



CATHOLIC ARCHDIOCESE OF SYDNEY

15 January 2013

Ms Georgie Crozier MLC
Committee Chair
Family and Community Development Committee
Spring Street
EAST MELBOURNE VIC 3002

Dear Ms Crozier

Dr Vivian Waller's submission to the Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and other Organisation and her subsequent media comments

I write on behalf of His Eminence Cardinal George Pell, in relation to the submission (**Waller Submission**) that Dr Vivian Waller made to the Inquiry. I **attach** copies of:

- Copies of various comments that Dr Waller made in the media in October 2012 repeating and expanding upon the allegations made in the Waller Submission to the Inquiry (**subsequent media comments**);
- the media release from this office dated 11 October 2012;
- a letter from Waller Legal to this office dated 12 October 2012;
- a letter from this office to Waller Legal dated 12 October 2012;
- the parts of the transcript (**transcript**) of the trial of Robert Charles Best (**Br Best**) which were released by order of the County Court of Victoria on 30 November 2012 following an application made on behalf of His Eminence;
- a schedule comparing the Waller Submission to the Inquiry with the transcript; and
- a schedule comparing the subsequent media comments with the transcript.

It is now apparent that there are significant inconsistencies between the Waller Submission to the Inquiry, Dr Waller's subsequent media comments and the evidence given by Victim 2 in the trial of Br Best. In particular:

- (a) In the Waller Submission to the Inquiry, Dr Waller referred to the fact that Victim 2 was raped by Br Best in 1969 when Victim 2 was in grade 3. Dr Waller then alleges that "subsequently" (page 9 of the Waller Submission to the Inquiry) Victim 2 went to the presbytery at St Alipius and asked to speak to Cardinal Pell but that Cardinal Pell refused to speak to him. Nonetheless, Dr Waller alleges that Cardinal Pell was present when Victim 2 described what had happened to him to another (unnamed) priest. Dr Waller also alleges that Father Ridsdale entered and offered to "deal with it". At page 10 of the Waller Submission to the Inquiry, Dr Waller states that the unnamed priest declined the offer from Father Ridsdale and then made threats against Victim 2. Dr Waller specifically stated (at page 10 of the Waller Submission to the Inquiry) that these threats were made when Victim 2 was still in grade 3. This necessarily meant that the complaint was made during 1969.
- (b) In her interview with Samantha Donovan from the ABC on 11 October 2012, Dr Waller specifically alleged that Victim 2 had been to see Cardinal Pell in 1969. Dr Waller again alleged that Cardinal Pell refused to speak to Victim 2 but that he was present when the allegations against Br Best were made.
- (c) In the media release from this office on 11 October 2012, we confirmed the publicly available information that Cardinal Pell was not in Australia during 1969. In fact, he did not return to Australia until 1971.
- (d) In a letter from Waller Legal to this office dated 12 October 2012, Dr Waller alleged that the Waller Submission to the Inquiry did not claim that Cardinal Pell was in Ballarat in 1969. Dr Waller demanded that this office's media release be retracted and a correction published. However, as noted above, the Waller Submission to the Inquiry did make this allegation and Dr Waller repeated it to the media. Dr Waller did not, at any stage, clarify when she claims the complaint was made by Victim 2.
- (e) The transcript now shows that the evidence of Victim 2 at the trial of Br Best was to the following effect:
 - (i) Victim 2 was raped by Br Best in 1969.
 - (ii) He told a friend about the rape (T66 line 22).
 - (iii) He went to see a priest at the St Alipius presbytery about the incident. This occurred between a couple of weeks and a couple of

months after the rape (T67 line 18, T134 line 17-18) and "definitely the same year" (ie 1969) (T67 line 9).

- (iv) Victim 2 was unable to identify any of the priests he spoke to other than that one of them had dark, black hair and a deep, strong voice (T67 line 22, T134 lines 21-31) and that this priest was the parish priest at St Alipius Church (T135 lines 1-9).
- (v) Victim 2 tried to tell the priest about the rape but the priest pushed Victim 2 out the door and threatened him (T68 lines 2-8).
- (vi) There was another priest present at the time of Victim 2 made his complaints (who Dr Waller has identified as Father Ridsdale) but Victim 2 did not know his name and Victim 2 could not give a description of this second priest (T135 lines 19-23). The second priest came in "just after [Victim 2] had time to explain to him what happened to [Victim 2]" (T135 lines 11-12). The second priest asked the first priest whether he could deal with it "or something like that" but the first priest said no.
- (vii) The evidence disclosed that there were three priests at St Alipius in 1969: Bishop Mulkearns, Father John Martin and Father Adrian McInerney (T190 lines 16-17). Father Martin had thick, dark hair (T191 line 10, T225 line 22).
- (viii) There is no evidence given by Victim 2 (or anyone else for that matter) of a third priest being present at the time Victim 2 went to the presbytery to make his allegations. Further, there was no evidence of a person matching the description of Cardinal Pell being present at the time and certainly no allegation that Cardinal Pell was actually present. Indeed, Cardinal Pell was never mentioned in the evidence.

In the circumstances, the evidence is unequivocal – that is, when Victim 2 made the complaint at the presbytery in 1969, Cardinal Pell was not present, and that Victim 2 has never claimed that he was. Indeed, no third priest was present and, at the time of the complaint, Cardinal Pell was not in the country. The evidence that Victim 2 gave at the trial of Br Best is entirely consistent with the fact that Cardinal Pell was not in the country at the time that the allegations were made. The allegations which Dr Waller made to the Inquiry and to the media are entirely inconsistent with Victim 2's evidence.

In fact, as set out in the media statement by the Archdiocese of Sydney dated 11 October 2012, Cardinal Pell was never present when any allegations of rape were made by a victim against Brother Best.

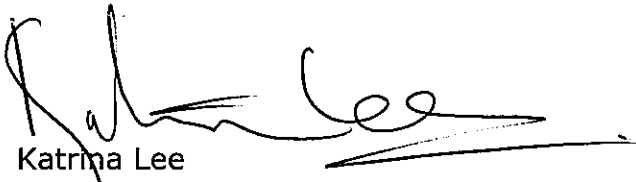
Cardinal Pell is committed to ensuring that the truth is told about the extent of sexual abuse in the Catholic Church. It is of some concern that Dr Waller made these false allegations against Cardinal Pell and then failed to retract them when it became apparent to her that they could not have been true (if that was not apparent from the outset). False allegations, such as this, stand in the way of the truth being told and only add to the hurt and suffering of the victims of sexual abuse by making it more difficult to get to that truth.

Indeed, the seriousness of the allegations can be appreciated when it is understood that false accusations such as this are not only seriously defamatory but can (in certain circumstances) amount to a contempt of Parliament and professional misconduct. At the very least, the Inquiry, the media and the public has been seriously misled about Cardinal Pell's involvement in these events.

I hope that this letter assists in correcting the record for the Inquiry.

I have also written to Dr Waller in relation to these matters.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Katrina Lee', with a horizontal line underneath.

Katrina Lee
Director, Catholic Communications

AM with Tony Eastley

Monday to Saturday from 8:00 am on ABC Local Radio and 7:10 am on Radio National.

Cardinal Pell may give evidence at Vic inquiry

Samantha Donovan reported this story on Thursday, October 11, 2012 08:10:00

TONY EASTLEY: It's possible that Australia's most senior Catholic, Cardinal George Pell, will be called to give evidence at the Victorian Parliamentary Inquiry into the Handling of Child Abuse.

In her submission Melbourne lawyer Viv Waller has told the inquiry that in the 1960s George Pell heard a young boy tell another priest he'd been raped by a Christian Brother.

Dr Waller is speaking here with AM's Samantha Donovan.

