Royal Commission
into Institutional Responses
to Child Sexual Abuse

REPORT OF CASE STUDY NO. 35

Catholic Archdiocese of Melbourne

NOVEMBER 2017

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Catholic Archdiocese of Melbourne

November 2017

CHAIR

The Hon. Justice Peter McClellan AM

COMMISSIONERS

Justice Jennifer Coate
Commissioner Andrew Murray

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Preface

The Royal Commission

The Letters Patent provided to the Royal Commission require that it 'inquire into institutional responses to allegations and incidents of child sexual abuse and related matters'.

In carrying out this task, we are directed to focus on systemic issues but be informed by an understanding of individual cases. The Royal Commission must make findings and recommendations to better protect children against sexual abuse and alleviate the impact of abuse on children when it occurs.

For a copy of the Letters Patent, see Appendix A.

Public hearings

A Royal Commission commonly does its work through public hearings. A public hearing follows intensive investigation, research and preparation by Royal Commission staff and Counsel Assisting the Royal Commission. Although it may only occupy a limited number of days of hearing time, the preparatory work required by Royal Commission staff and by parties with an interest in the public hearing can be very significant.

The Royal Commission is aware that sexual abuse of children has occurred in many institutions, all of which could be investigated in a public hearing. However, if the Royal Commission were to attempt that task, a great many resources would need to be applied over an indeterminate, but lengthy, period of time. For this reason the Commissioners have accepted criteria by which Senior Counsel Assisting will identify appropriate matters for a public hearing and bring them forward as individual 'case studies'.

The decision to conduct a case study will be informed by whether or not the hearing will advance an understanding of systemic issues and provide an opportunity to learn from previous mistakes, so that any findings and recommendations for future change which the Royal Commission makes will have a secure foundation. In some cases the relevance of the lessons to be learned will be confined to the institution the subject of the hearing. In other cases they will have relevance to many similar institutions in different parts of Australia.

Public hearings will also be held to assist in understanding the extent of abuse which may have occurred in particular institutions or types of institutions. This will enable the Royal Commission to understand the way in which various institutions were managed and how they responded to allegations of child sexual abuse. Where our investigations identify a significant concentration of abuse in one institution, it is likely that the matter will be brought forward to a public hearing.

Public hearings will also be held to tell the story of some individuals which will assist in a public understanding of the nature of sexual abuse, the circumstances in which it may occur and, most importantly, the devastating impact which it can have on some people's lives.

A detailed explanation of the rules and conduct of public hearings is available in the Practice Notes published on the Royal Commission's website at:

www.childabuseroyalcommission.gov.au

Public hearings are streamed live over the internet.

In reaching findings, the Royal Commission will apply the civil standard of proof which requires its 'reasonable satisfaction' as to the particular fact in question in accordance with the principles discussed by Dixon J in *Briginshaw v Briginshaw* (1938) 60 CLR 336 (*Briginshaw*):

> it is enough that the affirmative of an allegation is made out to the reasonable satisfaction of the tribunal. But reasonable satisfaction is not a state of mind that is attained or established independently of the nature and consequence of the fact or facts to be proved. The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding are considerations which must affect the answer to the question whether the issue has been proved to the reasonable satisfaction of the tribunal ... the nature of the issue necessarily affects the process by which reasonable satisfaction is attained.

In other words, the more serious the allegation, the higher the degree of probability that is required before the Royal Commission can be reasonably satisfied as to the truth of that allegation.

Private sessions

When the Royal Commission was appointed, it was apparent to the Australian Government that many people (possibly thousands) would wish to tell us about their personal history of child sexual abuse in an institutional setting. As a result, the Commonwealth Parliament amended the Royal Commissions Act 1902 to create a process called a 'private session'.

A private session is conducted by one or two Commissioners and is an opportunity for a person to tell their story of abuse in a protected and supportive environment. As at 22 September 2017, the Royal Commission has held 7,642 private sessions and more than 472 people were waiting to attend one. Many accounts from these sessions will be recounted in later Royal Commission reports in a de-identified form.

Research program

The Royal Commission also has an extensive research program. Apart from the information we gain in public hearings and private sessions, the program will draw on research by consultants and the original work of our own staff. Significant issues will be considered in issues papers and discussed at roundtables.

This case study

The scope and purpose of the public hearing of *Case Study 35: Catholic Archdiocese of Melbourne (Catholic Archdiocese of Melbourne)* was to inquire into:

1. The response of relevant authorities within or associated with the Catholic Archdiocese of Melbourne (the Archdiocese) to allegations of child sexual abuse against Catholic clergy associated with the Holy Family Parish, Doveton, and the Holy Family Primary School, Doveton.
2. The response of the Archdiocese to allegations of child sexual abuse against other Catholic clergy, including Wilfred Baker, David Daniel, Father Nazareno Fasciale, Father Desmond Gannon, Father Paul Pavlou and Father Ronald Pickering.
3. Any related matters.

Some survivors gave evidence in the case study and did not wish to have their identity revealed. They were given a pseudonym.

Case Study 16: The Melbourne Response

The Melbourne Response is the process the Archdiocese uses to respond to those who have been sexually abused by priests, religious and lay persons under the control of the Archdiocese. It was announced on 30 October 1996 and has operated since that time.[1]

One of the key features of the Melbourne Response is the appointment of Independent Commissioners to inquire into allegations of sexual abuse, determine their credibility and make recommendations about action to be taken against those accused of abuse.[2] Mr Peter O'Callaghan QC was appointed as the first Independent Commissioner for the Melbourne Response in October 1996 and remains in this position.

Case Study 16: The Melbourne Response (Melbourne Response) considered the principles, practices and procedures of the Melbourne Response. It also considered the experiences of survivors who had engaged in the Melbourne Response process or had otherwise sought redress from the Archdiocese. We published our report of the *Melbourne Response* case study in July 2015.

Because the Melbourne Response had already been considered in a public hearing and reported upon, we did not consider issues in relation to its operation in this case study. In this case study, we consider the practices and procedures for responding to allegations of child sexual abuse that existed prior to October 1996, when the Melbourne Response was announced.

Some survivor witnesses who gave evidence in this case study had engaged in the Melbourne Response process and told us of their experiences with that process. Where that was the case, counsel for Mr O'Callaghan QC was given an opportunity to ask questions of those survivors to clarify certain matters with them and to tender relevant documents. He took that opportunity on a number of occasions.

We have not made any findings in relation to the Melbourne Response process in this report.

The experiences of those who had engaged in the Melbourne Response process in relation to claims of child sexual abuse perpetrated by Father Kevin O'Donnell were considered in the *Melbourne Response* case study. Evidence in relation to the Archdiocese's prior knowledge of complaints of child sexual abuse perpetrated by Father O'Donnell was tendered in the *Melbourne Response* case study. For that reason, the only matter in relation to Father O'Donnell that we consider in this report is evidence of a complaint that was not considered in the *Melbourne Response* case study.

Case Study 28: Catholic Church authorities in Ballarat

Case Study 28: Catholic Church authorities in Ballarat (Catholic Church authorities in Ballarat) considered the response of Catholic Church authorities to allegations of child sexual abuse in the Catholic Diocese of Ballarat. It was heard in three parts.

Cardinal George Pell was formerly a priest incardinated in the Catholic Diocese of Ballarat. He transferred to the Archdiocese in 1987. Because he had held positions in both the Diocese of Ballarat and the Archdiocese, his evidence was relevant to both the *Catholic Church authorities in Ballarat* case study and this case study.

The second part of the *Catholic Church authorities in Ballarat* case study was heard in Melbourne between 7 and 16 December 2015, immediately following the public hearing of evidence in this case study.

Cardinal Pell was scheduled to give evidence in person, in Melbourne, commencing on 16 December 2015. He was scheduled to give evidence in relation to this case study and *Catholic Church authorities in Ballarat* so that he would not need to travel and give evidence on multiple occasions.

Case Study 35: Catholic Archdiocese of Melbourne

Public hearing

The public hearing for the *Catholic Archdiocese of Melbourne* case study was held in Melbourne from 24 November until 4 December 2015 and in Sydney on 5, 8 and 29 February 2016; 1, 2 and 3 March 2016; and 13 and 27 April 2016.

This hearing was identified as appropriate for a case study for a number of reasons. The Royal Commission has been contacted by a large number of people who have reported child sexual abuse perpetrated by priests incardinated within the Archdiocese. Also, a number of priests incardinated within the Archdiocese have been convicted of child sexual abuse offences.

Although Father Paul Pavlou was initially included within the scope of the case study, we did not ultimately consider evidence in relation to him.

The approach adopted in this case study was generally to consider the evidence regarding the whole period of each priest's ministry within the Archdiocese. Where relevant, we also considered any continued association the priests had with the Archdiocese after the priest ceased to minister. We did not follow that approach in relation to Father O'Donnell. Because Father O'Donnell had been considered in the *Melbourne Response* case study, we only considered evidence of one complaint against him that had not been considered in *Melbourne Response*.

As the case study followed the story of particular priests who were the subject of complaints, the evidence was not limited to a period of time that precisely reflected the tenure of one Archbishop. The evidence concerned events that took place between 1954 and 2012. However, the majority of the evidence concerned the response of clerics and other persons employed by the Archdiocese, the Catholic Education Office or other archdiocesan bodies (Church personnel) to complaints of child sexual abuse made during the time that Archbishop Thomas Francis ('Frank') Little was Archbishop (1974 to 1996).

Evidence in the case study

Counsel Assisting tendered a number of documents throughout the hearing in this case study. Those documents were produced pursuant to the Royal Commission's powers to compel the production of documents under Commonwealth and state legislation.

Twenty-one witnesses gave evidence during the public hearings. Twelve other persons provided statements, which were tendered. The parties were given an opportunity to request that these persons be called, but they did not make that request.

The Royal Commission also conducted a comprehensive data survey in relation to claims and substantiated complaints of child sexual abuse received by the Archdiocese against personnel (clergy, religious and lay people) operating within the Archdiocese at the time of the alleged abuse.

The data in relation to the Archdiocese was presented in the form of a data analysis report prepared by the Royal Commission from the data produced by the Catholic Church authorities. The report was tendered in the public hearing and aspects of the report are set out in Appendix C.

Cardinal Pell's evidence

Being outside the Royal Commission's territorial jurisdiction, Cardinal Pell could not be compelled to attend and give evidence to the Royal Commission.

In 2015, Cardinal Pell volunteered to appear in person before us to give evidence in this case study (as well as the *Catholic Church authorities in Ballarat* case study). We accepted this offer, and Cardinal Pell was scheduled to appear in person in Melbourne from 16 December 2015.

On 11 December 2015, Cardinal Pell's counsel submitted that the Cardinal was too unwell to travel to Australia and that he should be permitted to give evidence via video link from Rome.[3]

We decided not to rule on that application. Instead, we deferred Cardinal Pell's evidence to a later date. A directions hearing was convened on 5 February 2016, at which time Cardinal Pell's counsel renewed his application to have his evidence taken by video link from Rome. Medical evidence in support of the application was tendered as a confidential exhibit, although we indicated it would be necessary to explain in a general sense the nature of the evidence. We later confirmed that the evidence was that Cardinal Pell suffers from hypertension, ischemic heart disease complicated by a previous myocardial infarction, and cardiac dysfunction related to the arterial hypertension and previous ischemia.[4] The doctor concluded that a prolonged flight could induce an episode of heart failure, which would be difficult to treat on board, and that travel to Australia could entail significant risks to the Cardinal's health.[5]

We considered it was preferable that Cardinal Pell appear and give evidence in Australia. However, in light of the medical evidence, on 8 February 2016 we determined that the Cardinal's evidence would be received via video link from Rome.[6]

Cardinal Pell gave evidence by video link, from the Hotel Quirinale in central Rome, from 29 February 2016 to 3 March 2016. Given the time difference, it was necessary to sit outside ordinary sitting times to enable this to occur, and the Royal Commission sat at times agreeable to the Cardinal.

Further evidence of CEO staff

Following the conclusion of Cardinal Pell's evidence, we requested statements from current and former employees of the Catholic Education Office addressing matters arising out of the Cardinal's evidence.

After a directions hearing held on 13 April 2016, we reconvened to hear the evidence of those witnesses on 27 April 2016.

The public hearing was then concluded.

Submissions in the case study

The parties were invited to provide written submissions and responses to other parties' submissions following the conclusion of the public hearing. The written submissions received were extensive and detailed. We have carefully reviewed and considered all submissions made in this case study, and we have taken them into account in preparing this report and making our findings. We have not set out all of those submissions, but each has received close attention.

Matters of proof

As set out earlier, in reaching findings, the Royal Commission applies the civil standard of proof which requires its 'reasonable satisfaction' as to the particular fact in question in accordance with the principles discussed by Dixon J in *Briginshaw v Briginshaw* (1938) 60 CLR 336.

Counsel for Cardinal Pell submitted that the Royal Commission cannot ignore:

> the corrosive effect of time on the ability to be comfortably satisfied of such matters to reach a "correct and just conclusion", particularly in light of the consequences of its findings. A correct application of the *Briginshaw* principles does not mean doing the best one can on the limited or stale evidence available, and determining whether matters may be plausible or by filling gaps in the evidence. The effluxion of time and the historical nature of the events in question is a critical integer in the fact-finding process and a level of proof consistent with *Briginshaw*. Ultimately this may mean that the Royal Commission is only able to address issues at the institutional level, and is unable to determine the factual minutiae of meetings, conversations and individual understandings of the matters before it.

In coming to the findings set it in this report, we have applied the standard set out earlier. The evidence, oral and documentary has been considered. Where we have been reasonably satisfied as to a fact or circumstance, we have made the appropriate finding.

We have made no findings critical of any person solely based on that person not recalling historical events.

Executive Summary

Structure and governance of the Archdiocese

The Archdiocese and the Archbishop

The Archdiocese of Melbourne (the Archdiocese) consists of 216 parishes. It is divided into four geographical regions.

The Archbishop of the Archdiocese (the Archbishop) decides the appointments of priests within the Archdiocese. The Archbishop has the authority to discipline a priest, including by withdrawing a priest's authorisation to perform his priestly functions (clerical faculties) or by placing a priest on administrative leave, which effectively suspends the priest from his position. Only the Pope may grant a priest's application to be reduced to the lay state (laicisation).

The Archbishop is assisted by the Vicar General, who is responsible for the general administration and management of the Archdiocese. The Archbishop is also assisted by Auxiliary Bishops for each of the four regions of the Archdiocese. There are a number of bodies made up of priests within the Archdiocese who advise the Archbishop about certain issues: the Curia (a body of senior clergy who advise and assist the Archbishop), the College of Consultors (the Consultors) and the Personnel Advisory Board (PAB).

Laws and protocols for responding to complaints

There is a procedure under the 1983 Code of Canon Law for a bishop to remove a priest from ministry if the priest's ministry becomes 'harmful or at least ineffective for any cause'.

Between 1989 and 1992, protocols were developed by the Australian Catholic Bishops Conference (ACBC) for responding to complaints of child sexual abuse against clergy or religious. These protocols applied nationally to Catholic Church authorities. The Archdiocese also developed its own committees and protocols in the late 1980s and early 1990s.

On 30 October 1996, the Archdiocese announced the establishment of a new process to respond to complaints of abuse committed by a priest or by any religious or lay person working within the Archdiocese. This process came to be known as the Melbourne Response.

Complaints handling prior to October 1996

Complaints of child sexual abuse were often reported to the Vicar General, who acted on behalf of the Archbishop and under his instruction. The Archbishop usually determined the action to be taken about complaints. The Auxiliary Bishops were not ordinarily involved in responding to complaints of child sexual abuse, but they did receive complaints on occasions.

Complaints about the behaviour of priests were raised with the Curia from time to time. When complaints were raised, the role of each person present was to advise the Archbishop how best to proceed. That included each person contributing his relevant knowledge about a complaint, although it seems that this did not always occur.

Before 1984 the Consultors provided advice to the Archbishop about the appointments of priests. That advisory function was transferred to the PAB when it was established in 1984.

Archbishop Thomas Francis ('Frank') Little did not always share all the information he had regarding complaints against priests with the Consultors or PAB. Nevertheless:

- he generally sought and encouraged the views of members to assist him in making an appointment
- on occasions there were robust discussions concerning the proposed priest appointees
- where multiple candidates were considered, their attributes and deficiencies would be discussed.

Another body that received complaints about the conduct of priests from time to time was the Melbourne Catholic Education Office (CEO). The CEO is a body responsible for the support and management of diocesan schools within the Archdiocese, but it does not control or operate the schools. Although the CEO had (and has) no authority to take action against priests, staff at Catholic schools mostly turned to the CEO in the first instance to report concerns about priests and depended on the CEO for advice and support.

Father Peter Searson

Father Peter Searson was born in 1923 and was ordained as a priest in 1962.

Father Searson was the subject of many complaints over the years, mostly in relation to his conduct in the parishes of Doveton and Sunbury. In addition to some complaints of child sexual abuse, other complaints were made about his unpleasant, strange, aggressive and violent conduct.

He was placed on administrative leave by Archbishop George Pell in March 1997. That year, he pleaded guilty to physically assaulting a child, but he was never charged with child sexual abuse.

He died in June 2009. He was not laicised.

Villa Maria

In 1974, Father Searson was the chaplain to the Villa Maria Society for the Blind. Sometime in late 1974 Archbishop Little received a complaint from a young adult woman that she had been raped by Father Searson. He did not follow up with the woman or confront Father Searson. He took no effective action in response to her complaint.

Sunbury 1977–1984

In around May 1982, a parishioner wrote to Archbishop Little and said he had instructed his children to refuse to be called to Father Searson's office unless accompanied by another adult or child. The parishioner's concern was clearly directed to the safety or wellbeing of children in Father Searson's company. It should have prompted Archbishop Little to inquire into the basis for that concern, determine if it was well founded and take appropriate action. He failed to do so. His conduct was absolutely unsatisfactory in that regard.

Mr Philip O'Donnell, a former priest who was in Sunbury parish with Father Searson reported a number of issues or concerns regarding Father Searson's conduct to several senior priests within the Archdiocese in 1981 and 1982. Those concerns were not sexual in nature. However, Mr O'Donnell probably told Archbishop Little of an allegation that Father Searson was conducting sex education with individual students in his bedroom. Nothing happened in 1982 as a result of Mr O'Donnell's communications with Archbishop Little or the other priests.

Aspects of Father Searson's alleged misconduct were discussed at meetings of the Archbishop's advisers in June 1982 and February 1983. While we are not able to determine the substance of those discussions, we are satisfied that those present obtained some knowledge of complaints against Father Searson. At both of those meetings, it was agreed that the situation regarding Father Searson should be monitored. Given the number and nature of the complaints which had been made, keeping the situation under review was clearly an inadequate response.

Father Searson's appointment to Doveton was recorded in the minutes of a meeting of the PAB held in late December 1983. The minutes do not record the content, if any, of the discussion surrounding Father Searson's appointment, and they do not record any person's objection to it. Three priests who were at that meeting had personally received complaints regarding Father Searson's conduct. In particular, Archbishop Little knew of a complaint that Father Searson had raped a young woman in 1974. He also probably knew of a concern in 1982 that Father Searson was conducting sex education with individual students in his bedroom. He knew of a concern reported by a parishioner that Father Searson should not be alone with children. He knew of other general concerns regarding Father Searson's character and conduct reported by the assistant priest, Mr O'Donnell.

Monsignor Connors told us that the information available at that time was sufficient to place Father Searson in a non-parish appointment, and his appointment to Doveton was wrong. The Church parties accepted this position. It had tragic consequences.

Doveton 1984–1986

Father Searson commenced his appointment as parish priest of Doveton in January 1984. Holy Family Primary School (Holy Family School) was the school attached to the parish. As the parish priest, Father Searson was the employer of the school staff.

Complaint by parishioners

On 15 August 1984, parishioners wrote to Archbishop Little and said that Father Searson had pointed a hand gun at a couple of people. They requested an appointment with the Archbishop. Archbishop Little replied and suggested that the parishioners raise their concerns with Father Searson directly.

This was an alarming allegation. The Archbishop's suggestion that the parishioners confront Father Searson themselves was harsh, unrealistic and entirely inadequate. Archbishop Little avoided dealing with the allegation, in disregard for the safety of children.

Monsignor Thomas Doyle, the director of the CEO, was also informed of an allegation that Father Searson possessed a gun. He told the Archbishop. There are no records of any investigation of this allegation by the CEO. Contrary to what Monsignor Doyle told us, there is no evidence to support a conclusion that the gun was not real. Police records reveal that Father Searson was in possession of a real gun at that time.

Despite the risk of potential harm to children and other parishioners, the CEO and Archbishop Little did not deal with these serious allegations effectively or at all. Although Father Searson's possession of a gun may well have been a crime, there is no evidence that the CEO or the Archbishop considered reporting the matter to police.

Ms Julie Stewart

In the second term of 1985, Ms Julie Stewart, a grade 4 student, ran out of the confessional where she had been with Father Searson. She was sobbing and hyperventilating. Her teacher took Ms Stewart to the principal, Mr Graeme Sleeman. Mr Sleeman observed Ms Stewart in obvious distress and suspected that a sexual interference had occurred. He immediately reported the incident to the school's CEO consultant, Mr Allan Dooley.

Mr Dooley did not prepare a record of this incident immediately. Some months later, on 20 November 1985, Mr Dooley wrote a confidential memorandum to Monsignor Doyle about a parent's concern 'about what they saw as a sexual advance to their daughter by Father Searson during Reconciliation'. Father Searson denied the allegation. No other detail of the incident was contained in the memorandum. In his evidence to us, Mr Dooley said that he believed at the time that it was possible that Father Searson had made a sexual advance to the child and he doubted Father Searson's denial. He should have recorded that in the memorandum. He also should have recorded that Mr Sleeman observed the immediate aftermath of the incident, observed that a child was in obvious distress and suspected that a sexual interference had occurred. Mr Dooley created an incomplete record of his knowledge and view of the incident, which resulted in it appearing less serious.

The Vicar General, Monsignor Peter Connors, was told about the matter and said that the parties needed to lodge a formal complaint.

It was wrong for Mr Dooley and Monsignor Connors to form the view that no action could be taken in the absence of a 'formal complaint'. It was unreasonable and inadequate to accept Father Searson's denial and to treat it as effectively precluding further action.

The matter was not reported to police.

Other complaints in 1985

On 2 May 1985, Monsignor Doyle received two other allegations of Father Searson making sexualised comments or engaging in sexualised conduct towards children at the school. He told the Archbishop. The Archbishop took no action against Father Searson in response.

In September 1985 Monsignor Connors received a complaint that Father Searson had recorded a child's confession and had asked children to kneel between his legs during confession. When Monsignor Connors confronted Father Searson, he admitted the essence of both complaints. There was therefore no rational basis for Monsignor Connors to say, as he did, that the allegations would be difficult to prove. It was unreasonable and wrong for Monsignor Connors to accept Father Searson's explanations. The conduct complained of was plainly improper. Monsignor Connors relied on an assurance from Father Searson that he would 'insist on the use of a kneeler' in future, which did not deal with the central issue of why and in what circumstances children had been kneeling between his knees in the past. Also, this was not sufficient to protect other children from the risk of Father Searson's sexually inappropriate conduct in the future. Monsignor Connors told us that he, as the Vicar General, failed to investigate this matter adequately and did not act with proper diligence. In our view, that concession was properly made.

In November 1985, a teacher reported that Father Searson had said about confession, 'when it starts to hot up, I'll put on the tape'. The teacher was also concerned that two girls in her class said Father Searson was always trying to cuddle them. The matter was reported to Monsignor Doyle, who probably told the Archbishop.

Mr Sleeman's resignation

In July 1986, Mr Sleeman wrote to Archbishop Little requesting a meeting with him about Father Searson. The Archbishop suggested that Mr Sleeman meet with the CEO instead.

Mr Sleeman subsequently met with the acting director of the CEO, Mr Peter Annett, in September 1986. Mr Sleeman indicated that he felt he had to resign. Mr Sleeman told us he thought his threat to resign might have had some leverage, but he was sadly mistaken.

Mr Sleeman resigned in October 1986. We are satisfied that Mr Sleeman resigned in frustration because of the Archdiocese's inaction in relation to Father Searson. The effect of that inaction was that the Archdiocese supported Father Searson and did not support Mr Sleeman.

Proof or substantiation of complaints

One recurring factor in the response of Church personnel to allegations against Father Searson throughout this period was the position that they took that allegations were not proved or were unsubstantiated. Several staff at the CEO adopted that position on occasions and so did the Vicar General, Monsignor Connors.

We are satisfied that there was no rational basis for the relevant Church personnel to take that approach. By doing so, they were able to justify their inaction.

We consider it extraordinary that the view that the complaints were not proven or unsubstantiated prevailed in light of the evidence that persons within the CEO believed the complaints were credible and held significant concerns in relation to Father Searson's character and conduct.

Complaints from parishioners in October 1986

On 14 October 1986, Mr Stephan Vaughan, a parishioner, wrote to Archbishop Little detailing a number of 'problems' with Father Searson, including that that some parents were concerned for the safety of their children, Father Searson had twice produced a hand gun and on one occasion pointed it at children, and that women were afraid to be alone with him or for their children to be alone with him.

Mr Vaughan also provided the Archbishop with a number of letters from parishioners, including a letter from a 10-year-old girl. The girl wrote that her friend had left Doveton and had been 'sexually assaulted' by Father Searson. This was almost certainly a reference to Ms Stewart, who had moved to a different school.

The material Mr Vaughan provided to the Archbishop was significant. It contained some of the most serious allegations regarding Father Searson up until that time (most of which had previously been communicated to the Archdiocese).

Archbishop Little dismissed these serious and credible complaints. He suggested, unreasonably, that Father Searson was innocent and the allegations were baseless or unjustified. He conveyed that Father Searson had his support and confidence, while the parishioners did not. It was an unjustifiable and irresponsible position for Archbishop Little to take.

Mr Dooley's letter of 20 October 1986

On 20 October 1986, Mr Dooley of the CEO wrote a letter to Monsignor Doyle and attached a chronology of recent events at Doveton.

In his evidence to us, Mr Dooley said he formed the view that Father Searson was devious and dangerous, that children should not be alone with Father Searson and that the only way to deal with the situation was to remove Father Searson. Mr Dooley did not record in this letter (or any other document) his understanding of the seriousness of the situation and the threat that Father Searson posed to the children of the school. Even though he was in a relatively junior position, we are satisfied that it was Mr Dooley's responsibility to report on matters accurately and fully, and he failed in that regard. In failing to report on matters accurately and fully, Mr Dooley had insufficient regard for the probability that children remained at further risk from Father Searson.

Archbishop Little's failure to remove Father Searson

Sometime afterwards, Archbishop Little had a discussion with Father Searson. Father Searson did not offer to resign; Archbishop Little did not make him.

The matters known to Archbishop Little by the end of 1986 were undoubtedly sufficient to demonstrate that Father Searson ought to be removed from a parish appointment and posed a grave risk to the safety of children. By not removing Father Searson, Archbishop Little abjectly failed to protect the safety and wellbeing of the children within the parish.

Doveton 1987–1989

Further information regarding Ms Stewart

In 1987, Ms Stewart told the principal of her new school, St Mary's Catholic Primary School in Dandenong, that Father Searson had made her sit on his knee, kiss him and tell him that she loved him. She did not provide any other details of what had occurred in the confessional. The principal reported the matter to Mr Dooley at the CEO and arranged for Ms Stewart to receive counselling.

There was no investigation of this new information.

The matter was not referred to police at the time.

Other complaints or concerns

Mrs Dorothea Stack, a teacher at Holy Family School, reported a further allegation that Father Searson had a gun to Mr Dooley in around 1988. Mr Dooley made no record of the complaint despite the fact that the allegation was serious, there were previous complaints that Father Searson had a gun and Father Searson had a history of aggressive and threatening behaviour towards parishioners and children.

In March 1988, Archbishop Little and Monsignor Hilton Deakin (then the Vicar General) were informed of a complaint that Father Searson struck a boy in the face and another complaint of animal cruelty. It was further information that showed that the safety and wellbeing of children was endangered by Father Searson and that he should be removed. The Archbishop did nothing.

In around 1987 Mrs Stack told Mr Dooley that Father Searson had shown children a dead body in a coffin. The Vicar General (Monsignor Deakin) was informed. Father Searson admitted that the allegation was true. Monsignor Deakin told the Archbishop of the admission. The Archbishop did nothing.

Delegation to Bishop Pell

In November 1989, Bishop George Pell, then an Auxiliary Bishop of the Archdiocese, received a delegation of teachers from Holy Family School. Prior to receiving the delegation, he was provided with a list of incidents and grievances about Father Searson that the staff had prepared. He also met with Mr Norm Lalor, the CEO chairperson for primary staff, prior to the delegation.

Cardinal Pell's evidence was that, despite his request for a briefing, Mr Lalor did not take him through, in 'any comprehensive way at all', the CEO's dealings with Father Searson and the complaints against him. Cardinal Pell told us that he and Mr Lalor discussed the list of grievances and Mr Sleeman's resignation. Cardinal Pell said he might have been told 'in a non-specific way' that part of the story behind Mr Sleeman's resignation was that he had raised complaints of sexual misconduct by Father Searson. Cardinal Pell said that the implication was that the allegations could not be sustained.

The effect of Cardinal Pell's evidence, which he expressly acknowledged, was that the CEO (through Mr Lalor) deceived him because they did not tell him what they knew about Father Searson's misbehaviour.

We are satisfied that Cardinal Pell's evidence as to the reasons that the CEO deceived him was implausible. We do not accept that Bishop Pell was deceived, intentionally or otherwise.

We are satisfied that, on the basis of the matters known to Bishop Pell on his own evidence (being the matters on the list of incidents and grievances and the 'non-specific' allegation of sexual misconduct), he ought reasonably to have concluded that action needed to be taken in relation to Father Searson.

It was incumbent on Bishop Pell, as an Auxiliary Bishop with responsibilities for the welfare of the children in the Catholic community of his region, to take such action as he could to advocate that Father Searson be removed or suspended or, at least, that a thorough investigation be undertaken of the allegations. It was the same responsibility that attached to other Auxiliary Bishops and the Vicar General when they received complaints.

As Auxiliary Bishop to the Archbishop, Bishop Pell had the capacity and opportunity to urge the Archbishop to take action against Father Searson in order to protect the children of the parish and the Catholic community of his region. Cardinal Pell's evidence was that he could not recall recommending a particular course of action to the Archbishop. He conceded that, in retrospect, he might have been 'a bit more pushy' with all of the parties involved. We do not accept any qualification that this conclusion is only appreciable in retrospect. On the basis of what was known to Bishop Pell in 1989, it ought to have been obvious to him at the time. He should have advised the Archbishop to remove Father Searson and he did not do so.

Doveton 1990–1996

Further information regarding Ms Stewart

Ms Stewart was interviewed by police in December 1990. She made a statement. Although she did not describe everything that she told us happened with Father Searson, she did say that he made her sit on his knee, made her kiss him and say that she loved him, and sat her on his lap and pushed his erection against her back.

Sometime in early 1991 Ms Stewart spoke to a school counsellor about the matter. The counsellor took her to see the principal.

The principal reported the mater to Monsignor Doyle and the Vicar General, Monsignor Deakin. Monsignor Deakin told the Archbishop. The matter is described in the CEO's note of the report as 'alleged sexual offences of a minor nature' involving Father Searson while Ms Stewart was in primary school.

Allegation of animal cruelty

In March 1991, Monsignor Deakin was informed of a complaint that Father Searson had stabbed a bird to death with a screwdriver in front of several children. Father Searson admitted the conduct and sought to explain it as stupid. This was yet more evidence brought to the Vicar General's attention that Father Searson was an unstable and disturbed individual.

Complaint by parents

In August 1991 a group of parents wrote to Monsignor Doyle alleging that Father Searson was observing boys showering.

The letter was provided to Monsignor Deakin. There is no evidence that Monsignor Deakin took any further steps, but it is likely that he informed the Archbishop, as was his practice with serious complaints.

Complaints arising out of the sex education program

In June 1992, a nurse from the Doveton Hallam Community Health Centre told the CEO about comments by grade 6 boys during the school's sex education program. They had said, 'Father Searson has more than a bible under his cassock' and 'We don't like some of the things that Father Searson says'. The nurse also said that an adolescent girl was undergoing counselling at the centre, as she had been molested by Father Searson when he had driven her home from school.

We are satisfied that Archbishop Little, Monsignor Deakin and Monsignor Doyle knew of the allegations. They were not investigated. The matters were not referred to the police. Even in the context of a long history of inaction, it is astonishing that Archbishop Little took no action in response to these serious allegations.

Other complaints by students

In September or October 1992, some grade 5 boys approached a teacher, Ms Carmel Rafferty, about not wanting to be altar servers for Father Searson. Ms Rafferty asked them to write down their concerns, which she later typed up. They were provided to the CEO. One boy wrote, 'once Father felt me' and that he thought Father Searson would 'start to feel us all over'. Another wrote, 'We are all very scared because we don't know where he is going to touch us next. He might touch us, you know where'. There is no evidence that this matter was followed up with the boys in question. We are satisfied that it was not. Again, Archbishop Little failed to take action to protect children from Father Searson.

The Archbishop's advisers

The typed accounts were provided to Auxiliary Bishop Joseph O'Connell by the CEO. They were tabled at a Curia meeting in October 1992. Bishop Pell did not attend the meeting. None of those present could have been in any doubt that there was, at the very least, good reason to suspect that Father Searson had engaged in sexually inappropriate behaviour with children. Those present should have advised Archbishop Little to remove Father Searson and refer the matters to police for investigation.

Archbishop Little should have removed Father Searson and reported him to the police.

The knife

In April 1993, Father Searson threatened a girl at the church doors with a knife. He later admitted that the allegation was true but said it was a joke. The principal of Holy Family School reported it to the CEO. It was also reported to the new Vicar General, Monsignor Gerald Cudmore. Although Father Searson was interviewed by police, the girl's parents did not want the matter to proceed. The absence of criminal proceedings was not a justification for inaction by the Archdiocese.

The knife allegation was discussed with the Curia, which should have advised the Archbishop to remove Father Searson.

Archbishop Little failed to take any effective action against Father Searson immediately following the knife incident.

Legal advice

In May 1993, Monsignor Doyle sought legal advice about Father Searson. The recommendation in the legal advice was that there be an investigation to determine if Father Searson had engaged in sexually untoward behaviour and a review of his position.

No investigation of the allegations was carried out at that time. No reasonable explanation for that failure emerged from the evidence. Assuming the Archbishop was informed, this was an example of institutional paralysis in the face of clear warnings about the need to act.

BVC

BVC told us that he was sexually abused by Father Searson beginning in around the middle of 1992. BVC was then in grade 5 at Holy Family School. BVC's story reveals the tragic consequences of inaction. If Father Searson had been removed before 1992, BVC may not have been sexually abused.

Doveton 1996–1998

In October 1996, parents made a complaint to the CEO that Father Searson physically assaulted two boys. The matter was subsequently referred to the newly appointed Independent Commissioner, Mr Peter O'Callaghan QC, for investigation.

