O'Connell
26 in September 1992 by the CEO.

27 A. That's correct.

28

29 Q. It's noted that the matters were discussed with
30 Monsignor Deakin. It seems from that that the CEO was
31 providing Monsignor O'Connell and Monsignor Deakin with
32 material they had received from others in relation to
33 Father Searson?

34 A. That is correct.

35

36 Q. Then there are three sets of documents that were
37 provided. If I can just go briefly to them - at 97A, there
38 is a document written by --

39 A. Yes.

40

41 Q. -- or recording the views of the child. This is 97A,
42 if we could have that on the screen. Do you have that in
43 front of you, Cardinal?

44 A. I do.

45

46 Q. And you'll see in the different paragraphs that there
47 are recordings of what individual children told about their

1 dealings with Searson. Do you see the first paragraph is:

2

3 *Father has been hitting people ...*

4

5 The second paragraph:

6

7 *Father gives me the no feeling when he*
8 *touches me ...*

9

10 And:

11

12 *Once Father felt me.*

13

14 And also:

15

16 *... Father hit me in the neck.*

17

18 Then the next paragraph:

19

20 *I reckon Father is gay he hits us he digs*
21 *his hands in your side he grabs you around*
22 *the neck. Soon he will be feeling us all*
23 *over.*

24

25 A. Yes.

26

27 Q. Then the final paragraph:

28

29 *... Father Peter used to hit the servers on*
30 *the back, and side of the ribs, in the*
31 *chest, on your head.*

32

33 Then the next tab, 97B, again, the accounts of children.

34

The first paragraph:

35

36 *We are all very scared because we don't*
37 *know where he is going to touch us next ...*

38

39 *Father could sexually abuse us. He is*
40 *dangerous.*

41

42 And the third annexure, 97C. The first paragraph speaks
43 about:

44

45 *I feel very uncomfortable and would like*
46 *others and me to have their own privacy.*

47

1 These documents were sent to Monsignor O'Connell, who
2 discussed it with Monsignor Deakin. You understand that
3 from the front document?
4 A. I do.
5
6 Q. And then the next tab, 98, is the minutes of the Curia
7 meeting held in October 1992.
8 A. Yes.
9
10 Q. You were a member of the Curia at this time, weren't
11 you?
12 A. That's correct.
13
14 Q. If you can turn to page 4, section B?
15 A. Yes.
16
17 Q. The reference there under the heading "A certain PP",
18 which we must take to be "parish priest", mustn't we,
19 Cardinal?
20 A. That's correct.
21
22 Q. It says:
23
24 *The Archbishop referred to some material*
25 *which had been provided to Bishop O'Connell*
26 *by the Catholic Education Office.*
27
28 It seems likely, doesn't it, that that is a reference to
29 the documents I've just taken you to?
30 A. That's correct.
31
32 Q. So to the attention of the Curia, including yourself,
33 as in October 1992 were those frightening and horrendous
34 accounts by those children in relation to Father Searson?
35 A. I - I don't remember them being - that list being
36 presented to the Curia at all. There would have - to the
37 extent that it was mentioned, it would probably be in terms
38 of that - that note that we just looked at.
39
40 Q. So do you say that when the Archbishop, as recorded in
41 these minutes, referred to some material which had been
42 provided, he didn't tell of the detail of that material; is
43 that right?
44 A. Yes, I'd be quite sure of that.
45
46 Q. And you're quite sure of that because you don't
47 remember any of this coming to your attention; is that

1 right?
2 A. No, because it was not Archbishop Little's practice to
3 go into any detail on these matters whatsoever.
4
5 Q. So is it the case --
6 A. That might be a bit of a - that might be an
7 overstatement.
8
9 Q. It's clear, isn't it that Monsignor O'Connell and
10 Monsignor Deakin knew of these stories - isn't that right?
11 A. That is correct.
12
13 Q. And neither of those told you in any forum about those
14 accounts?
15 A. Not in a way that led me to think that they thought
16 further action should be taken against Searson or that he
17 should be removed. At some stage I would be happy to give
18 you a little further background information on the general
19 situation of the church at that time which would help
20 explain my position, but I'm happy to do that when you -
21 when you nominate.
22
23 Q. Thank you, Cardinal, I'll just leave that invitation
24 for the moment. In March 1993, you'll no doubt be aware
25 from the material you've read, Searson held a knife to the
26 chest of a young girl in the church saying to her, "If you
27 move, this will go through you." You're aware that that is
28 a matter that was referred to by the Catholic Education
29 Office - tab 109, if that helps you?
30 A. Yes.
31
32 Q. Do you have that in front of you?
33 A. I do.
34
35 Q. Now, you see in the first paragraph under the heading
36 "2nd April" that that's referred to?
37 A. Yes.
38
39 Q. And that the Catholic Education Office immediately
40 informed Father Doyle and Monsignor Cudmore, who was the
41 Vicar General and the Archbishop's Secretary?
42 A. Yes.
43
44 Q. And the police were called?
45 A. Yes.
46
47 Q. And then, on the second page, in handwriting at the

1 bottom of the page, it says:

2

3 *The matter has been discussed several times*
4 *with the Vicar General & by Curia. The*
5 *decision was taken that in the absence of*
6 *action by the Police & the unwillingness of*
7 *the Parents to pursue the matter, nothing*
8 *could be done about this incident.*

9

10 You accept, don't you, that that was the conclusion that
11 arose after the matter had been discussed by the Curia?

12 A. Yes, I think I would.

13

14 Q. It is outrageous, I suggest to you, Cardinal, that the
15 Curia could be given information of this sort and do
16 nothing?

17 A. The police had been informed, they'd investigated, and
18 they couldn't proceed.

19

20 Q. Well it's got nothing --

21 A. The recommendation was that nothing could be done.
22 I'm not quite sure what the reasons were.

23

24 Q. But it's irrelevant, isn't it, Cardinal, to the
25 obligation of the church to take action to prevent its
26 parishioners and children from being harmed whether or not
27 the police act?

28 A. That - that is correct. Obviously, of course, if the
29 police are unable to proceed for lack of evidence, that is
30 a significant factor in colouring what the church
31 authorities might decide to do.

32

33 THE CHAIR: Q. Cardinal, as you know, the
34 Royal Commission has spoken now to almost 5,000 survivors -
35 you understand that?

36 A. I do.

37

38 Q. And we've learnt - and I assume you are aware - that a
39 great many people who have been affected by the conduct of
40 others, sexual or physical assaults, do not wish to involve
41 themselves in the criminal justice process - you understand
42 that?

43 A. I do.

44

45 Q. But you understand that for many of those people the
46 allegations that they would make are absolutely true.

47 A. That's correct.

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Q. Well, is it not the case, when the church has allegations before it, that the church has a responsibility itself to deal with those allegations, irrespective of whether the police are able to take action because they have people who are prepared to give evidence in a court?