VIV WALLER: I've been working in this field for a very long time and I'm quite familiar with the fact that a lot of victims of sexual abuse have had difficulty having their complaints dealt with appropriately.

And I'm instructed by one of my clients that in 1969 he went to the local presbytery at Ballarat East attached to a church called St Alipius and he asked to speak to George Pell. And George Pell was there and refused to see him but was present in the room when he was speaking to another priest and he reported that he had been raped by Robert Charles Best who was a Christian Brother working at that school.

Now we are able to discuss that aspect of it freely because Robert Charles Best has subsequently been convicted of raping this client in a criminal trial and he was sentenced for that crime in September 2011.

SAMANTHA DONOVAN: What does your client tell you about how the Catholic Church handled the allegations when he went forward just as a little boy?

VIV WALLER: He was a grade three student and his first attempt to report the rape was actually to his class teacher, another Christian Brother by the name of Brother Fitzgerald. And as he approached his classroom he was in tears and distressed.

And Brother Fitzgerald took him aside and said, "What is wrong with you?" And in very simple playground terms that I can't repeat on radio my client described quite graphically to Brother Fitzgerald what had happened to him, essentially that he had been raped by the headmaster.

And Brother Fitzgerald then beat him, struck him forcibly and then said to him, "Now what happened?" And again my client said that he had been raped by Brother Best. He was struck again and Brother Fitzgerald then said to him, "What happened?" And my client said, "Nothing, nothing happened".

It was after that event that my client approached the local presbytery suffering the delusion that the local priest would be somebody who would assist him in his very distressed state.

SAMANTHA DONOVAN: Do you think it's likely that Cardinal Pell will be called to give

evidence at the Victorian inquiry?

VIV WALLER: I can't make decisions for the committee but it would be reasonable to think that anyone who has written a major submission for the inquiry is likely to be called to give evidence and the Church has put in some substantial submissions.

TONY EASTLEY: Melbourne lawyer Dr Viv Waller speaking with Samantha Donovan. And the Catholic Archdiocese of Sydney has told AM this morning that if Cardinal Pell is asked to appear at the inquiry he will do so as he has stated several times before.

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Herald Sun

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Section: NEWS

Probe may call Pell Child abuse inquiry told cover-ups hinder justice

AUSTRALIA'S most powerful Catholic, Cardinal George Pell, was present when a boy raped by a Christian Brother in regional Victoria described to another priest what happened, a parliamentary inquiry has been told.

The Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious or Other Organisations heard Cardinal Pell was present when the grade 3 student at a Ballarat school in the 1960s described to another priest what had happened to him.

Cardinal Pell may be asked about the incident after indicating in August he would attend the inquiry if asked. The Archdiocese of Sydney's communications office spokeswoman said it could not comment while an inquiry was under way.

Solicitor Dr Vivian Waller, who has represented hundreds of sexual assault victims alleging abuse by religious clergy, outlined the details involving Cardinal Pell in her submission to the inquiry.

In another scathing submission, police accused church leaders of persuading sex abuse victims to stay silent and tipping off offenders to destroy evidence.

And the Catholic Church has proposed it selectively reports details of allegations to police without identifying alleged victims.

Victoria Police accused the church of failing to help authorities tackling child sex crimes and called for new laws against concealing an indictable offence.

The Catholic submission called for a coronial inquiry into the number of victims of sexual abuse who have committed suicide.

It also defended the right for allegations made in the confessional to stay confidential, suggesting priests report serious allegations, but only if they held back identifying information.

"Regarding reporting to the police, the Church has found that many victims want their experiences to remain private and do not want their complaint reported," the submission reads.

Other churches such as the Anglican Diocese of Melbourne rejected mandatory reporting, opting for experienced clergy to hear the confession of offenders and withhold absolution of sins until the confessor reported to authorities.



Police claimed in their submission the Catholic Church bribed victims to keep quiet about their allegations and shifted alleged offenders to different parishes to hinder police investigations.

"It is the opinion of Victoria Police that such deliberate action should be criminalised," it stated.

Headline: Probe may call Pell Child abuse inquiry told cover-ups hinder justice
Author: Melissa Iaria, Anne Wright, Mitchell Toy and Alex White, with AAP
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Police slam Catholic Church

Jane Lee

Published: October 11, 2012 - 3:00AM

VICTORIA Police has launched a scathing attack on the Catholic Church, accusing it of deliberately impeding its investigations into child abuse.

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In a submission to the parliamentary inquiry into the handling of child abuse by churches, signed by Chief Commissioner Ken Lay, police recommend that some of the church's actions to hinder investigations be criminalised.

The submission lists a number of ways in which the church has hindered the criminal justice process, including dissuading victims of sexual crimes from reporting them to police, failing to engage with police and alerting suspects of allegations against them, "which may have resulted in loss of evidence".

- [Read Victoria Police's submission here](#)
- [Read Waller Legal's submission here](#)

It says the church moved or protected known or suspected sexual offenders. While the submission notes the church has recently improved co-operation with police, in some cases it has been reluctant to provide information even when a warrant was issued.

Police also say the typical delay in reports of sex offences within the church means more reports of alleged offences from the 1990s and early 2000s are expected in coming years.

Another submission, by lawyer Vivian Waller, who has represented more than 70 abuse victims, says that now Cardinal George Pell refused to listen to a boy who was raped in Ballarat in 1969 soon after the event. But Father Pell was in the room when the victim told another priest what happened. Both times the victim tried to tell his story he was badly beaten, though not by the now Archbishop of Sydney, the submission says.

The inquiry into the handling of abuse by religious and other organisations was established in April after years of campaigning by victims, advocates and media, and particularly after a series of articles in *The Age* revealing the extent of abuse within the church and the mishandling of allegations by church-appointed officials.

Confidential police reports detail the suicides of at least 40 people sexually abused by Catholic clergy in Victoria and say it appeared the church knew about a shockingly high rate of suicides and premature deaths but had "chosen to remain silent". *The Age* also reported earlier this month that a senior police investigator had told victims of a suspected Catholic paedophile of his "grave" concerns that his investigation into their alleged abuser was being derailed and that "pro-church police members" might have interfered in his inquiry.

The Catholic Church has consistently acknowledged past mistakes but maintains it has improved its protocols for dealing with victims since 1996, when it established its national Towards Healing internal inquiry process.

But police, in their submission, are particularly critical of this and the Melbourne archdiocese's equivalent process, the Melbourne Response, in which victims may not be legally represented, saying it appeared to be a "de facto substitute for criminal justice" and detrimental to prosecuting suspected sexual criminals.

The Melbourne Response states on its website that in the past 14 years the church has compensated 300 people as victims of sexual abuse and identified 86 offenders, of whom 60 were priests. Yet not one complainant was referred to Victoria Police, the submission says.

"Some of the offenders may be laicised, however this is rare. In many cases offenders are moved to other positions within the church which have a limited opportunity for offending, or provided with counselling," police say.

"The inquiry process restricts the ability of victims to have the offender brought to account through the criminal justice system, and promotes the culture of secrecy which prevents more victims speaking out."

Police say the system's independent commissioner and assessors are not trained or resourced to deal with the allegations and do not have the benefit of recent changes to the way in which police typically interview victims of sexual assault to reduce trauma.

"Indeed, we are aware of circumstances where victims have been required to confront alleged offenders where they have been required to repeat allegations in the presence of these alleged offenders," police say.

"Victoria Police has offered to provide this briefing to the Catholic Church on two occasions but these offers have not been accepted to date."

In its submission to the inquiry, the church says it has removed its opposition to mandatory reporting of clergy and church workers suspected of abusing children - apart from the sanctity of the confessional.