Mr O'Callaghan QC advised Archbishop Pell that Father Searson be placed on administrative leave pending the outcome of the investigation. Archbishop Pell then placed Father Searson on administrative leave and rescinded his faculties. He also directed Father Searson not to reside in the Doveton presbytery or parish and to leave the parish by the following day.

On 9 February 1998, Mr O'Callaghan QC delivered a report on Father Searson in which he found, among other things, that Ms Stewart's allegations were made out.

When Archbishop Pell initiated a canonical application to the Holy See, Father Searson opposed it. Despite the fact that the Holy See found against him, Archbishop Pell 'ignored' the decision and did not return Father Searson to ministry.

Failures and missed opportunities

We are satisfied that, by October 1986, the complaints that Archbishop Little was aware of in relation to Father Searson's conduct with children were sufficient for any reasonable person to form the view that he ought to be removed from parish ministry. Archbishop Little did not take that action. Instead, he chose to do nothing. In doing nothing, he failed to protect the children of the parish and the Holy Family School.

Each occasion after October 1986 that complaints were made against Father Searson to Church personnel was a missed opportunity for action by Archbishop Little. The consequence of his inaction was that children were left at risk of harm, including sexual harm, by Father Searson.

The experience of BVC demonstrates the catastrophic human consequences of inaction. The abuse of BVC, in 1992, occurred many years after the Archdiocese had come into possession of information which could and should have led to the removal of Father Searson. The fact that Father Searson remained in a position of authority as a parish priest – a position he exploited to abuse BVC – is directly attributable to Archbishop Little's ongoing failure to take action against Father Searson.

The case of Father Searson is remarkable in terms of the volume of complaints against him and the number of Church personnel to whom they were made. This was not a story of serious but isolated allegations being reported only to the Archbishop or Vicar General. Rather, Father Searson enjoyed a level of infamy within the parish and, according to Father Deakin, Mr O'Donnell and Mr Sleeman, within other parts of the Archdiocese.

We are mindful of the fact that only the Archbishop had the authority to remove Father Searson from ministry. However, given the number of individual Church personnel with knowledge of complaints against Father Searson, it is extraordinary that there was such a long period of inaction.

Further, we consider that there are aspects of the conduct of some Church personnel, including staff of the CEO, that ought fairly to be criticised, as set out below.

Failure to recognise the need for action

As detailed in this report:

- Mr Dooley, Monsignor Doyle, Mr Annett and Monsignor Connors took the position that complaints in 1985 and 1986 were unsubstantiated or there was insufficient evidence to act. We accept that their views were honestly held; however, they were unreasonable.
- In 1985 Mr Dooley and Monsignor Connors drew an unnecessary distinction between a reported concern and a 'formal complaint'. That distinction was relied upon as a reason for not taking an allegation further, even though the allegation was that Father Searson had made a sexual advance to a girl in the confessional.
- Monsignor Connors failed to appreciate that Father Searson had admitted to having a child kneel between his knees in the confessional and having a tape recorder in the confessional in 1985.
- In 1991, Monsignor Deakin accepted Father Searson's explanation of stabbing a bird to death with a screwdriver as merely 'stupid', apparently without appreciating that it indicated Father Searson was mentally unstable and a potential danger to children.
- Monsignor Cudmore appears to have taken the position in 1993 that, in the absence of criminal charges, nothing could be done in response to a complaint that Father Searson had pulled a knife on a young girl.

We consider that the evidence establishes that, on the above occasions, those Church personnel failed to recognise the need for action.

In addition, allegations that Church personnel received were not reported to police.

The way in which Father Searson's conduct was handled within the Archdiocese indicates a failure of the system in place to properly respond to complaints, including by taking responsible action about those complaints. It was a failure of management and a failure by the individual Church personnel to press that action be taken.

Father Wilfred Baker

Father Wilfred Baker held a number of appointments throughout the Archdiocese between 1961 and 1997. In 1999 he was sentenced to four years' imprisonment for child sex offences.

He was laicised in 2012. He died in 2014, when other criminal charges against him were pending.

Gladstone Park 1975–1978

Father Baker was the parish priest at Gladstone Park parish from 1975 until June 1978. In 1978, Mr Bryan Cosgriff, chairman of a school council in the parish, and Mr Brendan Murphy, a lawyer, told Archbishop Little of an allegation that Father Baker had showered with a boy, BTO, and touched him in a sexual manner. When they reported the complaint, Archbishop Little described Mr Cosgriff and Mr Murphy as 'despicable'. Archbishop Little's response reflected an attitude that was protective of the Church and of Father Baker and dismissive of complaints.

At a later meeting, the Archbishop expressed his disbelief of the BTO complaint. After this meeting, Monsignor Connors met with BTO's parents, who told him that Father Baker had molested BTO. Monsignor Connors accepted what BTO's parents said as true.

Archbishop Little transferred Father Baker to Eltham parish in mid-1978 because Father Baker was the subject of a complaint of child sexual abuse. That decision was wrong. Father Baker continued to have access to children and nothing was done to protect them from him. The evidence was that he continued to sexually abuse children after 1978. Archbishop Little abjectly failed to exercise proper care for the children within the Archdiocese's parishes and schools. The reputation of the Church and the protection of Father Baker was prioritised over the safety and welfare of children.

Monsignor Connors also failed. He should have exercised his influence to persuade Archbishop Little of the need for stronger action. Monsignor Connors' evidence that he did not appreciate the need for other action at the time is not an adequate justification. The allegation was of sexual touching – that is, criminal conduct. Monsignor Connors ought to have understood at the time that moving Father Baker to another parish without any further action was an utterly inadequate response.

No pastoral or other support was offered to BTO by the Archdiocese at the time of the sexual abuse and little regard was had for his welfare.

Eltham 1978–1992

In late May or early June 1978, Father Baker was appointed to Eltham parish.

In July 1985, when Father Baker had been parish priest at Eltham for seven years, a proposal was put forward at a meeting of the PAB that Father Baker be transferred to Dandenong parish. We are satisfied that the BTO complaint was probably the subject of the prolonged discussions at the meeting and the likely reason why Father Baker was not appointed was that Bishop Kelly knew about the BTO complaint and did not want Father Baker in his region.

In December 1986, a Sister at Our Lady Help of Christians primary school (Our Lady) wrote to Monsignor Connors about Father Baker's behaviour while drunk. There was no suggestion in the letter of Father Baker having engaged in child sexual abuse. We are satisfied the Archbishop did not take any action at the time.

In November 1989, concerns that 'single female teachers felt uneasy approaching Fr. Baker' were raised in a CEO intra-office memorandum. The Archbishop was approached about the concerns. Despite the Archbishop responding that a priest would need to work with Father Baker, it does not appear he was referred for treatment with a priest or anyone else at that time.

In March 1991, two parents made a request to the principal of Our Lady that their children only attend reconciliation at the altar and that any future contact between the children and Father Baker was to be 'with a supervising adult in full view'.

Father Baker requested to resign on 6 November 1991. He wrote to Archbishop Little that he felt sick, tired and terribly inadequate. He was sent to 'receive counsel' from Father Cantwell, a psychologist.

Further complaints arose in 1992. Father Baker's 'condition', his alcoholism, was discussed at the PAB meeting on 8 April 1992.

On 6 May 1992, the PAB carried a motion to appoint Father Baker as the parish priest of North Richmond, with effect from June. By this time, a number of complaints had been made about Father Baker's conduct at Eltham. Archbishop Little had another opportunity to remove Father Baker from his position as parish priest thereby restricting his access to children. He did not.

North Richmond 1992–1997

In June 1992, Father Baker was appointed to North Richmond parish. St James Catholic Primary School was attached to the parish. Before Father Baker arrived the principal, Ms Patricia Taylor, received four warnings which included that children should not be alone with Father Baker and that children should not attend confession behind closed doors. Ms Taylor understood the

warnings to relate to sexual behaviour. Ms Taylor also understood from a man that Father Baker had sexually abused him in the past. Ms Taylor reported these matters to Monsignor Connors, who was now an Auxiliary Bishop. Monsignor Connors said to her, 'Research shows that, once a paedophile, always a paedophile'. She heard nothing further from him about the issue.

Ms Taylor put in place measures to restrict Father Baker's access to children at the school and informed school staff of what she knew. No such steps had previously been taken.

Monsignor Connors told Archbishop Little about Ms Taylor's complaint, but the Archbishop did nothing. Archbishop Little failed to protect the children given into the care of the Archdiocese. The most likely reason for inaction by the Archbishop in the face of repeated complaints was to avoid the allegations becoming public and to protect the reputation of the Church.

Monsignor Connors accepted that he failed to put pressure on the Archbishop to act and he regretted this. It was appropriate for Monsignor Connors to acknowledge his failings. It was a time when he said he had come to understand the serious nature of paedophilia and that this was not a one-off incident. He was aware of developments at the national level with the purported aim of improving the response of the Catholic Church in Australia to allegations of child sexual abuse. He did not doubt that Father Baker was a paedophile. Despite those matters, he did not seek to exercise his influence to persuade Archbishop Little to remove Father Baker from ministry or otherwise restrict his access to children. That was a failure on his part.

BTL

In September 1993, BTL told Monsignor Cudmore (then the Vicar General) that he hoped Father Baker had not 'continued to deal with altar boys like he did with me 30 years ago'. Father Baker later admitted to Monsignor Cudmore that he had engaged in sexual conduct with BTL. No action was taken against Father Baker at that time.

BTM

Sometime in 1994, BTN met with Monsignor Cudmore about his son, BTM. In describing what had happened, BTN said that BTM was a 'sexual victim', that 'horrendous crimes' had occurred and that the problem was 'very serious'. Those matters indicated that Father Baker had sexually abused BTM, even if the details of the allegations were unknown. BTN's complaint indicated it was likely that there had been criminal conduct by Father Baker. It was the second complaint regarding Father Baker made to Monsignor Cudmore directly and it called for action. Monsignor Cudmore's response was consistent with an approach that was protective of the Church and not the complainant. It was also inconsistent with the Catholic Church's national Protocol for Dealings with Allegations of Criminal Behaviour (1992 Protocol), which provided that such an allegation should be referred to the Melbourne Special Issues Resource Group (SIRG) for a preliminary investigation.

The Archbishop's advisers

The decision to transfer Father Baker to Eltham parish was recorded at a Consultors meeting held in May or June of 1978. We do not know whether the BTO complaint was discussed at that meeting. The Archbishop or Monsignor Connors clearly ought to have disclosed the BTO complaint at the meeting. It was a matter that showed Father Baker was not fit to be a parish priest of Eltham or anywhere else. Monsignor Connors should have raised the BTO complaint to enable those present to have a complete understanding of the concerns about Father Baker in order to carry out their role in advising the Archbishop on personnel issues.

The BTO complaint was probably the subject of a 'prolonged' discussion about Father Baker at a PAB meeting on 3 July 1985 at which Archbishop Little, Monsignor Connors, Bishop John Kelly, Bishop Eric Perkins, Bishop O'Connell, Father J Murray, Father W O'Driscoll, Father J Mullally, Father M Fitzpatrick and Father J Grech were present. Assuming the BTO complaint was discussed, all those present should have advised Archbishop Little to remove Father Baker from ministry and to report him to police.

We do not know if the BTO complaint was discussed at subsequent meetings of the PAB in June 1989 and November 1991. Again, Monsignor Connors should have raised the BTO complaint to enable those present to have a complete understanding of the concerns about Father Baker in order to carry out their role in advising the Archbishop on personnel issues.

We cannot be satisfied that the BTO complaint was discussed at PAB meetings in January and April 1992, where complaints or concerns regarding Father Baker's alcoholism were discussed. We cannot be satisfied that all members of the PAB knew about the BTO complaint in 1992, when Father Baker was appointed to North Richmond. However, for the reasons set out earlier, Monsignor J Murray and Father J Mullally likely knew of the BTO complaint, because it was probably discussed at the PAB meeting in July 1985, which they attended.

We do not know whether the BTO complaint or the concerns reported by Ms Taylor to Monsignor Connors in 1992 were discussed at a Curia meeting in December 1993 or at PAB meetings in January, February or March 1994.

Monsignor Connors should have advised Archbishop Little to act. He failed to do so.

Several persons who were members of the PAB, Curia and Consultors at different times knew of complaints of child sexual abuse perpetrated by Father Baker.

There is no evidence that those persons advised the Archbishop of the need for action. If they did not, they should have. They should have done so when they became aware of the complaints and on each subsequent occasion on which Father Baker was raised at meetings of the PAB and Curia they attended. If they did not advise the Archbishop to remove Father Baker, these occasions were missed opportunities to convince the Archbishop of the need for action.

Criminal proceedings

We are satisfied that the Curia knew in August 1996 that Father Baker would probably be charged in relation to an incident at Brighton in 1965. We are satisfied that Archbishop Pell, Bishop O'Connell, Monsignor Connors, Monsignor Deakin, Mr Exell and Father Waters were at the meeting where this was discussed.

Archbishop Pell had the authority to remove Father Baker. Despite that knowledge, Archbishop Pell did not stand down Father Baker at that point in time. Father Baker remained in his position at North Richmond – a parish with a primary school attached to it – until May 1997.

Laicisation

A period of more than 11 years elapsed between the time that Father Baker was convicted of sexually abusing children and an application was made to have him reduced to the lay state. The delay was unacceptable.

Archbishop Hart's conclusion

Archbishop Hart said the terrible sexual abuse of children by Father Baker was 'utterly appalling'. He described it as follows:

> [It was a case of] the Archdiocese failing to act on credible information about criminal abuse by a priest, which failure resulted in more children being abused, and resulted in a long delay in developing widespread awareness of the incidence and the risk of sexual abuse by some members of the clergy, and in preventing its occurrence.

We consider that Archbishop Hart's observation is correct.

Father Ronald Pickering

Father Ronald Pickering was born in London in 1927. He migrated to Australia in 1957, shortly after his ordination. He then held a number of appointments throughout the Archdiocese until he left Australia for the United Kingdom in 1993. Father Pickering was the parish priest of St James Parish of Gardenvale from 1978 until his departure.

BTU

In around 1968, BTU told Father Baker during confession that he was sexually abused by Father Pickering.

Afterwards, BTU had a conversation with Father Baker in the church about what he had confessed. A few months later, Father Pickering confronted BTU and told him that he was stupid for telling Father Baker. It is not surprising that no action was taken in response to BTU's disclosure in light of the fact that Father Baker was himself an offender.

Gardenvale parish

In 1978, Sister Marie Therese Harold, a nun of the Presentation Sisters Order of Victoria, told Archbishop Little of a concern that Father Pickering was sexually abusing boys and that Father Pickering constantly had boys in the presbytery and in his bedroom. Archbishop Little did not confront Father Pickering. He took no action to determine if the allegations were true.

In February 1986 Archbishop Little and Monsignor Connors (then the Vicar General) received a complaint from Dr Peter Barker, a medical doctor practising in regional Victoria, that Father Pickering had sexually abused a boy, BVE, on two occasions and offered him alcohol in the presbytery.

There is no evidence that any assistance was offered to BVE. In response to the complaint, Father Pickering took extended leave. The parishioners of Gardenvale were informed that Father Pickering was on leave to visit his family and because of his health. The reasons provided to the parishioners of Gardenvale were misleading. They reflected an approach by the Archdiocese that was protective of the reputation of the Church and of Father Pickering.

Archbishop Little took no action to protect other children within the Catholic community of the Archdiocese from Father Pickering. After he travelled to the United Kingdom, Father Pickering was permitted to return to his ministry at Gardenvale parish. There is no evidence of any assurance that he would not reoffend.

Given he was aware of the complaint regarding BVE, this was another occasion upon which Monsignor Connors should have done more to influence Archbishop Little to take action.

Father Pickering's resignation and relocation to the United Kingdom

In March 1993, Father Pickering requested permission from Archbishop Little to retire early and the Archbishop granted his request, saying that Father Pickering had 'given his heart and soul to the pastoral care of the parish of Gardenvale' and that Father Pickering was known and respected by parishioners. The letter was clearly inappropriate in light of Archbishop Little's knowledge of complaints and concerns that Father Pickering had sexually abused children.

In mid-May 1993, two months before he was due to retire, Father Pickering left Australia suddenly and travelled to the United Kingdom. Father Pickering took up residence in a parish in Kent and offered to assist the parish priest there. Following that request, the Auxiliary Bishop of Southwark, John Jukes, asked Archbishop Little to certify that Father Pickering was a priest 'in good standing'.

The Curia considered Bishop Jukes' request when it met on 11 November 1993. There is no record of who attended, but Archbishop Little, Monsignor Cudmore, Monsignor Connors, Monsignor Deakin, Bishop O'Connell and Bishop Pell were members of the Curia at the time. Bishop Pell did not attend the meeting, as he was overseas. Monsignor Connors told us that that he believed 'nearly all' other members of the Curia knew by December 1993 that Father Pickering was a sexual offender. However, Monsignor Connors' evidence does not establish which particular members of the Curia knew that.

The minutes of the Curia meeting record that a suggestion was made that Archbishop Little respond to Bishop Jukes by telephone. It is likely that the reason for this suggestion was to avoid there being a written record of the discussion between Archbishop Little and Bishop Jukes. A record of the discussion and advice, if accurate, would have disclosed that Father Pickering was not in good standing because he was alleged to have sexually abused children.

On 23 December 1993, the Archdiocese received a letter of demand from BTU alleging that he had been sexually abused by Father Pickering. A civil claim was now on foot.

Archbishop Little wrote to Bishop Jukes informing him that there had been allegations of sexual misconduct against Father Pickering. However, Archbishop Little wrote to Bishop Jukes only after the Archdiocese received BTU's letter of demand. Once a civil claim was on foot, the risk of scandal and publicity was beyond the Archdiocese's control.

Withdrawal of Father Pickering's faculties

Notwithstanding that two prior complaints that Father Pickering had sexually abused children were known to Archbishop Little, Father Pickering's faculties were not withdrawn until the Archdiocese received BTU's civil claim.

We are satisfied that Father Pickering's faculties were withdrawn in December 1993 because of the threat of litigation. The reason Archbishop Little did not take other action against Father Pickering pursuant to canon law was to protect the reputation of the Church from any publicity arising from that action.

Financial arrangements

Archbishop Little sought and obtained approval from the Priests' Retirement Foundation to pay entitlements to Father Pickering even though Father Pickering was subject to ecclesiastical sanction and therefore ineligible to receive the entitlements.

This was a subterfuge. Archbishop Little knowingly and deliberately supported a priest against whom allegations of child sexual abuse had been made in a way designed to conceal that support from others with access to the records or reports of the Priests' Retirement Foundation.

Father Nazareno Fasciale

Father Nazareno Fasciale was born in Italy in 1926. He emigrated with his parents to Australia when he was a boy and they settled in Melbourne. Between 1953 and 1973 he served as an assistant priest in several parishes in the Archdiocese. He became the parish priest at Yarraville in 1973, and he remained in that position until he resigned in December 1993.

Father Fasciale died in March 1996. He was never charged and he was not laicised.

Early complaints

Father Fasciale was the assistant priest in the Parish of Geelong between 1953 and 1957.

We are satisfied that in around 1954 BTE told Father O'Regan that his two daughters had been molested by Father Fasciale. No action was taken to discipline Father Fasciale in relation to the complaint or to protect other children from him. He was transferred to a different parish some years later; however, we are unable to draw any firm conclusion as to whether that was in response to this complaint or an unrelated event.

We are satisfied that in early 1960 BTF told Father Little (a parish priest) and Monsignor Lawrence Moran (the Vicar General) that Father Fasciale had touched her daughter, BTA, on her private parts. Father Little is not the same priest who went on to become Archbishop Little. When BTF confronted Father Fasciale, he admitted the conduct. Monsignor Moran and Father Little sought to silence BTF, cover up the sexual abuse and protect the reputation of the Church.

No action was taken at that time to protect other children within the Archdiocese from sexual abuse by Father Fasciale. We agree that the responses of Father Little and Monsignor Moran were totally unacceptable.

Archbishop Daniel Mannix permitted Father Fasciale to take a leave of absence in 1960, and Auxiliary Bishop Francis Fox asked Father Fasciale to complete a retreat in around 1962, because Father Fasciale had been the subject of complaints about his sexual misconduct with children.

Treatment

During 1972, Father Fasciale had consultations with Father Daniel Winters, a priest who was also a qualified psychologist. At around that time, Father Fasciale made an admission to Monsignor Cudmore about an incident involving a girl between 1970 and 1972.

In June 1972, Father Winters told Archbishop James Knox in June 1972 that Father Fasciale's conduct in the past was not the conduct of a man ready to assume the responsibilities of a parish. Despite that opinion, Archbishop Knox appointed Father Fasciale as the parish priest of Yarraville the following year. That decision was wrong.

Archbishop Little replaced Archbishop Knox in July 1974.

Father Fasciale received monthly treatment from Father Winters between 1976 and 1979.

In 1979, Archbishop Little wrote to Father Watson (another priest who was also a qualified psychologist) and asked for his 'help' with Father Fasciale. Archbishop Little wrote that Father Fasciale had previously made regular visits to Father Winters and that he was confident that, if Father Fasciale visited Father Watson regularly, he could 'continue effectively in his priestly ministry'.

The elliptical language that Archbishop Little employed in his correspondence with Father Fasciale, Father Winters and Father Watson had the effect of disguising or concealing from any person who read the correspondence the reason that Father Fasciale was receiving counselling. However, we are satisfied that Father Winters and Father Watson probably knew that Father Fasciale was to be counselled in relation to allegations of his sexual misconduct with children.

Complaint to Bishop O'Connell in 1977

In around 1977, Father Ernie Smith was approached by a parishioner at Yarraville who told Father Smith of a concern about Father Fasciale being 'too close' to his son. Father Smith arranged for the parishioner to meet with Auxiliary Bishop O'Connell. Bishop O'Connell later told Father Smith that Father Fasciale had been referred to counselling psychologist or counsellor. We accept Father Smith's account. It is likely that the complaint was about improper conduct of a sexual nature.

BTC, BTD and BTA report sexual abuse to the Archdiocese

In December 1992, BTC told the Vicar General, Monsignor Deakin and Father Brian Fleming that she was sexually assaulted by Father Fasciale in 1953 and that he had also sexually abused BTD and BTA. BTC said that she did not want Father Fasciale to be allowed to continue as a priest. The Archdiocese's record of the meeting conveys the impression that it was unreasonable for BTC to suggest that Father Fasciale ought to be removed from ministry, that there was some question as to the veracity of her account and that the incidents she reported were less serious because they were historical.

The note conveys an attitude of disbelief and disrespect, resulting in BTC's account being minimised and dealt with in a dismissive manner. That is so even though this was 1992 – a time when the issue of child sexual abuse by Catholic clergy and religious was a matter that had been considered nationally by the ACBC and protocols had been developed which were directed to responding appropriately to survivors who reported allegations.

Other complaints reported by Father Ernie Smith

In around October 1993 Auxiliary Bishop O'Connell and Monsignor Connors (then an Auxiliary Bishop) were told of Father Smith's concerns that Father Fasciale may have had inappropriate sexual relationships with boys at Yarraville in the 1970s. Monsignor Connors did nothing with that information.

The Archbishop did nothing at that time to protect children in the Archdiocese from Father Fasciale. He was not stood down and continued to minister as a parish priest of Yarraville.

Father Fasciale's resignation and withdrawal of his faculties

On 4 December 1993, Father Fasciale met with Monsignor Cudmore, Father John Salvano, BTC, BTD, BTA and BTE and effectively admitted the allegations made.

Two days later, Father Fasciale offered his resignation, citing ill health and stress. He had been diagnosed with cancer earlier that year. His resignation was accepted.

On 8 December 1993 the PAB met and carried a motion to accept Father Fasciale's resignation. Archbishop Little, Monsignor Cudmore, Bishop O'Connell, Monsignor Deakin, Bishop Pell, Monsignor J Murray, Father J McMahon, Father P Dalton, Father J Mullally, Father B Cosgriff and Father P Rogers attended the meeting. Monsignor Connors was not present.

We are satisfied that Father Fasciale did not resign solely because of his health. His resignation was also a result of complaints that he had sexually abused children in the 1950s and 1960s and because assurances had been given to the complainants that he would no longer minister.

We are satisfied that it is likely that the fact that Father Fasciale's resignation was in part because he had been the subject of allegations of child sexual abuse was discussed at the PAB meeting.

Monsignor Deakin and Cardinal Pell were both asked about this meeting. Monsignor Deakin did not say whether the complaints were discussed, but he accepted he knew about allegations against Father Fasciale at the time. Cardinal Pell accepted the possibility that he was told of the complaints at or before the meeting.

We agree with Archbishop Hart that it was inconceivable that the true circumstances of Father Fasciale's resignation were not discussed, when so many senior priests were present with knowledge of complaints against him.

Whatever emphasis on confidentiality Archbishop Little ordinarily imposed, this was not a confidential matter. Three persons present (Archbishop Little, Monsignor Deakin and Monsignor Cudmore) had received complaints of child sexual abuse against Father Fasciale. A fourth person (Bishop O'Connell) knew of a concern in 1977 regarding Father Fasciale's relationship with a boy and was told in 1993 of a concern that Father Fasciale may have had inappropriate sexual relationships with other boys at Yarraville in the 1970s. A number of survivors had recently approached the Archdiocese and had attended a meeting with Monsignor Cudmore and Father Fasciale. Father Fasciale apologised and acknowledged he had undertaken criminal actions. The proximity between those events and the PAB meeting gives rise to the inference that those events were discussed.

By December 1993, the issue of child sexual abuse was well and truly on the agenda of the Archdiocese. A new protocol (the 1992 Protocol) was in place.

To accept that the true reasons for Father Fasciale's resignation were not discussed is, in the circumstances, inconceivable.

We are satisfied that the evidence set out above permits the inference that the allegations were discussed.

No objection to Father Fasciale's resignation on health grounds is recorded in the minutes, but we are unable to determine if objections were raised. If those present did not object to Father Fasciale's resignation, they supported a course of action that had the effect of concealing from parishioners and the public at large the fact that Father Fasciale resigned because he was the subject of complaints that he had sexually abused children in the past.

Allowing Father Fasciale to resign ostensibly on health grounds was wrong. It had the effect of concealing the true reasons for his resignation from the public.

Delay

It was a year between BTC's meeting with Monsignor Deakin in December 1992 and Father Fasciale's resignation in 1993. During that period, Father Fasciale was not placed on administrative leave and no other action was taken to restrict his contact with children. The delay was unacceptable.

Information provided to the Archdiocese's insurer

On 2 June 1994, Monsignor Cudmore told Catholic Church Insurance Limited (CCI) that the Church authority first became aware of the problem in December 1992. At the time he made the notification, Monsignor Cudmore knew of three alleged reports to members of the Archdiocese prior to December 1992. We are satisfied that Monsignor Cudmore provided information to CCI which he knew to be incorrect.

Father Fasciale's death

Father Fasciale died in March 1996. He was given a Requiem Pontifical Mass, and Monsignor Connors delivered a homily. This had the effect of causing further hurt and distress to BTA and her mother, BTF.

On the day of Father Fasciale's funeral, Monsignor Cudmore made a statement in which he said, 'The Vicar General wishes to vehemently deny that the Church has been covering up complaints for years. Action has and will be taken as soon as reports are made'. Monsignor Cudmore did not refer to the allegations that earlier complaints had been made to the Archdiocese, about which he knew. Monsignor Cudmore's statement was misleading. It had the effect of concealing the history of alleged complaints to the Archdiocese. It reflected a mentality of denial of culpability. The interests of the Church were again prioritised over the interests of the survivors.

Father Kevin O'Donnell

Father Kevin O'Donnell was born in Melbourne in 1916. He was ordained in 1942 and held various appointments in the Archdiocese between 1942 and 1992. In 1995 he was convicted of 11 counts of indecent assault against 10 boys and two girls for incidents occurring between 1954 and 1972.

He died in March 1997. He was never laicised.

The Royal Commission has already reported in relation to Father O'Donnell in our report on *Case Study 16: The Melbourne Response*. Those matters are not repeated here.

We are satisfied that in 1986 Archbishop Little received a letter from Sister Rose Wood, a pastoral worker at St John's parish which said that BTZ had been sexually abused by Father O'Donnell. There is no evidence that Archbishop Little did anything with the information. We are satisfied that he did not confront Father O'Donnell.

The failure of Archbishop Little to act on the information that Sister Wood provided was an abandonment of his obligation to take immediate and effective action against Father O'Donnell to protect other children and their families within the Archdiocese.

Father Desmond Gannon

Father Desmond Gannon was born in Melbourne in 1929 and was ordained in 1956. He held various appointments within the Archdiocese between 1957 and his resignation in May 1993.

Between 1995 and 2009, Father Gannon was convicted of a large number sexual offences against children.

He died in 2015. He was not laicised.

BTS

In around 1960, BTS's mother told the parish priest that BTS had been sexually abused by Father Gannon and the priest responded that the allegations were made up. Archbishop Hart told us that he did not doubt that the complaint was made. He said that it appeared that the priest 'rebuffed the complaint and never gave it proper consideration'.
We agree with Archbishop Hart.

BTP

On 27 April 1993, BTP told Monsignor Cudmore (the Vicar General) that he had been sexually abused by Father Gannon in the presbytery in around 1956. The sexual abuse lasted two to three years.

A few days later, Father Gannon admitted to Monsignor Cudmore that he had engaged in sexually inappropriate behaviour with BTP, BTQ and other children. That information was passed on to Archbishop Little and Monsignor Connors.

Monsignor Connors advised that the Archbishop should not publicly admit the allegations against Father Gannon. That was wrong and inconsistent with the fact that Father Gannon had admitted the accusations. If the advice were followed, it would have been misleading.

Father Gannon's resignation and appointment as Pastor Emeritus

Father Gannon tendered his resignation without specifying any grounds and was told that there would be a public acknowledgement of his resignation due to sickness. A few days later, Father Gannon's doctor certified that Father Gannon was not able to continue as a parish priest because of his health.

We are satisfied that Monsignor Cudmore and Archbishop Little sought Father Gannon's resignation on health grounds. That was done to conceal the fact that Father Gannon was resigning because he had admitted to sexually inappropriate behaviour with minors. It was a serious deception and did mislead the parishioners of Macleod.

Archbishop Little appointed him as a Pastor Emeritus. The Archbishop thanked Father Gannon for his service with 'zeal and love over 37 years' and said he had 'always given the highest standard of pastoral care'. It was wrong of Archbishop Little to write this when Father Gannon had made admissions of sexually abusing children.

Some months later, parishioners had made a donation to Father Gannon.

Archbishop Little's instruction to appoint Father Gannon as Pastor Emeritus was wrong. It conveyed, falsely, that Father Gannon was a priest in good standing.

Furthermore, it was wrong for the Archbishop to commend Father Gannon as always providing the highest standard of pastoral care, when the Archbishop knew that complaints of child sexual abuse had been made against him, which he had admitted.

Financial arrangements

After Father Gannon's retirement and appointment as Pastor Emeritus, he received payments from the Priests' Retirement Foundation.

Following criminal investigation of Father Gannon in 1995, Archbishop Little told the Priests' Retirement Foundation that Father Gannon should not be recorded in the foundation's expenditure.

We are satisfied that Archbishop Little endeavoured to conceal from those with access to the foundation's annual report that Father Gannon was being supported financially with funds from the Priests' Retirement Foundation. That arrangement was facilitated with the knowledge of the Vicar General, Monsignor Cudmore.

Laicisation

A period of more than 15 years elapsed between the time that Father Gannon was convicted and the time that the first application was made to have him reduced to the lay state. The delay was unacceptable.

Father David Daniel

Father David Daniel was born in 1942 and ordained a priest in May 1975. He held a number of appointments throughout the Archdiocese before being appointed the parish priest of Healesville in January 1990.

Father Daniel was convicted and sentenced in relation to multiple child sex offences in 2000. He was laicised in 2011 and died in 2014.

BTH

We are satisfied that in May 1991 Auxiliary Bishop Eric Perkins, Archbishop Little and Monsignor Deakin knew of a complaint that Father Daniel had made sexual advances towards BTH, a young adult male with whom he had developed a relationship of trust as an adolescent. BTH was interviewed by a representative of the Archdiocese and deemed truthful. Monsignor Deakin closed the complaint knowing the above and without further action or any assessment of the risk that Father Daniel posed to children.

The decision to take no further action and consider the matter closed was wrong. It occurred in 1991, which was when the issue of child sexual abuse by Catholic clergy and religious was a matter that had been considered nationally by the ACBC and protocols had been developed which were directed to responding appropriately to survivors who reported allegations.

Mrs BTG

On 24 February 1994, Monsignor Cudmore was told of Mrs BTG's concerns about Father Daniel's prior sexual behaviour with four children aged between 11 and 13. Mrs BTG also expressed current concerns about two other boys aged 14 and seven, who would often spend time at the presbytery with Father Daniel and sometimes stayed overnight.

Three months later, Monsignor Cudmore interviewed Father Daniel, who denied the allegations. No other action was taken against Father Daniel at that time. He offended against a 14-year-old boy in November 1994. Archbishop Hart said, 'Tragically, it seems the last offence … would never have happened if appropriate action had been taken … in February 1994'.

The response to Mrs BTG's complaint was appalling, with tragic consequences. The delay in acting on the complaint was unacceptable. No report was made to the police.

Father Daniel's resignation on health grounds

On 3 January 1995, Father Daniel offered his resignation on health grounds. He provided a medical certificate.

Archbishop Little read Father Daniel's resignation letter at a PAB meeting on 4 January 1995. Archbishop Little, Bishop O'Connell, Monsignor Connors, Monsignor Deakin, Bishop Pell, Monsignor Cudmore, Monsignor Murray, Father Cosgriff, Father J McMahon, Father Dalton, Father Mullally and Father Rogers were present at the meeting. A motion was carried to accept Father Daniel's resignation.

We are satisfied that the true reason for Father Daniel's resignation was the complaints against him of child sexual abuse and other sexual misconduct with adults. That reason was known to Monsignor Cudmore and Archbishop Little. Monsignor Deakin knew of an allegation that Father Daniel had made a sexual advance to a young adult male. Bishop Pell probably knew about complaints of child sexual abuse against Father Daniel.

Despite that knowledge, the PAB carried a motion to accept Father Daniel's resignation on the grounds proffered.

We are satisfied that it was misleading and that all those present at the PAB meeting who knew of the true reason for the resignation and voted for the motion participated in an act that was misleading.

Financial arrangements

We are satisfied that Father Daniel was treated as eligible for financial support from the Priests' Retirement Foundation as if he were a retired priest. This conveyed to others that he was in good standing. Archbishop Little knew he was not in good standing; therefore, treating him in that way was misleading.

Treatment by Father Peter Cantwell

In February 1995, Archbishop Little arranged for Father Daniel to be treated by Father Peter Cantwell, a psychologist. They had two sessions, after which Father Cantwell reported to Archbishop Little that the possible public implications of the issues were serious and any return to ministry by Father Daniel would be 'overshadowed by the likelihood of public action'.

We are satisfied that Father Cantwell's letter discloses that he considered the public implications, meaning reputational damage to the Church, of returning Father Daniel to ministry to be a serious concern. There is no reference in his letter to the risk that Father Daniel may have posed to children or young adults. Father Cantwell's letter is consistent with a culture in the Church of protecting priests and the Church's reputation.