A. Because they're not prepared to, yes.

Q. Well, in the handwritten note that Ms Furness has just referred you to, there is a reference to the unwillingness of the parents to pursue the matter. Do you see that?

A. That's right.

Q. Now, again, I'm sure you know, that is a typical response of parents: they don't want their children to become tangled up in the criminal justice process.

A. The brief by Father Doyle --

Q. No, I didn't ask you that. I just asked you whether it was within your knowledge that parents often do not want their children to become involved in the criminal justice process.

A. That is certainly true, and sometimes they don't want to pursue the matter in a church investigation either, and that I think is mentioned by Father Doyle.

Q. Well, nevertheless, whatever be the position of the parents, that doesn't relieve the church of the obligation to deal with priests who are incapable of acting appropriately with children in their parishes, does it?

A. That does not relieve the church of such an obligation, but it is a factor - it is a factor in how you can go forward effectively.

Q. It doesn't relieve the Curia of making a decision - a collective decision - to give advice to the Archbishop to ensure the safety of children within the parishes; correct?

A. Yes, the Curia certainly could have not accepted the advice given to it.

Q. And given what you knew then about Searson, is it not the position that the Curia should have said, "This man has to go." ?

A. That - that is a - a possible conclusion, for sure.

Q. And in not giving that advice, the Curia would not have been doing its job properly, would it?

1 A. I - I think you would have to say that. I would want
2 to just check what sort of information was available to the
3 Curia which would have enabled them to recommend or not to
4 recommend that action be taken. I just can't remember, and
5 I don't know what was said at the Curia to justify
6 inaction.

7

8 Q. Cardinal, we have evidence which commends your work in
9 ensuring that you became involved in caring for and
10 assisting the priests within your area of the Diocese.
11 You're aware of that evidence?

12 A. Yes, I - I tried to support all the different agencies
13 and communities and persons in the Diocese. I can't recall
14 exactly what evidence you're referring to.

15

16 Q. Well, we have been told of your work in ensuring
17 personal contact with the priests. We have also been told
18 that certainly by 1993 it was notorious amongst all the
19 priests, at least proximate to Searson's parish, that this
20 man was a serious problem. You would --

21 A. Yes, we were --

22

23 Q. You would have learnt that, too, wouldn't you?

24 A. Yes, I knew he was a serious problem.

25

26 Q. And you knew he was such a serious problem that he
27 shouldn't be a priest, didn't you?

28 A. No, I didn't come to that conclusion. The position
29 I accepted was the official position given to me that we
30 did not have sufficient evidence to remove him.

31

32 MS FURNESS: Q. Cardinal, in relation to those minutes
33 of the Curia that I took you to, they were dated October
34 1992, and the document I took you to that preceded that
35 referred to - in fact, it's on the screen - the matter
36 having been discussed several times with the Vicar General
37 and by the Curia. As I understand it, you were not in the
38 country between 22 September 1992 and 16 November 1992.

39 A. Just before we - just before we leave that, the
40 incidents referred to by Doyle and Reynolds were in
41 '93 - March '93 and April '93. I'm not sure how they
42 relate to what we're just doing now. I'm not - I'm a
43 little confused.

44

45 Q. I'll clarify that shortly, Cardinal. I take it you've
46 read Archbishop Hart's statement.

47 A. I have.

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Q. And you'll no doubt recall that he expressed criticisms of the process in relation to Father Searson - and I'll draw your attention to tab 15 of the Searson statements bundle. Do you have that?

A. I do.

Q. At paragraph 107, which is on page 15 - do you have that, Cardinal?

A. Yes.

Q. The now Archbishop says that the material he has reviewed "shows a complete failure of process as to the handling of the complaints by the Archdiocese". He then says that "complaints received by the Vicar General, either directly or via the Catholic Education Office, appear in many cases to have been reported to the Archbishop, but the lack of any action appears not to have been re-visited." Stopping there for the moment, do you accept that there was a complete failure of process as to the handling of complaints by the Archdiocese in relation to Father Searson?

A. Yes, and more generally the procedures were rudimentary and often inadequate.

Q. Now, having received the delegation that we've spoken of, and having, as you've said, spoken to the Vicar General and the Archbishop following that delegation, and the action that was taken thereafter, do you accept that you participated in that complete failure of process?

A. Tangentially, marginally, because I wasn't - I'm not mentioned there, and that's because as an Auxiliary you're not part of the official procedures. I regret that even at this stage I wasn't a bit more vigorous in my questioning or commenting.

Q. But your lack of vigour, you would say, came in part from the fact that you were deceived as to the information that was available within the Archdiocese, particularly by Archbishop Little and the Catholic Education Office?

A. Yes, I certainly would.

MS FURNESS: Your Honour, I understand - and perhaps the Cardinal can confirm this - that the Cardinal is prepared to sit for an extra hour, this morning his time and this afternoon our time.

1 Q. Is that still the case, Cardinal?

2 A. That's certainly the case.

3

4 MS FURNESS: My suggestion, your Honour, and if it suits
5 the Cardinal, is that we break now for perhaps 20 minutes
6 and then resume perhaps at 10 to 12.

7

8 Q. Does that suit you, Cardinal?

9 A. Certainly.

10

11 MS FURNESS: And I will certainly complete my examination
12 of the Cardinal shortly thereafter.

13

14 THE CHAIR: Very well, Cardinal, we'll do as counsel
15 suggests and take the 20-minute adjournment now.

16

17 **SHORT ADJOURNMENT**

18

19 MS FURNESS: Q. Are you right, Cardinal?

20 A. I am, thank you very much.

21

22 Q. Cardinal, I want now to go to a number of other
23 priests in the Archdiocese and the first is Father Baker.
24 If somebody can provide you with the Baker tender bundle
25 and if you can also be provided with Archbishop Hart's
26 statement. Do you have both of those?

27 A. I do, thank you.

28

29 Q. Just turning first to Archbishop Hart's statement,
30 you'll know from your review of it that he discusses the
31 case of Father Bill Baker and that begins at paragraph 181
32 on page 27.