It says it would support reporting all allegations if police guaranteed to respect the victim's right to privacy.

Justice Philip Cummins proposed extending mandatory reporting in his report of the Protecting Victoria's Vulnerable Children inquiry, and Melbourne Archbishop Denis Hart said in a statement yesterday that clergy should operate under the same rules as doctors, nurses, teachers and police.

He said all serious crimes should be reported to police but that there was a tension between calls to report all abuse allegations and the wish of some victims to keep their experiences private and unreported to police.

A system should be set up in which all details except those that identify the victim are reported to police, on the basis that police powers of compulsion are not used to discover the victim's identity, the church says.

The submission, from Victoria's four diocesan bishops, acknowledges that the church was slow to believe victims, underestimated the often devastating harm, took too long to respond effectively, believed offenders' denials or that they could be cured and at first favoured a legal response rather than a pastoral one.

The independent commissioner for the Melbourne Response, Peter O'Callaghan, QC, told *The Age* last night: "I will respond to the police submission by providing written submissions to the parliamentary committee. It is therefore inappropriate to make comment, save to say that there is much in the police submission which is seriously misconceived and quite wrong and which I will correct and refute in my submission to the committee."

Church spokesman Father Shane Mackinlay said: "We are reviewing the police submission and many others. Facing The Truth [the church's response to the inquiry] addresses many of the matters raised by the police."

With **BARNEY ZWARTZ**

This story was found at: <http://www.theage.com.au/victoria/police-slam-catholic-church-20121010-27dr2.html>

12-10-2012

THE AGE

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Edition: First
Section: News

Cardinal Pell denies hearing rape claim

CLERGY ABUSE

CLAIMS that Cardinal George Pell was present when a boy described being raped by a Christian Brother in Ballarat in 1969 were "irresponsible, untrue and are absolutely denied", the cardinal said yesterday.

Now Archbishop of Sydney, he said he was not in Ballarat in 1969 when the boy was raped and was not appointed to the diocese until 1973.

The allegations were in a submission by Melbourne lawyer Vivian Waller, who is acting for more than 70 victims of abuse by Christian Brothers, to the parliamentary inquiry into how churches handled child abuse.

Dr Waller said the boy came back to class at St Alipius distressed after the rape and was beaten by another Christian Brother until he retracted the claim.

Later, it is claimed the victim asked to speak to Father Pell, who refused to see him but was allegedly present when he told a second priest.

A third priest took him and beat him again, the submission says.

Cardinal Pell, who said he would be happy to give evidence at the inquiry, said the error had been repeated by media throughout the country.

But Dr Waller replied last night that she had not given a date when the victim told the priest his story, merely saying "subsequently", and she stood by the submission.

Headline: Cardinal Pell denies hearing rape claim
Author: BARNEY ZWARTZ
Edition: First
Section: News

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West Coast
Sentinel

Pell denies being present when rape claims made

By Barney Swartz Oct. 12, 2012, 4:32 p.m.

Claims that Cardinal George Pell was present when a boy described being raped by a Christian Brother were "irresponsible, untrue and are absolutely denied", the cardinal said yesterday afternoon.

The allegations by Melbourne lawyer Vivian Waller, who is acting for more than 70 victims of abuse by Christian Brothers, were widely reported yesterday.

Dr Waller said in a submission to the Victorian parliamentary inquiry into how churches handled sex abuse that Brother Robert Best raped the boy at St Alipius school in Ballarat.

She said the boy went back to class distressed and was beaten by his teacher until he withdrew the claim.

Later, believing a priest could help him, the boy had asked to speak to the then Father Pell, who had refused to see him, but Father Pell had been present when the victim told another priest what happened, it is claimed.

According to the submission, a third priest, notorious paedophile Gerald Ridsdale, then entered and offered to "deal with the situation", which he did by again beating the victim.

Yesterday Cardinal Pell, now Archbishop of Sydney, said he had not been in Ballarat in 1969, which is when Dr Waller said the rape occurred, and was not appointed to that diocese until 1973. Unfortunately, the error had been repeated by media outlets across the country, he said in a statement from the Archdiocese of Sydney.

Indicating he would be happy to give evidence to the inquiry, he said he was never present when any allegations of rape were made by a victim against Brother Best.

"The truth will avoid further hurt to victims. Unsubstantiated allegations and personal and false smears are of no assistance to victims or to the inquiry."

Cardinal Pell said he hoped parliamentary privilege enjoyed by those involved would not be "exploited with calumny".

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MEDIA STATEMENT BY THE ARCHDIOCESE OF SYDNEY

As Archbishop of Sydney, Cardinal Pell does not usually comment on religious life in Victoria and does not plan to comment on the activities of the Victorian Parliamentary Inquiry into the Handling of Alleged Criminal Abuse of Children by Religious and Other Organisations. It is however necessary to respond to recent reports about a false and seriously misleading allegation contained in a submission to the Inquiry.

The claims made in relation to Cardinal Pell in a submission to the Inquiry by Waller Legal are irresponsible, untrue and are absolutely rejected.

Unfortunately, factual errors in the submission to the Inquiry made by Dr Waller of Waller Legal, relating to Cardinal Pell's presence in the Diocese of Ballarat in 1969, have been repeated by media outlets across the country.

These are the facts. The Cardinal was ordained a priest in 1966 in Rome, he continued his studies and then travelled to Oxford to study for his Doctorate. Cardinal Pell was studying at Oxford in 1969 and was not a priest appointed in the Diocese of Ballarat at the time alleged in Dr Waller's submission. Cardinal Pell returned to Australia in 1971 and worked at Swan Hill in the Diocese of Ballarat. In 1973 he received his second appointment as a priest in East Ballarat.

In any event, Cardinal Pell was never present when any allegations of rape were made by a victim against Brother Best.

Cardinal Pell's postings from the early 1960s are well documented and could have easily been checked by Dr Waller (which may well have been of assistance to her client, Victim 2). These details could also have been easily checked by the media outlets reporting on the Inquiry. Factually incorrect submissions may well distract and mislead the Inquiry in the important work it is undertaking.

Cardinal Pell said that the truth will avoid further hurt to victims. Unsubstantiated allegations and personal and false smears are of no assistance to victims or to the Inquiry. He is hopeful that the Inquiry will be able to continue its important work and not have its processes and the Parliamentary privilege afforded to all involved exploited with calumny.

During his sixteen years as Archbishop of Melbourne and Sydney, Cardinal Pell has regularly explained to the public the procedures followed by him in the areas of his responsibility, his Archdioceses, to combat sex abuse and has never distanced himself from his responsibilities.

Cardinal Pell welcomes efforts to provide healing for victims and to discover the truth. He has previously indicated that if the Victorian Inquiry feels it would be helpful for him to give evidence, he would certainly do so.

ENDS

11 October 2012

**WALLER
LEGAL**

Dr Vivian Waller
BA (Hons) LLB SJD

PO Box 13325
Law Courts VIC 8010

Telephone: 03 9480 2173

Mobile: 0409 517 639

Facsimile: 03 9011 6133

Email: vivian.waller@gmail.com

Enquiries: info.wallerlegal@gmail.com

www.vivwaller.com.au

Consultation strictly by appointment only

Catholic Communications (Media Office)
Level 15, 133 Liverpool Street
Sydney NSW 2000

12 October 2012

Via email: cathcomm@sydneycatholic.org

And to Archdiocesan Enquiries (For the Attention of Cardinal George Pell)

Via email: chancery@sydneycatholic.org

Dear Sir / Madam,

RE: Media Release of the Archdiocese of Sydney dated 11 October 2012 in Relation to the Parliamentary Submission Made by Dr Waller of Waller Legal

I refer to the Media release entitled "Cardinal Rejects False and Unsubstantiated Allegations" released by Catholic Communications yesterday and posted on the Archdiocese of Sydney Website.