Laicisation

A period of more than 10 years elapsed between the time that Father Daniel was convicted and the time that an application was made to have him reduced to the lay state. The delay was unacceptable.

Cultural, structural and other factors

Dysfunctional systems, procedures and practices

The evidence before us establishes that there were a number of fundamental problems in the systems, procedures and practices adopted in the Archdiocese in responding to complaints of child sexual abuse. These were:

- the lack of adequate policies, procedures and practices for responding to allegations
- the failure to apply policies where they existed
- deficiencies in recordkeeping
- the structure of Catholic education in Victoria, whereby the parish priest is the employer of staff at parish schools.

We are satisfied that the dysfunctional systems, procedures and practices and their idiosyncratic operation in the Archdiocese inevitably led to poor outcomes in responding to allegations of child sexual abuse.

Factors inhibiting decisive action

Centralised decision-making

During the tenure of Archbishop Little, decision-making within the Archdiocese in response to complaints of child sexual abuse against priests was highly centralised. There were no effective checks and balances on the Archbishop's exercise of his powers in relation to priests the subject of complaints. As the evidence in the case study makes plain, a system for responding to complaints of child sexual abuse in which the exclusive authority for making decisions was vested in one person is deeply flawed.

The Archbishop's advisers and deference to the Archbishop

A number of priests who were Vicars General or Auxiliary Bishops at different times received complaints or were made aware of allegations against priests. Monsignor Connors, Monsignor Deakin, Bishop O'Connell, Monsignor Cudmore and Bishop Pell had the capacity and opportunity to persuade the Archbishop to take action on the matters known to them

and either did not do so or were ineffectual. In particular instances, those priests (Monsignor Connors, Monsignor Deakin, Bishop O'Connell, Monsignor Cudmore and Bishop Pell) should have advised Archbishop Little to act. As Monsignor Connors said, they could have sought the support of their peers in seeking to persuade the Archbishop. They could also have applied to the Apostolic Nuncio.

Instead, they accepted the inaction of the Archbishop. We consider that this constitutes a series of individual failures by those priests to advise, urge or influence the Archbishop to take action.

Culture of secrecy

We are satisfied that there was a prevailing culture within the Archdiocese, led by Archbishop Little, of dealing with complaints internally and confidentially to avoid scandal to the Church.

In our view the minutes of meetings were generally euphemistic, incomplete and inaccurate. None of the minutes refer directly to child sexual abuse or other similar terms. However, when considering the evidence as a whole, we are satisfied that there were such complaints which were or were likely to have been discussed on the occasions identified in this report. There was also evidence, as late as 1994, of a policy of not recording information regarding complaints. It is clear to us from those minutes that the purpose of not recording information was to protect the assets of the Archdiocese in the event of a claim being made against it.

There was also a practice of using oblique or euphemistic language in correspondence and records concerning complaints of child sexual abuse.

In the case of Father Fasciale and Father Gannon, Archbishop Little disguised the fact that they resigned because they were accused of child sexual abuse by attributing their resignations solely to ill health.

In the case of Father Pickering and Father Gannon, Archbishop Little sought to conceal their continued financial assistance by the Archdiocese.

The evidence in the case study showed a prevailing culture of secrecy within the Archdiocese, led by Archbishop Little, in relation to complaints. Complaints were dealt with in a way that sought to protect the Archdiocese from scandal and liability and prioritised the interests of the Church over those of the victims.

Victoria Police and the Office of Public Prosecutions

Inadequacies in the investigation of Father Searson

In late 1990, Ms Stewart (then 15 years old) was interviewed about Father Searson by a probationary police officer, Mr Ben Condon, without a more senior officer or other adult present.

The interview with Ms Stewart was not carried out in accordance with Victoria Police's policies or the accepted practice in place at the time.

When Ms Stewart told the officer that she had also been sexually abused by another person, he said, 'Oh my God, what were you wearing a neon sign above your head saying "come and get me"?'.

The comment that Mr Condon made during the interview was highly insensitive and inappropriate. It caused Ms Stewart to feel that she was to blame for the sexual abuse she said she had suffered. She was not and should not have been made to believe she was.

Following the interview, the Child Protection Unit of Victoria Police concluded that no allegations of a sexual nature had been disclosed.

The matters Ms Stewart disclosed constituted the basis for charges under the *Crimes Act 1958* (Vic).

The conclusion that Ms Stewart's statement did not disclose a criminal offence was plainly wrong. The Child Exploitation Unit failed to recognise the criminality of the conduct and failed to progress the investigation.

Inadequacies in the investigation of Father Fasciale

Excessive delays

BTC, BTD and BTA provided statements to police in May 1994 alleging indecent assault by Father Fasciale. At the time of Father Fasciale's death in March 1996, no decision had been made whether to prosecute him. He was never charged.

At some time during that period, the Office of Public Prosecutions (OPP) lost the original brief of evidence.

There were excessive delays on the part of Victoria Police and the OPP in reaching a decision on whether to prosecute Father Fasciale. Such delays caused unnecessary stress to BTD and probably to the other complainants as well.

Unsatisfactory document and information management

In June and July of 1995, four additional persons came forward and provided statements to Victoria Police regarding allegations of child sexual abuse perpetrated by Father Fasciale between 1967 and 1974. These reports were received by the Newport Community Policing Squad – a department that was different from the one that the original complaints were made to. Although the earlier reports were recorded on Victoria Police's electronic database, the officers who processed them were apparently unaware of the previous complaints.

Assistant Commissioner Stephen Fontana could not explain why the officers were unaware of the earlier complaints or the ongoing brief process. He said a possible explanation was that the officers who processed the Newport complainants did not use the electronic database, as it was a relatively new system.

The OPP's document management was also deficient in that the original brief of evidence was lost.

The document and information management by Victoria Police and the OPP in relation to the Father Fasciale matter was unsatisfactory.

1 Structure and Governance of the Archdiocese

1.1 The Roman Catholic Church in Australia

The primary structure of the Roman Catholic Church (the Church) is the parish.[7] A parish is a local community of the Catholic faithful, determined on the basis of territory, whose pastoral care is entrusted to a parish priest. The parish priest is sometimes aided by another priest or priests, called assistant priests.

Parishes are grouped into dioceses, led by a bishop.[8] The parishes and the dioceses acknowledge the Pope as the leader of the Universal Catholic Church. The bishop acknowledges the authority of the Pope but exercises his own authority; he is not a delegate of the Pope.[9] Some dioceses are called archdioceses because of their historical situation, size or importance. Archdioceses are governed by an archbishop.

Dioceses in Australia are grouped into provinces, overseen by a metropolitan diocese. There are five provinces in Australia. One of these is the Melbourne Province, which encompasses all of Victoria and Tasmania. The Archdiocese of Melbourne (the Archdiocese) oversees the Melbourne Province. The province also includes the dioceses of Ballarat, Sale and Sandhurst. They each have their own bishop and parishes and are autonomous.

The dioceses of Ballarat, Sale and Sandhurst did not form part of this case study. The Diocese of Ballarat was the subject of *Case Study 28: Catholic Church authorities in Ballarat (Catholic Church authorities in Ballarat)*.

1.2 The Archdiocese and the Archbishop

The Archdiocese consists of 216 parishes and 331 schools.[10]

The Archbishop of the Archdiocese (the Archbishop) is responsible for the pastoral care of the Archdiocese and is vested with all the powers necessary for the exercise of that office.[11] He has the authority to appoint a priest to a parish or other ministry within the Archdiocese and to transfer a priest from one ministry to another.[12]

The Archbishop also has the authority to take disciplinary actions against a priest. The Archbishop may withdraw a priest's clerical faculties.[13] He may also place a priest on administrative leave, with the effect that the priest is suspended from exercising his role as a priest.[14] The Archbishop may also impose a 'penal precept' (an order imposing conditions on a priest).[15] Each action is subject to a right of appeal to the pope.[16]

The Archbishop does not have the power to grant a priest dispensation from the clerical state, even temporarily. The power to execute this process, termed 'laicisation', is reserved to the pope.[17]

The following priests have been Archbishops of the Archdiocese:

- Daniel Patrick Mannix (1917–1963)
- Justin Daniel Simonds (1963–1967)
- James Robert Knox (1967 – July 1974)
- Thomas Francis ('Frank') Little (July 1974 – July 1996)
- George Arthur Pell (July 1996 – March 2001)
- Denis James Hart (since 22 June 2001).

1.3 The Vicar General

The Vicar General is the principal vicar of the Archbishop.[18] He is effectively the second in charge in the Archdiocese and is entrusted with the ordinary administration of the Archdiocese.[19] The Archbishop can delegate much of his executive power to the Vicar General, and the Vicar General works subject to the direction of the Archbishop.[20]

The Vicar General attends to the general administration and management of the Archdiocese. He also deals with matters such as dispensations, special appeals and clergy personnel management[21] and on occasions attends functions on the Archbishop's behalf.[22]

The Vicar General is the chair of the Personnel Advisory Board (PAB), the pre-eminent official within the Curia and a member of the Consultors,[23] each of which is discussed below.

Priests who have held the office of Vicar General of the Archdiocese include:

- Monsignor Lawrence Patrick Moran (dates unknown)
- Monsignor Peter Joseph Connors (June 1976 – May 1987)
- Monsignor Hilton Forrest Deakin (May 1987 – December 1992)
- Monsignor Gerald Cudmore (February 1993 – September 1996)
- Monsignor Denis James Hart (September 1996 – November 1997).

1.4 The Auxiliary Bishops

The Archdiocese is currently divided into four regions: Northern, Southern, Eastern and Western.[24]

Each region has an Auxiliary Bishop (also called a Regional Bishop).

While an Auxiliary Bishop technically possesses the same powers of governance as a bishop, he cannot exercise them within the Archdiocese independently of the Archbishop.[25]

We heard that the primary role of the auxiliary bishop is to provide pastoral support to the priests, people and communities of his region and to provide the sacrament of confirmation.[26] The Auxiliary Bishop may also assist and advise the Archbishop as requested on particular matters within his region.[27]

The following priests were Auxiliary Bishops during the episcopacy of Archbishop Little:

- Bishop Eric Gerard Perkins (November 1972 – August 1991)
- Bishop John Anthony Kelly (November 1972 – August 1986)
- Bishop Joseph Peter O'Connell (Western Region / Northern Region: January 1976 – December 2006)
- Bishop Peter Joseph Connors (Western Region: May 1987 – May 1997)
- Bishop George Arthur Pell (Southern Region: March 1987 – July 1996)
- Bishop Hilton Forrest Deakin (Eastern Region: December 1992 – November 2007).

1.5 Archdiocesan advisory bodies

The Curia

The Curia is a body of senior clerical office-holders whose role is to advise and assist the Archbishop in his pastoral care and general administration of the Archdiocese.[28]

Within the Archdiocese, the composition of the Curia is determined by convention and consists of the Archbishop, the Vicar General and the Auxiliary Bishops.[29] It typically meets fortnightly and minutes are taken.[30]

During the time of Archbishop Little, the attendees at each meeting were not recorded in the minutes, but Monsignor Connors told us that those who were available to attend meetings did so.[31]

The Consultors

The Diocesan Consultors was a body that was established pursuant to the 1917 Code of Canon Law.[32] Its functions under canon law included the election of an administrator if the position of bishop was vacant, advising on the union or division of parishes, the appointment of seminary deputies and consultors and other financial matters.[33]

With the promulgation of the 1983 Code of Canon Law a new but analogous body was established, called the College of Consultors. It replaced the Diocesan Consultors, which no longer exists. Similar to the Diocesan Consultors, its functions under canon law include being consulted by the Archbishop concerning the appointment or dismissal of the diocesan financial administrator and other administrative acts of major importance.[34] If the office of Archbishop becomes vacant, the College of Consultors governs the Archdiocese until it elects an administrator.[35]

We refer to both the Diocesan Consultors and the College of Consultors as 'the Consultors'.

During the time of Archbishop Little, the Consultors were the Archbishop, the Vicar General, the Auxiliary Bishops and up to 12 other priests, appointed for five-year terms. They typically met quarterly. Minutes of the meetings were taken[36] and a record was ordinarily made of those who attended.[37]

The Personnel Advisory Board

The PAB was established in 1984 to advise Archbishop Little in relation to the appointment of priests within the Archdiocese. It took over this function from the Consultors.[38] It is not a body that exists pursuant to canon law.[39]

The PAB comprises the Vicar General, the Director of Ministry to Priests and other priests appointed by the Archbishop.[40] It typically meets monthly.[41] Minutes of the meetings are taken and attendees are recorded.

While the PAB provides advice and recommendations to the Archbishop in relation to the appointments of priests, the authority to make the appointments rests with the Archbishop.[42]

1.6 The Melbourne Catholic Education Office

The Melbourne Catholic Education Office (CEO) is responsible for the support and management of diocesan schools within the Archdiocese. It is subject to the direction of the Archbishop and has no separate legal personality.[43]

The CEO operates at the systemic level of Catholic education; it does not control or operate the schools.[44]

In Victoria, the parish priest, and not the CEO, is (and has been throughout the period considered in the case study) the employer of the principal and school staff for parish schools. The school body provides advice on the appointments, the CEO coordinates the administrative process of appointing principals[45] and the appointments are made by the parish priest and ratified by the Archbishop.[46] The parish priest is also responsible for the financial administration of the parish school or schools.[47]

Functions of the CEO 1977–1997

We heard evidence from Monsignor Thomas Doyle. He was the director of the CEO between 1977 and 1997, for almost the whole period that Archbishop Little was the Archbishop (1974–1996).

Monsignor Doyle said the CEO was historically the vehicle through which the Archbishop exercised control over religious education in the Archdiocese. By 1977, the role of the CEO had expanded and strengthened. It had become a central support service to schools.[48] He said that, although schools continued to exercise considerable independence and local autonomy, the role of the CEO expanded further during the time he was director. Monsignor Doyle told us that the CEO's functions during the time he was its director included:[49]

- receiving and distributing recurrent and capital funding from state and Commonwealth governments to schools and colleges
- deciding on the funded staffing levels for each school
- planning and coordinating developments in Catholic education
- liaising with government and other educational bodies
- maintaining adequate teacher supply and providing in-service programs
- providing information and support services for schools
- determining policies that apply to all Catholic schools

- providing oversight and support in the area of religious education through publications and in-service education
- providing employment support, such as assistance with recruitment or with disputes about conditions.

Director

Monsignor Doyle told us his responsibilities as director included:[50]

- acting on behalf of the bishop in matters concerning Catholic education
- keeping the bishop informed about trends and events affecting the schools and reporting to him on the status of the schools
- representing Catholic education in dealings with state authorities, parish and government school personnel, and civic and social groups
- administering the CEO and Catholic education in the Archdiocese
- maintaining teacher supply and fostering the professional growth of teachers
- advising clergy and school personnel of diocesan policy and government requirements
- coordinating the work of Catholic primary and secondary education
- providing oversight and support in the area of religious education.

Monsignor Doyle said he reported directly to the Archbishop in matters relating to the operation of the CEO. They would have monthly meetings, which ran to an agenda that Monsignor Doyle prepared.[51]

Monsignor Doyle told us that he would also contact the Archbishop as necessary when issues arose. They worked in the same building, and he said their conversations would generally be in person.[52]

Monsignor Doyle also routinely reported to the Vicar General.[53] He said he did so when he needed support in convincing the Archbishop.[54] This reporting arrangement was not a formal one and reports could be made verbally or by correspondence.[55] Other officers of the CEO sometimes reported directly to the Vicar General, but he said that this was rare.[56]

Chairpersons

Monsignor Doyle was assisted by a deputy director and an executive group called the coordinating group. The coordinating group comprised chairpersons responsible for particular areas, including primary education, secondary education, religious education, pastoral care, and finance and administration. Each chairperson reported directly to the director.[57]

The chairpersons' role was to coordinate services to schools, including developing curricula and religious education publications and providing support to teachers and principals.[58] They met regularly with the director, both individually and as the coordinating group.[59]

Regional educational consultants

Regional educational consultants (sometimes called zone consultants) had responsibilities for particular geographic regions within the Archdiocese. At any time, there were about 12 regional educational consultants. They each had responsibility for 12 to 25 schools, mostly primary schools.[60]

The regional educational consultants were responsible for providing advice to teachers and school authorities and for liaising with priests, principals, parish education boards, parents and others.[61]

The regional educational consultants would report to the relevant chairperson and would sometimes report to Monsignor Doyle directly where the matter was significant and required escalation to the director.[62]

1.7 Laws and protocols for responding to complaints

The laws and protocols in the Archdiocese regarding the response to complaints of child sexual abuse have developed and changed over time.

Canon law

There is a procedure under canon law for the removal of a priest from a ministry by a bishop in certain circumstances. Canon 1740 of the 1983 Code of Canon Law provides that a bishop may remove a priest from the parish if his ministry becomes 'harmful or at least ineffective for any cause'. Examples of such conduct are set out in Canon 1741 and include:[63]

- a priest acting in a manner which brings grave detriment or disturbance to ecclesiastical communion
- a priest's loss of a good reputation among upright and responsible parishioners or a lasting aversion to the priest
- a priest's grave neglect or violation of parochial duties which continues after a warning.

Australian Catholic Bishops Conference protocols 1989–1992

Prior to 1989 there was no specific law or policy in the Archdiocese for responding to complaints of child sexual abuse against clergy or religious.

We heard that the late 1980s was a time when the issue of child sexual abuse by clergy garnered international attention. Monsignor Connors said that 'experience gained in the United States was brought back to us in Australia and we decided we had to do something'.[64] Cardinal Pell also told us that he recalled the issue of child sexual abuse being drawn to the attention of bishops in around April 1988.[65]

As a consequence of the growing national and international awareness of clergy child sexual abuse, policies and procedures were developed in the late 1980s and early 1990s by the Australian Catholic Bishops Conference (ACBC). The ACBC is a national body consisting of all Australian bishops and archbishops.

1990 Protocol

In November 1988, the ACBC established a Special Issues Committee to develop a protocol that bishops and other religious superiors nationally would observe when responding to complaints of criminal conduct by priests and religious. Monsignor Connors told us that the term 'Special Issues' was a euphemism for conduct which was principally in relation to child sexual abuse.[66]

In 1989, the Special Issues Committee developed a Protocol for Dealings with Allegations of Criminal Behaviour, which the Church adopted nationally in 1990 to provide assistance and guidance for dealing with complaints (1990 Protocol).[67]

1992 Protocol

In 1992 the ACBC adopted a revised ACBC Protocol for Dealing with Allegations of Criminal Behaviour, which was to apply nationally (1992 Protocol).[68]

Various values were set out in the 1992 Protocol, which were to be taken into account in dealing with allegations. These included promoting the welfare of the victim, protecting the accused person and respecting criminal legal processes, and also that those who received complaints would act to prevent or remedy scandal to the Church.[69]

Pursuant to the 1992 Protocol, each province was to establish a Special Issues Resource Group (SIRG) consisting of personnel skilled in dealing with allegations of criminal behaviour. Except in extraordinary circumstances, complaints received by the relevant Church authority were to be referred immediately to the SIRG.

The 1992 Protocol provided for a two-tiered investigation process, which included the following:[70]

- The SIRG was to assist the Archdiocese to conduct a preliminary investigation of the complaint, including speaking to the victim or the victim's family if deemed appropriate.
- The SIRG was to inform the Archdiocese whether it considered the complaint had substance and what further steps were necessary.
- If the SIRG considered the complaint to have substance, it was to interview the accused and provide the accused with the opportunity to seek legal advice.
- If further investigation was required, the accused was to be given administrative leave from any public duties and was not to remain in a situation where it could be perceived that other people, especially children, might be at risk.

The 1992 Protocol stated that any mandatory reporting obligations (legal requirements to report allegations to police or other authorities) should be taken into account. It also stated that under no circumstances should complainants be dissuaded from approaching police.

The SIRG for the Melbourne Province was set up under the 1992 Protocol. Its members included Monsignor Deakin and Monsignor Cudmore, as well as priests from the Diocese of Ballarat and Diocese of Sale.[71]

Archdiocesan protocols and committees

There was evidence that the Archdiocese also developed its own committees and protocols for dealing with complaints of child sexual abuse in the late 1980s and early 1990s.

In June 1988, the Curia agreed to establish a committee to develop guidelines for responding to complaints of sexual abuse.[72]

In 1991, Archbishop Little established a Regional Committee on Special Issues in Victoria, which was a precursor to the SIRG established in the Melbourne Province under the 1992 Protocol.[73]

In 1994 the Archdiocese developed another procedure (to apply in addition to the ACBC protocols) titled 'Interim Procedures to be followed where a Priest is Accused of Sexual Abuse' (1994 Interim Procedures).[74] The 1994 Interim Procedures provided for the establishment of a Professional Standards Standing Committee comprising a priest, canon lawyer, medical doctor, psychologist and civil lawyer. It had a mechanism for an accused priest to be placed on administrative leave.[75]

The Melbourne Response

On 30 October 1996, the Archdiocese announced the establishment of a new process to respond to complaints of abuse committed by a priest or by any religious or lay person working within the Archdiocese. This process came to be known as the Melbourne Response.[76]

As set out earlier, the Melbourne Response was the subject of inquiry in *Case Study 16: The Melbourne Response (Melbourne Response)*. This case study considered the development and application of the laws, protocols and practices that operated within the Archdiocese before the Melbourne Response was introduced.

1.8 Complaints handling prior to October 1996

As set out below, a number of Church personnel and archdiocesan bodies or agencies had roles relevant to responding to complaints of child sexual abuse prior to October 1996.

Archbishop Little's practice and approach to complaints

The Archbishop has the authority to determine the action to be taken against a priest the subject of a complaint of child sexual abuse.

Archbishop Little died in 2008. We received documentary and oral evidence regarding Archbishop Little's attitude and approach to complaints.

Both Monsignor Connors and Monsignor Deakin said that it was their practice as Vicars General to inform the Archbishop of any serious complaint they received.[77] They both said that complaints were made directly to Archbishop Little in some instances.[78]

We heard that Archbishop Little did not always inform the person reporting the complaint what the outcome of the complaint was. Monsignor Connors said that, in most cases, Archbishop Little would not tell him how he had handled or responded to a complaint.[79] Monsignor Deakin also said that Archbishop Little would not necessarily inform him of the action he had taken or was considering taking in relation to a priest.[80] Monsignor Doyle told us that he might raise a complaint with the Archbishop but not be informed of the response.[81]

There was also evidence that Archbishop Little sometimes impressed upon his Vicars General and others the need for confidentiality in relation to complaints. Monsignor Connors said that Archbishop Little would at times speak to him about the behaviour of individual priests and would tell him the matter was confidential.[82] When Monsignor Connors was asked if this was a significant constraint on his ability to raise matters with the Curia, he said that it sometimes was, but at other times the Archbishop would raise matters with the Curia himself. If the Archbishop did not raise the matter, Monsignor Connors said he would not raise it independently.[83]

Monsignor Deakin said he found Archbishop Little to be 'relatively private' in his dealings with problems in the Archdiocese. The Archbishop did not confide in him or, to his knowledge, take the counsel of other priests.[84]

Archbishop Little told Monsignor Deakin (when he was Vicar General) to report any complaints of paedophilia to him verbally and in private. He said he never spoke to Archbishop Little about paedophilia 'in situ' and never gave him a document.[85] Archbishop Little never invited him to provide his views on how a complaint ought to be managed and did not encourage him to inquire about or provide advice on the steps to be taken. He said Archbishop Little held information about such matters 'closely to himself'.[86]

We heard a number of criticisms of Archbishop Little's approach to complaints of child sexual abuse.

Monsignor Connors said that Archbishop Little was too slow to act on complaints and had difficulty accepting that a priest was an offender. He explained that Archbishop Little held the priesthood in very high esteem, and this resulted in difficulties in dealing with complaints against priests. He accepted that this was a 'blind spot' for the Archbishop. He also said that the Archbishop was fearful of being responsible for a priest leaving the priesthood; this affected the way he dealt with complaints and made it difficult for him to confront priests.[87]

Monsignor Doyle also said Archbishop Little had an exaggerated respect for the priesthood, which was why he chose not to act on complaints. He said he believed the Archbishop was in denial and shutting his eyes to allegations.[88]

Archbishop Hart described Archbishop Little as being unwilling to confront difficult decisions, particularly in relation to priests, and said he had a very high ideal of the priesthood.[89]

The role of the Vicar General

Archbishop Hart said that, prior to 1996, in practical terms it was the role of the Vicar General to handle complaints.[90]

Both Monsignor Connors and Monsignor Deakin gave evidence that they received complaints regarding the behaviour of priests when they were Vicars General.[91] Monsignor Connors said that he received complaints of child sexual abuse in relation to Wilfred Baker,[92] Father Peter Searson,[93] Father Ronald Pickering[94] and another priest.[95] Monsignor Deakin gave evidence of his actions in relation to complaints of child sexual abuse against Father Searson, Father David Daniel and Father Nazareno Fasciale.[96]

The evidence is that another former Vicar General, Monsignor Cudmore, received complaints of child sexual abuse in relation to Baker,[97] Father Fasciale,[98] Father Desmond Gannon[99] and Father Daniel.[100] Monsignor Cudmore is deceased.

Although complaints were often reported to the Vicar General, the Vicar General had no authority to make decisions on the action to be taken against a priest in relation to a complaint. That power lay with the Archbishop.[101] On some occasions, if the Archbishop did not respond personally, the Vicar General acted on behalf and under the instruction of the Archbishop in responding to the complaint.[102]

In relation to management of complaints, Monsignor Connors said that the Archbishop would instruct him on any steps to be taken or would deal with the matter himself.[103] Monsignor Deakin stated that, generally speaking, he was expected to deal with complaints in the manner he thought appropriate.[104]

The role of the Auxiliary Bishops

A number of witnesses gave evidence that the Auxiliary Bishops were not ordinarily required to assist the Archbishop in responding to complaints of child sexual abuse by clergy or religious.

Speaking of his expectation and experience after 1996, Archbishop Hart said that Auxiliary Bishops are not strictly involved in the central administration of the Archdiocese, except when they meet fortnightly with the Archbishop, (other) Auxiliary Bishops and the Vicar General at the Curia. Archbishop Hart said it was not quite correct to describe the Auxiliary Bishops as middle managers in the Archdiocese. He said they are more part of the Archbishop's pastoral outreach to the people.[105]

Regarding the practices of the CEO, Monsignor Doyle said that he reported matters to the Auxiliary Bishops 'very infrequently'.[106] He said that the Auxiliary Bishops were rarely involved in discussions about school issues[107] and were not really part of the decision-making structure in relation to complaints.[108]

Monsignor Doyle also told us that his relationship with the Auxiliary Bishops was not a structured one and depended on his personal relationship with the particular bishop. He said that there were some he felt more able to talk to than others. Those whom Monsignor Doyle felt he was able to speak with included Bishop Perkins, Bishop O'Connell, Bishop Pell and Monsignor Connors.[109] He said that, if he did speak to an Auxiliary Bishop, he would expect them to take the matter up with the Archbishop.[110]

Another former staff member of the CEO, Mr Peter Annett, stated that regional bishops visited schools for meet-and-greets with staff, to open buildings or when required to administer the sacrament of confirmation. He said they were not normally called on to assist with any issues in the schools, and Monsignor Doyle usually dealt with serious issues directly with the Archbishop or Vicar General.[111] He said that Auxiliary Bishops 'weren't part of the official reporting lines at all'.[112]

Cardinal Pell also told us that Auxiliary Bishops were 'not part of the official procedures'.[113]

The evidence shows, however, that complaints were made to Auxiliary Bishops on occasions.

Both Monsignor Connors and Monsignor Deakin gave evidence that complaints could be made to the Auxiliary Bishops from time to time.[114] Monsignor Deakin said he would handle these complaints in the same way he did as Vicar General, including by reporting complaints regarding sexual misconduct directly to the Archbishop.[115] Monsignor Connors said that he reported complaints he received as an Auxiliary Bishop to the Archbishop or, possibly, the Vicar General, unless the complaint was trivial.[116]

Archbishop Hart said he would expect that, if an Auxiliary Bishop was given any information, it would be passed on to the Archbishop.[117] He said that, although the Auxiliary Bishop had no capacity to decide the future of a priest, he could take the matter up with the Archbishop or request that it be dealt with by the Curia.[118] He agreed that an Auxiliary Bishop could press the matter a second or third time with the Archbishop and continue to pursue the matter at the Curia.[119]

As set out later in this report, the evidence is that there were particular instances where complaints were made directly to Auxiliary Bishops:

- Mr Philip O'Donnell (a former priest in the Archdiocese who left the priesthood to resume secular life) gave evidence that he considered Auxiliary Bishop O'Connell a 'go-to person' in relation to concerns about priests.[120] He said that he sought counsel from Auxiliary Bishop O'Connell in relation to Father Searson.[121]
- A school principal, Mr Anthony Aulsebrook, wrote to Auxiliary Bishop O'Connell of his concerns regarding Father Searson in 1983.[122]
- Another school principal, Ms Patricia Taylor, told us that she reported her concerns regarding Father Baker to Monsignor Connors in 1992, when Monsignor Connors was an Auxiliary Bishop.
- Father Ernie Smith referred a complaint regarding Father Fasciale to Auxiliary Bishop O'Connell in 1977.[123]
- A complaint was made to Auxiliary Bishop Perkins in relation to Father Daniel in 1991.[124]
- In late 1989, Auxiliary Bishop Pell received a delegation of school staff and a complaint from a parishioner in relation to Father Searson.

The role of advisory bodies

Consideration of complaints against priests by the Curia

Monsignor Connors said that behavioural issues regarding priests were raised at the Curia from time to time.[125] He recalled that the issue of 'boundary violations' (priests having sexual relationships with adults) was raised at the Curia once or twice.[126] When he was Vicar General, he said he might raise complaints regarding a priest's behaviour with the Curia, or the Archbishop could do so, but that this was not the standard practice.[127] However, he said that he would normally report complaints he received when he was an Auxiliary Bishop at meetings of the Curia.[128]

Monsignor Deakin agreed with the proposition that Archbishop Little did take serious complaints about priests to the Curia, but he said he was not sure that the Archbishop always did so.[129] Monsignor Deakin was asked whether Archbishop Little would encourage open discussion about issues at Curia meetings. He said that Archbishop Little would, but only when the Archbishop preferred the matter to be openly discussed, and some issues were not discussed.[130] Monsignor Deakin told us that, although he could not remember clearly, he thought some complaints of child sexual abuse were brought to the Curia's attention, but he was not sure that there was any discussion of them by the Curia.[131]

Monsignor Deakin was asked if it was his general practice, while he was Vicar General, to take complaints he received about priests to the Curia. He said he had a 'vague idea' he had done so on occasions but was not sure that it was his general practice. He said he had a 'vague idea' that he would speak to the Archbishop about very serious complaints in private.[132]

Monsignor Connors said that, if a complaint about the conduct of a priest was raised at a Curia meeting, the role of the members of the Curia was to give advice to the Archbishop on the matter.[133] Monsignor Deakin agreed that in discussions about complaints everyone was expected to contribute his knowledge of the relevant priest, but he said this did not always occur.[134] He said he thought that people held back information from each other and described this as 'Bloody dishonest'.[135]

We are satisfied that complaints about the behaviour of priests were raised with the Curia from time to time. When complaints were raised, the role of each person present was to advise the Archbishop how best to proceed. That included each person contributing his relevant knowledge about a complaint, although it seems that this did not always occur.

The role of the Consultors and the PAB

A letter from Cardinal Velasio De Paolis setting out the functions of the Consultors under canon law was tendered at the request of counsel for Cardinal Pell. Cardinal Velasio De Paolis wrote that the appointment, transfer or removal of priests is not within the legal competencies of the Consultors under canon law.[136]

Notwithstanding Cardinal Velasio De Paolis' letter, we heard from Archbishop Hart, Monsignor Connors and Cardinal Pell that prior to 1984 the Consultors provided Archbishop Little with advice in relation to the appointments of priests.

Archbishop Hart told us that prior to 1984 the Consultors were responsible for advising the Archbishop in relation to the appointment of priests.[137] Archbishop Hart was not a Consultor at the time, but his evidence to us was based on his review of the documents and his later personal experience in the Archdiocese.[138] His view is consistent with the minutes of the Consultors meetings that were in evidence. They show that the appointments of priests within the Archdiocese were recorded at the Consultors meetings prior to 1984.[139]

Monsignor Connors agreed that the process at meetings of the Consultors was that a vacancy would be put forward and the Consultors would be asked to share their views regarding potential appointments.[140] When multiple applications for an advertised position were received, the attributes and deficiencies of the candidates would be discussed.[141]

Cardinal Pell told us that the Consultors had no official role in providing advice on appointments. However, he accepted that their advice was sought and was given.[142]

As set out above, the PAB was established in 1984 for the express purpose of advising the Archbishop on the placement of priests.

In his evidence about the nature of discussions at the PAB generally, Monsignor Connors told us they related to the suitability of particular priests for appointments. He said that from time to time the PAB discussed behavioural and other issues regarding priests, including in relation to health and alcohol issues. However, he said that he could not recall any discussions at PAB meetings about sexual misconduct involving children.[143]

Monsignor Connors said that the Archbishop sought and encouraged the views of members to assist him in making his decisions.[144] He agreed that there were robust discussions about priests at some of these meetings.[145]

Monsignor Deakin said that Archbishop Little sometimes shared information regarding complaints with the PAB or Curia, but his sense was that this was done 'for information' rather than for the purpose of opening up discussion.[146] He said the Archbishop would sometimes let his mind be known on issues such as moves and, when he did, the PAB members did not often push back on the proposal or decision.[147]

Archbishop Hart told us that, based on his personal experience as an attendee at PAB or Consultors meetings, during those meetings there could be robust and detailed discussions about whether a priest would be moved.[148] However, his personal experience was limited to meetings held after September 1996, when Cardinal Pell was the Archbishop. It was his view, based on the documents in evidence, that Archbishop Little would sometimes make oblique references at meetings or give some information but 'not the whole story'.[149]

We are satisfied that the Consultors provided advice to the Archbishop on the appointments of priests. That advisory function was transferred to the PAB when it was established in 1984. The Archbishop was responsible for making decisions on the appointment, transfer or removal of priests.

Archbishop Little did not always share all the information he had regarding complaints against priests with the Consultors or PAB. Nevertheless, we are satisfied that:

- the Archbishop generally sought and encouraged the views of members to assist him in making an appointment
- on occasions there were robust discussions concerning the proposed priest appointees
- where multiple candidates were considered, discussions would include the attributes and deficiencies of priests proposed for an appointment.

The role of the CEO

Another body that received complaints about the conduct of priests from time to time was the CEO. The CEO received complaints about the conduct of two priests considered in the case study. It received a number of complaints regarding Father Searson's conduct and, to a lesser extent, it received complaints in relation to Baker.[150] Although complaints were made to the CEO, we heard from Archbishop Hart and Monsignor Doyle that the CEO had no authority to take action against priests.