33 A. Yes.

34

35 Q. Archbishop Hart sets out the history of events based
36 on the documents that are in the tender bundles, and if
37 I can just summarise that - and tell me if you need to be
38 taken in more detail to it. In 1978 the parents of a boy
39 in Gladstone Park Parish raised concerns with the assistant
40 priest about inappropriate behaviour by Baker towards their
41 son. Then two people attended upon Archbishop Little and
42 informed him of the complaint, and Bishop Connors is aware
43 of that discussion with Archbishop Little, Bishop Connors
44 being the Vicar General at the time. The consequences,
45 according to Archbishop Hart's account of the facts - which
46 I absolutely accept - is that Archbishop Little was
47 dismissive of the complaint and then Archbishop Little

1 moved Baker to another parish. You accept that summary of
2 the facts as consistent with what you understand, Cardinal?
3 A. That is correct.
4
5 Q. I think in public comments that you've made you are
6 critical of Archbishop Little for, as you've described it,
7 I think, covering up in relation to Baker?
8 A. That is correct.
9
10 Q. And covering up by having received a complaint and
11 then moving him to another parish?
12 A. That's correct.
13
14 Q. Now, the case of Baker came to the attention, I think,
15 of the Personnel Advisory Board when you were a member of
16 it. Perhaps if you can turn to tab 29 of that bundle, and
17 do you recognise those as minutes of the Personnel Advisory
18 Board, Cardinal?
19 A. Yes, yes.
20
21 Q. Archbishop Little is present, Reverend Connors is
22 present and you're present --
23 A. That's correct.
24
25 Q. -- among others. Then if we can turn down to item 5,
26 there is a reference there to Father Baker being moved to
27 North Richmond as the parish priest.
28 A. Yes.
29
30 Q. Did it come to your attention, prior to or at this
31 meeting, that there had been a previous complaint against
32 Baker?
33 A. No.
34
35 Q. So when you participated in this meeting in relation
36 to advising on the movement of parish priests, you were not
37 aware of a prior complaint against Baker?
38 A. No, I believe not.
39
40 Q. Archbishop Little hadn't advised you of that, either
41 in the meeting or before the meeting?
42 A. No.
43
44 Q. And Reverend Connors hadn't advised you of that either
45 before or in the meeting?
46 A. No.
47

1 Q. That would have the effect, wouldn't it, that each of
2 them was deceptive in terms of conveying at least to you
3 that information, in circumstances where you were an
4 adviser to the Archbishop?
5 A. Yes, that's correct.
6
7 Q. If I can turn, then, to the case of Gannon, I think
8 you've also been critical of the Archbishop for allowing
9 Gannon to retire on the grounds of ill health.
10 A. Yes.
11
12 Q. Paragraph 235 of Archbishop Hart's statement begins
13 with a description of the Gannon story.
14 A. Yes.
15
16 Q. He summarises in paragraph 248 that "Gannon appears to
17 have admitted to sexual abuse, yet his resignation was
18 publicly attributed to health reasons." Can you see that?
19 A. Yes, yes.
20
21 Q. I'm sorry, Cardinal, is there something you wanted to
22 say?
23 A. That is in paragraph?
24
25 Q. Paragraph 248?
26 A. Oh, yes, 248.
27
28 Q. 248, that's right. Were you informed, in your role as
29 Auxiliary Bishop and effectively consultant or adviser, of
30 the reason why Gannon had resigned?
31 A. Yes, I think I would have been.
32
33 Q. And that was prior to or after the resignation?
34 A. Possibly around the time of the resignation -
35 probably.
36
37 Q. Were you aware at that time that his resignation
38 either was going to, or had been, publicly attributed to
39 health reasons?
40 A. Probably, yes.
41
42 Q. Did you have the position or capacity to influence
43 whether or not that was going to happen, if it was
44 beforehand - that is, that he be permitted to retire on
45 those grounds and that the resignation be publicly
46 attributed to health?
47 A. No, I don't remember being consulted about it. If

1 I had been consulted I would have had the capacity to
2 object. Certainly, if - a man to retire on health grounds
3 has certainly to be unwell. I would say, of course, that
4 attributing such a retirement to ill health is misleading
5 and obviously such a person would have to be, whatever the
6 reason given, removed from pastoral activity.

7
8 Q. Did you, in your time as Auxiliary Bishop and member
9 of the Personnel Advisory Board, have the occasion to
10 attend a meeting where you had knowledge of previous
11 complaints against a person the subject of an agenda item
12 and agree to his resigning on the grounds of ill health,
13 with knowledge of those complaints?

14 A. I would have to check the record to see whether that
15 was the case.

16
17 Q. And if it was the case, you'd accept, wouldn't you,
18 that that was not the right thing to do?

19 A. I - I would very clearly now accept such a conclusion.

20
21 Q. If we can turn to Daniel, who is also referred to in
22 Archbishop Hart's statement beginning at paragraph 203 -
23 can you find that, Cardinal?

24 A. Yes, yes.

25
26 Q. In paragraph 203 Archbishop Hart, in his summary of
27 the evidence, refers to the first complaint being dated May
28 1991. Do you see that in paragraph 203?

29 A. Yes.

30
31 Q. The second being dated February 1994?

32 A. Yes.

33
34 Q. And then in paragraphs 206 and 207 what appears to be
35 the third, fourth, fifth and sixth complaints come in.

36 A. Yes.

37
38 Q. And then in paragraph 208 Archbishop Hart refers to
39 Daniel seeking to resign as parish priest claiming ill
40 health in January 1995.

41 A. Mmm-hmm.

42
43 Q. And that the resignation was accepted by
44 Archbishop Little as recorded in the minutes of the PAB on
45 4 January 1995.

46 A. Yes.

47

1 Q. If I can just take you to those minutes, and perhaps
2 they can be on the screen. They are in Daniel tab 24. Do
3 you have them, Cardinal?
4 A. I do now.
5
6 Q. You see who is present at that meeting?
7 A. Yes.
8
9 Q. And it includes the Archbishop, Reverend O'Connell,
10 Connors, Deakin, yourself - and Monsignor Cudmore is the
11 Vicar General?
12 A. Yes.
13
14 Q. And if we can turn over to the second page,
15 paragraph 8, what is recorded there is:
16
17 *The Archbishop read to the meeting a letter*
18 *from Fr D Daniel... informing him of his*
19 *resignation due to ill-health.*
20
21 It refers to a medical certificate.
22 A. Yes.
23
24 Q. It was moved by Bishop Deakin and seconded by
25 Monsignor Murray that the resignation be accepted
26 immediately. Do you have any recollection of this meeting?
27 A. I have some, yes - some such recollection.
28
29 Q. Do you recall at that meeting, or before that meeting,
30 being aware that there had been six complaints, many of
31 them to Monsignor Cudmore, about Daniel's behaviour?
32 A. I can't remember when I heard about Daniel's
33 behaviour, but it is likely that I heard about it before
34 this resignation.
35
36 Q. If that's the case, then you were present at a meeting
37 where his resignation due to ill health was accepted,
38 notwithstanding knowledge in yourself and others of one or
39 more complaints against him for sexual misconduct against
40 minors?
41 A. Yes, I didn't object. In my mind then the primary
42 consideration was whether in fact the person had been sick
43 rather than whether the explanation was complete.
44
45 Q. I beg your pardon? I didn't quite understand that,
46 Cardinal.
47 A. What I said was that I was happy - not "happy" - I did

1 not object to that procedure because my primary concern was
2 whether the truth of the claim about the ill health was
3 real.
4

5 Q. Well, the case is that you, on your evidence, were
6 aware of one or more complaints of sexual misconduct
7 against minors by this priest and yet didn't object to his
8 resignation being attributed to ill health. Now, that was
9 misleading, wasn't it, to say that his resignation was due
10 to ill health, with the background of complaints?