The media release contains inaccuracies.

My submission to the parliamentary inquiry does not claim that Cardinal Pell was in Ballarat in 1969. The submission is publicly available on the Victorian Parliamentary web site and this simple fact could easily have been checked.

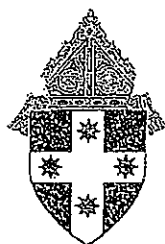
The release of the Archdiocese of Sydney misrepresents the contents of my submission and goes on to make inaccurate and misleading remarks about me.

I request that these statements be retracted, the media release be removed from all Catholic websites and a correction be published.

Should you wish to discuss this matter, or require any further information, please do not hesitate to contact my office.

Yours faithfully,


Dr. Vivian Waller
WALLER LEGAL



CATHOLIC ARCHDIOCESE OF SYDNEY

12 October 2012

Dr Vivian Waller
Waller Legal
PO Box 13325
Law Courts
VIC 8010

By email: vivian.waller@gmail.com

Dear Dr Waller

Media Release of the Archdiocese of Sydney dated 11 October 2012 in Relation to the Parliamentary Submission Made by Dr Waller of Waller Legal

We refer to your letter of today's date and your submission to the Victorian Parliamentary Inquiry.

With respect, it is difficult to reconcile your letter with the content of your submission and the comments that you made to the media yesterday.

A fair reading and, in light of your media comments referred to below, the clearly intended reading of your submission suggests that the person you refer to as "Victim 2" attended the St Alipuis' presbytery in 1969 and asked to speak to Cardinal Pell.

Page 9 of your submission sets out a circumstance whereby Victim 2 is said to have attended the St Alipius' presbytery after being struck by Br Fitzgerald. Page 13 of your submission makes the temporal connection quite clear. That reads:

For the sake of clarity, let's recap the chronology. Victim 2 was brutally raped in 1969. Victim 2 reported the rape to another Christian Brother on the day it occurred and was violently and repeatedly beaten until he retracted his complaint. He reported the rape to 3 priests in the diocese of Ballarat thereafter and was beaten and his life threatened if he told anyone.

Level 16, Polding Centre, 133 Liverpool Street, Sydney NSW 2000, Australia

T +61 2 9390 5100 ÷ F +61 2 9261 8312 ÷ chancery@sydneycatholic.org ÷ www.sydneycatholic.org

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The ordinary reading of pages 9 and 13 of your submission suggests that your assertion to the Victorian Parliamentary Inquiry is that the incident involving the alleged report to Cardinal Pell occurred in 1969 in a circumstance that is temporally connected to the rape of Victim 2 and the stated reporting to Br Fitzgerald.

Not only is that a fair reading of your submission, but in light of your comments in the media it appears to be an accurate indication of the instructions from Victim 2, upon which you drafted your submissions.

In your interview with Samantha Donovan, reported on ABC AM yesterday (available as both a recording and a transcript at <http://www.abc.net.au/am/content/2012/s3608277.htm>) you stated:

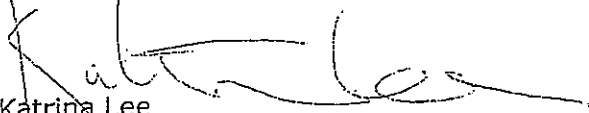
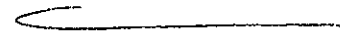
... And I'm instructed by one of my clients that in 1969 he went to the local presbytery at Ballarat East attached to a church called St Alipius and he asked to speak to George Pell. And George Pell was there and refused to see him but was present in the room when he was speaking to another priest and he reported that he had been raped by Robert Charles Best who was a Christian Brother working at that school.

The fact is that Cardinal Pell was not present at St Alipius' in 1969. He was not present in the Diocese of Ballarat until 1971. He was not at St Alipius' until 1973.

If you now contend that your submission (particularly when considered against the background of your public comments regarding the instructions upon which you drafted your submission) is intended to mean something different than the plain reading of your submission would suggest, then we consider it important that you amend your submission to the Parliamentary Inquiry and make the appropriate public corrections.

We would be grateful if you would provide us with a copy of any amended submission.

Yours faithfully


Katrina Lee
Communications Director 

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Just a yes or no to this. Did you actively stay away from

Brother Best after that?---Yes.

Were you ever alone again with Brother Best after that day?

---No.

Did you tell someone else around that time what Brother Best

had done?---I told my friend.

Can I stop you there. Did you go and see a priest?---Yes.

How long after this day did you go and see the priest?---I

cannot give a correct time how long it was, but I know it

was a while after. I needed someone to talk to so I went

and saw a priest and tried to tell him what happened to

me.

Do you know whether that was on a school day or not a school

day?---No. It wasn't on a school day. It might have

been after school or the weekend.

1 Where did you go to see this priest?---At St Alipius church
2 where the priest got - the presbytery or whatever you
3 call them.
4 Next door to the school is St Alipius church and the
5 presbytery?---Yes.
6 Is that where you went?---Yes.
7 You said that you couldn't say how long afterwards. Was it the
8 same month or the same year, or can't you say?
9 ---Definitely the same year, but I can't tell you exactly
10 how long it was because I was just still so confused, you
11 know. I needed someone to talk to.
12 When you went to see the priest - - -
13 HIS HONOUR: He's not able to tell us at all with any degree of
14 precision when it was, is he?
15 MS FORRESTER: I'll get him to say more, Your Honour. (To
16 witness) Can you say approximately how long? Was it
17 within weeks or in the same month or months?---It would
18 have been at least in a couple of months.
19 Can you say, when you got to the church, did you see a priest?
20 ---Yes.
21 Do you know that priest's name?---No.
22 Can you describe him?---He sort of had, you know, like dark
23 hair, black hair, and he had like a strong, deep voice.
24 When you got there what did you say to him?---I tried to tell
25 him what happened to me at school and I tried to sort to
26 tell him that Brother Best rooted me - - -
27 MR HILL: We object, Your Honour.
28 MS FORRESTER: Hold on, please. Can you tell us the words you
29 actually used?---As in - sorry?
30 When you talked to the priest what words did you say to him?
31 Not what you tried to do but what you did say?---I did

1 say that Brother Best rooted me up the arse.
2 Did you tell him anything else?---Well, no, because he sort of
3 (indistinct) me, pushed me out the door, he backhanded me
4 and I was still in shock. And he's pushed me out the
5 door, he hit me and got me out the door. I couldn't
6 believe it and I turned around and looked at him and he
7 said to me, "If you tell anyone I'll fucking kill you",
8 and I believed him. I was only nine years old.

9 Did you go to that school for the rest of grade 3?---Yes.

10 Did you change schools after that year?---Yes. I went to a
11 different school.

12 Did you make a statement about this matter to the police in
13 July 2008?---Yes.

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So you can't tell us during which terms this alleged offence occurred?---No, I cannot tell you what term it was.

Perhaps you could tell us what season of the year; was it summer?---But I remember it was quite hot; I remember it was warm.

All right. You remember it was warm; what month of the year then?---It could have been the start of the year.

It could have been the start of the year did you say?---Yes, it could have been that; February/March, something like that or it could have been the month after that.

All right, so it could have been February, March, or April; are they the three months?---Three months?

Are they the three months that you say this alleged offence could have occurred in?---Yes, it's possible it could have occurred in those three months.

So it couldn't have occurred in any other time?---Or look, all I know it was warm but I couldn't tell you what month it was, or what term it was.

Let's see if we could fix it by what you were wearing on the

1 particular day; were you wearing shorts?---No, I was
2 wearing long pants.