Archbishop Hart told us that the CEO could liaise with a priest in relation to some issues. However, he said that it had no authority to suspend a priest, remove a priest's faculties or place a priest on administrative leave. Those powers lay with the Archbishop.[151]

Monsignor Doyle described the CEO's role and authority in relation to complaints about the conduct of priests or religious as 'limited'.[152] Monsignor Doyle accepted that he was able to talk to a priest about a complaint if one were made against him and that there was no impediment to him doing so.[153]

Monsignor Doyle also said that, in practice, the schools regarded the CEO as their central coordinating body. They sought and relied on the CEO's assistance and generally followed the policies and advice of the CEO. The CEO in effect operated on behalf of the Archbishop, who had the authority to give directions to the CEO if he chose to do so.[154]

Although the CEO had (and has) no authority in relation to parish priests, Monsignor Doyle told us that staff at Catholic schools mostly turned to the CEO in the first instance if they held a concern about a parish priest.[155] He agreed that principals and teachers were free and encouraged to raise concerns with the CEO, and they depended on the CEO for advice on how to deal with problems with priests and for support in seeking action where action was needed.[156]

We accept his evidence.

2 Father Peter Searson

Father Peter Searson was born in 1923 and was ordained as a priest in 1962. Prior to his ordination, he spent almost 20 years as a member of the Marist Brothers – a Catholic religious order.[157]

Father Searson held the following relevant appointments in the Archdiocese:

- chaplain to the Villa Maria Society for the Blind (January 1974 – June 1977)
- parish priest, Sunbury, Victoria (June 1977 – January 1984)
- parish priest, Holy Family Parish, Doveton, Victoria (January 1984 – March 1997).[158]

Father Searson was the subject of many complaints over the years, mostly in relation to his conduct at Doveton and Sunbury. In addition to some complaints of child sexual abuse, other complaints were made about his unpleasant, strange, aggressive and violent conduct.

Archbishop Pell placed Father Searson on administrative leave in March 1997.[159]

In 1997 Father Searson pleaded guilty to physically assaulting a child and was released without conviction on a good behaviour bond.[160] He was never charged with any offences in relation to the sexual abuse of children, and he was never laicised.

Father Searson died in June 2009.

2.1 Sexual assault of an 18-year-old woman in 1974

Victoria Police Assistant Commissioner Stephen Fontana said that a woman approached Victoria Police in 1997 and reported that she had been raped by Father Searson in 1974, when she was 18 years old.[161]

In 1974, Father Searson was chaplain to the Villa Maria Society for the Blind.

The woman told police that Father Searson had agreed to help her prepare to be baptised, as she was converting to Catholicism in order to marry a Catholic man. For that purpose, she attended lessons with Father Searson. Initially, these were in the form of readings and discussions about the Catholic faith. Father Searson then asked her to attend his residence for the lessons. During these visits he began touching her. This progressed to sexual intercourse. Father Searson had her believe that the acts were part of her preparation for marriage and baptism. He threatened her that if she did not turn up to lessons she would be unable to marry her fiancé.[162]

At some point after her baptism in November 1974, the woman told her husband what had happened. She then told a local priest, who arranged an appointment with the Archbishop. The woman and her husband attended the Archbishop's residence in Kew. The woman said she told the Archbishop what had happened and he said he would look into it and get back to her and her husband. She did not think she ever heard from the Archbishop after that.[163]

There is no evidence to suggest that Archbishop Little did get back to the woman or that he confronted Father Searson in relation to her allegation.

Although the woman did not identify definitively who the Archbishop was, given the events took place after November 1974, the Archbishop was Frank Little.

We accept the woman's account as provided to police. We are satisfied that sometime around late 1974 Archbishop Little received a complaint that Father Searson had raped a young adult woman. He did not follow up with the complainant or confront Father Searson. We are satisfied he took no effective action in response to her complaint.

2.2 Sunbury 1977–1984

Father Searson was the parish priest of Our Lady of Mount Carmel Parish, Sunbury (Sunbury), from June 1977 to January 1984. There were two parish schools attached to Sunbury: Our Lady of Mount Carmel and St Anne's Primary.

The Archdiocese received multiple complaints about Father Searson at Sunbury, as considered in this section.

Complaint from a parishioner to Archbishop Little

In around May 1982, a parishioner from Sunbury complained to Archbishop Little that principals and staff at schools were working under 'extreme provocation from autocratic decisions and lack of sincere communication from Fr. Searson'. He also wrote that he had instructed his children to refuse to be called to Father Searson's office unless accompanied by another child or adult. He expressed the view that Father Searson ought to be removed from parish duties.[164]

Archbishop Little replied on 5 May 1982. He said that, through his regional bishops, Consultors and advisers, he 'continually' monitored the progress of parishes. He wrote that he would further consider the matters raised in discussion with his advisers.[165]

Archbishop Hart said that Archbishop Little 'brushed … aside' the parishioner's concerns.[166] Cardinal Pell described Archbishop Little's response as 'absolutely unsatisfactory'.[167]

The concern that the parishioner raised in his letter to Archbishop Little about children being alone with Father Searson was clearly directed to the safety or wellbeing of children in Father Searson's company. It should have prompted Archbishop Little to inquire into the basis for that concern, determine if it was well founded and take appropriate action. He failed to do so. His conduct was absolutely unsatisfactory in that regard.

Complaints from the assistant priest, Mr O'Donnell

We heard from Mr O'Donnell, who was once a priest in the Archdiocese. He was ordained in 1975[168] and held a number of appointments, including as the assistant priest at Sunbury between January 1981 and January 1984. He was also the assistant priest at Gladstone Park parish in the 1970s, where Father Baker was the parish priest.

In 1999, Archbishop Pell supported Mr O'Donnell's canonical application for dispensation from the clerical state ('laicisation'). One of the reasons Mr O'Donnell cited for his request was the personal and professional stress he suffered as a result of having to deal with the activities of paedophile members of the clergy.[169] Mr O'Donnell's application was granted and he resumed a secular life.

As set out below, Mr O'Donnell reported a number of issues or concerns regarding Father Searson to several senior priests within the Archdiocese in 1981 and 1982, during the time Mr O'Donnell was an assistant priest at Sunbury.

Letters from Mr O'Donnell to Archbishop Little and the Vicar General, Monsignor Connors

On 10 October 1981, Mr O'Donnell wrote to Monsignor Connors, who was the Vicar General at the time, to say that the situation in Sunbury was becoming very strained. Mr O'Donnell wrote that he would normally correspond with Auxiliary Bishop O'Connell to 'keep him in the picture', but he was away. Mr O'Donnell listed some general grievances regarding Father Searson but wrote it was not a matter for the Archbishop 'at this stage'.[170]

On 18 May 1982, Mr O'Donnell wrote to Archbishop Little and said, 'I have not the slightest doubt that [Father Searson] is psychologicaly [sic] unsuitable to be the Pastor of this parish, or any other'. His concerns included Father Searson's 'utter humiliation of women' and his 'desire to be completely dominant'. He wrote that he had twice complained to Auxiliary Bishop O'Connell that staff members had been humiliated and reduced to tears by Father Searson. He wrote that moving Father Searson would only perpetuate the problem in another parish.[171]

Mr O'Donnell wrote again to Monsignor Connors on 17 June 1982. He detailed several incidents involving Father Searson and accounting irregularities. He wrote, 'You and I, and half the world know that the man is sick. This crookedness is but a part of that'. He also wrote that he thought the Cathedral had a responsibility to take some action regardless of the difficulties involved in moving Father Searson.[172]

Monsignor Connors could not recall Mr O'Donnell's letter, but he accepted that it was sent to him and that he would have read it.[173]

On 17 September 1982, Mr O'Donnell wrote again to Archbishop Little regarding the situation at Sunbury. He wrote that whenever he complained to people such as Auxiliary Bishop O'Connell or Monsignor Connors that Father Searson was unbalanced there was 'never an argument', but nothing was done.[174]

One-on-one sex education

Mr O'Donnell told us of another allegation he said he received about Father Searson while he was at Sunbury, which is not set out in the letters he wrote in 1981 and 1982.

Mr O'Donnell said that, in about 1982, Sisters on the staff of Our Lady of Mount Carmel School told him that Father Searson was 'taking children from school, apparently to his own room, apparently for sex education'.[175] He told us he believed the allegation to be true, but it was not something that he had witnessed personally.[176]

Mr O'Donnell was asked if he raised the allegation with Auxiliary Bishop O'Connell, with whom he had raised other concerns. He initially answered that he did not raise this allegation but then said he would have mentioned it as one of a range of issues – as part of a 'package of complaints'.[177]

Although this allegation is not recorded in Mr O'Donnell's letters written at the time of the events, he did describe it in a letter he wrote later to Monsignor Cudmore in June 1996. (Monsignor Cudmore was the Vicar General in 1996.) Mr O'Donnell wrote Monsignor Cudmore what he described as a 'rather lengthy and difficult letter' concerning child sexual abuse in the clergy, which he said was a matter of major importance to the community, the Church and himself. Mr O'Donnell referred to his time in Sunbury and said that he regularly communicated with Archbishop Little on matters of 'grave misconduct' regarding Father Searson. He said these communications included 'the anxiety of the former Principal, parents and myself of Fr. Searson's practise of conducting individual sex education in the privacy of his own Office/rooms'. He wrote, 'I did not have specific allegations against Fr. Searson, but had serious reservations about the propriety of his behaviour'.[178]

Mr O'Donnell was questioned about his recollection of conveying this particular allegation to the Archbishop. He was asked whether he did not tell the Archbishop about the one-on-one sex education because it was not something he had observed directly. He said, 'I had not observed it, I couldn't observe it, I believed it to be true, but probably I didn't see it as my domain. I think I probably did tell the Archbishop, but I can't be sure'.[179]

Mr O'Donnell spoke candidly in his evidence to us about his dealings with Father Searson in the 1980s. He reported a number of concerns about Father Searson to the Vicar General, the Auxiliary Bishop and Archbishop. He recognised that Father Searson was not fit to be a priest in a parish and he said so. He encouraged his superiors to act, although his advice went unheeded. His dealings with Father Searson had a lasting effect on him, and it was ultimately one of the reasons he made the decision to leave the priesthood. He presented as an honest witness, and he acknowledged that he was not able to say for certain that he did raise the one-on-one sex education allegation with Archbishop Little, but he probably did. We accept that evidence.

Mr O'Donnell's evidence was that nothing happened in 1982 as a result of his communications with Archbishop Little, Auxiliary Bishop O'Connell and the Vicar General, Monsignor Connors.[180] We also accept that evidence, which was not contradicted.

Complaint by school principal to Auxiliary Bishop O'Connell

Mr Aulsebrook was the principal of St Anne's Primary (one of the two Sunbury parish schools) in 1983.[181] He provided a statement to us.[182]

Mr Aulsebrook stated that in late 1983 he became aware that Father Searson had passed off a personal car as a school car in order to have the school pay for its service. He found this out when he received a call from a car dealership. Mr Aulsebrook said he informed the regional CEO consultant of the matter.[183]

In September 1983, Mr Aulsebrook wrote a letter to Auxiliary Bishop O'Connell. In it, Mr Aulsebrook expressed his 'growing concern and despair' for the future of St Anne's Primary because of Father Searson. He referred to a number of significant financial irregularities in the school's accounts. He recounted other conduct by Father Searson and described Father Searson's behaviour as paranoid.[184]

Mr Aulsebrook stated that sometime afterwards, in October or November 1983, Auxiliary Bishop O'Connell visited St Anne's Primary and said to him, 'I got your letter. Things are in motion. Keep your powder dry'.[185] As set out below, Father Searson was moved out of Sunbury parish at the end of the year.

Consultors meetings

Father Searson was discussed during meetings of the Archbishop's advisers in June 1982 and February 1983.

The June 1982 meeting was attended by Archbishop Little, Bishop Perkins, Bishop O'Connell, Monsignor Connors, Monsignor J Murray, Father T Brophy, Father J Mullally, Father P Dalton, Father M Casey, Father A Feeney and Father J Grech. The minutes of the meeting record that 'It was agreed that the personnel situation in the Parish of Sunbury requires constant review'.[186]

There is no other detail recorded in the minutes of what the 'personnel situation' was or why the matter required constant review. However, this meeting occurred shortly after Mr O'Donnell's letters to Archbishop Little and Monsignor Connors in May and June 1982 and one month after the letter from the parishioner to Archbishop Little complaining about Father Searson's conduct.

The February 1983 meeting was attended by Archbishop Little, Monsignor Connors, Monsignor J Murray, Father T Brophy, Father W O'Driscoll, Father N Coghlan, Father J Mullally, Father P Dalton, Father M Casey, Father A Feeney and Father J Grech.[187] Auxiliary Bishop O'Connell was not present. During this meeting, Archbishop Little reported on the situation 'concerning clergy personnel' in Sunbury. As was the position in September 1982, the minutes record that 'It was agreed that the matter should be kept under review'.[188]

We are satisfied that aspects of Father Searson's alleged misconduct were discussed at the meetings in June 1982 and February 1983. The reference to the 'situation' concerning 'personnel' is likely to be a reference to the complaints about Father Searson's conduct. It was those complaints that led to Father Searson's poor relationship with Mr O'Donnell, and they were the Church personnel in the parish. We are not able to determine which of the complaints were discussed or the substance of the discussion. We are satisfied, however, that those present at the meetings obtained some knowledge of complaints against Father Searson.

At both of those meetings, it was agreed that the situation should be monitored.

Archbishop Hart gave the following evidence in relation to the allegations made against Father Searson from his time in Sunbury:

> Based on the material I have reviewed, the response of the Archdiocese to the general complaints that were being raised about Searson at Sunbury was inadequate. The approach appears to have been simply to monitor the situation. Archbishop Little did respond to some complaints that were made … but there seems to have been no investigation of the matters raised against Searson at that time.[189]

Given the number and nature of the complaints which had been made, keeping the situation under review was clearly an inadequate response.

Father Searson's transfer to Doveton

In late 1983, Father Searson requested to be transferred out of Sunbury to another parish.[190] That request was ultimately approved when he was appointed as parish priest of Doveton, commencing in January 1984.

Father Searson's appointment to Doveton was recorded in the minutes of a meeting of the newly formed PAB held around late December 1983.[191] Archbishop Little, Monsignor Connors, Bishop Perkins, Bishop O'Connell, Monsignor J Murray, Father T Brophy, Father W O'Driscoll, Father N Coghlan, Father J Mullally, Father P Dalton, Father M Casey, Father A Feeney and Father J Grech were present.

The minutes do not record the content, if any, of the discussion surrounding Father Searson's appointment, and they do not record any person's objection to it.

Of those persons present at the meeting, three had personally received complaints regarding Father Searson's conduct:

- Archbishop Little knew of a complaint that Father Searson had raped a young woman in 1974. He also probably knew of a concern in 1982 that Father Searson was conducting sex education with individual students in his bedroom. He knew of a concern reported by a parishioner that Father Searson should not be alone with children. He knew of other general concerns regarding Father Searson's character and conduct reported by the assistant priest, Mr O'Donnell.
- Auxiliary Bishop O'Connell knew of the school principal's view that Father Searson was bad for the school and parish community and had been financially dishonest.
- The Vicar General, Monsignor Connors, knew of financial irregularities for which Father Searson was alleged to be responsible and that Mr O'Donnell thought Father Searson was 'sick'.

None of those matters was investigated adequately or at all.

When Monsignor Connors was asked about Father Searson's appointment to Doveton, he told us that the information available at that time was sufficient to place Father Searson in a non-parish appointment, and his appointment to Doveton was wrong.[192] The Church parties accepted this position.[193] We agree.

Despite the fact that Archbishop Little, Monsignor Connors and Auxiliary Bishop O'Connell knew of complaints against Father Searson, Archbishop Little appointed Father Searson to Doveton parish. That decision was wrong. It had tragic consequences.

Archbishop Little's failure to recognise or respond to the indications that Father Searson posed a risk to children was appalling in light of the earlier complaint to him that Father Searson had raped a young woman in 1974.

2.3 Doveton 1984–1986

The Holy Family Parish, Doveton (Doveton), is located in Melbourne's south-east. The Holy Family Primary School (Holy Family School) is the parish school.

Father Searson was appointed the parish priest of Doveton in January 1984.[194] Mr Graeme Sleeman was principal of Holy Family School at the time. Mr Sleeman gave evidence that he heard rumours and innuendo in relation to Father Searson around the time of Father Searson's appointment. These included that Father Searson had 'strange' relationships with children and that he had mishandled finances, and a priest had warned him that he ought to be careful of Father Searson.[195]

From the beginning, the relationship between Father Searson and Mr Sleeman was strained. Mr Sleeman told us that his first personal interaction with Father Searson involved a dispute over Mr Sleeman organising the provision of a telephone system for the school. Father Searson objected to it and said he was the manager of the school.[196]

Mr Sleeman said he later met with Father Searson in his presbytery, told him he had heard rumours about him and said:

> Look, Father, there's been a lot of comments made about you that I've received; I'm prepared to ignore all that. However, if you step out of line, I will have your guts for garters.[197]

The gun

On 15 August 1984, some Doveton parishioners wrote to Archbishop Little, marking the letter as personal. In addition to other concerns, they wrote that Father Searson had pointed a hand gun at a couple of people, who would not come forward for fear of repercussions. The authors requested an appointment with the Archbishop to discuss the situation.[198]

Archbishop Little replied on 20 August 1984. He suggested that the parishioners raise the complaint with Father Searson directly and said that 'on no account should a superior act unless he is sure that the accused person has had an opportunity to defend himself with his accusors'. He wrote that marking the letter as personal prevented him from raising the matter with Father Searson himself and said that this was 'an improper procedure'. He suggested that the parishioners write again once they had discussed the allegations with Father Searson.[199]

The parishioners had made an alarming allegation. The Archbishop's criticism of the parishioners and his suggestion that they confront Father Searson themselves was harsh, unrealistic and entirely inadequate. He avoided dealing with the allegation, in disregard for the safety of children.

We heard that the same or another allegation about a gun was also reported to Mr Sleeman; was known to Mr Allan Dooley, an employee of the CEO; and was reported to the CEO director, Monsignor Doyle.

Mr Sleeman said that he received a phone call from some year 12 boys who were cleaners at the school. The boys told him that Father Searson had held a gun to them when they were in the school cleaning the toilets at 8 pm and had told them to get off the property.[200]

Mr Sleeman said that he notified Mr Dooley, then the regional educational consultant for the CEO, straight away.[201] He said that Mr Dooley told him, 'I'll note it and I'll seek advice', but he did not come back to Mr Sleeman with any advice.[202] While Mr Sleeman was not able to say when this was, he said it was his first report to Mr Dooley. That means it occurred sometime before May 1985, as there are documents evidencing reports he made to Mr Dooley at that time.[203]

Mr Dooley told us that he did not remember being made aware at the time of any allegation that Father Searson had pointed a hand gun at students. He recalled that he learned at some point of an allegation that Father Searson had a gun, but he could not recall how he learned that or when.[204]

We accept Mr Sleeman's evidence that he reported to Mr Dooley an allegation that Father Searson had pointed a gun at high school students. Unlike Mr Dooley, Mr Sleeman had a clear recollection of the event.

Monsignor Doyle said he became aware of an allegation that Father Searson had a gun. He reported this to the Archbishop.[205] He told us that he thought 'we', referring to the CEO, would have investigated the matter. When asked whether he had seen any evidence of an investigation by the CEO, he said, 'I think there are various reports from Allan Dooley' about the gun.[206] Monsignor Doyle said he thought the gun turned out to be an imitation gun.[207]

There are no documents recording a report of a gun allegation from Mr Dooley to anyone else at the CEO.

We accept that Monsignor Doyle was informed of an allegation that Father Searson possessed a gun and that he told the Archbishop of that allegation. There are no records of any investigation of the allegation by the CEO. Contrary to what Monsignor Doyle told us, there is no evidence to support a conclusion that the gun was not real. As set out later, police records reveal that Father Searson was in possession of a real gun at that time.[208]

Despite the risk of potential harm to children and other parishioners, the CEO and Archbishop Little did not deal with these serious allegations effectively or at all.

In addition, although Father Searson's possession of a gun may well have been a crime, there is no evidence that the CEO or the Archbishop considered reporting the matter to police.

Ms Julie Stewart

Ms Julie Stewart was in grade 4 at Holy Family School in 1985. Ms Stewart told us about 12 to 14 incidents involving Father Searson in 1984 and 1985.

Ms Stewart said that on several occasions in 1984 and 1985 Father Searson made her sit on his knee in the confessional. On the first occasions, he asked her if she loved him and made her kiss him on the lips. On later occasions Father Searson also touched her on her private parts on the outside of her underwear.[209]

On the final occasion, in term 2 of 1985, Father Searson lifted Ms Stewart from his knee and onto his lap. She said she could feel his erection against her backside and he pushed her hard against him. Ms Stewart said she got up and ran out of the confessional to her teacher, Mrs Shirley Barrett. Ms Stewart said she was sobbing and hyperventilating and 'making a lot of noise'.[210]

Mrs Barrett took her to see Mr Sleeman immediately. Mr Sleeman asked her if something had happened, but all she could say was 'Horrible, it was horrible'.[211]

Matter reported to the CEO

Mr Sleeman told us that he heard a screaming child, and he ran out of his office and saw Mrs Barrett with Julie. He asked what was going on and Mrs Barrett said she did not know.[212] Mr Sleeman then went and got the deputy principal, Mrs Margaret Goodacre. The two female teachers then spoke to Julie.[213] Mr Sleeman said that Julie did not speak to him to tell him what had happened[214] but that the two teachers said to him that Father Searson had 'interfered' with her.[215]

Ms Stewart could not recall being taken to see anyone after seeing Mr Sleeman. She did not remember Mrs Goodacre. She recalled being spoken to by someone at some stage after the incident but not what she said.[216]

Mr Sleeman said that he reported the matter immediately to Mr Dooley. In doing so, he said the main point he made was 'the trauma that Julie showed when she came … running out of the church … was not that she'd put her finger in the light socket, but something had been put into her'.[217]

The effect of Mr Sleeman's evidence is that he told Mr Dooley at the time of the events that he had observed Ms Stewart in obvious distress and that he suspected that a sexual interference had occurred. We accept that evidence.

No report to police

Ms Stewart told us that she could not recall anyone ever suggesting at the time that she go to the police to report what happened with Father Searson in the confessional. She said that, from conversations with her mother, her mother could not recall it being suggested to her either.[218] We accept her evidence.

Monsignor Doyle accepted that no one from the CEO reported the matter regarding Ms Stewart to police.[219]

Recording the incident

Although this incident occurred in term 2 of 1985 and Mr Sleeman reported the matter to Mr Dooley immediately, no one at the CEO prepared a record of the incident until November 1985.

In a confidential memorandum dated 20 November 1985, Mr Dooley wrote that he had met with Mr Sleeman and Father Searson to discuss a parent's concern 'about what they saw as a sexual advance to their daughter by Father Searson during Reconciliation'.[220] Mr Dooley wrote that he had received a phone call from the parent, who had also spoken to Mr Sleeman. The parent referred to in the document is Mrs Stewart, Ms Julie Stewart's mother.

Mr Dooley wrote that he and Mr Sleeman spoke to Father Searson about the matter, and:

> [Father Searson] indicated that he was taking steps to ensure he did not place himself in situations where misinterpretations could be placed on his actions and that since an instance when a girl sat on his lap he had ensured that children remained seated in the chair opposite him and that there was no physical contact … He … assured us there was no truth in the comment whatsoever.[221]

Father Searson repeatedly asked Mr Dooley to identify the parent, which Mr Dooley refused to do. Father Searson then said he had received legal advice that the complainant could be sued and Mr Dooley could be compelled to identify him or her.[222]

There is no other detail in Mr Dooley's memorandum of the incident or allegation put to Father Searson.

Mr Dooley told us that he believed at the time it was possible that Father Searson had made a sexual advance toward the child and that he at least doubted Father Searson's denial of the accusation.[223] Mr Dooley accepted that his doubts were not conveyed in his memorandum.[224] When asked whether that was a significant omission, he answered, 'In hindsight that would be correct'.[225]

Monsignor Doyle's evidence was that he did not doubt the complainant. He said that as of late 1985 he did not put any store in Father Searson's credibility and did not believe his denial.[226]

The Church parties submitted that to criticise Mr Dooley regarding the lack of detail in the memorandum ignored the fact that there was little information available at that time as to what had occurred. They submitted that, in circumstances where the details of Father Searson's actions towards Ms Stewart were largely unknown, the description of the incident as a 'sexual advance' was sufficient to illustrate the seriousness of the situation.[227]

We do not agree. The evidence establishes that there were other matters known to Mr Dooley that he did not include in the memorandum. He should have recorded that Mr Sleeman observed the immediate aftermath of the incident, observed that a child was in obvious distress and suspected that a sexual interference had occurred. Mr Dooley should also have included his own belief that it was possible that some form of sexual misconduct occurred and that he doubted Father Searson's denial of the accusation. He was the CEO officer to whom the matter was reported and who spoke to Father Searson. As such, he was the person best placed to make those observations to his superiors.

These were clearly important matters in assessing the incident. Had they been included, they would have reinforced the suspicion that a sexual interference did occur and that Father Searson was lying.

We are satisfied that Mr Dooley created an incomplete record of his knowledge and view of the incident, which resulted in it appearing less serious.

Requiring a 'formal complaint'

Mr Dooley wrote in his 20 November 1985 memorandum that there had been no 'formal complaint' by the parent (Mrs Stewart). He wrote that 'it wasn't so much a complaint, but rather a discussion of how the parent was feeling in regard to the situation'. He said that, had there been a formal complaint, his course of action would have been different. Mr Dooley wrote that he had spoken to Monsignor Connors about the matter, and Monsignor Connors had indicated that the parties needed to lodge a formal complaint.[228]

Mr Dooley said that what was needed to elevate the report to a formal complaint was an indication from the parent (that is, Ms Stewart's mother) that she wanted action taken.[229] He said that this could have triggered a formal investigation.[230] He was asked where he got the notion that a formal complaint was required. He said, 'It was my understanding that parents would need to give consent for an investigation into a matter'.[231] Mr Dooley could not recollect whether he communicated the requirement for a 'formal complaint' to the parent or to Mr Sleeman at the time.[232]

Mr Sleeman recalled the meeting between him, Mr Dooley and Father Searson about this allegation. He said they had a number of these meetings. He said that every time he was present when Mr Dooley approached Father Searson with a complaint, Father Searson vehemently denied the allegation.[233] Mr Sleeman said that he kept questioning Mr Dooley about when the CEO would seriously investigate the complaints.[234] Mr Sleeman had no recollection of discussing a requirement for a 'formal complaint' with Mr Dooley and said he had no understanding at the time that this was required.[235]

Monsignor Connors told us that he could not now recall the complaint or discussion about it.[236] However, he said that there should have been a thorough investigation regardless of whether or not a 'formal complaint' was made[237] and that he should have supported the investigation.[238] Monsignor Connors said:

> Looking back, requiring a formal complaint before investigating was a terribly inadequate response for the Archdiocese to make after receiving such a serious report of a sexual advance to a child.[239]

That concession was properly made.

Beyond putting the allegation to Father Searson, who denied it, no other steps were taken to investigate or act upon the matter in relation to Ms Stewart. We find that it was unreasonable and inadequate to accept Father Searson's denial and to treat it as effectively precluding further action.

It was wrong for Mr Dooley and Monsignor Connors to form the view that no action could be taken in the absence of a 'formal complaint'. As well as the phone call from the parent, the principal had reported the matter to the CEO and was agitating for action to be taken. That should have been sufficient. In addition, there is no evidence that Mr Sleeman or Mrs Stewart understood that a 'formal complaint' was required before action could be taken.

We accept that there may have been constraints upon a representative from the CEO or other person from the Archdiocese speaking with Ms Stewart, a young girl, without parental consent. However, her mother was clearly concerned and could have been approached to provide the necessary consent. There is no evidence that that occurred. In any event, there were other persons from whom an account could be taken, such as Mr Sleeman and other staff. If these inquiries had been made, they would probably have been sufficient to indicate that a serious incident involving an allegation of a suspected sexual interference with a child had occurred.

Other complaints or concerns of sexualised conduct in 1985

Sister Power's memorandum

On 2 May 1985 Sister Joan Power, CEO chairperson of the primary staff group, reported two incidents regarding Father Searson to Monsignor Doyle in a memorandum:[240]

- A parent said that Father Searson had spoken to a girl about her size. He had also tickled the stomach of another 'oversize' girl and said, 'don't you ever look at yourself in the shower'. One of the girls had also been 'cuddled in the sacristy' by Father Searson in February.
- A teacher reported that a child said she did not want to go to confession because Father Searson 'always wanted her to sit on his knee' and that he had been sitting her on his knee since her first confession.

Monsignor Doyle could not recall Sister Power's memorandum but said that the matters in it were the types of matters that it was his practice to raise with Archbishop Little.[241] We accept that he told the Archbishop.

We are satisfied that the Archbishop, the director of the CEO and the relevant CEO chairperson were aware of these allegations.

The Archbishop took no action against Father Searson in response.

Complaints referred to Monsignor Connors in September 1985

Parents made two other complaints to Mr Sleeman in September 1985.

The first complaint was from a mother whose daughter said that Father Searson had a tape recorder on during her confession. Mr Sleeman asked the mother whether the tape recorder could have been for playing music. She responded that it could not because her daughter 'knows about tape recorders' and had been questioned very closely about the matter.[242]

The second complaint was from another mother whose daughter did not want to attend confession because she said Father Searson 'asks the children to kneel between his legs'.[243]

Mr Sleeman made notes of the complaints and provided them to Mr Dooley. Mr Dooley passed the notes on to Mr Norm Lalor, who was then deputy director of the primary staff group at the CEO.[244] On 19 September Mr Lalor forwarded the written complaints to Monsignor Connors, the Vicar General.[245]

On 31 October 1985 Monsignor Connors wrote to Archbishop Little attaching a memorandum which described the complaints. Monsignor Connors wrote that he had discussed the matters with Father Searson and that:[246]

- he said the tape recorder was used for playing hymns
- in relation to the 'other matter' – that Father Searson required children to kneel between his knees in the confessional – Father Searson assured Monsignor Connors that he would in the future 'insist on the use of a kneeler'.

Monsignor Connors wrote that he told Mr Sleeman that he had to accept Father Searson's explanations. He went on to say that he and Mr Sleeman agreed it would be 'most difficult' to prove the allegations, and he told Mr Sleeman that all they could do was monitor the situation.[247]

Monsignor Doyle recalled that the matters that Mr Sleeman reported were raised with him. He said he regarded these matters as serious because they were matters concerning the confessional and the safety of children.[248] He agreed this was potentially a dangerous situation and that he would have suspected that there was a sexual element to Father Searson's alleged conduct.[249]

Monsignor Doyle agreed that the explanation that Father Searson provided regarding the tape recorder was unlikely or at least suspicious.[250] He also said that by October 1985 there was an unusual number of complaints against Father Searson and that they were unusually serious.[251] When asked whether simply monitoring the situation was effectively all that could be done in the circumstances, he said that without some action from the Archbishop it was difficult to see another solution.[252] He said that by this time he had formed the opinion that Father Searson should be removed from the parish.[253] He said that he expressed that opinion

to the Archbishop 'constantly'. When asked whether he told anyone else, Monsignor Doyle said, 'I expect my normal practice would be, in conversations with the Vicar General, to say that'. He did not think he had expressed the view in writing.[254]

Mr Dooley gave evidence that he believed at the time (that is, in late 1985) that the complaints had substance and that they were credible.[255]

Monsignor Connors was asked about this matter. He said, 'I do believe that I failed to investigate that matter in greater detail'. He agreed that the extent of his investigation was to ask Father Searson about the allegations and accept his explanation.[256]
He also gave the following evidence:

> THE CHAIR: Q. You say in this memorandum, that you had to accept the explanations given by Father Searson; why did you have to accept them?
>
> A. Because I, perhaps foolishly, trusted the priest to be telling me the truth.
>
> Q. You already knew that Father Searson may not be the most reliable person, didn't you?
>
> A. Correct.
>
> Q. I mean, you had real – you had significant reasons to doubt his capacity to perform effectively as a priest, didn't you?
>
> A. Yes.
>
> Q. Why did you just adopt the view that, because he was a priest, you had to accept his word?
>
> A. In the context of Father Searson, I failed to carry out an investigation of what really was happening. I can't remember visiting the Parish of Doveton, nor visiting the church; I can't remember doing that and perhaps I should have.
>
> Q. You agree that you failed; can you tell us why you failed?
>
> A. I failed because I trusted Father Searson to be telling me the truth, but in light of all the circumstances before and after this event, I would have to say that I acted, in this particular matter, like that without a proper diligence, a proper investigation.[257]

He later said:

> A … I referred my report back to the Archbishop, but on reflection, I do believe I should have been more involved at the local level in finding out just what was happening.

Q. Even just based on what Father Searson told you – we've spoken about the tape recording – in relation to having students kneel between his legs when carrying out confession, the indication he gave to you was that he assured you that in future he'd insist upon the use of a kneeler. Now, that seems to implicitly accept that he had been having children kneel between his knees; would you agree?

A. I agree.

Q. And that must have struck you as extremely odd and somewhat concerning?

A. I would accept that I should have investigated exactly what had been happening, but I failed to do that.[258]

Monsignor Connors agreed that he thought at the time that kneeling between the legs of a priest was potentially an abuse of a child.[259] He said he thought that instructing Father Searson to use a kneeler would prevent what had occurred from occurring in the future, but he did not investigate what had happened. Monsignor Connors was asked whether he had reflected on the adequacy of that instruction in terms of protecting other children. He said, 'I would have considered the use of the kneeler sufficient protection between the child and the priest, but maybe I was naïve in thinking that was sufficient'.[260]

We are satisfied that Father Searson's response when Monsignor Connors put the allegations to him was an admission of the essence of both complaints. He admitted that he had a tape recorder in the confessional and that he had children kneel between his knees in the confessional. (Father Searson said 'in future' he would insist on the use of a kneeler. This involved an implicit acceptance that he had previously had children kneel between his knees as alleged but that he would address this in future by having them use a kneeler.) There was therefore no rational basis for Monsignor Connors to say the allegations would be difficult to prove – there was no need to prove them.

Further, we are satisfied that it was unreasonable and wrong for Monsignor Connors to accept Father Searson's explanations. The conduct complained of was plainly improper. Monsignor Connors relied on an assurance from Father Searson that he would 'insist on the use of a kneeler' in future, which did not deal with the central issue of why and in what circumstances children had been kneeling between his knees in the past. Also, this was not sufficient to protect other children from the risk of Father Searson's sexually inappropriate conduct in the future.

Monsignor Connors told us that he, as the Vicar General, failed to investigate this matter adequately and did not act with proper diligence.[261] In our view, that concession was properly made.

Further allegation of improper sexual conduct in the confessional

In November 1985 a teacher, Mrs Marie Brasher, refused to take her class to confession. She did so because Father Searson had apparently said, in relation to taking children's confessions, 'when it starts to hot up, I'll put on the tape'. Mrs Brasher was also concerned because two girls in her class sought to avoid Father Searson because he was always cuddling them. She believed it wrong to take the children into danger and was concerned about possible psychological damage and physical harm. Mrs Brasher's concerns were reported in the first instance to Mr Dooley at the CEO, then to Sister Power and then to Monsignor Doyle.[262]

This was now the second time within a three-month period that an allegation that Father Searson was tape recording confessions was reported to senior staff at the CEO. This new information was important. It confirmed that the implausible explanation that Father Searson gave – that he used the tape recorder in the confessional to play hymns – was likely to have been a lie. That observation does not appear to have been made by anyone at the time.