11 A. That is at least partly misleading, that's correct.
12

13 Q. Did you see the medical certificate that was provided
14 in that case?

15 A. No, I don't believe I did.
16

17 Q. If I can turn, now, to Father Fasciale. His factual
18 material is provided in Archbishop Hart's statement at
19 paragraph 214 - 219. Do you have that?

20 A. I do.
21

22 Q. Again, as with the previous priest, there was a
23 history of complaints against Father Fasciale that were
24 brought to the attention of one or more people within the
25 church. This is paragraph 219.

26 A. Yes, 219, I'm sorry?
27

28 Q. Paragraph 219 is where Archbishop Hart recounts the
29 evidence in the tender bundles which were provided to him.

30 A. Yes.
31

32 Q. There is reference to three complaints on that page.
33 And, then, at paragraph 223 he refers there to the
34 elliptical language employed in some of the correspondence
35 that suggested to the unknowing reader that the knowledge
36 of complaints was not as it in fact was. Now, that
37 language is language that has not infrequently been used by
38 the church in relation to correspondence about and to
39 priests who have thought to have been or are known to have
40 been sexual offenders?

41 A. That's right.
42

43 Q. Just turning over in Archbishop Hart's statement, in
44 paragraph 229 - and this is after an additional complaint -
45 he notes that Fasciale resigned claiming ill health and
46 stress and that that was recorded in the minutes of the
47 Personnel Advisory Board. If I can just take you to those

1 minutes, that is behind tab 40 of the Fasciale bundle. Can
2 you see that document?

3 A. That is the PAB of 8 December 1993.

4

5 Q. That's right. You can see who is present including
6 the Archbishop, Reverend O'Connell, yourself, and
7 Monsignor Deakin and Monsignor Cudmore?

8 A. Yes.

9

10 Q. In item 6, page 2, there is reference at Yarraville to
11 a letter of resignation due to ill health having been
12 received and accepted. Can you tell us whether at this
13 meeting, 8 December 1993, that by this time you had known
14 of complaints against Fasciale?

15 A. No, I can't say that I did. I couldn't be sure that
16 I didn't, but I'm not quite sure when I heard about
17 Fasciale's crimes.

18

19 Q. Well, you accept, I take it, from Archbishop Hart's
20 account of the evidence that Monsignor Cudmore and likely
21 Archbishop Little were aware of previous complaints?

22 A. That's correct.

23

24 Q. Did Monsignor Cudmore or Archbishop Little convey to
25 you, either at or before this meeting, about their
26 knowledge of those complaints?

27 A. I can't remember whether they did or they didn't. It
28 is possible that they did.

29

30 Q. Monsignor Deakin was also, I think from the material
31 referred to by Archbishop Hart, aware of one or more
32 complaints. Did he tell you of those complaints?

33 A. I couldn't say that he did not and I couldn't say
34 whether he did.

35

36 Q. So is it the case in relation to this meeting, you may
37 or may not have been aware of the previous complaints when
38 discussing whether or not Fasciale should be allowed to
39 resign on the grounds of ill health?

40 A. That - that's correct. Yes, I'm just not clear.

41

42 Q. Again, it would be the case, I take it, in your mind,
43 that if a priest were allowed to retire on the grounds of
44 ill health when in truth they were resigning because they
45 had had complaints against them, that would be just wrong.

46 A. Yes, that would be wrong and inadequate, and another
47 factor in judging the level of wrongness would be the truth

1 or otherwise of the health claims.

2

3 Q. It's also the case that if that occurred and the
4 public attribution to ill health was made, that would
5 effectively mislead those in the parish as to the real
6 reason for the priest having left and, therefore, leave his
7 name in good health rather than sullied by any allegation -
8 do you accept that?

9 A. That's - that's the general line, yes.

10

11 Q. Finally in relation to Father Pickering, I think you
12 understand that Father Pickering was the subject of
13 complaints and then left suddenly for overseas when it was
14 thought that the police were after him?

15 A. Yes, that's correct.

16

17 Q. If I can ask you to turn to tab 50 in the Pickering
18 bundle --

19 A. Yes.

20

21 Q. -- there's reference on page 3 of that bundle in
22 paragraph 16 to "SPECIAL ISSUES" - do you see that?

23 A. I do.

24

25 Q. This is in December 1993 and there is reference there
26 to a recent meeting to identify means of protecting
27 diocesan assets in the event of successful litigation
28 following allegations of sexual abuse.

29 A. That is correct.

30

31 Q. You recall at this time, 1993, that that was an active
32 issue in the church, how to protect its assets if it is
33 successfully sued in child sexual abuse claims?

34 A. It was an active issue. I think the basis for all the
35 discussions was that adequate compensation would have to be
36 paid, whatever that was, in whatever way that was decided,
37 but also we had to know just what the legal situation was
38 about the assets, and it says there they spoke about the
39 protection of church assets. That certainly wasn't the
40 only consideration, but that certainly was a consideration.

41

42 Q. And this item in the minutes suggests that at that
43 stage all that was being considered was how to protect
44 diocesan assets in the event of successful litigation?

45 A. No, I don't think that is a justified conclusion
46 either about myself or the other participants, but it was
47 very important to know where we were about the money, but

1 there is no automatic implication there that proper
2 compensation or ex gratia payments would not be made.

3

4 Q. And that's to be implied in the minutes, is it?

5 A. Yes, that's an explanation, and it is to be implied in
6 the minutes and it's not - it's not - that dimension is
7 certainly not in the minutes.

8

9 Q. The minutes probably reflect a lengthy discussion
10 which results in the outcome as set out in item 16 - is
11 that likely to be the case?

12 A. That is correct.

13

14 Q. Just turning over to the next page, there is an item
15 there about Father Pickering.

16 A. Yes.

17

18 Q. At this stage, Father Pickering had left, you can
19 assume, and --

20 A. That is correct.

21

22 Q. -- he was in the United Kingdom --

23 A. Yes.

24

25 Q. -- and wanting to work in the United Kingdom, and
26 effectively what was being sought from the Archdiocese was
27 a letter indicating whether he was held in good stead in
28 the Archdiocese. You understand that background to that
29 item?