3 In Grade 3 the students in the warmer months used to wear
4 shorts, did they not?---And probably some of them did,
5 yes.

6 Did you ever wear shorts to school?---Not that I remember; I
7 may have.

8 So do you remember on this particular day wearing long pants,
9 or shorts; or do you not remember?---I remember - - -
10 Sorry?---I do remember - I do remember I was wearing long pants
11 on that particular day.

12 All right. Were they part of a uniform?---Yes.

13 And those long pants were long pants similar to what other
14 students wore; is that right?---Yes. A school uniform?
15 Yes?---Yes.

16 So the long pants that you had on were similar to long pants
17 being worn by other students?---Yes, they were grey.

18 I'm sorry?---The colour of the pants were grey.

19 I want to suggest to you that the colour of the long pants that
20 the students wore at the school was dark blue. Does that
21 help your memory?---Not really.

22 The long pants which were part of the school uniform had an
23 elasticised waistband, didn't they?---I cannot remember
24 that.

25 I see, Your Honour, it's after one o'clock.

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You tell the jury that some months later - some months later -
you go to the Presbytery, adjacent to the St Alipius
Church, is that right?---Went and saw a priest, yes.

How long later?---It could have been like a couple of weeks to
maybe a couple of months, yes. I really can't have a
proper time of that.

You spoke to a priest that you told the jury, had dark black
hair and a deep strong voice?---Yeah, he had a big strong
voice.

You've never before yesterday, said that the priest had dark
black hair, have you?---The priest? The priest had dark
hair.

You have never before yesterday, said that the priest had dark
black hair?---I probably may have just used the word
"priest" at that time. I went and saw a priest.

But in describing that priest in the past, your description of
him has been limited to a strong deep voice?

---Correct.

1 This priest - you must have seen on a regular basis?---Yes, he
2 was the priest at St Alipius Church.
3 Yes - and you and your family used to go to the St Alipius
4 Church every Sunday?---Yes.
5 So you must have seen this priest every week?---Yeah, I seen
6 him quite a few times but I still cannot remember his
7 name.
8 Was he the only priest that you saw at the Presbytery that day?
9 ---Um, that was the priest I talked to, yes.
10 Was he the only priest you saw at the Presbytery that day?
11 ---Um, no, another priest came in just after I had time
12 to explain to him what happened to me.
13 And what did that priest say?---Oh, he sort of almost stand up
14 and said "Do want me to fix it up or do you want me to
15 deal with it?" or something like that. I couldn't
16 quite - if that's exactly what he said, but the priest I
17 was talking to just said 'Nuh, nuh, it's alright, nuh" in
18 a lighter (indistinct) like that.
19 Who was that priest?---I don't know who he was. He was a
20 priest, but I can't remember the name or anything like
21 that.
22 Can you tell us what his description was?---Not really. If I
23 had of thought - it was a big gap in(indistinct).
24 Again - he must have been a priest that you saw each Sunday at
25 church?---Yes, there probably was occasions I may have
26 seen him on Sunday at church.
27 You say to the jury that at some stage, the first priest gave
28 you a backhand?---Yes.
29 And said "If you tell anyone, I'll fucking kill you"?---Yes,
30 that's correct.
31 This is just after he's pushed you out of the doorway?---Yeah,

1 just after he pushes me out the doorway, I was in shock,
2 couldn't understand why this was happening, I turned
3 around and he just looked at me and said "Tell anyone,
4 I'll fucking kill ya."

5 I'll fucking kill "ya"?---(Indistinct words)

6 At that stage, you really haven't had much of a chance to tell
7 him anything before he threw you out the door, is that
8 right?---I tried to tell him what happened, I may have
9 got as far as saying - you know, something had happened
10 to me or Brother Best "rooted me up the arse", I just
11 remember getting sort of puffed out - you know, cross,
12 and threw me out the door.

13 You may have got as far as telling him that you were "rooted up
14 the arse", is that what you say?---Yes.

15 You can't recall now what it is you actually said to him?---I
16 would have got to that where - you know, trying to tell
17 him that I got rooted up the arse but whether I got
18 further than that, I'm not too sure. All I know is he
19 pushed me out the door and that's - that was
20 (indistinct).

21 Do I understand you rightly now to be saying that whether the
22 name Brother Best came out or not, you can't remember?

23 ---Whether I said his name or not, but I do know I was
24 telling the priest I got rooted up the arse but whether
25 the name Brother Best came out - it probably did - the
26 next thing I know is he puts me out - backhanded me, put
27 me out the door and said those words to me.

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Do you know if the Church ever had priests who visited?

HIS HONOUR: Visited?

MS FORRESTER: Just visited Ballarat?---Sorry, it's just a bit blurry.

HIS HONOUR: Yes, it's gone blurry, so - - -

MS FORRESTER: Sorry?

TIPSTAFF: Just to your right please, counsel.

HIS HONOUR: That's better?---Thank you.

MS FORRESTER: Do you know if priests ever visited Ballarat from other parishes?---Priests visit home or parish, sorry, I'm a little confused there.

That's my fault. Do you know if there were ever priests who came from outside Ballarat to the church?

MR HILL: I object Your Honour. Which church, which - - -?

----- I couldn't remember that.

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10 There was the church next door which was St Alipius Church,
11 correct?---Yes.

12 How many priests - well - did only one priest preside at that
13 church in any given year?---From my memory there were
14 three.

15 Three in any given year?---Yes.

16 Who were the priests in 1969?---Bishop Mulkearns, Father John
17 Martin and Father Adrian MacInerney.

18 If other priests wanted to come and visit the church or stay at
19 the presbytery, that would be perfectly normal wouldn't
20 it?---For a visit, it would be, yes.

21 In fact there were frequent visitors to St Alipius Presbytery
22 at that time and indeed, after that, correct?---Well I
23 don't know that.

24 You wouldn't remember whether priests came and went?

25 ---No, I didn't say that. I just said I wouldn't know
26 whether priests, or how many priests, came or not,
27 because it had nothing to do with me.

28 But you would be at the church every Sunday wouldn't you?---I
29 was at the church every Sunday.

30 Would you not see visiting priests?---That year, in those
31 years, I don't think there was any visiting priest.

1 You don't think there were any that year?---No.
2 What makes you say that?---Well you had three priests in the
3 parish, that were saying the parish mass.
4 I'm sorry?---You had three priests in the parish that were
5 saying the parish masses.
6 Yes. Did any - you can't say at all, can you, that no other
7 priest visited the parish and stayed at the presbytery or
8 anywhere else, can you?---To the best of my knowledge,
9 there was no visiting priest in a Sunday.
10 Father Martin had dark hair didn't he?---He did.
11 Is he still alive, do you know?---No, he's not.
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16 In 1969, I'd suggest to you, there were in fact, four parish
17 priests, Fathers McKinnon, Mulkearns, MacInerney and
18 Mercovic, would you agree with that?---No, I won't.

19 You won't agree with that?---No.

20 Did the Parish priest change every year?---No.

21 Are you sure about that?---Yes.

22 Father Martin had quite dark thick hair, didn't he?---Yes.

23 I'll just show you this photograph. Father Martin is, I'd
24 suggest to you, the person on the far left of that
25 photograph?---That's correct.

26 And in fact, that's you sitting next to him?---That's correct.

27 The other parish priest that you mentioned, or one of the other
28 two that you mentioned was Father Mulkearns?---Bishop
29 Mulkearns.

30 Bishop Mulkearns - he wasn't Bishop Mulkearns then, was he?---

31 Yes.

He was, and he's second from the left on the front row?---

That's correct.