Monsignor Doyle and Mr Dooley agreed in their evidence that this complaint corroborated the earlier one.[263] Mr Dooley also agreed it indicated that Father Searson was not being truthful in his prior explanations.[264] Monsignor Doyle said that the complaint was 'very serious', and it was the type of complaint that it was his practice to report to the Vicar General or Archbishop.[265]

Monsignor Connors told us he had no recollection of this additional complaint having been brought to his attention,[266] and there is no record of it having been reported to him. We are unable to be satisfied that he was informed of it.

We are satisfied, however, that it is likely that Monsignor Doyle reported this matter to the Archbishop, as was his practice.

Letter from Mr Sleeman to the CEO Director, Monsignor Doyle

On 12 November 1985, Mr Sleeman wrote to Monsignor Doyle saying that Mrs Brasher refused to take her class to reconciliation. He wrote of her fear that Father Searson 'may make advances of a sexual nature to the children' and said that he considered the concern reasonably held 'due to past experiences of both teachers and parents reporting to me'. Mr Sleeman asked Monsignor Doyle for his advice.[267]

Mr Sleeman told us that he decided to go over Mr Dooley's head and write directly to Monsignor Doyle.[268] He said he was hoping to have a face-to-face meeting with Monsignor Doyle in order to achieve some action. However, this did not occur. Instead, he said Monsignor Doyle sent Mr Dooley back to give him 'the usual run around', including telling Mr Sleeman that he did not have 'substantial evidence'.[269] Mr Sleeman said that he received no other assurance from the CEO that action would be taken.[270]

Monsignor Doyle accepted that it was clear to him from the face of Mr Sleeman's letter that his concerns were expressly about sexual advances and the safety of the children.[271] He told us that he held a view at the time that there was a real concern for the safety of children because of the risk of a sexual advance by Father Searson.[272] He said that his practice would have been to 'go straight to the Archbishop' on a matter such as this and put to the Archbishop that Father Searson ought to be removed.[273]

Mr Sleeman's resignation

Mr Sleeman's letter to Archbishop Little

On 30 July 1986 Mr Sleeman wrote directly to Archbishop Little and said:

> I write this letter to you as a last resort to request an interview with you to discuss the situation of Holy Family Doveton. I feel that after 30 months of living with the situation I would be both failing as a member of the Catholic Church, and as a Principal of a Catholic Parish Primary School, if I did not seek an interview with you.[274]

Mr Sleeman told us that he wrote to the Archbishop because he did not know where else to go or what else to do. He said, 'I was beside myself, because of the consistency of complaints that were coming to me from parents about Searson's behaviour', which he felt was becoming more bizarre.[275]

Although Mr Sleeman had requested an audience with the Archbishop, Archbishop Little replied on 18 August 1986 directing Mr Sleeman to meet with Monsignor Doyle instead as a 'first step' in discussing his concerns.[276] As Mr Sleeman told us, he never got the opportunity to discuss his concerns about Father Searson with Archbishop Little.[277]

Meeting with Mr Peter Annett, acting director of the CEO

On 15 September 1986 Mr Sleeman met with Mr Annett, who was acting as the director of the CEO[278] while Monsignor Doyle was overseas.[279] Mr Annett's file note of that meeting records that Mr Sleeman indicated there were 'irreconcilable differences' between himself and Father Searson.[280] Mr Annett also wrote that Mr Sleeman was concerned about many events alleged to have taken place at Doveton involving Father Searson but that Mr Sleeman acknowledged that most of these could not be substantiated.[281] He wrote that Mr Sleeman indicated that he felt he had to resign.[282]

Mr Sleeman said that he had 'lengthy discussions' with Mr Annett about the issue of substantiation. He said he felt 'very strongly' about this issue because he was constantly being told he did not have any concrete evidence against Father Searson.[283] He said:

> And so, it was an argy-bargy affair with Annett, in the sense that, he was focused on, I had no concrete evidence, and I was saying, well, you know, if I was acting truly as a principal and I had a teacher come to me about the performance or the behaviour of a child as consistently as I was having parents, and I did nothing about it, I would be failing in my duty as a conscientious principal who's on for the education and care of children.[284]

According to Mr Annett's note, he spoke to Monsignor Connors after his meeting with Mr Sleeman. After that conversation, Mr Annett wrote, 'I was confirmed in my believe [sic] that Father Searson was likely to remain at Doveton for the foreseeable future'.[285] Monsignor Connors could not recall the conversation with Mr Annett, but he believed he would have discussed the issue with the Archbishop and possibly raised it at the Curia.[286]

It is clear from Mr Annett's note that the Archdiocese's position (communicated by the Vicar General) was that Father Searson would not be removed as a result of Mr Sleeman's complaints or Mr Sleeman's threat to resign. Monsignor Doyle told us that this was consistent with the message he was receiving from the Vicar General and Archbishop, despite the very serious complaints about Father Searson.[287] Mr Sleeman told us he thought his threat to resign might have had some leverage, but he was sadly mistaken.[288]

On 22 September, following his discussion with Monsignor Connors, Mr Annett spoke again to Mr Sleeman. Mr Annett wrote:

> I further reiterated that it was not possible to consider an application for other principalships without [Mr Sleeman's] prior resignation and that if he was not successful in obtaining a principalship, this Office could not maintain his salary at a principal's level.[289]

Monsignor Doyle agreed it was a fair inference that the CEO was putting pressure on Mr Sleeman to stay. He agreed there was a possibility that Mr Sleeman was in immediate danger of not securing another appropriate position if he did resign.[290]

Monsignor Doyle was asked whether the general rule was that a principal had to resign from his position before he could apply for another one. He could not remember the specifics but believed that to be the case for principals who resigned before the end of their designated term.[291] Monsignor Doyle acknowledged that in the particular circumstances (that is, where a principal felt he could not continue in the role because of the complaints against the parish priest and his inability to act or procure action to address the complaints) a system that required Mr Sleeman to resign before applying for other positions did not operate fairly.[292] He did not know why he had not made an exception in Mr Sleeman's case.[293]

Mr Sleeman's letter of resignation

On 25 September 1986, Mr Sleeman sent a letter of resignation to Father Searson and wrote to Archbishop Little and Monsignor Doyle advising them of this decision.[294] The reason cited in Mr Sleeman's resignation letter was that there were 'irreconcilable differences' between his view of his role as principal and Father Searson's view of Mr Sleeman's role.[295]

Mr Sleeman was asked about this letter:

> MR O'DWYER: Q. If I could just take you to your resignation letter ...
> Did you type that letter?
>
> A. No.
>
> Q. Who typed that letter?
>
> A. Mr Allan Dooley.
>
> Q. Did you write a resignation in your own hand?
>
> A. Yes, in my own handwriting.
>
> Q. Do you have that document today?
>
> A. No, it was put into Mr Allan Dooley's rubbish bin at his house in, I think, Montmorency.
>
> Q. Did you and Allan Dooley have a discussion about your resignation letter?
>
> A. We had a lengthy discussion.
>
> Q. In that resignation letter that you wrote in your own hand, can you tell us in approximate terms what it said in relation to Father Searson?
>
> A. I outlined the fact that it was intolerable for me to stay there because of his bizarre behaviour, his dishonesty or thieving of money, and the inappropriate way that he handled children, and his dealings with them were, in my opinion, bridging on criminal offences.
>
> Q. Did Mr Dooley have a discussion with you about that letter which you proposed to render to Father Searson?
>
> A. Yes. He said that I couldn't submit it because I would be sued.[296]

Mr Dooley said that he could not recall specifically any conversations with Mr Sleeman but said it was not unusual to talk with a person about how to frame his or her resignation letter.[297]

Monsignor Connors said he accepted that Mr Sleeman was so frustrated with the lack of action in the parish that he could not stay in his position as principal.[298] Archbishop Hart told us he thought Mr Sleeman was 'in an intolerable situation, with the broadbased dysfunctionality of Father Searson in a whole range of areas'.[299]

Mr Sleeman told us that he decided he could not stay on in his position because 'why would I remain in a place where my values, my morals and everything else that I had stood up [for] … and compromise those to protect … Searson. He was not a nice man'.[300]

We are satisfied that Mr Sleeman resigned in frustration because of the Archdiocese's inaction in relation to Father Searson. The effect of that inaction was that the Archdiocese supported Father Searson and did not support Mr Sleeman.

Proof or substantiation of complaints

One recurring factor in the response of Church personnel to allegations against Father Searson throughout the period that Mr Sleeman was at Doveton was the position that they took that allegations were not proved or were unsubstantiated.

This was a view expressed by multiple persons, as set out below.

Sister Joan Power, CEO chairperson

As we have said above, in November 1985 Sister Power wrote to Monsignor Doyle regarding Mrs Brasher's concern that Father Searson was tape recording confessions and that Mrs Brasher was worried about possible physical or psychological harm to the children. Sister Power wrote:

> [Mr Dooley] has pointed out to both Graham and the teacher that while their concerns are *substantial* they are not *substantiated*.[301]

Mr Annett, CEO deputy director

Mr Sleeman said that, in his discussion with Mr Annett while he was the acting director of the CEO in September 1986, he was told he did not have any concrete evidence against Father Searson.[302] We accept Mr Sleeman's evidence.

Mr Annett said he thought the reason he wrote that the complaints could not be substantiated was because at the time he believed that parental consent was required for a matter to be taken to police. However, he accepted that this was a matter related to police prosecution and not directly to the governance of the school.[303]

Mr Dooley, CEO regional educational consultant

We heard from Mr Sleeman that he was told of the need for substantiation 'nearly every time' he reported a complaint about Father Searson to Mr Dooley.[304]

Mr Dooley was asked about his view that complaints were substantial but not substantiated, and he said he did hold that view. He gave the following evidence:

> Q. What did you mean, or to the extent your view was that the complaints, whilst substantial, were not substantiated, why was that your view?
>
> A. It was in regard to taking an action that might result in the removal or discipline of Father Searson. So, there's a difference between a complaint being substantial and a complaint being proven.
>
> Q. So, by 'substantiated', you mean proven?
>
> A. Yes.
>
> Q. And you link that to the possibility of action being taken to remove the priest, I assume you mean by the Archdiocese authorities?
>
> A. Yes.
>
> Q. When you say 'proven', can you just tell us a bit more about what you had in mind about what would have been required for action to be taken?
>
> A. I believe an investigation would be required and, as result of the investigation, there would be a conclusion.
>
> Q. When you say 'an investigation', do you there mean a formal investigation of the kind you referred to earlier, with terms of reference?
>
> A. Yes.
>
> Q. Had you suggested that there should be such an investigation?
>
> A. No.

Q. Are you aware of anyone else having suggested that there should be such an investigation?

A. Not that I'm aware of.

Q. Looking back at these events now, do you know why no-one suggested that there should be an investigation if that was seen as a necessary step before any action could be taken?

A. No, I do not.[305]

Notwithstanding his position that the complaints were not proven, he said he believed by late 1985 that the complaints had substance and were credible.[306] Mr Dooley also told us that he formed the view during 1985 that children at the school should not be around Father Searson without a teacher present. He said this view was associated with a concern about Father Searson's behaviour towards children, which he said had been the subject of an allegation of sexual abuse of a child made by the child's mother (Mrs Stewart). He said Father Searson's issues with children also included speaking to them in an inappropriate manner and threatening children inappropriately.[307]

Monsignor Doyle, CEO director

Monsignor Doyle also told us that he believed at the time that the complaints were not substantiated. He was questioned further about this:

THE CHAIR: Q. What did you understand by 'substantiation'? You had direct evidence from people telling you what they'd observed; what more did you want to substantiate a complaint?

A. I'm not quite sure, Your Honour.

Q. How could there be anything else but direct evidence of people's direct observations of what had happened?

A. I don't know.

Q. Well, there couldn't be, could there?

A. No.

Q. The simple fact is, you had all the evidence you ever needed to substantiate the complaint, didn't you?

A. With hindsight I think I'd agree with you.

Q. It's not a question of hindsight; the fact of the matter was, at the time you had that evidence?

A. At the time, I didn't think we could take it any further than we took it.

Q. That's a different question. But you had the evidence you needed, didn't you?

A. And we took the evidence to the people, to the –

Q. Except this memorandum suggests otherwise, doesn't it?

A. I think we reported these things very directly to the Archbishop.[308]

Monsignor Doyle told us that he repeatedly put the case to Archbishop Little that he did not believe Father Searson.[309]

Monsignor Connors, Vicar General

Monsignor Connors wrote in September 1985 it would be 'most difficult' to prove allegations that Father Searson had been tape recording confessions and had children kneel between his knees in the confessional.[310] (As set out above, he failed to appreciate there was no need for proof given that Father Searson admitted the essence of those allegations at the time.)

Conclusion

While it was ultimately for the Archbishop to take action in relation to Father Searson, the process was not assisted by the fact that the persons referred to above expressed the view that the complaints were not proven or not substantiated.

Archbishop Hart told us that the failure to act upon credible information and instead requiring proof of allegations was a factor that indicated a failure of process and a poor response to complaints by the Archdiocese at the time.[311]

We are satisfied that there was no rational basis for the relevant Church personnel to take that approach. By taking that approach, those persons were able to justify their inaction.

We consider it extraordinary that the view that the complaints were not proven or unsubstantiated prevailed in light of the evidence that persons within the CEO believed the complaints were credible and held significant concerns in relation to Father Searson's character and conduct.

Complaints from parishioners in October 1986

On 14 October 1986, not long after Mr Sleeman resigned, Monsignor Deakin attended a meeting about Father Searson with parishioners and Mr Dooley.[312] Monsignor Deakin was a parish priest at the time, and he attended the meeting on behalf of Auxiliary Bishop Kelly, who was unwell.[313]

Monsignor Deakin had no recollection of attending the October 1986 meeting but accepted that the meeting occurred.[314] Monsignor Deakin told us that you only had to be in the parish for five minutes to hear about Father Searson. He referred to 'general talk' in the parish that was 'very strong' and also conversations he had with 'a priest or two in parishes around about' who would complain about Father Searson.[315] He did not hear talk about Father Searson and sexual misconduct,[316] but he described Father Searson as 'psychotic' and 'unbalanced'.[317]

Following the meeting, Monsignor Deakin undertook to provide a written report to the next meeting of the Curia.[318]

The next day, one of the parishioners, Mr Stephan Vaughan, wrote to Archbishop Little on behalf of the attendees. Mr Vaughan said it was the 'unanimous view' of those at the meeting that there was a serious problem in the Doveton parish caused by Father Searson and that the only solution was to remove him from the parish.[319]

Mr Vaughan wrote that the problems with Father Searson had been discussed 'at great length' with Father Deakin. Mr Vaughan wrote that some parents were concerned for the safety of their children.[320] He also wrote that Father Searson had twice produced a hand gun and on one occasion pointed it at children, that 'women appear to be afraid to be alone with [Father Searson] and many will not allow their children to be alone with him', that a lot of Father Searson's actions were strange and that there were significant concerns regarding his handling of parish finances.[321] Mr Vaughan wrote that a number of parishioners held the view that Father Searson was unfit to continue his parochial duties and requested that Archbishop Little look at Father Searson's actions under Canons 1740 and 1741.[322]

We are satisfied that Monsignor Deakin, then a parish priest, was aware of the matters described in Mr Vaughan's letter, which is an account of what was discussed at the meeting Monsignor Deakin attended.

Mr Vaughan attached a petition signed by a number of parishioners.[323] He also attached a number of letters from other parishioners setting out their particular conflicts with Father Searson.[324]

Many complaints are recorded in those letters, although they vary in terms of subject matter and seriousness. One letter of particular significance was written by a 10-year-old girl, BTY. She wrote:

> We have problems at our school with our priest as one of my friends has left because of him and now is attending St Mary's in Dandenong for what reason you might ask well, Father, as we are to call him, made her sit on his nee [sic], he also pushed her against him [sic] … If I was to choose who should leave I would say Father as he sexuly [sic] assaulted my friend and it's not going to happen again. We have no proff [sic] of what he did to my friend but I'm going to try and get what I can to get rid of him so thats [sic] what I'm writing for.[325]

Although the friend is not identified, BTY's letter describes what happened to Ms Stewart and is almost certainly a reference to that event.

BTY's mother also wrote a letter saying that her daughter would not attend confession because of her fear of Father Searson. She said, 'I believe he has done things that should not have been done', which her daughter told her about.[326]

Another parent wrote that Father Searson used his position of authority to order a child to give him a cuddle and that the child now also refused to go to confession.[327]

Other letters record other complaints, including that Father Searson pointed a gun at a boy who was cleaning the school at night.[328] One letter describes Father Searson as being unfit to be a leader of any parish and especially any institution involving youth.[329]

The material Mr Vaughan provided to the Archbishop was significant. It contained some of the most serious allegations regarding Father Searson up until that time (most of which had previously been communicated to the Archdiocese). It included the allegation that Father Searson pointed a gun at parishioners, that people held concerns for their safety and the safety of their children and that there had been an allegation, described as a sexual assault, of a girl in the confessional.

On 28 October 1986, Archbishop Little responded to Mr Vaughan as follows:

> Since he [Father Searson] exercises his office following my appointment and on receipt of faculties necessary for the exercise of many priestly functions, it must be presumed that I have confidence in that priest until the contrary is proved.
>
> It happens that priests sometimes act in a way which causes distress to some people. Sometimes it will be because people have misinterpreted his entirely innocent action; has not effected the result that he anticipated; sometimes in the best interests of people he may find it necessary to be cruel to be kind. There can be other reasons which follow understandable human patterns. …

> Long experience has brought home to the Church that the removal of a priest is rarely of benefit to the priest or the parishioners. Over the years, the internal law of the Church – the Code of Canon Law you quoted – has built in strong protection for the tall poppy who is in the vulnerable position. The further canons to 1740 and 1741 demonstrate the sensitivity with which the Church seeks to support the man in the hot seat.
>
> …
>
> At this stage I shall seek to clarify the issues, take appropriate counsel, and follow that course of action which I judge the situation to require.[330]

Monsignor Doyle described the response as 'hopeless' and 'embarrassing'.[331] That is an apt description.

We consider that Archbishop Little's response to Mr Vaughan's letter was grossly inadequate. He dismissed serious and credible complaints. He suggested, unreasonably, that Father Searson was innocent and the allegations were baseless or unjustified. He conveyed that Father Searson had his support and confidence, while the parishioners did not. It was an unjustifiable and irresponsible position for Archbishop Little to take.

Mr Dooley's letter of 20 October 1986

On 20 October 1986 Mr Dooley wrote to Monsignor Doyle regarding events that had taken place in the preceding few weeks and Mr Dooley's 'reflections' on the situation as it currently stood. The relevant events were those immediately following Mr Sleeman's resignation on 25 September 1986. He wrote, 'I hope that this letter, and the attached notes, provide you with an accurate summary of my involvement to date, and of my opinion in regard to the current situation'. Mr Dooley wrote that he believed Mr Sleeman had 'acted within the conformity of his own conscience', as the differences between him and Father Searson could not be resolved in a meaningful way. He said:

> Whilst staff and Father Searson have agreed to begin again, it is my feeling, based on several meetings with Father Searson over the past two weeks, that nothing of any significance will change in their relationship. I believe that, whilst Father Searson has always acted within his rights, he is intensely provocative in his manner, ambiguous in many of his statements and clearly lacking in any tact whatsoever in relationship with his staff. I believe that they have good cause to be dissatisfied and I have expressed such to Father Searson.
>
> … [Father Searson has sought] to 'begin anew' … however, I do not believe that he understands the full implications either of the complaints, or of his intention to begin again. To begin again would involve such a change in his mode of operation that it does not seem to me that such is possible.[332]

Mr Dooley attached to the letter a chronology of events between late September and mid-October.[333]

Monsignor Doyle subsequently forwarded the letter to Archbishop Little.[334]

It was put to Mr Dooley that the letter failed to tell the Archbishop what was really going on, and he agreed.[335]

Mr Dooley gave evidence that during 1984 and 1985 he formed the view that Father Searson was 'devious and dangerous'.[336] By 1985 he was of the opinion that children should not be around Father Searson without supervision by a teacher.[337] Mr Dooley said he held that view because of the way Father Searson would intimidate and threaten children.[338] Mr Dooley accepted that the only way to deal with the situation was to remove Father Searson and that removing him 'should have been part of the recommendation' he made.[339] Mr Dooley did not make that recommendation.[340] When asked why not, Mr Dooley said he believed the matter of removing a priest was one for the Archdiocese and that he was drawing information to the attention of Monsignor Doyle so that necessary actions could be considered.[341] Mr Dooley was asked why he did not just point-blank recommend Father Searson's removal. He said, 'In hindsight it seems obvious, and I can't recollect why I wouldn't have done it at the time'.[342]

The Church parties submitted that Mr Dooley had a limited role and a relatively junior position in the CEO at the time. He had no authority to take any action in relation to a priest, other than to report to his superiors, which he did often and diligently. They submitted that the letter was limited in scope to the events immediately preceding it, and to criticise Mr Dooley for failing to express his views or providing an incomplete or inaccurate summary gave undue weight to the particular documents.[343]

As the regional educational consultant for Doveton, Mr Dooley was the interface between the CEO and staff at the school. He personally received numerous complaints about Father Searson. Mr Sleeman told us that Mr Dooley was the first point of contact for any concerns at the school.[344] While it may not have been his responsibility to determine what action needed to be taken in relation to Father Searson, he was uniquely placed within the CEO to provide his views of the situation given the extent and nature of his interactions with Father Searson, Mr Sleeman and other staff.

Regardless of the intended scope of this letter, Mr Dooley did not record in it (or any other document) his understanding of the seriousness of the situation and the threat that Father Searson posed to the children of the school. Even though he was in a relatively junior position, we are satisfied that it was Mr Dooley's responsibility to report on matters accurately and fully, and he failed in that regard.

In failing to report on matters accurately and fully, Mr Dooley had insufficient regard for the probability that children remained at further risk from Father Searson.

Collation of complaints

A note dated 26 October 1986 contains a list of issues and allegations that had been made against Father Searson. It contains many of the matters conveyed by Mr Vaughan. It refers to the petition with 54 signatures and 24 letters.[345] Notably, it includes a reference to the gun allegation and that 'many [will] not allow children to be alone with parish priest'.[346] It also records under 'allegations regarding children' a number of the other complaints that were previously referred to the CEO, including that Father Searson had cuddled children, that he had told a young child she was overweight, that children were reluctant to attend confession and that Father Searson required children to kneel between his knees for confession.[347] The note also refers to 'talks with Mr. Alan Dooley'.[348]

The Church parties submitted that the circumstantial evidence suggests that Archbishop Little prepared the note as an aide-mémoire for the purpose of speaking to Father Searson.[349] Monsignor Deakin gave evidence that he could say with confidence that the document came from the Archbishop's office because of the crest, although he did not think Archbishop Little would have prepared it personally.[350]

We are satisfied that Archbishop Little, or someone assisting him, prepared the note for the purpose of speaking to Father Searson.

Monsignor Deakin described the document as 'a first class document for putting the bloke out the back door'.[351] When asked whether a conviction in a criminal court was required before removing a priest who exhibited these characteristics, he said, 'I don't think so. It would have been a sacking on-the-spot, frankly. That's what's sad about this'.[352]

The note shows that there was a capacity, where there was a will, to collate the information that was available to the Archdiocese in relation to Father Searson. This appears to have been the first time that anyone within the Archdiocese attempted to do that.

Significantly, however, there is no reference in the note to the incident involving Ms Stewart, despite the recent letter from BTY. This was a serious omission. Nevertheless, the information that was contained in the document was sufficient to signal to any reasonable reader that Father Searson was an unstable and dangerous person who posed a risk to the community and ought to be removed from his position as a parish priest.

The Archbishop's advisers

On 31 October 1986, Father Searson wrote to Archbishop Little requesting a transfer to a different parish. He wrote:

> in view of the current situation, which is pastorally harmful to our Parish Community, the simplest solution might well be to seek a transfer to a suitable Parish, where I can continue my priestly ministry in a more harmonious environment. This could also defuse the local antipathy, being instigated by so small a percentage of people.[353]

The PAB considered Father Searson's request to transfer to another parish when it next met, on 5 November 1986. Archbishop Little, Monsignor Connors, Bishop Perkins, Bishop O'Connell, Monsignor J Murray, Father M Fitzpatrick, Father J McMahon, Father J Mullally, Father Deakin, Father P Dalton and Father J Grech were present.

The minutes record:

> Father Searson has written to inform the Archbishop that he seeks a transfer from the Parish of Doveton to another suitable Parish. He is to be advised that it is noted that he considers that he ought to leave his present appointment for the sake of the Parish. Meanwhile he is to be informed that no suitable Parish is available.[354]

The text of the minutes indicates that Father Searson was being invited to resign his position but was not being offered another one. Monsignor Connors told us that the reason there was no suitable parish available for Father Searson was probably because 'I think we knew enough about him to say that he should not be in parish ministry'.[355] We accept that evidence.

It is clear from the minutes that there was some discussion at the PAB meeting about Father Searson's conduct, but we cannot be satisfied as to the content or extent of those discussions. However, regardless of what was said at the meeting, the following matters were known to persons present at the meeting:

- Monsignor Connors knew of three complaints made in 1985:
    - that Father Searson tape recorded a child's confession
    - that Father Searson required a child to kneel between his knees during confession
    - that Father Searson had made a 'sexual advance' to a child in the confessional.

- Monsignor Deakin knew of a complaint that Father Searson had pointed a gun at children, that some women would not allow their children to be alone with Father Searson and that Father Searson had mishandled parish finances. He had attended a meeting with parishioners only two weeks before the PAB meeting, and we are satisfied that those matters were reported to him at the meeting with parishioners.
- Auxiliary Bishop O'Connell knew of complaints made in 1982 and 1983 that Father Searson had mishandled money and that Mr O'Donnell had been of the view that Father Searson should be given an appointment outside of a parish.

Monsignor Connors told us that it was his experience or understanding at the time that it would have been too hard to remove Father Searson using canon law. However, he said that 'on reflection' the allegations reported to him in 1985 should have been sufficient to convince the authorities he was not suitable for the role of parish priest.[356] We agree.

Cardinal Pell accepted that by October 1986 Father Searson should have been stood down or removed from the parish.[357] He also accepted that Canons 1740 and 1747 could have been used to take action against Father Searson, even though it may not have been easy to use them.[358] Cardinal Pell agreed that the letter from BTY alone was sufficient grounds for Father Searson to be removed.[359] Again, we agree.

Given the matters known to them, Monsignor Connors, Bishop O'Connell and Monsignor Deakin each should have advised Archbishop Little to remove Father Searson from parish ministry.

Archbishop Little's failure to remove Father Searson

Sometime after the PAB meeting, Archbishop Little had a discussion with Father Searson.[360] Following that discussion, on 17 November 1986, Archbishop Little wrote to Father Searson and said:

> Although in our conversation you generally dismissed that long litany of allegations carefully garnered to convey an adequate spectrum of opinion, there still remains in the minds of many people perceptions which continue to contribute, I suspect, to the loss of your good name among upright and serious-minded parishioners and, supposedly in a good number, even of aversion to you; circumstances to this stage would lead me to believe that these factors will be unlikely to come to an end.
>
> You will appreciate that such a situation offers valid grounds for a Parish Priest to consider offering his resignation.
>
> Regretfully I must in conscience present that aspect for your consideration.[361]

Father Searson did not offer to resign; Archbishop Little did not make him.

The matters known to Archbishop Little by the end of 1986 were undoubtedly sufficient to demonstrate that Father Searson ought to be removed from a parish appointment and posed a grave risk to the safety of children. By not removing Father Searson, Archbishop Little abjectly failed to protect the safety and wellbeing of the children within the parish.

2.4 Doveton 1987–1989

After Mr Sleeman's resignation, Father Searson's relationship with staff at Holy Family School continued to be strained.

On 2 March 1987, Mr Lalor (CEO chairperson of the primary staff group) wrote a note saying, 'The climate is still not good, but Allan [Mr Dooley] is monitoring closely'.[362] Mr Annett commented on the note that 'Fr. S. is an extremely devious and dangerous man. I think Alan [sic] is being a bit naïve … we should follow up AFL [Archbishop Frank Little] position ASAP'.[363] On 31 March 1987, Mr Lalor wrote, 'The situation at Doveton is becoming very explosive'.[364]

Monsignor Doyle gave evidence that the view that Father Searson was extremely devious and dangerous was consistent with his view at the time.[365]

A number of further complaints were made between 1987 and 1989, as set out below.

Further information regarding Ms Stewart

In 1986 Ms Stewart changed schools and began attending St Mary's Catholic Primary School in Dandenong (St Mary's).[366] The principal was Mrs Faye Chandley. In July 1987, when she was in grade 6, Ms Stewart spoke to Mrs Chandley about Father Searson.

Ms Stewart said to us that she told Mrs Chandley about sitting on Father Searson's knee and having to kiss him and tell him that she loved him, but she did not provide any other details of what had occurred.[367]

Mrs Chandley provided a statement to the Royal Commission and the notes of her conversation with Ms Stewart in 1987.[368] Those notes are consistent with Ms Stewart's recollection of what she told Mrs Chandley. They record a 'problem' at Doveton with Father Searson; that Father Searson wanted Ms Stewart to sit on his knee during confession and cuddle and kiss him; and that Ms Stewart had gone to Mr Sleeman's office about the matter.[369]

After their discussion, Mrs Chandley arranged for Ms Stewart to speak with a psychologist and reported the matter to Mr Dooley and the acting parish priest, because the parish priest was on leave.[370]

Mrs Chandley said she sought the advice of the parish priest about the matter when he returned. Sometime later, he told her he had checked with 'headquarters' and said, 'It's a police matter'.[371]

However, the matter was not referred to police by any Church personnel.

Mrs Chandley's notes record that she also had a telephone conversation with Mr Dooley, in which Mr Dooley requested the details of the incident.[372]

On 26 July 1987, Mr Dooley wrote to Monsignor Doyle, marking the letter as confidential. He said:

> I wish to draw your attention to a matter which has recently arisen at St. Mary's Primary School in Dandenong.
>
> A grade six student, Julie, has recently been referred to Counselling services in Dandenong following a discussion with the principal Mrs Faye Chandley. Julie sought out Faye on the 15/7 and was visibly shaking and upset. She discussed a number of matters but the two of greatest concern were a matter to do with [REDACTED] in the family and a matter to do with Father Searson. In regard to Father Searson, she talked about an incident which occurred when she was in grade 4 at Holy Family in Doveton…
>
> This matter was detailed to you in a letter from me on the 20th November 1985.[373]

The letter on 20 November 1985 was the document in which Mr Dooley informed Monsignor Doyle of a parent's concern about Father Searson making a sexual advance to a child during confession.[374]

Mr Dooley's letter of 26 July 1987 contains no other detail of what the allegation involved.

Mr Dooley wrote that he had referred the matter verbally to Mr Lalor, who was then the chairperson of the primary staff group. Mr Dooley wrote:

> It is seen as important, by all concerned, that Julie come to terms with the events which she believes took place, and it is expected that she will discuss the matter in regard to Father Searson with the psychologist as the sessions proceed and trust builds up.

> The psychologist believes that Julie is seriously traumatised and is in a state of anxiety…
>
> There is, currently, a great deal of agitation at Holy Family in Doveton and I would not be surprised if this matter surfaced, again, in that community. It has, on a number of occasions, been the cause of much comment.[375]

Monsignor Doyle said this was the sort of complaint he would have taken directly and immediately to the Archbishop. He would have conveyed the seriousness of the matter and that clearer information was now becoming available. He could not recall how the Archbishop responded, but he said nothing happened.[376]

The CEO consultant, relevant chairperson and CEO director knew that there was an alleged 'incident' at Doveton involving Father Searson and Ms Stewart, when she was in primary school. They knew that a psychologist believed Ms Stewart was suffering ongoing trauma, which was an indication that something serious had occurred. The correspondence referred to in Mr Dooley's letter described the incident as a 'sexual advance'. It is not clear from the documents if other details about what Ms Stewart had told Mrs Chandley were known to those CEO personnel at the time. However, Mrs Chandley's notes record that Mr Dooley requested that she give him the details of what had happened, so it is likely she told him what she knew.

Archbishop Hart said he had seen no record of any further investigation or communication with Father Searson about this allegation in 1987.[377] We are satisfied there was no investigation of this new information.

We accept that Monsignor Doyle told the Archbishop. In keeping with all of the previous occasions on which reports had been given, the Archbishop did nothing.

Other complaints or concerns

Further gun allegation

Mrs Dorothea Stack was a teacher at Holy Family School from 1987 to 1989. She provided a statement to us that described a report by some students that Father Searson had pulled a gun on them. She believed this happened in around 1988.[378]

Mrs Stack said that she overheard some boys talking in the classroom and one of them said to the other, 'Father held a gun to me'. The boy told her that he had been in the canteen after hours for a function. Father Searson entered the canteen, told the boy he was stealing, drew a gun and pointed it at him.[379]

Mrs Stack stated that she phoned Mr Dooley immediately and relayed what the boy had told her. She told Mr Dooley that she thought Father Searson should be removed. Mr Dooley told her that it was a matter for the Church and she was not privy to any action the Church was taking or would take against Father Searson. Mrs Stack was frustrated with this response, as she felt the children were not safe.[380]

After she spoke to Mr Dooley, Mrs Stack spoke with two other teachers, and the three of them reported the matter to Dandenong police station.[381]

Mrs Stack said that the police raided Father Searson's house the night they reported the matter. She said that one of the police officers told her that they did not locate the gun and that Father Searson had surrendered the gun to the police two weeks earlier.[382]

Mrs Stack's complaint and the subsequent search are recorded in a police file. The file shows that the presbytery was raided on 11 February 1988. No gun was found, but Victoria Police Assistant Commissioner Fontana told us that police located a property receipt, which showed that Father Searson had handed a revolver in to police on 19 January 1987 during a police amnesty.[383]

Mr Dooley told us that he could not remember Mrs Stack. He did not recall being made aware at the time of a complaint that Father Searson had pointed a hand gun at a student at the school.[384] As set out earlier, Mr Dooley said that at some point in time he learned that Father Searson had a gun, but he did not recall when he learned this or how.[385]

We accept Mrs Stack's evidence that she reported the allegation to Mr Dooley. Unlike Mr Dooley, her recollection of the incident and her actions was clear. Mr Dooley made no record of the complaint despite the fact that the allegation was serious, there were previous complaints that Father Searson had a gun and Father Searson had a history of aggressive and threatening behaviour towards parishioners and children.