30 A. I do.

31

32 Q. Can you first help us with the focus on the need to
33 protect the Archdiocese and the Diocese?

34 A. Yes, I can. I gather at that stage there'd been no
35 finding or conviction against Father Pickering, but there
36 was a strong feeling that he was an offender and, whatever
37 his technical status, it would have been damaging to the
38 Archdiocese to say that he was okay and, obviously, it
39 would have been bad for the people with whom he was to
40 work. And so, therefore, the ambition there was to ensure
41 that no misleading endorsement of Pickering would be given
42 to the Bishop in the UK and, in fact, no such endorsement
43 was given.

44

45 Q. And had such an endorsement been given, the good name
46 of the Archbishop and the Diocese could have been called
47 into question, given the knowledge of complaints; is that

1 how it should be seen?
2 A. That's correct. That's correct.
3
4 Q. If I could just, finally, turn to Archbishop Hart's
5 statement. Do you still have that in front of you?
6 A. Yes.
7
8 Q. Can I ask you to turn to paragraph 18. Do you have
9 that, Cardinal?
10 A. Yes, I do.
11
12 Q. I'm sure you will have read this before. This is an
13 account given by Archbishop Hart arising from his review of
14 the records relating to Doveton and the records relating to
15 the priests that I've taken you to, in addition to a couple
16 of other priests. Now, you see - I'm sorry, Cardinal, do
17 you have that?
18 A. Yes. Yes, I do.
19
20 Q. He refers to "common features emerge which point to
21 the failure of process and the poor handling and response
22 to complaints" - do you see that?
23 A. I do.
24
25 Q. I take it that you would agree with that conclusion?
26 A. That's correct.
27
28 Q. And that the features described relate to the
29 complaint process, as well as:
30
31 . the failure by Church leaders to listen
32 when complaints were made and then to have
33 those complaints investigated and acted
34 upon.
35
36 Do you see that third dot point?
37 A. Yes, I do.
38
39 Q. Do you accept any failure on your part to listen when
40 complaints were made in relation to Doveton and Searson?
41 A. No, I listened very carefully and acted on them.
42
43 Q. And in relation to the next dot point, do you accept
44 any responsibility for a "failure to act upon credible
45 information which was indicative of risk, but instead
46 requiring 'proof' of allegations or the involvement of
47 police before being willing to act"?

1 A. I would accept that the executive authorities did -
2 weren't efficient in that way and, as for myself, I perhaps
3 might have pushed a bit harder, but I certainly went to the
4 man who had the last word and explicitly asked him what the
5 situation was and was told that there was not sufficient
6 evidence to remove him. I did not query that, and
7 I believe I did not have sufficient evidence to query it.
8 So in those terms I believe that I have acted responsibly.
9

10 Q. Cardinal, is there anything that you did as
11 Auxiliary Bishop that touched upon priests and allegations,
12 rumours or concerns of child sexual abuse by those priests
13 that you consider wanting or deficient in any way?

14 A. I think the matters you raised about ascribing
15 resignations to ill health - that's one area of regret.
16 Other than that, I don't believe there is.
17

18 MS FURNESS: Thank you, Cardinal, I have nothing further,
19 apart from the references to the transcript.
20

21 I think on day 1 I suggested that the Cardinal had
22 given evidence that he may have been told about Day by
23 Father Taffe and, in fact, his evidence was that it may
24 have been by a priest but he didn't particularly suggest it
25 was Father Taffe.
26

27 Secondly, there was an issue in relation to when the
28 Cardinal was aware of the controversy about Father Day,
29 whether it was before the newspaper article or not. His
30 evidence was that he couldn't recall whether before or
31 after, but I think, your Honour, in a question from
32 your Honour he indicated that it was before. But clearly
33 the issue remains somewhat opaque.
34

35 THE CHAIR: Q. Cardinal, I just want to ask you a couple
36 of questions about the structure of the church. You may be
37 aware that I've raised this with other witnesses
38 previously. Archbishop Hart speaks of the management
39 deficiencies in the Diocese, and Ms Furness has just taken
40 you to his evidence which you've just seen. As
41 I understand it, the relationship within a Diocese is
42 directly between the parish priest and the Archbishop or
43 Bishop, in the event that it's not an Archdiocese; is that
44 right?

45 A. That's basically correct. In fact, a lot of the
46 day-to-day contact might be delegated to, for example, the
47 Vicar General.

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Q. I was going to say, the Vicar General acts as an intermediary, in one sense, between the parish priest and the Bishop or Archbishop; is that right?

A. It depends on the decision of the particular Bishop, but that's often the case.

Q. And as far as any Auxiliary Bishops are concerned, as I understand it, you are telling us that, again, depending upon the Archbishop or Bishop, they may or may not have significant or minimal authority; is that right?

A. They always have very limited authority, dependent on the Archbishop. They might have very few, if any, roles or areas of responsibility. For example, when I was Auxiliary Bishop in Melbourne, I had no area of archdiocesan responsibility, apart from my region.

Q. How many parishes are there in the Archdiocese of Melbourne?

A. That's a very good question. It would be 220, 240, I'm sorry, I am a little vague.

Q. In each of those parishes there would be many people, in some hundreds, who participate in the church's activities, wouldn't there?

A. No, there would be tens of thousands.

Q. In total, tens of thousands, yes?

A. No, in each region, there would be tens of thousands.

Q. Tens of thousands participating in church activities in each region in the Archdiocese, is that what you're saying?

A. There's over a million Catholics in Melbourne and in those days the participation rate was 16 or 18 per cent, so back in those days I think we had more people going to Mass than attending the VFL football. I think we've slipped below that, but there's still tens of thousands in every region.

Q. Well, if we were to look at the Diocese in the way that those who are expert in management might do, it would be appropriate to see it as an organisation with more than 200 branch offices responsible for engaging in activities with thousands, tens of thousands, of people, wouldn't it?

A. I'm not sure that's an exact comparison. The church has been going for a couple of thousand years and our

1 patterns of organisation predate modern corporations and,
2 as a matter of fact, are a bit similar to the patterns of
3 organisation of the Roman Empire where, in fact, there is a
4 lot of responsibility left to the Diocese and to the
5 particular parish priest.
6

7 Q. Well, you've got ahead of me, Cardinal, because what
8 Ms Furness has revealed through your evidence at the very
9 least is significant management failure in the Archdiocese
10 of Melbourne, isn't that so?

11 A. Yes, and I think that's overwhelmingly the fault of
12 the people you describe as managers.
13

14 Q. Well, if you had any other organisation with more than
15 200 branch offices engaging with tens of thousands of
16 people, you would have a significant middle management
17 structure in that organisation, wouldn't you?