3 He -even there - appears to have much less hair, doesn't he,

4 than Father Martin?---Yes,

5 Was it black or what - was it dark?---Dark.

6 Yes, I tender that Your Honour.

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Waller Submission	Transcript	Comment
<p>"The teachers at the school were Christian Brother Robert Best (the Principal), Brother Edward Dowlan, and Brother Stephen Farrell... The School's Chaplain was Father Gerard Ridsdale".</p> <p>Page 9</p>	<p>Best cross-examination Page 190 [10]</p> <p>There was the church next door which was St Alipius Church, correct? - - - Yes.</p> <p>How many priests -- well -- did only one priest preside at that church in any given year? - - - From my memory there were three.</p> <p>Page 190 [16]</p> <p>Who were the priests in 1969? - - - Bishop Mulkearns, Father John Martin and Father Adrian MacInerney.</p> <p>If other priests wanted to come and visit the church or stay at the presbytery, that would be perfectly normal wouldn't it? - - - For a visit, it would be, yes.</p> <p>Page 190 [30]</p> <p>Would you not see visiting priests? - - - That year, in those years, I don't think there was any visiting priest.</p>	<p>The St Alipius Church was next door to the school.</p> <p>According to the Waller submission, the teachers at the school were:</p> <ul style="list-style-type: none"> • Brother Robert Best • Brother Edward Dowlan • Brother Stephen Farrell • Father Gerald Ridsdale (chaplain) <p>According to evidence given by Best, in 1969 the priests at the church were:</p> <ul style="list-style-type: none"> • Father Mulkearns • Father John Marfin • Father Adrian MacInerney <p>There was no visiting priest in the year of the assault.</p>
<p>"Victim 2 was a grade 3 student at St Alipius. Victim 2 was a deaf child and particularly vulnerable. He was raped by Christian Brother Robert Charles Best. At that time, Best was the school principal and the grade 6 teacher. Following the rape</p>	<p>Victim 2 evidence in chief Page 66 [21]</p> <p>Did you tell someone else around that time what Brother Best had done? - - - I told my friend.</p> <p>Can I stop you there? Did you go and see a priest?</p>	<p>Victim 2's evidence contradicts Waller's statement.</p> <p>There is no evidence given that Victim 2 returned to class following the rape and disclosed the sexual assault to his class teacher or that he was beaten until he</p>

Waller Submission	Transcript	Comment
<p>Victim 2 returned to his class. He was distressed. Upon arrival at his classroom his class teacher, Christian Brother Fitzgerald, detained him at the door and asked him what was wrong. Victim 2 disclosed the sexual assault and described the rape in graphic terms. Brother Fitzgerald forcibly and repeatedly struck Victim 2 until he retracted the statement".</p> <p>Page 9</p>	<p>--- Yes.</p> <p>How long after this day did you go and see the priest? --- I cannot give a correct time how long it was, but I know it was a while after...</p> <p>Page 67 [1]</p> <p>Where did you go to see this priest? --- At St Alipius church where the priest got -- the presbytery or whatever you call them.</p> <p>Next door to the school is St Alipius church and the presbytery? --- Yes</p> <p>Is that where you went? --- Yes</p> <p>Page 67 [7]</p> <p>You said that you couldn't say how long afterwards. Was it the same month or the same year, or you can't say? --- Definitely the same year...</p> <p>Page 67 [16]</p> <p>...Can you say approximately how long? Was it within weeks or in the same month or months? --- It would have been at least in a couple of months.</p>	<p>retracted his statement</p> <p>From Victim 2's evidence at trial, he told a priest at St Alipius church some weeks/months later (but definitely in the same year).</p> <p>Note - the complaint is said to have occurred <u>definitely</u> the same year as the assault.</p>
<p>"Subsequently, in search of support and assistance, and believing that a priest would help him, Victim 2 attended the Presbytery at St. Alipius and asked to speak to George</p>	<p>Victim 2 evidence in chief</p> <p>Page 67 [19]</p> <p>Can you say, when you got to the church, did you see a priest? --- Yes</p>	<p>Evidence contradicts Waller's statement.</p> <p>Victim 2 did not attend the Presbytery and ask to speak to Cardinal Pell.</p> <p>He went to the Presbytery some</p>

Waller Submission	Transcript	Comment
<p>Pell".</p> <p>Page 9</p>	<p>Do you know that priest's name? - - - No</p> <p>Can you describe him? - - - He sort of had, you know, like dark hair, black hair, and he had like a strong deep voice.</p> <p>Victim 2 cross-examination</p> <p>Page 134 [14]</p> <p>You tell the jury that some months later -- some months later -- you go to the Presbytery, adjacent to the St Alipius Church, is that right? - - - Went and saw a priest, yes.</p> <p>How long later? - - - It could have been like a couple of weeks to maybe a couple of months, yes. I really can't have a proper time of that.</p> <p>Page 135 [1]</p> <p>This priest -- you must have seen on a regular basis? - - - Yes, he was the priest at St Alipius Church.</p> <p>Best evidence in chief</p> <p>Page 225 [22]</p> <p>Father Martin had quite dark thick hair didn't he? - - - Yes</p>	<p>weeks/months later and saw the regular priest at St Alipius Church. This priest is described by Victim 2 as having dark hair.</p> <p>Best identified Father John Martin, a priest at the St Alipius church in 1969, as having dark hair in a photograph at page 225 [22].</p>
<p>"I am instructed that George Pell refused to speak with him, but that George Pell was</p>	<p>Victim 2 evidence in chief</p> <p>Page 67 [30]</p>	<p>Evidence contradicts Waller's statement.</p> <p>Victim 2 makes no mention of Cardinal Pell</p>

Waller Submission	Transcript	Comment
<p>present when Victim 2 described to another priest what had happened to him".</p> <p>Page 9</p>	<p>When you talked to the priest what words did you say to him? Not what you tried to say but what did you say? - - - I did say that Brother Best rooted me up the arse.</p> <p>Did you tell him anything else? - - - Well, no, because he sort of (indistinct) me, pushed me out the door, he backhanded me and I was still in shock. And he's pushed me out the door, he hit me and got me out the door. I couldn't believe it and I turned around and looked at him and he said to me, "if you tell anyone 'I'll fucking kill you", and I believed him. I was only nine years old.</p>	<p>(or any other priest) refusing to speak with him.</p>
<p>"During this conversation, yet another Priest, convicted child sex offender Father Ridsdale, entered and offered to "Deal with the situation" or words to that effect. The priest speaking with Victim 2 declined the offer. I am instructed that the priest then repeatedly struck and pushed victim 2 out of the presbytery. When Victim 2 was thus forcibly ejected and found himself back outside the front door shocked and bewildered, the priest said to him "And if you tell anyone I will fucking kill you".</p> <p>Page 9/10</p>	<p>Victim 2 cross-examination</p> <p>Page 135 [5]</p> <p>Was he the only priest that you saw at the Presbytery that day? - - - Um, that was the priest I talked to, yes.</p> <p>Was he the only priest that you saw at the Presbytery that day? - - - Um, no, another priest came in just after I had time to explain to him what happened to me.</p> <p>And what did the priest say? - - - Oh, he sort of almost stand up and said "Do you want me to fix it up or do you want me to deal with it"? or something like that. I couldn't quite -- if that's exactly what he said, but the priest I was talking to just said "Nuh,</p>	<p>Evidence contradicts Waller's statement.</p> <p>Waller's submissions suggest that three priests, including Cardinal Pell, were present in the room when Victim 2 described what happened to him.</p> <p>According to the transcript, there is no mention of Cardinal Pell or more than two priests being present when Victim 2 made his complaint.</p> <p>Victim 2 does not identify the second priest however Waller states that this was Father Ridsdale who was the school chaplain at the time.</p> <p>It is not entirely clear from Victim 2's</p>