Physical assault and animal cruelty

On 15 March 1988, in a confidential letter to Monsignor Doyle, Mr Dooley documented two incidents regarding Father Searson.[386]

The first matter was a complaint from a parent that Father Searson 'struck her son to the face with a clipboard'.[387] The parent approached Father Searson, who denied the incident, and also visited the Vicar General. Mr Dooley spoke to Father Searson, who said he may have tapped the boy on the shoulder but that nothing else happened.[388]

The second was that some children had said that Father Searson had come across a cat in the school grounds, picked it up by the tail and swung it over the fence surrounding the school, killing it. When Mr Dooley confronted Father Searson about this, Father Searson 'agreed the details were correct' but said that the cat was already dead. He told Mr Dooley he had removed it so that it was not a health hazard.[389] When Mr Dooley suggested that the responsible action would have been to bury the cat, Father Searson answered he was not thinking clearly, as he was in a hurry, and 'He agreed that it was not the right thing to do'.[390]

Mr Dooley concluded:

> These two incidents add to the already very long list of inappropriate and unusual events which I have detailed in many letters. These particular events are just two which have recently occurred, and which have caused the Principal and staff further ongoing concern about the leadership which is offered by Father Searson to the school community. I support such concern …[391]

Mrs Stack witnessed the incident. She said:

> I was horrified that [Father Searson] would do something that was so cruel. I had serious concerns about his mental stability and I did not think he was an appropriate person to be around children. I was worried about what he might do next. I was worried about the safety of the children.[392]

Mrs Stack said that she spoke to Mr Dooley about the incident more than once and she thought he said he would pass it on to whomever he reported to. She said she was not aware of any action being taken against Father Searson as a result.[393]

Mr Dooley's letter was provided to Mr Lalor, who provided it to Monsignor Doyle.[394]

Monsignor Doyle gave evidence that he recalled the incidents in Mr Dooley's letter being reported to him.[395] He said that they were 'further indications of the very strange behaviour of Father Searson, and again, a part of the corpus of material that from time to time we presented to the Archbishop about Father Searson'.[396] Monsignor Doyle said of the two incidents, 'These were significant complaints and I am confident that I referred them to the Archbishop'.[397] We accept that he did.

Monsignor Deakin, who was the Vicar General at that time, gave evidence that he became aware of the complaint in relation to the cat, but he did not recall how or when he first became aware of it.[398]

Archbishop Hart also agreed that the cruelty to an animal in front of young children was, alone, enough to show that Father Searson should not have been there.[399] Cardinal Pell agreed that Father Searson should have been referred to the police at this stage.[400]

We are satisfied that both the Vicar General and Archbishop Little were aware of this complaint. It was also known to CEO consultant, the relevant chairperson and the CEO director. It was further information that showed that the safety and wellbeing of children was endangered by Father Searson and that he should be removed.

The Archbishop did nothing.

Children shown a dead body in a coffin

Another disturbing incident occurred in around 1987. Some grade 5 and 6 boys approached Mrs Stack and one of them told her they had been serving as altar boys at a funeral. Father Searson called them over to the coffin and said, 'have you ever seen a dead body?'. He then opened the coffin and showed them the body.[401]

Mrs Stack was 'alarmed' by this report, mostly because of the trauma she thought such an incident could cause. She thought it was a 'bizarre' thing for a priest to do.[402] Mrs Stack phoned Mr Dooley straight away.[403]

Neither Mr Dooley nor Monsignor Doyle recalled the incident being reported at the time.[404] Mr Dooley said he did not recall Mrs Stack.[405]

We accept Mrs Stack's evidence that she told Mr Dooley about this incident.

Monsignor Deakin said this was one incident about which he had a 'more clear' recollection and said that he became aware of it when it was reported by the parent of a child. He said he spoke to Archbishop Little and told him he thought the conduct was 'psychotic'. The Archbishop asked him to go and see Father Searson and talk to him. Monsignor Deakin said he went and saw Father Searson about this and other issues of concern. Father Searson denied most of the matters as gossip but admitted the coffin incident, describing it as a 'bad mistake'. Monsignor Deakin reported this to the Archbishop, but he said he was not aware of any further steps the Archbishop took.[406]

Archbishop Hart said that showing young children a dead body in a coffin revealed Father Searson as 'mad' and 'psychotic'.[407] When asked whether that complaint alone was sufficient to say that Father Searson should not have been there, he agreed.[408]

We are satisfied that Monsignor Deakin (then the Vicar General) was informed of a complaint that Father Searson had shown children a dead body in a coffin. Father Searson admitted that the allegation was true. Monsignor Deakin told the Archbishop of the admission. The Archbishop did nothing.

Use of boys' toilets

Two teachers provided statements regarding Father Searson's use of the boys' toilets.

Mrs Stack stated that on one occasion, she could not remember when, she saw Father Searson enter the boys' toilets.[409] Mrs Stack said she thought this was strange because there were staff toilets next to the children's ones and Father Searson had his own toilet nearby in the presbytery. She said she was 'concerned that Fr Searson might have been doing something inappropriate and possibly sexually inappropriate'.[410] She went directly to find a male teacher to go into the toilets. The male teacher told her that when he went in he saw Father Searson at the urinal 'with his pants pulled right down'. She could not recall whether the teacher said there were boys in the toilets at the time.[411]

Mrs Stack stated that she thought she informed Mr Dooley of this incident but could not be sure.[412]

Mrs Stack's husband, Mr Simon Stack, was also a teacher at the school in 1989. He stated that he saw Father Searson exiting the boys' toilets on one occasion. He said he thought it was 'strange and inappropriate' given the proximity of the other toilets and because he had never before seen an adult enter the boys' toilets. He immediately reported the matter to the school principal, who was a woman.[413] The principal asked Mr Stack to check whether there were boys in the toilets. When Mr Stack went in, he did not see any. The principal later told Mr Stack she had spoken to Father Searson, who said he was in the toilets 'looking for altar boys'.[414]

Cardinal George Pell

Cardinal Pell is a Cardinal Priest of the Church of Saint Maria Domenica Mazzarello and has been since September 2003. He is currently the Prefect for the Secretariat for the Economy in Vatican City – a position which he has held since February 2014.

He was ordained in 1966 as a priest in the Catholic Diocese of Ballarat.

In 1987 he left the Ballarat diocese and in May he was ordained as an Auxiliary Bishop in the Archdiocese. The appointment was as the Bishop for the Southern Region, which included Doveton parish.

Cardinal Pell remained as Auxiliary Bishop for the Southern Region until he took over as Archbishop in August 1996, upon Archbishop Little's retirement.

He ceased to be Archbishop in March 2001, when he became the Archbishop of the Catholic Archdiocese of Sydney.

Delegation to Bishop Pell

Cardinal Pell told us that he had no particular knowledge or understanding of the region before he was appointed to it.[415] He said he became acquainted with the area by taking up a busy schedule of activities, including confirmations, and moving around the Archdiocese. He did not, as part of that process, request to access the files on any matters within his region.[416]

On 20 November 1989 Bishop Pell met with a delegation of staff from Holy Family School, together with Mr Lalor, the CEO chairperson for the primary staff group, and a representative of the staff union, Mr Palmer. The meeting was convened to discuss the concerns of staff about Father Searson.[417]

In addition to Cardinal Pell's evidence, we received statements from Mr and Mrs Stack (teachers who attended) and Mr Palmer about the delegation.

Mr Lalor was unable to give evidence on medical grounds.[418]

Matters leading up to the delegation

The genesis of the delegation was a letter written to Monsignor Doyle some months prior, on 23 June 1989. It was signed by a number of staff. The staff wrote that some action needed to be taken regarding Father Searson, for the good of the school. They said they had referred a list of grievances to the union representative, Mr Palmer, and wished for him to mediate in any discussions.[419]

The list of grievances included a number of matters regarding the poor state of upkeep of the school, as well as the following:

> **Harassment of Staff and Parents**
>
> Harassment of individuals around the school premises.
>
> Accusing individual staff of disloyalty without cause.
>
> Confronting of staff on trivial matters before children.

Children

Small group of children shown dead body in coffin.

Cruelty to an animal in front of young children.

Compulsion on children to attend reconciliation on demand.

Unnecessary use of children's toilets.

Harassment of children.[420]

According to a CEO memorandum, the staff's letter was also discussed with the Vicar General (Monsignor Deakin) and an initial meeting was arranged with officers of the CEO and Father Searson to put the concerns to him.[421]

The initial meeting occurred in August 1989, when Mr Lalor and another person from the CEO met with Father Searson. They had previously met with the school principal, who confirmed that the contents of the letter were correct. They inspected the school building, which they reported to be in an 'appalling' state.[422]

During this meeting, Father Searson denied the substance of the allegations. He denied harassing staff. He said it was necessary for him to supervise the boys' toilets to overcome a graffiti problem. He agreed to work through the issue with the principal to avoid further problems with staff.[423]

Precisely why Bishop Pell, and not Monsignor Deakin, came to receive the November 1989 delegation is unclear. As set out earlier, the Vicar General was ordinarily the channel through which complaints received by the CEO were directed. However, complaints were made to the Auxiliary Bishops from time to time. One such instance occurred not long before the delegation, when Bishop Pell received a complaint from an adult female parishioner. That was in relation to an incident where she alleged she had been verbally abused and then pushed by Father Searson at Holy Family School, following an argument about non-payment of her children's school fees.[424] Bishop Pell had also been in Doveton earlier in November to perform the sacrament of confirmation,[425] which was one of the Auxiliary Bishops' responsibilities.

Cardinal Pell's evidence of his briefing by the CEO

Cardinal Pell said he formed the early view that Father Searson was 'a disconcerting man' and a 'difficult customer'[426] but said he knew 'very little' of the complaints against Father Searson.[427]

Prior to the delegation, Cardinal Pell told us that he spoke to someone from the CEO, who he later identified as Mr Lalor. Mr Lalor was then the chairperson for the primary staff group. Cardinal Pell said he was provided with the list of grievances, and he sought to obtain information from Mr Lalor about the list and the problems at Doveton.[428]

Cardinal Pell's evidence was that, despite his request for a briefing, Mr Lalor did not take him through, in 'any comprehensive way at all', the CEO's dealings with Father Searson and the complaints against him.[429]

Cardinal Pell told us that he and Mr Lalor discussed the list of grievances and Mr Sleeman's resignation.[430] In relation to the latter, Cardinal Pell said he was told there were two sides to the story. He was asked:

> Q. Do you recall what each side of the story was?
>
> A. On the Sleeman side it was that he was sometimes fiery and a difficult person, and, of course, that Searson was a rude and a difficult person. What I now know of course is that Sleeman was basically justified.
>
> Q. Justified in what?
>
> A. In his side of the argument against Searson. He had much more right on his side than Searson did.
>
> Q. Well, wasn't part of Mr Sleeman's side of the story that he had raised complaints of sexual misconduct by Father Searson and they hadn't been properly dealt with?
>
> A. Yes, that – that is – this happened before my time, but that is correct.
>
> Q. You indicated earlier that part of the briefing was to tell you that there were two sides to the story about Mr Sleeman. Were you told about this part of one side of the story – that is, that he had raised allegations of sexual misconduct against Searson?
>
> A. I might have been in a non-specific way and the implication was that they could not be sustained.[431]

Cardinal Pell said he could not remember what exactly was alleged.[432] He was questioned about the inquiries he made:

> 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 him another job, preferably as a principal in the Catholic schools.
>
> THE CHAIR: Q. Cardinal, can we just focus on Ms Furness's question for a moment. You've said that in your briefing you were given non-specific information about sexual misbehaviour by Searson. Now, we're talking about 1989, aren't we?
>
> A. Yes, and I – yes.
>
> Q. By 1989 the Bishops, at the very least, in Australia had been briefed in relation to issues of sexual misconduct by priests, hadn't they?
>
> A. That is correct.
>
> Q. And whatever may have been the position in the past, there would be absolutely no doubt that, in your mind and in the mind of all Bishops by 1989, sexual misconduct by priests was a significant issue, wasn't it?
>
> A. That is correct.

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

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

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

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

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

A. No, I was given no – no details of that.

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

A. My prime consideration was to prepare myself adequately to hear what the delegation had to say, and anything that – I thought that any decision or any further activity that I was to take would be after hearing the delegation.

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

A. I believed that they had been properly investigated.

Q. Well, again –

A. And –

Q. – I ask you, what were you told had been done to investigate them?

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

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

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

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

A. Yes.[433]

Cardinal Pell indicated that the 'line' given to him by the CEO was that 'certainly there were problems but they were insufficient to remove Searson'.[434]

Alleged deception by the CEO

Cardinal Pell's evidence

The effect of Cardinal Pell's evidence, which he expressly acknowledged, was that the CEO (through Mr Lalor) deceived him because they did not tell him what they knew about Father Searson's misbehaviour.[435] He agreed that he had also been deceived on the question of whether the allegations of sexual misbehaviour against Father Searson had been properly investigated.[436]

It was put to the Cardinal that his evidence was that he had been deceived on two occasions – the first occasion being his deception by Bishop Ronald Mulkearns and other priests in the Catholic Diocese of Ballarat in relation to allegations of sexual abuse of children against Father Gerald Ridsdale at Mortlake, as was his evidence in our *Catholic Church authorities in Ballarat* case study; and the second occasion being his deception by the CEO regarding Father Searson. He said these were 'two different cases but the same practice'.[437]

Counsel Assisting put the following to Cardinal Pell:

Q. Now, can you help us as to why, in relation to each of those cases, it was that you were deceived by those who you had every reason to expect would be frank with you in order for you to do your job?

A. I think the answer is in your question. I had the reasonable expectation that the authorities, especially the leader of the Diocese or Archdiocese, would give me sufficient truth to be able to make a reasonable judgment.

Q. And why do you think they didn't do that?

A. In both cases it's a mystery, but in both cases, for some reason, they were covering up.

Q. And why would the CEO cover up from you, their Auxiliary Bishop?

A. That – that is a good question. I think they would have covered up from me, as I mentioned earlier, because they would have feared that I would not accept the status quo or what seemed, in retrospect, to be an uneasy truce.[438]

It was later put to Cardinal Pell that his evidence that he was deceived on two occasions was an extraordinary position. He said, 'Counsel, this was an extraordinary world, a world of crimes and cover-ups, and people did not want the status quo to be disturbed'.[439]

Cardinal Pell also gave the following possible reasons or explanations for the CEO's conduct:

- 'I was a new boy on the block. I was known to be capable of being outspoken. They might have been fearful of just what line … I would take when confronted with all the information.'[440]
- The CEO was 'fearful' in the sense that it was 'very keen to keep the lid on the situation'[441] regarding Father Searson.
- The CEO knew Bishop Pell was 'not cut from the same cloth' as the Archbishop and Vicar General and it would have been fearful that he would have 'asked all sorts of inconvenient questions' had he been better briefed.[442]
- The CEO was acting to protect the Archbishop, because it felt it was its duty to support him in the path that he had chosen for dealing with the matter.[443]

Evidence of other CEO personnel

Although Mr Lalor was unable to give evidence, we heard from four other witnesses who were staff of the CEO at the time of the delegation. These witnesses were Monsignor Doyle, Mr Dooley, Mr Annett and Mrs Catherine Briant.

Mr Annett was the deputy director of the CEO from 1982 until August 1989, shortly before the delegation. Mrs Briant took over the role as regional consultant from Mr Dooley in 1989, when he moved to a different post.

Monsignor Doyle said that he did not believe Mr Lalor would have deceived Bishop Pell in respect of any matter.[444] Mr Lalor was someone he would have trusted implicitly and said he was very efficient and honest.[445] Monsignor Doyle did not recall discussing the delegation with Mr Lalor.[446] However, he said that he thought Mr Lalor would have shared Monsignor Doyle's view that Father Searson should be removed, and he would have expected Mr Lalor to give Bishop Pell that advice.[447]

Monsignor Doyle and Mr Annett both told us that in 1989 the CEO had long wanted decisive action to be taken against Father Searson. Monsignor Doyle said they would have welcomed such action, and Mr Annett said they were not fearful that Bishop Pell might take action.[448]

Monsignor Doyle said that he was inclined to think that assistance from an Auxiliary Bishop would not have made much difference. He said the CEO had already made strong representations about the case for decisive action and the Auxiliary Bishops were not in the line of executive authority on such matters. Nevertheless, Monsignor Doyle said he would have welcomed a bishop saying something.[449]

Monsignor Doyle told us that he never asked anyone to withhold information from Bishop Pell or to deceive him.[450] That was consistent with the evidence of Mr Dooley, Mrs Briant and Mr Annett, who each said they were not aware of anyone being asked to withhold information from Bishop Pell.[451]

None of the CEO witnesses told us that they saw it as their role, or were directed to, protect Archbishop Little. Monsignor Doyle said his role was to be frank and honest with the Archbishop, not to protect him.[452] Mr Dooley said none of his actions were motivated by a concern to protect the Archbishop.[453] Ms Briant said she was never instructed to do anything to protect the Archbishop.[454] Mr Annett said he was not acting to protect the Archbishop and did not know of any reason why any person at the CEO would have considered that they needed to do so.[455]

Counsel Assisting put the following to Cardinal Pell:

> Q. Cardinal, I have to suggest to you that your evidence in relation to not being briefed properly or adequately by the Catholic Education Office and the reasons for that are completely implausible.
>
> A. Counsel, I can only tell you the truth. The whole story of Searson is quite implausible, and the cover-up is equally implausible. I can only tell you the way it was as far as I'm concerned.
>
> Q. And I suggest, Cardinal, that the evidence you have given has been designed to deflect blame from you on doing nothing in relation to Father Searson that had any real effect after the delegation came to you?
>
> A. That is not accurate, because I took up the matter with the Archbishop himself. You talked about knocking on his door. I actually did, and he told me that there was insufficient evidence to do anything. He then went and asked me to convey the message to Father Searson that he should scrupulously follow all the appropriate directions and protocols. Now, that was quite unusual, because normally he would either do that himself or his Vicar General would. The fact that he asked me was an indication to me that he did not think it warranted his intervention …[456]

We accept the evidence of the CEO witnesses. Cardinal Pell's evidence as to the reasons that the CEO deceived him was implausible. Notwithstanding his evidence, counsel for Cardinal Pell submitted that he did not resist a finding that he was not intentionally deceived by the CEO.[457]

For the reasons set out below, we do not accept that Bishop Pell was deceived, intentionally or otherwise.

Evidence of the content of Bishop Pell's briefing

Counsel for Cardinal Pell submitted that all of the evidence pointed to the conclusion that he was not properly or adequately briefed by the CEO.[458]

One of the submissions made in support of that proposition was the evidence of Monsignor Doyle, Mr Annett, Mr Dooley and Mrs Briant that they did not have conversations with Bishop Pell in relation to Father Searson.[459]

We accept that the four CEO witnesses who testified could not recall any discussions with Bishop Pell regarding the delegation.[460] That is consistent with Cardinal Pell's evidence that the person he spoke to was Mr Lalor.[461] However, evidence of the absence of conversations with the other CEO witnesses does not assist in determining the content or adequacy of any conversations between Bishop Pell and Mr Lalor.

Counsel for Cardinal Pell also submitted that it was 'most probable' that the CEO did not tell (then) Bishop Pell about the allegations of sexual misconduct because it was the view of its staff that an Auxiliary Bishop was not part of the decision-making process and there was no point in telling him.[462]

We do not accept that submission. It is contrary to the evidence of Monsignor Doyle that he wanted Father Searson removed and would have welcomed the support of a bishop and his expectation that Mr Lalor would have conveyed that to Bishop Pell. Further, while the Auxiliary Bishops did not ordinarily have a role in relation to complaints, on this particular occasion it was Auxiliary Bishop Pell and not the Vicar General who received the delegation. Bishop Pell was the Archbishop's representative. He was a senior cleric who had the opportunity and capacity to advise the Archbishop. In those circumstances, we are satisfied it is improbable that Mr Lalor would have thought there was 'no point' in providing a proper briefing to Bishop Pell.

Counsel for Cardinal Pell submitted that it was important to bear in mind that not everyone in the CEO had the same level of knowledge about Father Searson. No individual had the collective knowledge of the organisation and it was not possible to know exactly what Mr Lalor knew.[463] We accept those submissions. However, while we did not have the benefit of Mr Lalor's evidence, we are satisfied on the documents that Mr Lalor knew of the following matters:

- the September 1985 complaints that Father Searson tape recorded a child's confession and that Father Searson required a child to kneel between his knees during confession[464]
- in 1987, that the principal of Ms Stewart's new school had been approached by Ms Stewart in relation to 'an incident' with Father Searson in 1985, details of which were provided to Mr Lalor by Mr Dooley[465]
- the March 1988 complaints that:
    - Father Searson struck a child in the face with a clipboard
    - Father Searson, in the presence of children, swung a cat through the air and threw it over a fence at the school, killing it, which Mr Lalor forwarded to Monsignor Doyle[466]
- the matters set out in the list of grievances, which both Mr Lalor and Bishop Pell received
- the complaint from the parishioner that Father Searson had verbally assaulted and pushed her, which was reported to both Mr Lalor and Bishop Pell.[467]

In 1989 Mr Lalor was the chairperson of the primary staff group. While no one person had the knowledge of the whole office, Mr Lalor was a senior member of the CEO's staff. It is likely that he had a good understanding of the history of complaints against Father Searson and the situation at Holy Family School and that he knew more than those in more junior positions. Monsignor Doyle gave evidence that Mr Lalor would have known about the problems occurring at Doveton and he thought Mr Lalor would have shared the view that Father Searson ought to be removed.[468]

It is not, however, necessary, for us to determine exactly what Mr Lalor knew.

On Cardinal Pell's own evidence, one of the things he was told in preparation for the delegation was that allegations of sexual misconduct had been raised against Father Searson, albeit in a 'non-specific' way.[469] It was not, as counsel for Cardinal Pell submitted, an historical allegation.[470] Cardinal Pell did not himself describe the allegation in that way. It concerned events that had occurred only four years earlier and Cardinal Pell accepted that it was the 'other side' to the story of why Mr Sleeman resigned in 1986.

Counsel for Cardinal Pell also submitted that the term 'sexual misconduct' can have a range of meanings and that Cardinal Pell otherwise used that term when referring to the incident involving Father Searson frequenting the boys' toilets, Father Searson having a child put their head on his knee during confession and Father Searson inviting a child to sit on his knee during confession. This conduct, it was submitted, was not serious child sexual abuse of the type described by other witnesses.[471]

In our view, any of those matters ought to have prompted investigation and action. Each of those events carries an implication of sexual misconduct. They are all improper. Further, Cardinal Pell's evidence was that he could not recall what the particular allegation of sexual misconduct was. The fact that he was informed of it in a 'non-specific' way does not reduce the seriousness of the allegation. If anything, it shows that he ought to have inquired further as to what the allegation was, and it was not reasonable for him to rely on any advice by the CEO that it had been adequately investigated. If the information provided to Bishop Pell was not sufficiently specific, he ought to have requested a fuller explanation.

The documents establish that Mr Lalor knew there had been an 'incident' involving Ms Stewart and Father Searson, which Ms Stewart reported to her new principal after she changed schools. The documents detailing that report record that Ms Stewart had been reticent to disclose the details but that she appeared to be 'seriously traumatised'. Those are matters that Mr Lalor could have conveyed to Bishop Pell if he had asked.

Bishop Pell was also provided with the list of incidents and grievances.[472] The list contained another item that carried the suggestion that Father Searson had engaged in sexually inappropriate conduct with children. It contained an allegation that Father Searson was using the children's toilets unnecessarily, which Cardinal Pell said was 'unseemly and inappropriate'. He told us that this raised a suspicion of inappropriate behaviour, possibly child sexual abuse, but he said that Father Searson's defence was that he was vigilant to ensure that graffiti was removed.[473] Even though Father Searson denied any impropriety, it was a further indication that people were suspicious of Father Searson and it made the 'non-specific' prior complaint more relevant.

The delegation and subsequent events

Cardinal Pell, Mr and Mrs Stack and Mr Palmer provided evidence of their recollection of the delegation.

Mrs Stack's evidence

Mrs Stack said that she could not recall who spoke at the meeting or specifically what was said, but she presumed the matters contained on the list of incidents and grievances were discussed. She could not recall whether she told Cardinal Pell about the gun incident and said she may have been afraid to admit that she was the person who had gone to the police.[474]

She did not think she or anyone else asked that Father Searson be removed. She said that, before the meeting, the staff had agreed not to do so. She said she was concerned that they could be 'fired' if they asked for that, as Father Searson was their employer. She said she vaguely recalled there being mention of Father Searson being given a second chance.[475]

A few days later, she saw Bishop Pell talking to Father Searson outside the presbytery and she thought that Father Searson did moderate his behaviour for a time after this.[476]

Mrs Stack said that a further meeting with Bishop Pell was arranged sometime later in 1989 at Mentone presbytery. She said she attended the meeting because she was frustrated that Father Searson had not been removed. She recalled Bishop Pell saying that the matters had all been discussed before. She was not aware of any action being taken against Father Searson after this meeting.[477]

Mr Stack's evidence

Mr Stack recalled that all of the incidents and grievances on the list were mentioned. He said that the allegation of Father Searson carrying a gun might also have been raised, but he could not recall. He remembered telling Bishop Pell that the staff did not think Father Searson was sane and thought he was mentally unwell. When he did so, he said Bishop Pell frowned and said, 'You don't need to tell me how to do my job. I know what my responsibilities are'.[478] Mr Stack could not recall asking for a particular outcome but recalled saying words to the effect of 'Something needs to be done'. He said that Cardinal Pell said, 'I will look into the matter and I will deal with it'.[479]

Mr Palmer's evidence

Mr Palmer said he was involved in setting up a meeting between the teachers and Bishop Pell. Mr Palmer's recollection of the delegation was that he communicated the teachers' grievances on their behalf. He could not recall what he said or the specific incidents, but he believed that the group discussed the items on the list of incidents and grievances. He thought there was also some discussion of Father Searson's behaviour towards altar servers, but he did not recall if the concerns were sexual in nature. He said Bishop Pell was 'unsurprised' by the allegations and seemed to be aware of the issues.[480] Mr Palmer said that during the meeting one of the teachers said that they would give Father Searson a second chance. This came as a shock to him, as he had gone to the trouble of setting up the meeting. He recalled that Bishop Pell said something like 'Your evidence seems to have disappeared Mr Palmer'. Mr Palmer said he was disappointed that the staff did not press their grievances at the meeting, which he had gone to the trouble of organising.[481]

Cardinal Pell's evidence

Cardinal Pell said he remembered 'very explicitly' that the teachers were not asking for Father Searson to be removed, and he said this was incompatible with them saying that Father Searson was a serious risk for paedophilia or engaged in that activity.[482]

Cardinal Pell told us that after he received the delegation he informed the Vicar General and the Archbishop about it. He also said, 'I think I mentioned it at the Curia'.[483] He said he told Archbishop Little he had received a delegation of staff, presented the Archbishop with the list of grievances and said the staff were not asking for Father Searson to be removed.[484] When he was asked whether he formed the view that there was a serious problem, Cardinal Pell responded in the following way:

> A. Yes, obviously I did, because I took it to the Archbishop and discussed it with the Education Office.
>
> Q. It was obvious, wasn't it, that the staff may not have been asking, as you say, but the problem needed to be addressed in some effective way, didn't it?
>
> A. It was, and at the Archbishop's instruction I did return and take some action, as I think I've explained.
>
> Q. What was the Archbishop's instruction?
>
> A. The Archbishop's instruction, which was a bit unusual, was that I was to go out and tell Searson about these concerns and insist that he follow all the rules and regulations very, very carefully and explicitly.
>
> Q. What was your recommendation to the Archbishop when you took the matter to him?

> A. I'm not sure that I recommended any particular course of action. I presented the evidence. Obviously, in taking the matter to him, it just meant that I felt something had to be done, and I did as I was asked and was happy enough at that time to do just that.
>
> Q. Did you follow up and make sure that he was obeying your requests?
>
> A. Yes, I kept in contact with the Education Office and with the principal.[485]

Cardinal Pell was asked whether he applied his mind to the matters on the list of grievances and considered what needed to be done. He said, 'I went and sought advice from the executive arms that were regularly used, and I thought that was adequate'.[486] He said, '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'.[487] When he was asked whether he thought there was any inadequacy in the way he handled the matter, he said:

> Very little – precisely because of my limited knowledge. In retrospect, I might have been a bit more pushy with all the parties involved.[488]

Later, when asked if he participated in the Archdiocese's failure of process in responding to complaints regarding Father Searson, he said:

> Tangentially, marginally, because … as an Auxiliary [Bishop] 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.[489]

He accepted that part of the explanation for this was that he was deceived as to the information available in relation to Father Searson.[490]

Bishop Pell's conduct

We are satisfied that, on the basis of the matters known to Bishop Pell on his own evidence (being the matters on the list of incidents and grievances and the 'non-specific' allegation of sexual misconduct), he ought reasonably to have concluded that action needed to be taken in relation to Father Searson.

Counsel for Cardinal Pell submitted that the context of the meeting was important in assessing the response. They pointed to the fact that it was a matter of workplace relations, set up by the union representative to deal with the grievances of staff, and not one dealing with allegations of child sexual abuse.[491] They submitted that it was the teachers who were dealing with Father Searson on a day-to-day basis and who instigated the meeting. For those reasons, the teachers' attitudes at the meeting were the best gauge of the nature and seriousness of the grievances conveyed. The fact that the teachers framed their concerns primarily for Father Searson's welfare and wanted him to be given a second chance, counsel said, 'speaks volumes'.[492]

We accept that those matters should be taken into account and we have done so. The attitude of the teachers is a relevant consideration, but it was not the only consideration. The evidence of Mrs Stack was that the staff's reticence to suggest Father Searson be removed was because of their relationship to him as employees and the fact that they believed their jobs could be at risk.

Bishop Pell was in a senior position within the Archdiocese. He had previously been the bishop's representative for all areas of education (the Episcopal Vicar of Education) in the Ballarat diocese. The staff came as a delegation to him as an Auxiliary Bishop to complain about their employer. The sensitivities this presented should have been apparent to him. Rather, his response to Mr Palmer when the staff requested Father Searson be given a second chance ('Your evidence seems to have disappeared Mr Palmer') was dismissive.

Further, Bishop Pell was still required to exercise his independent judgment on the complaints before him. Regardless of the action the staff proposed, the incidents on the list of grievances indicated that Father Searson was obstructive and confrontational with staff. He had displayed cruelty to an animal in front of children and shown them a dead body in a coffin. There was a suggestion of sexual impropriety in that Father Searson was using the boys' toilets unnecessarily, even if he had offered an explanation for that conduct. Mr Stack told Bishop Pell that Father Searson was mentally unwell and that something needed to be done. These matters, in combination with the prior allegation of sexual misconduct, ought to have indicated to Bishop Pell that Father Searson needed to be stood down.

It was incumbent on Bishop Pell, as an Auxiliary Bishop with responsibilities for the welfare of the children in the Catholic community of his region, to take such action as he could to advocate that Father Searson be removed or suspended or, at least, that a thorough investigation be undertaken of the allegations. It was the same responsibility that attached to other Auxiliary Bishops and the Vicar General when they received complaints.

Bishop Pell was the Auxiliary Bishop to the Archbishop. He had the capacity and opportunity to urge the Archbishop to take action against Father Searson in order to protect the children of the parish and the Catholic community of his region. Cardinal Pell's evidence was that he could not recall recommending a particular course of action to the Archbishop. He conceded that, in retrospect, he might have been 'a bit more pushy' with all the parties involved. We do not accept any qualification that this conclusion is only appreciable in retrospect. On the basis of what was known to Bishop Pell in 1989, it ought to have been obvious to him at the time. He should have advised the Archbishop to remove Father Searson and he did not do so.

2.5 Doveton 1990–1996

Further information regarding Ms Stewart

In late 1990, two anonymous letters were sent to Victoria Police containing allegations that Father Searson had molested children.[493] This led to the commencement of an investigation by the Child Exploitation Unit of Victoria Police.[494] As part of the investigation, the Child Exploitation Unit contacted Mr Sleeman, who was mentioned in the anonymous letters.[495]

The Archdiocese was aware of the police investigation at the time, as Mr Sleeman phoned a priest in December 1990 and said he was going to be interviewed. That information was passed on to the Archbishop.[496]

Police subsequently contacted Mr Vaughan, who had written the letters on behalf of parishioners in October 1986. At the time, Mr Vaughan was a Senior Sergeant in the police force. Mr Vaughan provided police with Ms Stewart's name.[497]

At this time, Ms Stewart was 15 years old and a high school student at St John's College – a Catholic high school in Dandenong.[498]

On 27 December 1990, Ms Stewart provided a statement to police. She did not describe everything that she later said had happened with Father Searson, but she did say that he made her sit on his knee, made her kiss him and say that she loved him and that he sat her on his lap and pushed his erection against her back.[499]

We consider matters regarding the police investigation in section 10.1. The police investigation did not proceed.

Ms Stewart told us that sometime afterwards, in 1991, she spoke to a counsellor at St John's College. She told the counsellor about what had happened with Father Searson but did not tell her the 'full story'.[500] The counsellor took her to see the school principal, Mr Quinn. Ms Stewart then told Mr Quinn that she had been interviewed by police. She did not recall the detail of what she said to Mr Quinn, but she thought she provided him with a copy of her police statement.[501]

Mr Quinn reported the matter to Mr Rogan at the CEO in March 1991. He also reported it to Monsignor Doyle and the Vicar General, Monsignor Deakin. Mr Rogan's note of the report records that Ms Stewart had been interviewed by police about 'alleged sexual offences of a minor nature' involving the parish priest, which occurred when she was in primary school.[502]

Mr Rogan rang Mr Richard West of Minter Ellison lawyers. He wrote that:

> [Mr West] pointed out that it was necessary to separate out legal responsibility and moral responsibility. If an illegal act has taken place then it is the responsibility of the police to act. The only thing required of [Mr Quinn] under these circumstances would be to provide any information that he had to police on questioning. It is more appropriately left to police to follow up whatever line is appropriate. There is need to ensure that the action taken by the police do not cause undue pressure on students or create unnecessary alarm.[503]

Monsignor Deakin made a note of the report from Mr Quinn and recorded the allegation as a 'minor sexual interference'.[504] Monsignor Deakin told us that he could not recall a meeting with the CEO about the matter or his note.[505] He said it was his practice to escalate a serious issue such as this to the Archbishop.[506] We accept that he would have told the Archbishop.

Archbishop Hart said that the documents do not reveal any serious investigation of the matter in 1991, and there is no record of Father Searson being confronted with the allegation.[507]

We are satisfied that, in March 1991, Monsignor Deakin and Archbishop Little were informed that there was a police investigation regarding Father Searson and an allegation of a sexual interference, described as 'minor', with Ms Stewart when she was at Holy Family School in Doveton.

That matter was also known to a member of staff at the CEO and its director.

Allegation of animal cruelty

On 22 March 1991, a mother of a child at Holy Family School made a complaint to the Vicar General, Monsignor Deakin. She wrote that Father Searson had stabbed a bird to death with a screwdriver in front of several children and asked that Monsignor Deakin look into the matter as soon as possible. She marked the letter 'private and confidential'.[508]

In his reply on 28 March 1991, Monsignor Deakin said he would 'give particular attention' to the matters in the letter. He then said, 'You would have to appreciate … the restrictions under which I am placed by reason of your title to the letter as "Private and Confidential"'.[509]

Monsignor Deakin told us it was customary at the time that a letter marked private and confidential was treated as such, without exception.[510] He agreed that, with hindsight, it was nonsensical if no action was taken because a letter was marked private and confidential.[511] Despite the marking of the letter, Monsignor Deakin said that he spoke to Father Searson about the complaint, and Father Searson was 'quite apologetic and said it was stupid'.[512]

Father Searson admitted the conduct and sought to explain it as 'stupid'. This was yet more evidence brought to the Vicar General's attention that Father Searson was an unstable and disturbed individual.