18 A. You would if you accepted your premises. We are not
19 like that. There is a direct relationship between the
20 Bishop and the priests. Obviously there are intermediate
21 unofficial groupings, like the regions, but I myself am not
22 in favour of the imposition of a corporate model, either
23 internationally or within a Diocese. For example, there is
24 no "General Manager, Australia", and within a region of a
25 Diocese there is no parish priest who has - who can direct
26 half a dozen or a dozen parishes around him. That's not
27 our model. We have a very flat model of organisation.
28

29 Q. Well, does it occur to you, having regard to the
30 management failures that have been revealed at least in the
31 Melbourne Archdiocese, that it might be time to reflect on
32 whether the structure that mirrors the Roman Empire is
33 appropriate for an organisation such as the church in
34 Australia in 2016?

35 A. We dealt with - we dealt with this problem in one - in
36 the aspect that is of interest to the Commission 20 years
37 ago when we set up the Melbourne Response, and in Australia
38 when we set up Towards Healing, and such mechanisms are
39 quite compatible with the traditional structure of the
40 church and I would suggest that whatever the
41 Royal Commission recommends, the present structures of the
42 church will be able to accommodate.
43

44 Q. But, Cardinal Pell, when you speak of the Melbourne
45 Response and Towards Healing, they are processes set up
46 after a priest has committed a criminal offence. They
47 operate after the event has happened, don't they?

1 A. Well, they are complemented by very, very
2 comprehensive programs of education and prevention and a
3 care about formation, so it's not just --
4
5 Q. No, no, but I'm right, aren't I? Towards Healing and
6 the Melbourne Response are the church's response after the
7 tragedy has occurred, when someone has been abused;
8 correct?
9 A. Yes. I'm --
10
11 Q. And what we're talking about --
12 A. I'm --
13
14 Q. Sorry.
15 A. But in whatever - I remember when the Melbourne
16 Response was set up. Information - well, it was launched
17 with a press conference and information was sent to every
18 Catholic institution. That obviously is a work that helps
19 prevention.
20
21 Q. Well --
22 A. Whether such activities are within the official ambit
23 of those two groups, they were, and are, certainly being
24 actively pursued in the church now and have been for about
25 20 years and that is one reason why the Catholic
26 institutions in Australia now are amongst the safest in
27 Australia.
28
29 Q. Well, the fact of the matter is that there were gross
30 failures of management in the Melbourne Archdiocese, which
31 allowed priests to abuse children, weren't there?
32 A. Not after my - not from my time or after my time.
33
34 Q. No, but before your time there were these management
35 failures. What I want to ask you is whether or not, if you
36 had had an effective middle management system in place, as
37 would any corporation responsible for more than 200 branch
38 offices, do you think that would have helped?
39 A. Your Honour, we have a different model. I don't think
40 we need to move to a corporate model. The point you are
41 making about intermediary offices, about adequate
42 procedures, is completely correct, but I don't think we
43 need to abandon the traditional structures to meet the
44 important needs that you are outlining.
45
46 Q. At the very least, if you adopted a contemporary
47 management model, you would ensure in that model that

1 anyone who was an Auxiliary Bishop at the very least was
2 required to be informed about all the material relevant to
3 the discharge of their responsibilities, wouldn't you?
4 A. Yes, that's a very - that's a reasonable point, but
5 that requirement doesn't require - doesn't make it
6 obligatory to have a change of structure.

7
8 Q. What you would have is a reporting structure from the
9 parish through the middle management regime up, ultimately,
10 to the committee who advises the Archbishop or Bishop,
11 wouldn't you?

12 A. You would, but that is not the Catholic option. The
13 Catholic theory is that the priest answers to the Bishop
14 and the Bishop answers to the Pope and we need intermediate
15 institutions - formal/informal - officials, to expedite
16 that, but this universal structure of the church - I can
17 see no sufficient reason for us even to recommend that it
18 might be changed. Obviously, if it was to be changed, it
19 would be a question for the universal church as well as
20 ourselves.

21
22 Q. You suggest to me that your mind is made up about
23 these sorts of issues; is that right?

24 A. Like everybody who has an opinion has their mind made
25 up. I'm obviously open to argument. I'm very conscious of
26 the status of the structure of the church and particular
27 elements of the church which have been with us for a long
28 time, and in some cases are founded in the New Testament
29 teachings themselves.

30
31 Q. Cardinal, just to finish up, I don't know whether
32 you're aware, but these are some of the issues we will take
33 up with those who represent the church in Australia in the
34 course of the summary hearing, which will take place later
35 this year - you understand that?

36 A. And I'm sure whatever you say, your Honour, will be
37 very, very carefully considered and respected.

38
39 THE CHAIR: Thank you.

40
41 COMMISSIONER MURRAY: Q. Cardinal Pell, Commissioner
42 Murray here. I just have some questions to you on the
43 protection of the assets of the church and the finances of
44 the church. I'm right, I think, to consider you quite
45 expert in that area?

46 A. Yes, I can't see you, but I'm happy to answer - thank
47 you, yes.

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Q. Just briefly, the inaction concerning priests and religious who offended against children and their movement from school to school or parish to parish resulted, in the end, in many more claims against the church and much greater damage to the reputation of the church than would otherwise have occurred if early action had been taken to address the offending. Would you agree with that broad proposition?

A. I would, but I think the more important action is that if action had been - the more important dimension is that if action had been taken earlier, we would have prevented a lot of the damage and suffering to the victims. That's the overwhelmingly important reason. The other factors are exactly as you've described.

Q. I agree with the effects. However, my question really goes to now and the present view of the church. Has the church realised that it is in its own interests to report and act upon complaints about priests as urgently and early as possible and can you tell us what steps the church has taken in its own laws to in fact change the culture that formerly prevailed of not reacting quickly and of moving offenders around?

A. Well, I hope that we haven't been moving offenders around for 20 years and, to answer your question, I think the best way to do that would be to examine what we have done in Towards Healing and in the Melbourne Response, and I've got no doubt these will be developed and improved further in the light of your recommendations.

Q. Can you tell us or are you able to indicate any work being done in the Catholic Church to ensure that canon law and the practice of its leaders, and, indeed, of the general priesthood or religious people - is now inclined towards early action and reporting on any offender or any allegations of offending taking place?

A. Under Pope Benedict XVI the procedures here in Rome were improved and modified. The traditional function of the Roman authorities is to protect local individuals, priests, religious or laypeople against the abuse of authority by officials. This is sometimes not recognised. So for a long time the overwhelming predisposition of the Roman authorities was to protect the priest who was being disciplined by the Bishop.