Waller Submission	Transcript	Comment
<p>"For the sake of clarity, let's recap the chronology. Victim 2 was brutally raped in 1969. Victim 2 reported the rape to another Christian Brother on the day it occurred and was violently and repeatedly beaten until he retracted his complaint. He reported the rape to 3 priests in the diocese of Ballarat thereafter and was beaten and his life was threatened if he told anyone".</p> <p>Page 12</p>	<p>nuh, it's alright, nuh" in a lighter (indistinct) like that. Who was that priest? - - - I don't know who he was. He was a priest, but I can't remember the name or anything like that.</p>	<p>evidence if the second priest was present when the rape was described or if he came up to Victim 2 after he had been assaulted and threatened by the first priest.</p>
		<p>Transcript evidence is:</p> <ul style="list-style-type: none"> • Victim 2 was raped in 1969; • The rape was reported to a priest at the Presbytery next to the school some weeks/months later (but in the same year). • When the rape was reported, a second priest was present. • The first priest assaulted and threatened Victim 2. <p>No mention of Victim 2 being violently and repeatedly beaten until he retracted his complaint.</p> <p>Victim 2 did not ask for Cardinal Pell, did not give evidence that a priest refused to speak with him and could not identify the second priest - "I don't know who he was. He was a priest, but I can't remember the name or</p>

Waller Submission	Transcript	Comment
		anything like that."

Media	Transcript	Comment
<p>'Sins of Brothers demand inquiry' The Age, article written by Vivian Waller, 9/8/11</p> <p>...One victim reports that he confided in his class teacher that Best had raped him. The teacher, also a Christian Brother, forcibly and repeatedly struck the grade 3 child until he retracted the statement.</p>	<p>Victim 2 evidence in chief Page 66 [21]</p> <p>Did you tell someone else around that time what Brother Best had done? - - - I told my friend.</p> <p>Can I stop you there? Did you go and see a priest? - - - Yes.</p> <p>How long after this day did you go and see the priest? - - - I cannot give a correct time how long it was, but I know it was a while after...</p>	<p>There is no transcript evidence that Victim 2 reported the rape to his class teacher after it occurred or that he was beaten until he retracted his statement.</p> <p>The evidence is that a friend was told and then a priest 'a while after'.</p> <p>We note that Dr Waller, in this opinion piece over 12 months before her submission to the Inquiry, refers to the incident involving Victim 2 ('one victim') yet makes no mention of Cardinal Pell despite His Eminence featuring in her later submission.</p>
<p>'Probe may call Pell Child abuse inquiry told cover-ups hinder justice' Herald Sun, page 2, 11/10/12</p> <p>Australia's most powerful Catholic, Cardinal George Pell, was present when a boy raped by a Christian Brother in regional Victoria described to another priest what had happened, a parliamentary inquiry has been told.</p> <p>The Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious or Other Organisations heard Cardinal Pell was present when the grade 3 student at a Ballarat school in the 1960s described to another priest what had</p>	<p>Victim 2 cross-examination Page 135 [5]</p> <p>Was he the only priest that you saw at the Presbytery that day? - - - Um, that was the priest I talked to, yes.</p> <p>Was he the only priest that you saw at the Presbytery that day? - - - Um, no, another priest came in just after I had time to explain to him what happened to me.</p> <p>Page 135 [19]</p> <p>Who was that priest? - - - I don't know who he was. He was a priest, but I can't remember the name or</p>	<p>There is no transcript evidence of Cardinal Pell being present when the rape was described.</p>

Media	Transcript	Comment
<p>happened to him...</p> <p>...Solicitor Dr. Vivian Waller, who has represented hundreds of sexual assault victims alleging abuse by religious clergy, outlined the details involving Cardinal Pell in her submission to the inquiry.</p>	<p>anything like that.</p>	
<p><i>'Cardinal Pell may give evidence at Vic inquiry'</i></p> <p>ABC AM with Tony Eastley, 11/10/12</p> <p>VIV WALLER: And I'm instructed by one of my clients that in 1969 he went to the local presbytery at Ballarat East attached to a church called St Alpius and he asked to speak to George Pell. And George Pell was there and refused to see him but was present in the room when he was speaking to another priest and he reported that he had been raped by Robert Charles Best who was a Christian Brother working at that school.</p> <p>Now we are able to discuss that aspect of it freely because Robert Charles Best has subsequently been convicted of raping this client in a criminal trial and he was sentenced for that crime in September 2011.</p> <p>SAMANTHA DONOVAN: What does your client tell you about how the Catholic Church handled the allegations when he went forward just as a little</p>	<p>Victim 2 evidence in chief</p> <p>Page 67 [19]</p> <p>Can you say, when you got to the church, did you see a priest? - - - Yes</p> <p>Do you know that priest's name? - - - No</p> <p>Can you describe him? - - - He sort of had, you know, like dark hair, black hair, and he had like a strong deep voice.</p> <p>Victim 2 cross-examination</p> <p>Page 135 [1]</p> <p>This priest – you must have seen on a regular basis? - - - Yes, he was the priest at St Alpius Church.</p>	<p>The interview given by Dr Waller contradicts the transcript evidence given by Victim 2 both in chief and cross-examination.</p> <p>There is no mention by Victim 2 that he asked to speak to Cardinal Pell, or that Cardinal Pell refused to see him.</p> <p>The evidence is that Victim 2 went to the presbytery and spoke to a priest whose name he did not know, with dark hair and a strong deep voice.</p> <p>Victim 2 knew this priest as the regular priest at St Alpius.</p> <p>As noted above, there is no transcript evidence that Victim 2 reported the rape to his class teacher after it occurred or that he was beaten until he retracted his statement.</p> <p>We also note that Dr Waller has stated that she had not given a date when the victim told the priest his story, merely saying 'subsequently' and she stood by that</p>

Media	Transcript	Comment
<p>boy?</p> <p>VIV WALLER: He was a grade three student and his first attempt to report the rape was actually to his class teacher, another Christian Brother by the name of Brother Fitzgerald. And as he approached his classroom he was in tears and distressed.</p> <p>And Brother Fitzgerald took him aside and said, "What is wrong with you?" And in very simple playground terms that I can't repeat on radio my client described quite graphically to Brother Fitzgerald what had happened to him, essentially that he had been raped by the headmaster.</p> <p>And Brother Fitzgerald then beat him, struck him forcibly and then said to him, "Now what happened?" And again my client said that he had been raped by Brother Best. He was struck again and Brother Fitzgerald then said to him, "What happened?" And my client said, "Nothing, nothing happened".</p> <p>It was after that event that my client approached the local presbytery suffering the delusion that the local priest would be somebody who would assist him in his very distressed state.</p>		<p>submission.</p> <p>This statement appeared in a story in the Age 'Cardinal Pell denies hearing rape claim' (the Age, page 5, 12/10/12) – referred to below.</p> <p>However in this interview, she clearly states:</p> <p><i>In 1969 he went to the local presbytery at Ballarat East attached to a church called St Alipius and he asked to speak to George Pell.</i></p>
<p>'Police slam Catholic Church'</p> <p>The Age, page 1, 11/10/12</p>		<p>There is no transcript evidence of Cardinal Pell refusing to listen to the boy or being present when the rape was described.</p>