Complaint by parents

On 26 August 1991, a group of parents wrote to Monsignor Doyle. They listed a number of allegations against Father Searson. They wrote that the 'many' allegations against him included:[513]

- producing a gun against a young boy who was cleaning the school at the time
- pulling children's hair
- forcing children to go to reconciliation
- putting children's heads on his knee
- frequenting boys' toilets
- hitting an altar boy with a candle-snuffer, twice
- stabbing the bird to death with the screwdriver
- observing boys going through showers on camp
- taking children into the presbytery at lunchtime without permission from teachers or parents.

They also wrote that a lot of children and adults were afraid of Father Searson, that parents did not want him near their children and that they wished to discuss the matter further with Monsignor Doyle. They requested the letter be treated as confidential for fear of recriminations. They wrote it was 'inconceivable' that 'a person such as this can exercise such psychological and material manipulation of a Parish School for so long, and nothing be done about it'.[514]

The letter was provided to Monsignor Deakin.[515] He told us he had no recollection of receiving the letter or what steps he took in response.[516] He was asked whether Monsignor Doyle forwarded complaints to him from time to time and he said this was rare.[517] Monsignor Deakin accepted that frequenting boys' toilets suggested some sort of sexualised behaviour.

This letter reiterated complaints previously made. It also contained a new allegation of sexually inappropriate conduct – that Father Searson was observing boys showering.

There is no evidence that Monsignor Deakin took any further steps. However, we consider it is likely that he told Archbishop Little of the complaint, as was his practice with serious complaints.[518]

Complaints arising out of the sex education program

In June 1992, further concerns were raised regarding Father Searson, initially by a nurse from the Doveton Hallam Community Health Centre.[519] The concerns were reported following the nurse's observations of the conduct of school boys during a sex education program that she ran.

The nurse did not give evidence. Her concerns are recorded in a report prepared by a member of the CEO coordinating group who had met with the principal of the school to discuss the matter.[520]

We heard also from a former teacher at Holy Family School, Ms Carmel Rafferty, regarding the events. At the time, she was a grade 5–6 teacher at Holy Family School.

Grade 6 boys

The CEO report records that the nurse told teachers of her concerns with the responses from some grade 6 boys during a sex education class, which she said were too mature and out of character for boys of their age.[521] She reported that some boys had said, 'Father Searson has more than a bible under his cassock' and 'We don't like some of the things that Father Searson says'.[522]

Ms Rafferty told us she was present at this sex education class.[523] She said that during the class, when the nurse spoke about erections, one of the boys put his arms over his head, rolled into a ball and was saying, 'Oh, no, no, no', and he also said, 'Father Searson's got a big penis'.[524]

Ms Rafferty told us that this same boy had approached her earlier in the year and said he 'didn't like the way Father Searson was touching him'.[525] When asked whether the boy gave any other detail of what had happened to him at the time, Ms Rafferty said, 'Hugs for a long time were mentioned'.[526] Ms Rafferty told the boy to tell his parents, tell the principal and tell Father Searson he did not wish to be an altar server.[527]

Alleged molestation of teenage girl

The CEO report also records that the nurse told teachers that a 16–17-year-old girl was undergoing counselling at the Doveton Hallam Community Health Centre regarding an allegation that she was 'molested' by Father Searson while he was driving her home from school some 18 months previously.[528]

Ms Rafferty said that the nurse told her that the incident involved Father Searson masturbating in a car as he was driving the girl home after school.[529]

That detail is not provided in the CEO's report, which records only that the girl said she was 'molested' by Father Searson. Nevertheless, the allegation was a serious one.

Matters reported to the Archdiocese

Monsignor Doyle wrote on a copy of the CEO report regarding these matters that he had provided the report to the Vicar General and discussed the matter with him on 2 June.[530]

Monsignor Deakin said to us that, while he could not recall seeing the document or being involved in a discussion about it, he had no reason to doubt that it was raised with him. He said that it was his practice at the time to raise serious matters with the Archbishop or Bishop Pell, but he had no recollection of doing so on this occasion.[531]

We are satisfied that Monsignor Deakin received the report.

Monsignor Doyle agreed that there were at least two or three significant new matters being brought to his attention in the report.[532] He could not recall the content of his discussion with Monsignor Deakin. He said that he would usually raise incidents such as those described in the report with the Archbishop. When asked if he would have reported the matter to the Archbishop consistent with his practice he said, 'Yes, I would think so'.[533]

We are satisfied that the Archbishop knew of the report, consistent with the practice of Monsignor Deakin and Monsignor Doyle to report complaints to the Archbishop.

Archbishop Hart described the allegation of sexual abuse of a girl in Father Searson's car as 'extremely serious'.[534] He said that:

> There is no record in the documents of any investigation in respect of these allegations. Again the documents do not disclose that the matter was raised with Searson.[535]

We are satisfied that two new complaints of sexually inappropriate behaviour with children were reported to the director of the CEO, the Vicar General and the Archbishop in June 1992. The complaints were not investigated. The matters were not referred to the police.

Even in the context of a long history of inaction, it is astonishing that Archbishop Little took no action in response to these serious allegations.

Other complaints by students

Ms Rafferty gave evidence that in September or October 1992 a number of grade 5 and grade 6 boys complained to her about not wanting to serve as altar boys. She asked the boys to write down their reasons. She and another teacher typed the responses of the boys that evening and provided them to the principal the following morning.[536]

One boy wrote:

> Father gives me the no feeling when he touches me. Once I went serving and father hit me in the neck. And once Father felt me. I thick [sic] father is gay. I recon his will start to feel us all over [sic] …[537]

Another boy wrote:

> I feel very uncomfortable. I think father is a very disyturbed [sic] man. I think he is gay maybe. We are all very scared because we don't know where he is going to touch us next. He might touch us, you know where …[538]

Ms Rafferty said that the principal told her he would pass the matters on to the CEO.[539]

On 22 September 1992, Father Mark Reynolds of the CEO provided the typed accounts to Bishop O'Connell. Bishop O'Connell provided the material to the Archbishop along with an accompanying note. In the note, Bishop O'Connell wrote, 'I have discussed the matter with Mgr. Deakin'. Bishop O'Connell also wrote that he had advised Father Reynolds to 'continue to monitor the matter through the normal channels' of the CEO. Bishop O'Connell referred to the sentence 'And once Father felt me' as being a matter that required clarification and said he would mention that to Father Reynolds.[540]

There is no evidence that this matter was followed up with the boy in question.
Again, Archbishop Little failed to take action to protect children from Father Searson.

The Archbishop's advisers

The following week, on 1 October 1992, the Curia met. The minutes of the meeting record:

> A CERTAIN PP: The Archbishop referred to some material which had been provided to Bishop O'Connell by the Catholic Education Office.[541]

We are satisfied that the material referred to was the typed accounts of children, which had been provided to Bishop O'Connell shortly before the meeting.

The attendees were not recorded, but Archbishop Little, Monsignor Deakin, Bishop Pell, Bishop Connors and Bishop O'Connell were on the Curia at that time. Bishop Pell did not attend, as he was out of the country. Consistently with Monsignor Connors' evidence that those who were available to attend Curia meetings did so, it is likely that Monsignor Connors, Monsignor Deakin and Bishop O'Connell attended the meeting.

Monsignor Connors could not recall the matter or what the minutes referred to.[542] He said he did not know why there was a coyness in the description of Father Searson as 'A CERTAIN PP' (parish priest).[543]

We are satisfied that at the meeting the Archbishop discussed the material received from the CEO, which included an allegation that Father Searson 'felt' a child and children's expressed fears that he could sexually assault them.

None of those present could have been in any doubt that there was, at the very least, good reason to suspect that Father Searson had engaged in sexually inappropriate behaviour with children. Those present should have advised Archbishop Little to remove Father Searson and refer the matters to police for investigation.

Archbishop Little should have removed Father Searson and reported him to the police.

The knife

On 2 April 1993, Father Searson allegedly confronted two girls at the church doors, produced a knife, held it to the chest of one of the girls and told her not to go any further 'or it will go through you'.[544] Father Searson admitted that the allegation was true but said it was a joke.[545]

The principal of Holy Family School, Mr Ray Adams, reported the matter to Father Reynolds, who was then the coordinating chairperson of school services at the CEO.[546] Father Reynolds advised Mr Adams to inform the police, which he did. Father Reynolds then informed Monsignor Doyle; the new Vicar General, Monsignor Cudmore; and the Archbishop's secretary.[547] Mr Reynolds' file note says that he met with the Vicar General and urged him to act as soon as possible to seek to remove Father Searson.[548]

Father Searson was interviewed by police on around 5 April 1993.[549]

A brief of evidence was prepared by two investigating officers of Victoria Police, but charges were not ultimately laid against Father Searson because the girl's parents did not wish for the matter to proceed.[550]

A note written by Monsignor Doyle records that he spoke to Monsignor Cudmore, then the Vicar General, on 7 April 1993, and:

> [The Vicar General] spoke of the difficulty in the fact that no charges have been laid. We spoke about the 'danger to the children' as our primary concern. He has decided to send for Father Searson this afternoon, after which he will speak to me about developments.[551]

Absence of criminal proceedings

One of the investigating officers was Senior Constable William Howitt. He told us that he took a statement from the victim, whom he viewed as credible.[552] He said that he had two conversations with Church officials, one in Melbourne and the other in Sydney, but he did not know who they were. In one conversation, he was told that the Church was not prepared to take action without concrete evidence and was not otherwise prepared to take any action. He understood 'concrete evidence' to mean a criminal conviction.[553]

Cardinal Pell accepted that the fact that Father Searson was not charged did not relieve the Archdiocese of its obligation to deal with the parties, but he said that it was 'a factor in how you can go forward effectively'.[554]

Archbishop Hart also accepted that it was not necessary for charges to be brought for the Archdiocese to take action.[555] He accepted that the Archdiocese's obligations were separate from whatever action the police took and that the Archdiocese was not excused from acting because the police did not proceed with charges.[556]

We agree with Archbishop Hart. The absence of criminal proceedings was not a justification for inaction by the Archdiocese. It should not have been treated as one.

The Curia

On 19 April 1993, Monsignor Doyle wrote a note about the knife incident as follows:

> the matter has been discussed several times with the Vicar General, Archbishop [and] by Curia. The decision was taken that in the absence of action by the police and the unwillingness of the parents to pursue the matter, nothing could be done about this incident.[557]

Monsignor Doyle told us that he discussed the matter with the Vicar General (Monsignor Cudmore). He told us he had not discussed the matter with the Curia and was never present at a Curia meeting. He was asked how he knew that the Curia had discussed the matter. He said, 'The Vicar General would have reported that to me'.[558]

Monsignor Connors could not recall the Curia discussing the matter.[559] When asked whether he would expect to recall the matter if it had been raised, he said, 'it should be expected that I would remember that incident, but I can't remember it'. He could not recall any reports of this kind.[560] We accept his evidence.

Cardinal Pell gave the following evidence about his perception of Father Searson at the time:

> Q. Well, we have been told of your work in ensuring personal contact with the priests. We have also been told that certainly by 1993 it was notorious amongst all the priests, at least proximate to Searson's parish, that this man was a serious problem. You would –
>
> A. Yes, we were –
>
> Q. You would have learnt that, too, wouldn't you?
>
> A. Yes, I knew he was a serious problem.
>
> Q. And you knew he was such a serious problem that he shouldn't be a priest, didn't you?
>
> A. No, I didn't come to that conclusion. The position I accepted was the official position given to me that we did not have sufficient evidence to remove him.[561]

Cardinal Pell was asked whether he accepted that the conclusion was reached that nothing could be done in the absence of a police investigation and because the parents were unwilling to pursue the matter after the allegation had been discussed with the Curia. He said 'Yes, I think I would'.[562] It was put to Cardinal Pell that, given what he knew about Father Searson, the Curia should have said that Father Searson needed to be removed. Cardinal Pell said that was a 'possible conclusion'. When asked whether the Curia was not doing its job if it did not provide that advice, Cardinal Pell said, 'I think you would have to say that', but he qualified his answer by saying it would be necessary to check what information was available to the Curia. He said he did not remember and did not know what was said to the Curia justify inaction.[563]

Counsel for Cardinal Pell submitted that the reference in Monsignor Doyle's note to the matter having been discussed 'several times' could not be a reference to a discussion by the Curia because the Curia only met fortnightly and the incident had occurred less than two weeks before. Counsel also submitted that no Curia minutes were in evidence that recorded such discussion and it was not clear who was present or what was discussed.[564]

Several staff at the CEO, including its director, knew about the allegation that Father Searson had held a knife to a young girl. It was reported to the Vicar General, Monsignor Cudmore, and to Archbishop Little.

The fact that no minute was produced recording a discussion by the Curia is not, in our view, determinative. The only documentary evidence on this point is Monsignor Doyle's contemporaneous note. There is no reason for us to conclude that Monsignor Cudmore would have misled him. We are satisfied that the knife allegation was raised with the Curia. However, there is insufficient evidence to establish which members of the Curia were informed of the allegation or what was said.

As set out earlier, by the time of the knife incident, Monsignor Connors, Monsignor Deakin, Bishop O'Connell and Bishop Pell had each personally received other complaints against Father Searson. By April 1993, irrespective of the knife incident, they each knew enough to conclude that Father Searson ought to be removed from parish ministry. They should have advised the Archbishop to remove Father Searson.

Archbishop Little failed to take any effective action against Father Searson immediately following the knife incident.

Legal advice

In around May 1993, Monsignor Doyle sought legal advice regarding Father Searson from Mr West of Minter Ellison lawyers.[565] When Monsignor Doyle was asked how this came about, he told us that he was conscious that 'we hadn't done enough' and needed to inquire as to their responsibilities and what further action should be taken.[566] He accepted he was concerned that the Archdiocese would be vulnerable to criticism, public scandal and legal liability.[567]

Mr West provided Monsignor Doyle with the advice in early May. That advice was forwarded to Monsignor Cudmore.[568] The advice was that a number of Father Searson's actions could have constituted physical assaults, tax offences and offences regarding cruelty to animals.[569]

In relation to sexual offences, Mr West wrote:

> There is one further matter which I think is of concern which emerges largely by inference from the file and a number of references contained in it. That is the suggestion that Father Searson has been engaged in conduct of an improper sexual nature with children. I must emphasise here that there are no direct allegations in the material apart from an undated and handwritten letter from Joan Powers to Father Doyle in which it is alleged that a child complained that during confession Father Searson had required the child to sit on his knee. This conduct in itself does not constitute any offence although the manner in which it is related suggests that there is more to the story than that.

> None of these comments in themselves disclose any evidence which would justify a charge against Father Searson in relation to sexual offences. However, the fact that over the years a number of suggestions have been made from a number of different people that there is something untoward about Father Searson's behaviour with children is, in my view, sufficient to warrant some form of investigation of his conduct in view of his position of responsibility to the children in his Parish …[570]

It is not clear from the documents precisely what information was provided to the lawyers for the purpose of the advice. The advice is expressed as being based on a review of the CEO's file. However, there is no reference in the advice to the matters in the June 1992 CEO report, which concerned sexualised comments that grade 6 boys made in relation to Father Searson and the allegation he had molested a girl in a car. Also, there is no reference to the typed accounts of children provided to the CEO in September 1992. Given the advice says there are no 'direct allegations' and notes the other instances of sexually inappropriate or potentially inappropriate behaviour, the omission of these significant events gives rise to the inference that this material was not in the file the CEO provided to Mr West. Monsignor Doyle told us that he could not say whether it was or was not in the file, but it was possible that it was not.[571]

We are satisfied the information provided to the lawyers reviewing Father Searson's file was probably incomplete. Nevertheless, the recommendation in the legal advice was that there be an investigation to determine if Father Searson had engaged in sexually untoward behaviour and a review of his position.

Monsignor Doyle told us that it was his understanding that any investigation would need to be undertaken by the Archdiocese and not the CEO.[572]

Archbishop Hart told us he understood the advice was that there should be an investigation of Father Searson's conduct in respect of sexual matters but that no investigation was undertaken.

It is likely that the Vicar General (Monsignor Cudmore) informed the Archbishop of Mr West's advice and his recommendation that an investigation be conducted. The evidence of his predecessors was that any serious matters were referred to the Archbishop, and this was a serious matter.

Contrary to legal advice, no investigation of the allegations regarding Father Searson's inappropriate sexual conduct with children, or review of his position, was carried out at this time. No reasonable explanation for that failure emerged from the evidence.

Assuming the Archbishop was informed, this was an example of institutional paralysis in the face of clear warnings about the need to act.

Canonical warning in June 1993

On 25 June 1993 Monsignor Cudmore issued Father Searson with a formal warning.[573] This warning followed a complaint by a parent that Father Searson had defamed his son and intimidated the son's friends in order to have them cease their friendship with the son.[574] Monsignor Cudmore and Monsignor Doyle interviewed Father Searson about the incident, and the record of the interview states that on two occasions the Vicar General informed Father Searson that he was being given a formal warning in accordance with Canons 1740 and 1741.[575]

Following the meeting, Monsignor Cudmore wrote to Father Searson and said:

> This warning resulted from an investigation under my direction in response to allegations of improper and intimidatory conduct by you against children.
>
> Should there be any further allegation of such conduct, the canonical process to remove you from the office of parish priest will be commenced immediately and without any further warning.[576]

As Archbishop Hart acknowledged, the canonical warning related to a complaint far less serious than earlier complaints.[577] Monsignor Doyle accepted that there was some absurdity in the fact that Father Searson received a warning for what was, comparatively, less serious conduct. He described it as an Al Capone situation.[578]

It was put to Monsignor Connors that the formal warning coincided with the Archdiocese's attempts to address what it referred to as 'Special Issues' and a consciousness of the need for the Archdiocese to act on matters in respect of which it had been inactive for a long time.[579] Monsignor Connors said, 'I can't remember but I certainly accept the fact that they would have been putting in place some canonical procedures at this stage'.[580] Monsignor Connors said he was aware that there was a greater level of scrutiny of 'Special Issues' at this time and that 'there were many, many issues' coming across Monsignor Cudmore's desk.[581]

Further information provided by Ms Rafferty

On 7 July 1993 Ms Rafferty wrote to Monsignor Cudmore to express her deep concern that the children at Holy Family School were at risk and that the problem was becoming worse. She wrote, 'I taught the seniors for the first time in 1992 and found myself continually confronted with complaints and disclosures'.[582]

Ms Rafferty subsequently met with Monsignor Cudmore. She recalled him taking out a file on Father Searson, but she could not recall him indicating whether any action would be taken.[583]

Ms Rafferty met with Mr Annett, the deputy director of the CEO, on 29 July 1993. Mr Annett's note of that meeting records that she produced a file of material which she indicated contained statements alleging unusual and deviant behaviour by Father Searson and that the Vicar General would be informed.[584] She was told to take the allegations to police if they were bona fide.[585]

Archbishop Hart stated that this was 'an inadequate response, especially having regard to the apparent state of knowledge of Searson that had accumulated by that time'.[586]

Mr Annett told us that he could not recall the meeting with Ms Rafferty but accepted from the file note that it occurred.[587] He said that he did not take a copy of Ms Rafferty's file and did not read it.[588] It is not clear why he did not do so.

Curia meeting – 3 June 1994

The Curia met on 3 June 1994. One of the items minuted was Father Searson's request to perform an exorcism.[589] Monsignor Connors and Archbishop Hart both gave evidence that requests to perform an exorcism were very uncommon.[590]

The Curia also discussed 'Special Issues' and a meeting between the Archbishop and the lawyers for the Archdiocese. The lawyers recommended that there be a review of all clergy files, and it was decided that Father Brian Fleming and Father Ian Waters would conduct that review.[591]

Archbishop Hart said that he did not see the outcome of the review of clergy files referred to in the minutes when he commenced as Vicar General in 1996 and had not seen any record of such a review subsequently.[592]

We are satisfied that no review of Father Searson's file was conducted at or around this time.

Report by Monsignor Deakin to the Apostolic Nuncio in March–April 1994

Monsignor Deakin gave evidence that he spoke to the Apostolic Nuncio regarding Father Searson on one occasion. His recollection was that this occurred when he was in Sydney for a Bishops Conference in March–April 1994.[593]

The Apostolic Nuncio is the pope's diplomatic representative in a foreign country and is also the pope's personal representative to the local Church of that country.

Monsignor Deakin said that he told the Apostolic Nuncio about a most evil person who had been doing evil things to little children in a school and had been doing it for some time.[594] He said that he told the Nuncio that Archbishop Little was not taking any action in relation to Father Searson.[595] Monsignor Deakin said that the Apostolic Nuncio responded by thanking Monsignor Deakin and walking away.[596]

None of the other members of the Archdiocese gave evidence that they approached the Apostolic Nuncio. The incident serves as a reminder that under the laws of the Church there was an avenue available for effectively going over the head of the Archbishop.

BVC

BVC told us that he was sexually abused by Father Searson beginning in around the middle of 1992. BVC was then in grade 5 at Holy Family School.[597]

BVC began serving as an altar boy in 1992. He said that he would go over to the presbytery to perform chores.[598] BVC said:

> About the middle of 1992, when I had been working in his garden on my own, Fr Searson invited me inside the presbytery to help with something, it might have been helping him to move a table. After this first occasion, he continued to find reasons to invite me inside the house, and gradually this developed into Fr Searson sexually abusing me. I don't even recall how it started. I have tried to block it all out, but I remember Fr Searson raped me anally and orally over the course of the next four or five years.[599]

Not long after the sexual abuse started, BVC's parents asked him whether Father Searson had touched him, which he denied. He said he was not able to explain what had happened, that he felt confused and embarrassed and that he thought it was his fault.[600] BVC said that he did not disclose to anyone that he had been sexually abused by Father Searson until he told his parents in 2014.[601]

BVC's story reveals the tragic consequences of inaction. If Father Searson had been removed before 1992, BVC may not have been sexually abused.

2.6 Doveton 1996–1998

In October 1996, parents made a complaint to the CEO that Father Searson physically assaulted two boys. The allegation was that Father Searson hit a boy around the head following Mass and that another boy was hit at the same time.[602]

The CEO informed Archbishop Hart (then Vicar General) of this complaint on 21 October 1996.[603]

Father Searson denied the allegation to the victims' parents but admitted the conduct to the school principal.[604]

On 24 October 1996, a CEO staff member and the school principal met with Vicar General Hart. Vicar General Hart said he would take the matter up with Archbishop Pell.[605] That same day, Vicar General Hart wrote to Father Searson saying that, until the matter was resolved and appropriately investigated, Father Searson was requested not to have altar servers.[606]

Archbishop Hart told us that he was 'aghast' at the allegation and that was why he took the immediate action of keeping Father Searson away from altar boys while he sought more experienced and competent advice.[607]

On 25 October 1996, Vicar General Hart sent a memorandum to Corrs Chambers Westgarth seeking legal advice. He enclosed material regarding Father Searson and said that he had instructed Father Searson not to send for altar boys. He said, 'In light of the enclosed information is there anything else that you would advise?'.[608]

On 11 November 1996, Corrs Chambers Westgarth replied to Vicar General Hart and said that his interim action in requesting that boys not be sent as altar servers seemed to be appropriate but that a longer-term solution would need to be found.[609] They recommended that the matter be referred to the newly appointed Independent Commissioner, Mr Peter O'Callaghan QC. They also said:

> We note that the allegations against Father Searson have been made for several years and in the circumstances, Mr O'Callaghan may consider it appropriate that he be placed on administrative leave while the investigation is conducted.[610]

On 11 November 1996, the matter was referred to Mr O'Callaghan QC for investigation.[611]

On 13 March 1997, Mr O'Callaghan QC wrote to Father Searson informing him of the investigation and that he had advised Archbishop Pell to place Father Searson on administrative leave pending the outcome of the investigation.[612]

On 14 March 1997, Archbishop Pell placed Father Searson on administrative leave and rescinded his faculties. He also directed Father Searson not to reside in the Doveton presbytery or parish and to leave the parish by the following day.[613]

On 9 February 1998, Mr O'Callaghan QC delivered a report on Father Searson in which he found, among other things, that allegations in respect of Ms Stewart were made out.[614]

In October 1998 Archbishop Pell commenced a canonical process for the removal of Father Searson's faculties.[615] Cardinal Pell gave evidence that this process went to 'Rome' and he was required to take steps canonically to remove Father Searson, who 'fought a good fight'.[616] He said that Rome found against him but that 'I was quite clear in my obligations to the community, so I must say I just ignored the Roman decision and Rome didn't push the point'.[617]

Father Searson did not return to ministry.

2.7 Failures and missed opportunities

Archbishop Little

We are satisfied that, by October 1986, the complaints that Archbishop Little was aware of in relation to Father Searson's conduct with children were sufficient for any reasonable person to form the view that he ought to be removed from parish ministry.

Archbishop Little did not take that action. Instead, he chose to do nothing. In doing nothing, he failed to protect the children of the parish and the Holy Family School.

At any time from October 1986 onwards, Archbishop Little or someone assisting him could have gathered together the information that was available about Father Searson within the records of the Archdiocese and the CEO and within the minds of the Vicars General and Auxiliary Bishops.

The information revealed by such a process should have indicated to any reasonable person that there was compelling evidence that Father Searson had engaged in sexual misconduct with children and that he should be suspended from parish duties and canonical action should be initiated to remove him permanently from the priesthood and report him to police.

Each occasion after October 1986 that complaints were made against Father Searson to Church personnel was a missed opportunity for action by Archbishop Little. The consequence of his inaction was that children were left at risk of harm, including sexual harm, by Father Searson.

Father Searson was referred to Mr O'Callaghan QC in November 1996. At no point before that time had there been any proper investigation of the numerous allegations against Father Searson.

The experience of BVC demonstrates the catastrophic human consequences of inaction. The sexual abuse of BVC, in 1992, occurred many years after the Archdiocese had come into possession of information which could and should have led to the removal of Father Searson. The fact that Father Searson remained in a position of authority as a parish priest – a position he exploited to sexually abuse BVC – is directly attributable to Archbishop Little's ongoing failure to take action against Father Searson.

Other Church personnel

The case of Father Searson is remarkable in terms of the volume of complaints against him and the number of Church personnel to whom they were made. This was not a story of serious but isolated allegations being reported only to the Archbishop or Vicar General. Rather, Father Searson enjoyed a level of infamy within the parish and, according to Father Deakin,[618] Mr O'Donnell[619] and Mr Sleeman,[620] within other parts of the Archdiocese.

We are mindful of the fact that only the Archbishop had the authority to remove Father Searson from ministry. However, given the number of individual Church personnel with knowledge of complaints against Father Searson, it is extraordinary that there was such a long period of inaction.

Further, we consider that there are aspects of the conduct of some Church personnel, including staff of the CEO, that ought fairly to be criticised, as set out below.

Failure to recognise the need for action

As detailed in the preceding sections of this report:

- Mr Dooley, Monsignor Doyle, Mr Annett and Monsignor Connors took the position that complaints in 1985 and 1986 were unsubstantiated or there was insufficient evidence to act. We accept that their views were honestly held; however, they were unreasonable.
- In 1985 Mr Dooley and Monsignor Connors drew an unnecessary distinction between a reported concern and a 'formal complaint'. That distinction was relied upon as a reason for not taking an allegation further, even though the allegation was that Father Searson had made a sexual advance to a girl in the confessional.
- Monsignor Connors failed to appreciate that Father Searson had admitted to having a child kneel between his knees in the confessional and having a tape recorder in the confessional in 1985.
- In 1991, Monsignor Deakin accepted Father Searson's explanation of stabbing a bird to death with a screwdriver as merely 'stupid', apparently without appreciating that it indicated Father Searson was mentally unstable and a potential danger to children.
- Monsignor Cudmore appears to have taken the position in 1993 that, in the absence of criminal charges, nothing could be done in response to a complaint that Father Searson had pulled a knife on a young girl.

We consider that the evidence establishes that, on the above occasions, those Church personnel failed to recognise the need for action.

Allegations not reported to police

In addition, allegations that Church personnel received were not reported to police:

- The sexualised comments by grade 6 boys and the allegation that Father Searson had molested a teenage girl were reported to several staff at the CEO and the Vicar General in June 1992. Neither allegation was reported to police.
- In around September 1992, the CEO received accounts provided by children, including an allegation by a boy that Father Searson 'felt' him. The matters were reported to Auxiliary Bishop O'Connell, Monsignor Deakin and the Archbishop. The matter was not referred to police.
- Further information regarding the incidents involving Ms Stewart were reported to several staff at the CEO in 1987. It was not referred to police.
- The allegation that Father Searson had physically assaulted a child in 1988 was not reported to police.

Failure of the system

The way in which Father Searson's conduct was handled within the Archdiocese indicates a failure of the system in place to properly respond to complaints, including taking responsible action about those complaints. It was a failure of management and a failure by the individual Church personnel to press that action be taken.

3 Father Wilfred Baker

Wilfred 'Bill' James Baker was born in Melbourne in 1936 and was ordained in 1961.[621] Among others, Baker held the following appointments in the Archdiocese:[622]

- parish priest, Gladstone Park, Victoria (1975 – June 1978)
- parish priest, Eltham, Victoria (June 1978 – June 1992)
- parish priest, North Richmond, Victoria (June 1992 – 1998).

He was charged with child sex offences in July 1998 and sentenced to four years' imprisonment in June 1999. He was charged again and committed to stand trial in 2013, but he died in 2014 while those matters were pending.[623]

He was laicised in 2012.

3.1 Gladstone Park

BTO

BTO told us he was sexually abused by Father Baker, beginning in 1976, when he was 12 years old.[624]

BTO was an altar server for Father Baker at Gladstone Park parish. In about 1976, Father Baker invited BTO to stay at his parents' house at Maryborough in Victoria – the first of many such visits.[625] BTO told us that on the first or second visit:

> I got into Father Baker's bed and he was kissing me on the lips, and touching me all over, including my genitals. I don't remember what happened after that, and I don't want to remember.[626]

BTO said he was sexually abused by Father Baker on most occasions during the 10 to 20 times he went to Maryborough, as well as on trips with Father Baker to Torquay and Mildura.[627] BTO said the sexual abuse included incidents where Father Baker fondled BTO's genitals while he sat on Father Baker's lap in the car.[628]

In late 1977 or early 1978, BTO refused Father Baker's invitation to go away with him.[629] When BTO's mother asked him why, BTO told her 'I don't want him to touch me again'.[630] According to BTO, his mother then told his father about the conversation.[631]

BTO discloses sexual abuse to Father O'Donnell

Sometime after the conversation with his mother, BTO spoke to the assistant priest at Gladstone Park.

The assistant priest at that time was Philip O'Donnell – the same man who was later appointed to Sunbury parish with Father Searson and who gave evidence in the case study.

Mr O'Donnell told us that the conversation with BTO was not his first involvement in the matter. A few weeks earlier, he had approached BTO's parents. He did so because he had observed Father Baker to have what he described as an unhealthy fixation on BTO.[632] The relationship between BTO and Father Baker was of sufficient concern to Mr O'Donnell that he told BTO's parents.[633] Mr O'Donnell said that initially BTO's parents did not accept his concerns because they trusted Father Baker strongly.[634] Within a few weeks, however, BTO's father approached Mr O'Donnell and said that he agreed there was a problem and they needed to do something about it.[635]

Mr O'Donnell said that BTO told him that he (BTO) had sat on Father Baker's lap in a car while Father Baker had taught him how to drive. BTO also said that Father Baker had showered with him.[636]

BTO recalled speaking to Mr O'Donnell and being distressed, but he could no longer recall the content of this conversation.[637]

Complaint reported to Archbishop Little

Following BTO's disclosure, Mr O'Donnell consulted Mr Bryan Cosgriff,[638] who was the chairman of the Good Shepherd Primary School Council and also a magistrate.[639]

Mr Cosgriff provided a statement to us. He recalled that in early 1978 Mr O'Donnell told him of an allegation that Father Baker had touched BTO 'sexually in some way'[640] and that he was worried that other children could be in harm's way if something were not done.[641] He said that Mr O'Donnell told him that BTO did not wish to make a police report, as he did not want to be 'put through the wringer' in court, but he wanted Father Baker to be removed from the parish.[642]

In April 1978, Mr Cosgriff met with Mr O'Donnell, Father Gilbert and Mr Brendan Murphy, a lawyer, about the allegations and discussed what they should do. Mr Cosgriff said they agreed that, as BTO did not wish to report the matter to police, Mr Cosgriff would take the allegations to the Archbishop personally.[643]

We note that according to BTO he was not asked at any stage whether or not he wanted the matter to be reported to the police.[644]

Mr Cosgriff said he and Mr Murphy met with Archbishop Little at the Archbishop's residence in Kew. Mr Cosgriff said Archbishop Little gave them 'a pretty cold reception' and did not invite them in past the foyer.[645] Mr Cosgriff told Archbishop Little that there was an allegation that Father Baker had taken BTO away for the weekend, that they had showered together and that Father Baker touched BTO sexually.[646]

Mr Cosgriff said:

> I recall Archbishop Little remained standing for the entire meeting and appeared to be angry toward us. He said he thought we were despicable and that the allegations were despicable and that he did not believe them.[647]

Mr Cosgriff stated that Archbishop Little told him and Mr Murphy they needed to reconvene at St Patrick's Cathedral to discuss the matter properly.[648]

Mr Cosgriff's evidence that Archbishop Little expressed his disbelief of the allegations against Father Baker is consistent with Mr O'Donnell's evidence of Archbishop Little's response on another occasion. Mr O'Donnell told us that after this meeting he overheard a telephone conversation between Father Baker and Archbishop Little in which the Archbishop expressed his disbelief of the allegations to Father Baker.[649]

We accept Mr Cosgriff's evidence. We are satisfied that in 1978 Mr Cosgriff and Mr Murphy reported a complaint to Archbishop Little that Father Baker had showered with a boy, BTO, and touched him in a sexual manner.

Archbishop Little unfairly described Mr Cosgriff and Mr Murphy, who were attempting to do the right thing by reporting the complaint to him, as 'despicable'. Archbishop Little's response reflected an attitude that was protective of the Church and of Father Baker and dismissive of complaints.