Now, Benedict XVI changed that - he transferred the

1 authority for the consideration of these offences to the
2 Congregation for the Doctrine of the Faith where, in large
3 part, it still lies.
4

5 As you would know, Pope Francis has set up a
6 Commission in this area and they are - they have been
7 working and they will make recommendations to work towards
8 the goals increasingly that you have outlined.
9

10 Q. Are those recommendations likely to come forward in
11 the next year or so?

12 A. I think that it's certainly likely we will have some
13 of them.
14

15 Q. The Royal Commission concludes in December 2017. Will
16 that Commission report before then?

17 A. I think it will be - it's not a one-off institution to
18 make a report and disappear. It is going to be an ongoing
19 institution to try to spread understanding about this evil
20 and the ways they can be dealt with, and there would be
21 authorities in Rome, and certainly canon law authorities in
22 Australia, who are much better informed on these particular
23 matters than I am.
24

25 THE CHAIR: Ms Furness, has there been a discussion
26 between counsel as to the order of questioning?
27

28 MS FURNESS: Yes, Dr Hanscombe will be first.
29

30 **<EXAMINATION BY DR HANSCOMBE:**
31

32 DR HANSCOMBE: Q. Cardinal, my name is Hanscombe.
33 I appear for seven victims of clergy abuse in the
34 Ballarat Diocese. They include victims of
35 Christian Brothers and Father Ridsdale. Particularly what
36 I want to ask you about is the evidence given by my client
37 Timothy Green. You know to whom I refer?

38 A. Yes, I don't remember Timothy himself, either as a boy
39 or as an adult, but I'm well aware of his evidence.
40

41 Q. You've read his evidence?

42 A. I have.
43

44 Q. I think you said to Counsel Assisting this morning
45 that you were certainly not suggesting in any way that
46 Mr Green was telling lies to this Commission. Do you
47 recall saying that?

1 A. That is correct.

2

3 Q. So you --

4 A. I do, and I repeat it.

5

6 Q. Thank you. You accept, then, that Mr Green has given
7 truthful evidence?

8 A. I'm not necessarily accepting that his evidence is
9 accurate. It is uncorroborated and I have no recollection
10 of it, even after hearing his particular description of the
11 unusual conversation where he only spoke to me, he said,
12 with his back to me.

13

14 Q. Yes, I see. You've always said you have no
15 recollection of it, I know that. You said that back in
16 2002 to the press, did you not?

17 A. I - I did. I'm not sure that in those days I had
18 anything like the information that Mr Green has put up
19 about the purported incident. I'm not sure I had anything
20 like that then.

21

22 Q. I want to ask you a few questions based on the obvious
23 premise from my perspective that Mr Green's evidence is
24 both accurate and truthful. For the purposes of answering
25 my questions, can you act on that basis?

26 A. No, I can't, because I don't accept it, but I'm
27 certainly keen to try to answer any question you propose.

28

29 Q. Okay. You told Counsel Assisting on Monday that a
30 person who was ignorant of something, where that ignorance
31 was not wilful ignorance and where that wilfulness *[sic]*
32 was not the result of not doing a job within your
33 authority, would have no moral or other responsibility for
34 failing to act in relation to Ridsdale? Do you recall
35 that? You were asked questions about the responsibility a
36 consultant might have. I can take you to the transcript if
37 you need it?

38 A. Yes, I'm not exactly sure what you're saying, but I'm
39 happy to - I'm happy to accept it as a working hypothesis.

40

41 Q. I'm happy to read to you the relevant passage of your
42 evidence. At page 16300, line 30, the question was put to
43 you:

44

45 *So any consultant who you say knew nothing*
46 *has no responsibility, including moral*
47 *responsibility, for what happened in the*

1 *Diocese in relation to Ridsdale; is that*
2 *your view?*

3

4 Your answer was:

5

6 *That is stated very baldly, but when there*
7 *is ignorance, when the ignorance is not*
8 *wilful, when the ignorance does not*
9 *represent somebody not doing their*
10 *authority, I can't see that responsibility*
11 *can be imputed to them.*

12

13 Does that refresh your memory of that evidence?

14 A. Yes, there's a word wrong somewhere there, which
15 either I said or it's been wrongly recorded, but I'm --

16

17 Q. I wonder if you mean the clause "when the ignorance
18 does not represent somebody not doing their authority"?

19 A. Yes, that's a mistake.

20

21 Q. I took that to mean --

22 A. Not doing their duty - not doing their duty is what
23 I would have hoped to have put.

24

25 Q. I took it to mean not doing their job within their
26 authority?

27 A. That's correct.

28

29 Q. Yes, okay. So they are the three criteria which would
30 exculpate a consultor or somebody else in a position to
31 take some action for not acting on information such as was
32 given about Ridsdale - they are the three criteria; is that
33 right? Have I got that right?

34 A. Yes, I - I think that - that is - that's - I stand by
35 those statements there.

36

37 Q. Would that apply to any clergy with respect to
38 information coming to that clergy about clerical or other
39 religious abuse, or would you restrict that just to
40 consultors?

41 A. No, that's - that would be a general consideration.

42

43 Q. Okay. And wilful ignorance could never excuse a
44 failure not to act on information concerning clergy abuse,
45 could it?

46 A. I don't think it could ever excuse inaction, that's
47 correct.

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Q. Okay. Would it be wilful ignorance, in your view, to dismiss as so ridiculous information which had no inherent indicia of being implausible?

A. Well, that would depend on a number of factors. In this particular case, it would depend on whether I heard what was being said; it would depend on whether I understood what was being said. I have got no recollection of hearing anything or of understanding that that was proposed. And I just mention that the evidence of Mr Green is uncorroborated by the gentleman who he said was with him, who did not recall it, and it's just perhaps he didn't hear it. I have got no recollection of the incident at all.

Q. Yes, I know that. You've said that several times. When you say "the gentleman who was with him", you're talking about [BWD] who gave a witness statement saying that he couldn't recall it, but he wasn't saying it didn't happen. Is that who you're talking about?

A. I think that would be correct.

Q. The other person who was present you know is since deceased?

A. Yes, unfortunately.

Q. Yes. In 2002, you said, I accept, that you had no recollection of it, you've always said that. You also said:

If I was approached and thought the stories plausible, I would have informed the Christian Brothers.

"If I had thought the stories plausible". Now, it hasn't been put to Mr Green by your counsel that it didn't happen. What has been put by your counsel to Mr Green were two propositions: was it possible that you had not heard what was said? And Mr Green has answered that puttage. You've read that?

MR DUGGAN: I object. I'm not sure that's a proposition. It was a question. With respect, it wasn't a proposition that I put to him; it was a question.

THE CHAIR: Sorry?

1 DR HANSCOMBE: The objection is that my question was
2 poorly phrased. What was put to Mr Green by
3 Cardinal Pell's counsel was not a question, it was a
4 proposition.

5
6 THE CHAIR: I don't know it takes us anywhere, Mr Duggan,
7 but.

8
9 DR HANSCOMBE: I'm happy to withdraw the question and ask
10 it again. Excuse me a moment, if you would, your Honour

11
12 Q. Mr Green was examined last December by counsel briefed
13 to represent you. Do you recall that?