Media	Transcript	Comment
<p>...Another submission, by lawyer Vivian Waller, who has represented more than 70 abuse victims, says that now-Cardinal George Pell refused to listen to a boy who was raped in Ballarat in 1969 soon after the event. But Father Pell was in the room when the victim told another priest what happened. Both times the victim tried to tell his story he was badly beaten, though not by the now Archbishop of Sydney, the submission says.</p>	<p>Victim 2 cross-examination Page 135 [5] Was he the only priest that you saw at the Presbytery that day? - - - Um, that was the priest I talked to, yes. Was he the only priest that you saw at the Presbytery that day? - - - Um, no, another priest came in just after I had time to explain to him what happened to me. Who was that priest? - - - I don't know who he was. He was a priest, but I can't remember the name or anything like that. Victim 2 evidence in chief Page 66 [21] Did you tell someone else around that time what</p>	<p>There is no transcript evidence that Victim 2 reported the rape to his class teacher after it occurred or that he was beaten until he retracted his statement. There is no transcript evidence of Cardinal Pell refusing to speak to Victim 2 or being present when the rape was described. Dr Waller is said to have replied that she had not given a date when the victim told the priest his story and had merely said 'subsequently'. This is in contrast to what she stated in her interview with ABC AM radio on 11/10/12 (see above) and the evidence of her client that the complaint is said to have occurred <u>definitely</u> the same year as the assault.</p>
<p>'Cardinal Pell denies hearing rape claim' The Age, page 5, 12/10/12 ...Dr Waller said the boy came back to class at St Alipius distressed after the rape and was beaten by another Christian Brother until he retracted the claim. Later, it is claimed the victim asked to speak to Father Pell, who refused to see him but was allegedly present when he told a second priest. A third priest took him and beat him again, the submission says. ...But Dr Waller replied last night that she had not given a date when the victim told the priest his story, merely saying 'subsequently' and she stood by the submission.</p>		

Media	Transcript	Comment
	<p>Brother Best had done? - - - I told my friend.</p> <p>Can I stop you there? Did you go and see a priest? - - - Yes.</p> <p>How long after this day did you go and see the priest? - - - I cannot give a correct time how long it was, but I know it was a while after...</p> <p>Page 67 [7]</p> <p>You said that you couldn't say how long afterwards. Was it the same month or the same year, or you can't say? - - - Definitely the same year...</p>	
<p>'Pell denies being present when rape claims made'</p> <p>West Coast Sentinel, 12/10/12</p> <p>...She said the boy went back to class distressed and was beaten by his teacher until he withdrew the claim.</p> <p>Later, believing a priest could help him, the boy had asked to speak to the then Father Pell, who had refused to see him, but Father Pell had been present when the victim told another priest what happened, it is claimed.</p> <p>According to the submission, a third priest, notorious paedophile Gerald Ridsdale, then entered and offered to "deal with the situation", which he did</p>	<p>Victim 2 evidence in chief</p> <p>Page 66 [21]</p> <p>Did you tell someone else around that time what Brother Best had done? - - - I told my friend.</p> <p>Can I stop you there? Did you go and see a priest? - - - Yes.</p> <p>How long after this day did you go and see the priest? - - - I cannot give a correct time how long it was, but I know it was a while after...</p> <p>Victim 2 evidence in chief</p> <p>Page 67 [19]</p> <p>Can you say, when you got to the church, did you see a priest? - - - Yes</p>	<p>There is no transcript evidence that Victim 2 was beaten by his teacher until he retracted his statement.</p> <p>There is no transcript evidence that Victim 2 attended the Presbytery and asked to speak to Cardinal Pell.</p> <p>The transcript evidence is that he went to the Presbytery some weeks/months later and saw the regular priest at St Alipius Church. This priest is described by Victim 2 as having dark hair.</p> <p>Best identified Father John Martin, a priest at the St Alipius church in 1969, as having dark hair in a photograph at page 225 [22].</p>

Media	Transcript	Comment
<p>by again beating the victim</p>	<p>Do you know that priest's name? - - - No</p> <p>Can you describe him? - - - He sort of had, you know, like dark hair, black hair, and he had like a strong deep voice.</p> <p>Victim 2 cross-examination</p> <p>Page 134 [14]</p> <p>You tell the jury that some months later – some months later – you go to the Presbytery, adjacent to the St Alipius Church, is that right? - - - Went and saw a priest, yes.</p> <p>How long later? - - - It could have been like a couple of weeks to maybe a couple of months, yes. I really can't have a proper time of that.</p> <p>Page 135 [1]</p> <p>This priest – you must have seen on a regular basis? - - - Yes, he was the priest at St Alipius Church.</p> <p>Best evidence in chief</p> <p>Page 225 [22]</p> <p>Father Martin had quite dark thick hair didn't he? - - - Yes</p> <p>Victim 2 cross-examination</p> <p>Page 135 [5]</p>	<p>The article also claims that the third priest (Gerald Ridsdale according to the Waller Legal submission) beat the victim which is inconsistent with the transcript evidence.</p>

Media	Transcript	Comment
<p>'Confess truth or run risk of jail Priests face threat'</p> <p>Herald Sun, page 13, 15/11/12</p> <p>...In her submission Dr Waller has said that a victim of Best told her that Cardinal Pell, then a priest, was present when the victim told another priest that Best had raped him.</p>	<p>Was he the only priest that you saw at the Presbytery that day? - - - Um, that was the priest I talked to, yes.</p> <p>Was he the only priest that you saw at the Presbytery that day? - - - Um, no, another priest came in just after I had time to explain to him what happened to me.</p> <p>And what did the priest say? - - - Oh, he sort of almost stand up and said "Do you want me to fix it up or do you want me to deal with it?" or something like that. I couldn't quite - if that's exactly what he said, but the priest I was talking to just said "Nuh, nuh, it's alright, nuh" in a lighter (indistinct) like that.</p>	<p>There is no transcript evidence of Cardinal Pell being present when the rape was described.</p>
<p>'Pell seeks access to court file on paedophile'</p> <p>The Age, page 2, 15/11/12</p> <p>...Last month, Dr Waller replied to the cardinal, saying she had not given a date when the victim</p>	<p>Victim 2 evidence in chief</p> <p>Page 67 [7]</p> <p>You said that you couldn't say how long afterwards. Was it the same month or the same year, or you</p>	<p>Victim 2's evidence is that the complaint occurred <u>definitely</u> in the same year as the assault.</p>

Media	Transcript	Comment
<p>told the priest his story – so the cardinal could not know where he had been at the time.</p>	<p>can't say? - - - Definitely the same year...</p>	
<p><i>'Lawyers accuse Pell of meddling in abuse inquiry</i> ABC News AM, 24/11/12</p> <p>...Cardinal George Pell has applied to the court for material about the case of a boy raped by Christian Brother Robert Best.</p> <p>The victim says Cardinal Pell was in the room when he told another priest he had been raped by Best....</p> <p>...The claim of the victim, known in court proceedings as "Victim 2", has been submitted to the Victorian Parliamentary Inquiry by his lawyer Vivian Waller.</p>		<p>No evidence of Victim 2 saying that Cardinal Pell was in the room when he told another priest he had been raped by Best.</p>
<p><i>'Pell granted access to victim's evidence'</i> Sydney Morning Herald, 30/11/12</p> <p>...The inquiry has been told Cardinal Pell was present when a grade three student at a Ballarat school in the 1960s described his alleged rape to another priest.</p>		<p>There is no transcript evidence of Cardinal Pell being present when the rape was described.</p>
<p><i>'Pell gets access to parts of paedophile trial transcript'</i> The Courier, 1/12/12</p>		<p>There is no transcript evidence of Cardinal Pell being present when the rape was described.</p>

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<p>... The victim, known as V2, claims Cardinal Pell was present when the boy told another priest he had been raped by Best...</p> <p>The allegation was made in October by lawyer Vivian Waller, who acts for more than 70 victims of abuse by Christian Brothers. It was included in Dr Waller's submission to the Victorian parliamentary inquiry.</p>		