14 A. I'm sorry, could you repeat that?

15
16 Q. Of course. Mr Green was examined by counsel
17 representing you in December last. Did you know that?

18 A. Yes, I - I accept that is true.

19
20 Q. Yes.

21 A. I'm not sure of the month and time. Yes, yes.

22
23 Q. Okay. Just to orient you, it was 7 December last
24 year. He did not put on your behalf that what Mr Green
25 said had happened did not happen. He put two questions, or
26 questions directed to two theories or propositions. The
27 first was that Mr Green was asked was it possible that you
28 did not hear what the boy, Timothy Green, had said. That
29 was the first thing that was put on your behalf. Mr Green
30 said: "No, that wasn't possible because he answered me."
31 Did you know he'd given that evidence?

32 A. Yes, I'm aware that that question was asked and he
33 gave that evidence.

34
35 Q. And the other thing that was put was whether it was
36 possible that you did not grasp what was being said, and
37 the answer was, "I wouldn't have thought so." You knew
38 that that evidence had been given?

39 A. I - I - I do. I was aware that two questions were
40 asked.

41
42 Q. Yes. It was not put on your behalf that this had not
43 occurred. That's the simple proposition I'm putting to
44 you.

45 A. Yes, well, I wouldn't accept that any propositions
46 were put. There were two questions that were asked and
47 I think they still left all sorts of other possibilities.

1 Could I just say - see, the possibility is that over this
2 passage of time Mr Green's simply mistaken. For example,
3 he has me coming to Villa in 1971 and '72 - for '72. I was
4 not in Ballarat in 1971 or 1972 and my diaries - I have no
5 recollection of going to Villa in those years and my
6 diaries do not show me going to Villa in those years. So
7 as he seems to have been mistaken on that particular point,
8 there is also the possibility he is in error in his
9 recollections.

10
11 DR HANSCOMBE: Well, we'll deal with all of that at
12 another time. I notice that the time has expired. I can
13 probably finish this in another five minutes. I don't know
14 if the Cardinal is prepared to sit another five minutes.

15
16 THE CHAIR: Q. Are you happy to sit another five
17 minutes, Cardinal?

18 A. Of course.

19
20 DR HANSCOMBE: Q. Assuming that what Mr Green said
21 happened did happen, there were no indicia that it was
22 inherently ridiculous or implausible. He was a boy of 12
23 or 13 and he says he knew who you were. So he would have
24 been somewhat in awe of you - you were a figure of some awe
25 in Ballarat, were you not?

26
27 MR DUGGAN: I object to that. There are a number of
28 propositions in that.

29
30 THE CHAIR: There is only one question, Mr Duggan. Ask
31 the question again.

32
33 DR HANSCOMBE: Q. The question is directed to the
34 proposition that you were a figure held in some awe in
35 Ballarat in the '70s - the early '70s; do you agree with
36 that?

37 A. No - well, it depends what you mean by "some awe", but
38 it was very early days and - certainly I might have been,
39 and would have been, known to some school boys, but --

40
41 Q. Yes.

42 A. -- let's not exaggerate this.

43
44 Q. You already knew that there had been problems of a
45 sexual nature with Dowlan at St Pat's - on your evidence at
46 16232 - in the early '70s. You'd heard it from one or two
47 priests. You had been concerned enough to tell the school

1 chaplain. And you had heard it from somebody else, not
2 Mr Green, whom you have described as "a good and honest
3 lad", 16241. So you had that knowledge already. That
4 meant that what Mr Green blurted out to you was not only
5 not inherently implausible, but it was likely to be true.
6 That's right, isn't it?

7 A. I don't - no, I don't think that follows at all.
8 I believe I received some such information some time in
9 '74. If I'd been clearer in my mind at that stage when
10 this incident is alleged to have happened and I had
11 actually heard the accusation, I would - that would have
12 been significant for me and I would have accepted it and
13 done something about it, but I've got no recollection of
14 any such event.

15
16 Q. Well, previously you'd said you'd received that
17 information "in the early '70s", and I've given you the
18 transcript reference, but if you now say you'd received it
19 in 1974, this event occurred at the end of the school
20 holidays, at the end of the school year in '74, so it's
21 most likely that this event occurred after you had already
22 received information, and it was consistent, in fact, with
23 the information you had received. Do you want to say
24 anything about that?

25 A. Yes, the two - no, the two time lines do coincide.
26

27 Q. Even if you had not had that prior knowledge, you said
28 at 16309, in response to a question from the Presiding
29 Commissioner, that a priest or religious would be obliged
30 to find out what the basis of the truth was, even if all
31 he'd heard was rumour. Do you recall saying that?

32 A. Well, if I did, I did. It would depend on the quality
33 of the rumour. I mean, some rumours are inherently
34 unlikely, some are of indeterminate status. Some are
35 plausible. I've got no recollection of hearing any
36 plausible suggestion. I don't want to go any further than
37 that. I've got no such recollection. And I will remind
38 you that the lad - the gentleman has said that he never
39 looked at me when he said those words. And even that
40 unusual feature doesn't spark any recollection on my part.
41 I'm just sorry I can't corroborate his story.
42

43 Q. So why is it that in 2002 you said "if it had been
44 plausible I would have gone to the Christian Brothers".
45 You made a judgment, in the response to that journalist,
46 that this was not plausible.

47 A. No, I - it's one possibility. The other possibility

1 is that in replying to the journalist I was obviously
2 including the possibility that I hadn't heard anything.

3

4 Q. It's not what you said. You said, "I don't recollect
5 it, and if it had been plausible I would have gone to the
6 Christian Brothers." That's all you said.

7 A. Well, I think the fact that I said I don't recollect
8 it is exactly what I just claimed.

9

10 DR HANSCOMBE: If the Commission please.

11

12 MS FURNESS: Your Honour, there is a prospect that has
13 been discussed, as I understand, with the Cardinal and with
14 others that we sit from 7am tomorrow morning, which is 9pm
15 Rome time, and we sit until 1pm, with 20 minute breaks at
16 appropriate times.

17

18 THE CHAIR: When you say there is a prospect, when will we
19 know?

20

21 MS FURNESS: It's something I'm proposing. I'm not sure
22 that anyone objects to it. As I understand it, the
23 Cardinal has agreed to it and it is certainly something
24 that the Commission can achieve.

25

26 THE CHAIR: Cardinal, that's correct, you understand what
27 counsel has just said, you're happy to start at 9pm?

28

29 THE WITNESS: I do, your Honour.

30

31 THE CHAIR: Very well. We'll adjourn until 7am in the
32 morning.

33

34 **AT 1.07PM THE COMMISSION WAS ADJOURNED TO**
35 **THURSDAY, 3 MARCH 2016 AT 7AM**

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