Meeting with the Archbishop and the Vicar General

A week or so after the meeting at Kew, Mr Cosgriff said he and Mr Murphy attended St Patrick's Cathedral and met with Archbishop Little and Monsignor Connors, who was then the Vicar General.[650]

Mr Cosgriff described this meeting as 'hostile from the beginning'.[651] He said he repeated the allegation that Father Baker had taken BTO away for the weekend, showered with him and touched him sexually. He said Archbishop Little again denied the allegations and Monsignor Connors agreed with the Archbishop.[652] Mr Cosgriff stated that the meeting ended in a stalemate because the allegations were not believed.[653]

Monsignor Connors recalled that Mr Cosgriff and Mr Murphy informed him that they had a concern that a boy in the parish was being sexually abused by Father Baker.[654] His recollection was that this was prior to the meeting they had with Archbishop Little, which he arranged. Monsignor Connors also said that at some point after that meeting he met with BTO's parents about the allegation. Monsignor Connors could not recall the precise details of the meeting, but he said that BTO's parents told him of Father Baker molesting BTO and he accepted what they said was true.[655] He was 'immediately convinced'.[656]

Monsignor Connors did not recall attending the meeting with Archbishop Little.[657] However, Monsignor Connors said that he accepted the account Mr Cosgriff gave and felt that his own recollection was incorrect.[658]

Monsignor Connors said that the description of Archbishop Little's attitude towards Mr Cosgriff and Mr Murphy was not surprising given the Archbishop could on occasions show anger and that his general attitude at that time to complaints of sexual molestation seemed to be not to believe them.[659]

Monsignor Connors said that he had no recollection of saying he did not believe the allegation, but he 'might have given that impression' and he accepted Mr Cosgriff's account.

Monsignor Connors described Archbishop Little's reception of Mr Cosgriff and Mr Murphy as 'very improper'[660] and said they were treated in a very unfair manner.[661]

We accept Mr Cosgriff's evidence that the meeting was hostile and Archbishop Little expressed his disbelief of the allegations against Father Baker.

We also accept Mr Cosgriff's evidence that Monsignor Connors attended the meeting. We are satisfied that Monsignor Connors gave Mr Cosgriff the impression that he agreed with the Archbishop that the allegations were untrue, even if Monsignor Connors did not convey that expressly.

Father Baker's transfer to Eltham parish

Reason for the transfer

In June 1978, Father Baker was transferred from Gladstone Park to Eltham parish.

Mr O'Donnell and Mr Cosgriff told us that the decision to move Father Baker was in response to BTO's complaint.

Mr O'Donnell said this information came to him from BTO's parents. They told Mr O'Donnell that Monsignor Connors had told them that Father Baker would be transferred to Eltham when the new church that was being built there was finished.[662] Monsignor Connors agreed that he must have told BTO's parents that the Archbishop was intending to move Father Baker to another parish and this must have been something the Archbishop told him.[663]

Mr Cosgriff said that he received an unexpected phone call from Archbishop Little in about June 1978. Archbishop Little told Mr Cosgriff that the matter had been resolved and that Father Baker would be moved out of the parish.[664]

The church at Eltham was completed in June 1978. Mr O'Donnell said he was at a function at the presbytery with Father Baker when the Archbishop asked Father Baker to accompany him to the car. He said Father Baker returned in tears, holding a letter of appointment to Eltham. Mr O'Donnell said that Father Baker was 'shattered'.[665] The transfer to Eltham, a smaller parish, was effectively a demotion.[666]

Monsignor Connors told us that the decision to move Father Baker to Eltham parish was the Archbishop's, not his.[667] He said he probably discussed the decision with the Archbishop, but he could not recall the details.[668]

We are satisfied that Archbishop Little transferred Father Baker to Eltham parish because Father Baker was the subject of a complaint of child sexual abuse.

Transfer was wrong

Monsignor Connors accepted that he did not carry out an investigation or make inquiries as to whether there were other alleged victims of Father Baker. He said he did not understand the need for these actions at the time but accepted that they should have been carried out.[669] He said:

> Looking back, it is a matter of great regret to me that I did not push harder to try to persuade Archbishop Little to take stronger action against Baker.[670]

He also said:

> A. Back in 1978, I probably thought that that would be sufficient to say to Father Baker, you've done something horrible, make sure this doesn't happen again, but in light of experience that was very, very poor judgment.
>
> Q. And Archbishop Hart referred to that as a totally wrong decision; do you accept that?
>
> A. I certainly do.[671]

Mr O'Donnell said that, in the months between BTO's complaint and Father Baker's move to Eltham, nothing was done to restrict Father Baker's access to children.[672] We accept that evidence; it was not contradicted.

Archbishop Hart described Archbishop Little's decision to transfer Father Baker to Eltham parish as 'totally wrong' with 'devastating consequences'[673] and that it endangered other young people.[674] He acknowledged that Archbishop Little failed to act with respect to Father Baker.[675] Archbishop Hart gave evidence that Monsignor Connors also failed to act with respect to Father Baker.[676] Archbishop Hart said that Monsignor Connors was probably of the view that if the Archbishop was not going to act then he could not do anything.[677] When asked whether Bishop Connors had a role in making the decision to transfer Father Baker, Archbishop Hart said, 'He was certainly aware of it and informed. How hard he knocked on the door, I don't know'.[678]

Archbishop Little's decision to transfer Father Baker to Eltham parish was wrong. Father Baker was placed in a position where he continued to have access to children, and nothing was done to protect them from him. The evidence was that he continued to sexually abuse children after 1978. The data provided to the Royal Commission reported that there were claims or substantiated complaints of child sexual abuse by Father Baker in relation to four incidents alleged to have occurred at Eltham.

By transferring Father Baker in those circumstances, Archbishop Little abjectly failed to exercise proper care for the children within the Archdiocese's parishes and schools. The reputation of the Church and the protection of Father Baker was prioritised over the safety and welfare of children.

Monsignor Connors also failed. He should have exercised his influence to persuade Archbishop Little of the need for stronger action. Monsignor Connors' evidence that he did not appreciate the need for other action at the time is not an adequate justification. The allegation was of sexual touching – that is, criminal conduct. Monsignor Connors ought to have understood at the time that moving Father Baker to another parish without any further action was an utterly inadequate response.

No support offered to BTO

BTO told us of the ongoing impact of the sexual abuse. It affected his education, he suffers from a lack of confidence and self-doubt and he finds it difficult to trust others. He sometimes requires medication.[679]

BTO gave evidence that, apart from Mr O'Donnell, no one from the Church spoke to him about the sexual abuse.[680] He could not remember there being any talk of reporting the sexual abuse to police.[681]

Mr O'Donnell said that he was not aware that anything was said to BTO or done to help him before Father Baker was transferred.[682]

We are satisfied that the Archdiocese offered no pastoral or other support to BTO at the time of the sexual abuse and little regard was had for his welfare.

Monsignor Connors accepted that he should have arranged pastoral care for BTO but expressed this to be in light of his current understanding about the serious effects of child sexual abuse.[683]

3.2 Eltham 1978–1992

Consultors meetings in May/June 1978

Father Baker's appointment to Eltham parish is recorded in the minutes of a Consultors meeting in late May or early June 1978.[684] Archbishop Little, Monsignor Connors, Bishop Kelly, Bishop Perkins, Bishop O'Connell, Monsignor J Murray, Father W O'Driscoll, Father N Coghlan, Father P Duggan, Father J Mullally, Father J Williams and Father A McMahon attended the meeting.[685]

The minutes record:

> PARISH PRIESTS
>
> ...
>
> Eltham – Rev. W. Baker.[686]

Monsignor Connors was asked whether he shared with the other persons present his knowledge of BTO's complaint. He said:

> A. I would not have shared that myself, it would have been the Archbishop – if it was shared, it was the Archbishop who shared it.
>
> Q. And did the Archbishop share it?
>
> A. I cannot recall ...
>
> Q. He may have done so and you don't remember at this stage; is that right?
>
> A. He may have done so but I can't remember.

Q. And you would take the view that, because the Archbishop had the information you had, it was a matter for him to raise it?

A. That would be my recollection, it would be the Archbishop for himself to raise the issue, and if he asked for discussion, but I doubt whether he did, but I can't be sure.

Q. When you say you doubt whether he did, why is that?

A. Because of the nature of the reason for Father Baker being moved from Gladstone Park to Eltham, maybe the Archbishop just wanted that to happen and didn't tell anybody, but I can't recall.[687]

Monsignor Connors was asked if he had an obligation to raise the matter if the Archbishop did not, given the advisory function of the Consultors. He said, 'I accept I had an obligation, but perhaps in that situation I did fail'.[688] He later described his responsibility as a 'secondary obligation' and said the dynamics between him and the Archbishop were not quite settled.[689]

There is nothing in the minutes to indicate whether the complaint in relation to BTO was discussed. The minutes record nothing at all of the discussion (if any) surrounding the appointment. Monsignor Connors' evidence was that he would not have raised the complaint and could not recall whether the Archbishop did so. Monsignor Connors was the only person who gave evidence of this meeting and we accept his evidence. It follows that we do not know whether the BTO complaint was discussed.

The Archbishop or Monsignor Connors clearly ought to have disclosed the BTO complaint at the meeting. It was a matter that showed Father Baker was not fit to be a parish priest of Eltham or anywhere else. Monsignor Connors should have raised the BTO complaint to enable those present to have a complete understanding of the concerns about Father Baker in order to carry out their role in advising the Archbishop on personnel issues.

PAB meeting on 3 July 1985

In July 1985, when Father Baker had been parish priest at Eltham for seven years, a proposal was put forward at a meeting of the PAB that Father Baker be transferred to Dandenong parish.

The attendees at this meeting were Archbishop Little, Monsignor Connors, Bishop Kelly, Bishop Perkins, Bishop O'Connell, Father J Murray, Father W O'Driscoll, Father J Mullally, Father M Fitzpatrick and Father J Grech.

All attendees except Monsignor Connors are deceased.

The minutes record:

> After prolonged discussions the members, with the exception of Bishop Kelly, advised the Archbishop to appoint Father W. Baker, P.P., to be Parish Priest of Dandenong.[690]

At the time of the meeting Bishop Kelly was the Auxiliary Bishop for the Southern Region, which included the Parish of Dandenong.[691] If the appointment had occurred, Father Baker would have been placed within his region.

Monsignor Connors was asked about the conversation at this meeting about Father Baker. He said:

> A. I don't recall the discussion. It's hard to know what was behind the prolonged discussion, whether it was the personality of Father Baker, or maybe – I don't know.
>
> Q. Or maybe what?
>
> A. Maybe the members had heard complaints or comment about Father Baker's previous offence at Gladstone Park [the BTO complaint].
>
> Q. It's likely, isn't it, that there'd be talk about such a thing among consultors and others?
>
> A. I think so.
>
> Q. So your assumption would be based on your knowledge and experience that Baker's conduct had done the rounds and priests knew about it?
>
> A. I would be of the view that is what did happen.
>
> Q. And so, your interpretation of these minutes is that the prolonged discussions was because at least some of the consultors knew about Baker's misconduct?
>
> A. I do believe that – that is the case, I do believe.[692]

Monsignor Connors was asked whether he believed that the 'prolonged discussions' referred to in the minutes took place because at least some of those present knew about Father Baker's misconduct. He said, 'I do believe that – that is the case, I do believe'.[693] He said it was unusual to note an exception[694] and agreed it was probably the case that Bishop Kelly did not want Father Baker coming into his region because he had heard of Father Baker's misconduct in the past.[695]

Father Baker's appointment to Dandenong did not ultimately proceed,[696] and Monsignor Connors accepted that Bishop Kelly's view appears to have prevailed.[697] He told us that Bishop Kelly and Archbishop Little were ordained at the same time. He said that Bishop Kelly could express his views quite forcefully to Archbishop Little and that Bishop Kelly's views would prevail.[698]

Archbishop Hart was also asked about this meeting, although he did not attend it. He said he would at least draw the conclusion from the minutes that Bishop Kelly did not want Father Baker in his region. Archbishop Hart was asked if he would expect that Archbishop Little and Monsignor Connors would have disclosed to the rest of the meeting that the BTO complaint was the reason for Father Baker's original move to Eltham. He said, 'I think … in the normal context, yes'.[699] We note, however, that Archbishop Hart was not a member of the PAB or Curia until 1996, after Archbishop Little's retirement. His reference to the 'normal context' of such meetings must be read as a reference to his experience of those meetings in a later period. However, we accept the logic of his statement. This was a body established specifically to advise the Archbishop about his personnel – that is, priests. It is logical and rational to expect that, 'in the normal context', a person who knew about a complaint about a priest would raise it with the rest of the board so that proper advice could be given. The Church parties submitted that there was no evidence that the BTO complaint was discussed at the 1985 PAB meeting. To the contrary: they submitted that the circumstantial evidence regarding Archbishop Little's tendency to keep matters to himself, not to tell the whole story and to snub complaints suggested that it was not raised.[700] The Church parties submitted that the more probable inference was that other issues in relation to Father Baker's conduct were discussed at the 1985 meeting. They cited evidence of his alcohol abuse and rude or offensive behaviour and the fact that he did not generally enjoy a good reputation.[701]

We consider that the reference to 'prolonged discussions' in the minutes of the 1985 PAB meeting and the fact that Bishop Kelly opposed Father Baker's appointment indicate that aspects of Father Baker's conduct were discussed during the meeting, and discussed at length. We do not agree with the Church parties that the most likely inference is that other aspects of Father Baker's conduct were the subject of the prolonged discussions. The preponderance of evidence of other complaints about Father Baker's conduct post-dates the 1985 meeting (as set out below). The only complaint regarding Father Baker that pre-dates the 1985 meeting is the BTO complaint. We are satisfied that the most likely source of the 'prolonged discussions' is the BTO complaint.

We accept Monsignor Connors' evidence that he believes that the reference in the minutes to 'prolonged discussions' is because at least some of those present knew about Father Baker's misconduct,[702] meaning his sexual misconduct with BTO. Monsignor Connors believed that the prolonged discussions took place because at least some of those present knew of Father Baker's misconduct. We accept that it is his view that knowledge of the BTO complaint had 'done the rounds' among the PAB members.

While Monsignor Connors' evidence was only his opinion and he did not say it was based on his own personal discussions with other individual members, there is no evidence to contradict his opinion about this particular meeting – he is the only person still living who attended it. Further, in our view his opinion is supported by the reference to 'prolonged discussions' in the text of the minutes, which gives rise to the inference that the BTO complaint was discussed.

In those circumstances, we are satisfied that the BTO complaint was probably the subject of the prolonged discussions at the meeting. It is likely that the reason that Father Baker was not appointed was that Bishop Kelly knew about the BTO complaint and did not want Father Baker in his region.

Assuming the BTO complaint was discussed, all those present should have advised Archbishop Little not to appoint Father Baker to Dandenong parish, to remove him from ministry and to report him to police.

Complaint in December 1986

In December 1986, a Sister at Our Lady Help of Christians primary school (Our Lady) wrote to Monsignor Connors. Our Lady was the school in Father Baker's parish. The Sister wrote that Father Baker had been verbally abusive and aggressive towards a female parishioner when drunk.[703] There was no suggestion in her letter of Father Baker having engaged in child sexual abuse.

Monsignor Connors responded, 'there is very little that I can do on the practical level', but he referred to the Sister's letter as 'information which may be of assistance to the Archbishop and to his advisers at the appropriate time'.[704]

Monsignor Connors told us that it was his practice to table complaints such as this at the next meeting of the Curia or PAB.[705]

However, there is no minute of a Curia or PAB meeting in or around December 1986 that refers to this complaint.

Monsignor Connors said the minutes were 'not very full' and would not necessarily reveal that this had occurred. He accepted it is fair to say the minutes were not necessarily accurate.[706]

We do not know if the December 1986 complaint or the BTO complaint was discussed with the PAB or the Curia, or what was advised if they were raised. However, there is no evidence that the Archbishop took any action in relation to Father Baker at that time, and we are satisfied that he did nothing.

Father Baker's request for leave in June 1989

In June 1989 Father Baker wrote to the Vicar General, who at that time was Monsignor Deakin, and said he was 'waiting with baited breath' to hear if the Archbishop had approved his request for extended leave.[707] Father Baker did not state the reason for his request in the letter.

The Curia met on 20 June 1989. The attendees are not recorded, but Archbishop Little, Monsignor Deakin, Monsignor Connors, Bishop Pell, Bishop Perkins and Bishop O'Connell were members of the Curia at the time.

The minutes of the Curia meeting record:

> Father Baker to take extended leave this year for therapeutic reasons.[708]

The matter is also recorded in the minutes of a PAB meeting on 28 June 1989, at which Archbishop Little, Monsignor Deakin, Bishop Perkins, Bishop O'Connell, Monsignor Connors, Monsignor J Murray, Father J McMahon, Father Fitzpatrick and Father Grech were present.

The minutes of the PAB meeting record:

> **Father W Baker**
>
> Granted leave for health reasons. Matter notified to P.A.B.[709]

Monsignor Connors told us that based on his knowledge of Father Baker the leave was likely to have been because of his alcohol consumption.[710] He said it was his recollection that alcohol was the ongoing problem with Father Baker in 1989.[711] He said, again, that he would not have raised the BTO complaint at the meeting and would have left the matter to the Archbishop to raise. He said, however, that the complaint was still 'very much' on his mind.[712] We accept his evidence.

Archbishop Hart did not attend the meetings, but he said that, based on his experience of meetings (after 1996), issues like the BTO complaint would normally be raised and he would expect that it was raised.[713]

For the reasons set out above, given the advisory purpose of the PAB, we consider that Archbishop Hart's expectation is a reasonable and rational one. However, we do not know if the BTO complaint was raised by the Archbishop or one of his advisors at either the PAB or the Curia meeting.

Again, the BTO complaint clearly ought to have been disclosed at the meeting by the Archbishop or Monsignor Connors. It was a matter that showed Father Baker was not fit to be a parish priest of Eltham or anywhere else. Monsignor Connors should have raised the BTO complaint to enable those present to have a complete understanding of the concerns about Father Baker in order to carry out their role in advising the Archbishop on personnel issues.

Complaints in November 1989

In November 1989, concerns were raised about Father Baker in a CEO intra-office memorandum. The concerns included 'single female teachers feel uneasy approaching Fr. Baker', that a parent had said that it would not be appropriate for a single woman to work with Father Baker, Father Baker's drinking, and his poor relationships with parents. The memorandum records that the Archbishop had been approached about the concerns and his response was that a priest needed to work with Father Baker.[714]

It appears that Father Baker was not referred for treatment with a priest, or anyone else, in November 1989, although, as set out below, he was persuaded to seek treatment in 1991.

Complaints in 1991

In March 1991, two parents complained to the principal of Our Lady about Father Baker. The parents requested that their two children only attend reconciliation on the altar and 'not in the privacy of the confessional'. They added that they wished that 'in future any contact the children have with Father Baker is to be with a supervising adult in full view'.[715]

There is no record of the letter having been sent to the Archbishop directly, and we are unable to determine whether it was.

On 28 August 1991, the Vicar General (Monsignor Deakin) received what was described as a 'formal complaint'. This was a letter from a parishioner and parent at Eltham about Father Baker's general conduct and rude behaviour.[716] On 9 October 1991, Monsignor Deakin replied that he had presented the contents of the letter to the appropriate committee for consideration.[717]

There is no minute of a PAB or Curia meeting between August and October 1991 that refers to the parishioner's letter.

Father Baker's request to resign in November 1991

On 6 November 1991, Father Baker wrote to Archbishop Little requesting permission to resign from the Parish of Eltham. He wrote that he felt sick, tired and terribly inadequate.[718]

Father Baker's letter requesting permission to resign from Eltham was read at a meeting of the PAB on 19 November 1991. Archbishop Little, Monsignor Deakin, Monsignor Connors, Bishop Pell, Bishop O'Connell, Monsignor Cudmore, Monsignor Murray, Father Mullally, Father Dalton, Father J McMahon, Father Cosgriff and Father Ashe were present.

The minutes of the PAB meeting record:

> Fr. Baker's letter of intent to apply for another parish was read. The contents of the letter urged the Board for Fr. Baker to receive counsel from Fr. Cantwell.[719]

Father Peter Cantwell is a psychologist who was available to the Archdiocese to treat priests.[720]

Monsignor Connors said that he could not be certain whether the BTO complaint was raised at the meeting. He said he believed the position that Father Baker was 'acting out because of his alcoholism and getting offside with his parishioners' was discussed.[721] He told us that he believed he would have left it to Archbishop Little to raise the BTO complaint, but he said that on reflection he should have raised it himself because he was aware of it and accepted it as a valid complaint.[722]

Archbishop Hart said that, based on his experience of similar meetings (after 1996), he could only imagine that the BTO complaint was raised.[723] However, Archbishop Hart said that, in his experience, Archbishop Little would sometimes make oblique references or give some information but not divulge 'the whole story'.[724] We accept Archbishop Hart's evidence in both respects.

We accept Monsignor Connors' evidence that Father Baker's 'acting out' in relation to his alcoholism and Father Baker getting offside with parishioners were discussed at the meeting. His evidence reflects the types of complaints that were reported to the Archdiocese at around this time. In the absence of other evidence, we do not know whether the BTO complaint was discussed, although it should have been. Monsignor Connors should have raised the BTO complaint to enable those present to have a complete understanding of the concerns about Father Baker in order to carry out their role in advising the Archbishop on personnel issues.

PAB meeting on 8 January 1992

Father Baker was the subject of consideration by the PAB again on 8 January 1992. This meeting was attended by Archbishop Little, Monsignor Deakin, Monsignor Connors, Bishop Pell, Bishop O'Connell, Monsignor Cudmore, Monsignor Murray, Father Mullally, Father Dalton, Father J McMahon, Father Cosgriff and Father Ashe.

The minutes record that Father Baker had notified the Archbishop that he was 'very well' but that the PAB would await a further report from Father Cantwell.[725]

Monsignor Connors gave evidence that his understanding was that the report was in relation to alcohol.[726]

We accept Monsignor Connors' evidence that he understood that the report was in relation to alcohol. We cannot be satisfied that the BTO complaint was discussed at the meeting. It should have been discussed, for the reasons given above.

Complaint in March 1992

On 10 March 1992, a female parishioner at Eltham wrote a letter regarding Father Baker's 'unprofessional behaviour', 'harassment of staff' and 'destructive' sermons.[727]

Archbishop Little replied on 18 March 1992. He thanked the parishioner for the letter and the way she had expressed her concerns. He wrote, 'You will appreciate that both sides of a question need to be examined. The matter is proceeding'.[728]

PAB meeting on 8 April 1992

Father Baker was raised again at the PAB meeting on 8 April 1992. The meeting was attended by Archbishop Little, Monsignor Deakin, Monsignor Connors, Bishop O'Connell, Bishop Pell, Monsignor Cudmore, Monsignor J Murray, Father J Mullally, Father J McMahon, Father Cosgriff, Father Dalton and Father Ashe. Bishop Pell was late. The minutes record:

> Condition of Fr. W. Baker discussed. Unsatisfactory in some areas – sit on it.[729]

Monsignor Connors said he would read the minutes as a reference to Father Baker's alcohol problem, but the fact that Father Baker had offended in a serious manner was at the back of his mind.[730] When asked whether the other PAB members and the Curia would all have known by now what Monsignor Connors knew about Father Baker, he said, 'I think by now they would have, yes'.[731] Monsignor Connors accepted that, if he did not disclose at the meeting what he knew about Father Baker, he would be withholding information that the other members ought to have.[732] It was put to Monsignor Connors that he would not have done that. He said, 'I don't think I would have. I try to be very honest always'.[733]

We accept Monsignor Connors' evidence that the 'condition' referred to in the minutes is Father Baker's alcoholism.

Father Baker's appointment to North Richmond

On 6 May 1992, the PAB carried a motion to appoint Father Baker as the parish priest of North Richmond, with effect from June. The motion was initiated by Bishop O'Connell and seconded by Monsignor Cudmore. Archbishop Little, Monsignor Deakin, Monsignor Connors, Bishop Pell, Father J Murray, Father J Mullally, Father J McMahon, Father B Cosgriff and Father M Ashe were also present at the meeting.[734]

By this time, a number of complaints had been made about Father Baker's conduct at Eltham. This meeting was held two months after the parishioner's complaint to Archbishop Little regarding Father Baker's misconduct (not sexual misconduct) and the Archbishop's response

that the matter was proceeding. The meeting also followed immediately after a complaint by the female teacher at Eltham that Father Baker had made sexually inappropriate comments to her (discussed below), although it is not clear whether the Archdiocese knew of that complaint at the time.

Archbishop Hart accepted that Father Baker was probably transferred because of those complaints and that, rather than dealing with the situation, Father Baker was just moved to another parish.[735] We agree with that conclusion.

In relation to this meeting, Monsignor Connors said:

> I would expect that by this stage all the members were aware of Father Baker's offence, the one offence at Gladstone Park [the BTO complaint]; they were aware of his dealing with his alcohol addiction, they were aware that he wasn't coping well with the demands of the parish at Eltham …[736]

The Church parties submitted that Monsignor Connors' evidence of what he thought others would have known should not be accepted as evidence of what they in fact knew. They submitted his evidence is no more than a speculative opinion and carries no weight.[737]

Counsel for Cardinal Pell submitted that Monsignor Connors' evidence is loose and inexact and falls short of the standard required for the Royal Commission to be comfortably satisfied that Cardinal Pell knew about one or more sexually related complaints against Father Baker.[738] Counsel submitted that Monsignor Connors' evidence would ordinarily be inadmissible in a court of law and is no more than suspicion, surmise or guesswork, which plays no part in the fact-finding process.[739]

Monsignor Connors' evidence was of his expectation of what others knew. Monsignor Connors did not, as a matter of fact, know what the other members of the PAB or Curia – in particular, Bishop Pell – knew. He did not say that his evidence was based on his conversations with other advisers about their knowledge of allegations of Father Baker's sexual offending against children. Rather, Monsignor Connors volunteered his opinion of what he believed or thought others knew in 1992.

Monsignor Connors was frank in his evidence before us – he admitted to significant failings in his personal involvement in responding to complaints of child sexual abuse. We have no reason to doubt his opinion was honestly and reasonably held. The events occurred in 1992 – a time when child sexual abuse was acknowledged as a serious issue affecting Catholic Church authorities within Australia and internationally. Child sexual abuse by clergy was the subject of consideration by the national body of Australian bishops (the ACBC) and protocols had been established for responding to allegations. It is reasonable to expect that there was more 'talk' about the conduct of priests who had been the subject of such allegations in 1992 than in earlier periods. We consider it is unlikely that there was not such talk among

some priests in the Archdiocese in relation to Father Baker. Monsignor Connors was well placed to know whether there were discussions among priests regarding Father Baker's conduct. He had been a member of the Curia and Consultors since 1978 and a member of the PAB since it was established in 1984. He was in a position of authority within the Archdiocese, he had knowledge of the BTO complaint and he believed that complaint to be true.

However, Cardinal Pell – who was a member of the PAB and who attended the meeting as an Auxiliary Bishop – told us that it did not come to his attention prior to or at this meeting that there had been a previous complaint against Father Baker. His evidence was that neither Archbishop Little nor Monsignor Connors told him of a previous complaint.[740] This was not an opinion; it was his direct evidence of his personal knowledge.

In those circumstances, we cannot be satisfied that the other members of the PAB knew in 1992 of the BTO complaint. (However, for the reasons set out earlier, we are satisfied it is likely that Bishop O'Connell, Monsignor J Murray and Father J Mullally knew of the BTO complaint because it was probably discussed at the PAB meeting in July 1985, which they attended.)

Archbishop Hart told us that the minutes imply that a judgment was made, wrongly, to do nothing. He said the conduct of the PAB was simply wrong given that a number of those present knew of previous complaints about Father Baker, and two of them (Monsignor Connors and Archbishop Little) knew of the BTO complaint.[741] We agree.

This was another opportunity for Archbishop Little to remove Father Baker from his position as parish priest and thereby restrict his access to children.

Complaint in May 1992

On 4 May 1992, a teacher at Our Lady complained to the principal that she had received a phone call from Father Baker in which he made sexually inappropriate comments to her.[742]

It is not clear what was done with this information, although Archbishop Hart said that the complaint was probably received by the Vicar General (Monsignor Deakin), as that was the process at the time.[743]

3.3 North Richmond 1992–1997

Complaint by Ms Taylor

In June 1992 Father Baker was appointed to North Richmond parish. The parish had a school attached to it: St James Catholic Primary School (St James).

We heard from Ms Patricia Taylor, the former principal of St James.

Meeting with the CEO

Ms Taylor told us that, just before Father Baker commenced his appointment, she received a phone call from someone at the CEO requesting that she attend a meeting with the CEO.[744]

Ms Taylor subsequently met with two CEO staff members at the CEO offices.[745] Ms Taylor said that Ms Maryann Brooks was one of those staff members and she believed the second staff member was Father Reynolds.[746] Ms Taylor formed the impression that the meeting was 'off-the-record' and no notes were taken.[747]

Ms Taylor said that the CEO staff told her that there had been allegations made about Father Baker at his previous parishes of Eltham and Gladstone Park. She remembered very clearly that they warned her never to send children to the presbytery by themselves and never to let children go into the confessional with Father Baker with the door closed.

Ms Taylor said that the CEO staff gave her four very particular warnings about Father Baker at the meeting, which were:

1. not to let children be alone with Father Baker, ever. She remembered very clearly that they warned her never to send children to the presbytery by themselves
2. not to let children go into the confessional behind closed doors with Father Baker
3. not to provide Father Baker with the contact phone numbers of school staff
4. that she should never be in a room alone with Father Baker.

The CEO personnel did not say why they were giving her these warnings. Ms Taylor said the CEO staff mentioned children.[748] Ms Taylor's firm impression was that the allegations related to sexual behaviour towards children,[749] although this was not expressly said.[750]

Telephone call to Ms Taylor

Shortly after the meeting, Ms Taylor received a phone call from a male person known to her. The man advised Ms Taylor not to let Father Baker near the children at the school. He told Ms Taylor that 'he did it to me', which Ms Taylor understood to mean that the caller had been sexually abused by Father Baker,[751] although he did not give any further detail.[752]

Meeting between Ms Taylor and Monsignor Connors

Following the meeting and phone call, Ms Taylor made an appointment with Monsignor Connors, who was then the Auxiliary Bishop for the region.[753] She said she contacted Monsignor Connors instead of the CEO because she believed he had the authority to act.[754] They met at the Archdiocese's offices in East Melbourne.[755]

Ms Taylor said she told Monsignor Connors that a man had phoned her and disclosed that he had been sexually abused by Father Baker. She recalled using the words 'sexually abused'. She expressed her concern that Father Baker was being sent to a parish with a primary school attached to it.[756] She told Monsignor Connors what the man had told her, in the same detail.[757] She also told him that the CEO had given her four warnings about Father Baker and that she had formed the view that the warnings were in relation to allegations of a sexual nature.[758]

Ms Taylor said that Monsignor Connors listened to her and said he was disturbed by what she told him.[759] He then said, 'Research shows that, once a paedophile, always a paedophile'.[760]

Ms Taylor told Monsignor Connors that, if she suspected that Father Baker had touched any child at the school in an inappropriate way, she would go to the police.[761] She said Monsignor Connors told her to come to him with such information, but she did not understand him to be discouraging her from going to the police.[762] Rather, she said she thought he shared her view that Father Baker ought not to be appointed to the parish.[763]

Ms Taylor said that Monsignor Connors did not tell her what action he was going to take, and she did not know what he did with the information she provided to him.[764] She did not hear anything further from Monsignor Connors in relation to the issue and did not speak about it with anyone else from the Archdiocese.[765]

Monsignor Connors told us that he had no recollection of a meeting with Ms Taylor, but he did not doubt the truth of her account.[766] He said that by this time, because of discussions at the ACBC and developments internationally, all bishops were well informed that paedophiles could not be cured.[767] He accepted that this was his view at the time.

He agreed that Ms Taylor's account was accurate.[768] He also said that he had 'no doubt at all' by this time that Father Baker was a paedophile.[769]

We accept Ms Taylor's evidence.

Telephone call from Mrs O'Donnell

Ms Taylor said that after the meeting with the CEO she received another phone call about Father Baker, this time from Mrs Julie O'Donnell, the principal of Our Lady in Eltham.[770]

Mrs O'Donnell told her there had been allegations about Father Baker when he was at Eltham. She did not refer to specific incidents or explain what the allegations were, and Ms Taylor did not believe she made reference to Father Baker being sexually inappropriate with children.[771] Mrs O'Donnell told her she needed to be 'very, very wary and very careful'.[772] Ms Taylor said she did not tell Monsignor Connors about her conversation with Mrs O'Donnell.[773]

Ms Taylor places restrictions on Father Baker

Ms Taylor told us that she put in place measures to restrict Father Baker's access to children at the school, including telling her teaching staff about the warnings from the CEO and instructing them that children were not to go to the presbytery without an adult.[774] She also introduced a practice of administering the sacrament of confession on the altar in full view rather than in the confessional.[775]

She said that she had individual meetings with teachers to inform them of the matter, as she thought bringing the staff together for a meeting could lead to 'mass hysteria' over the appointment.[776] Ms Taylor said the reputation of the school was at stake and she did not want it to be known in the community that there was a paedophile in their midst. She agreed that the whole matter was secretive and protective of the school and the Church.[777]

Ms Taylor left St James at the beginning of 1994. She said that in the 18 months she was principal she did not receive another allegation of improper sexual conduct by Father Baker toward the children.[778]

We are satisfied that, when Ms Taylor received allegations regarding Father Baker, she put in place measures to restrict Father Baker's access to children, including informing staff of what she knew. No such steps had previously been taken.

No Church personnel had previously put in place any measures to restrict Father Baker's access to children, even though Monsignor Connors and Archbishop Little had known of the BTO complaint since 1978 and it is likely that those who attended the 1985 PAB meeting (Bishop Kelly, Bishop Perkins, Bishop O'Connell, Father J Murray, Father W O'Driscoll, Father J Mullally, Father M Fitzpatrick and Father J Grech) also knew about it.

The institutional response to the complaint by Ms Taylor

We are satisfied that in mid-1992 Monsignor Connors was told of a complaint that Father Baker had sexually abused a man known to Ms Taylor and that the CEO had provided four warnings to Ms Taylor. Two of those warnings were specifically in relation to children, and Ms Taylor formed the view they were in relation to allegations of a sexual nature.

Monsignor Connors said he was confident he would have raised the matter with Archbishop Little.[779] He was not certain about whether he raised the matter with the Consultors or other body.[780] He said that he should have raised the matter in a more open manner with the other members of the PAB or Consultors.[781]

Monsignor Connors accepted that nothing was done at that point in time to restrict Father Baker's duties or his access to children. He said that he failed and the Archbishop failed.[782] He told us that he regretted that no action was taken in response to this complaint.[783] Monsignor Connors said, 'I can't really excuse myself for failing to put the pressure on the Archbishop to do something with this man'.[784]

We are satisfied that Archbishop Little was informed of the complaints that Ms Taylor reported to Monsignor Connors. Although he knew of the earlier BTO complaint, Archbishop Little took no action to restrict Father Baker's access to children or otherwise protect them from the risk of sexual abuse by Father Baker. He failed to protect the children given into the care of the Archdiocese.

The most likely reason for the Archbishop's inaction in the face of repeated complaints was to avoid the allegations becoming public and to protect the reputation of the Church.

It was appropriate for Monsignor Connors to acknowledge the inadequacies in his conduct in relation to this matter. It was a time when he said he had come to understand the serious nature of paedophilia and that this was not a 'one-off' incident. He was aware of developments at the national level with the purported aim of improving the response of the Catholic Church in Australia to allegations of child sexual abuse. He had 'no doubt at all' that Father Baker was a paedophile. Despite this, he did not seek to exercise his influence to persuade Archbishop Little to remove Father Baker from ministry or otherwise restrict his access to children. That was a failure on his part.

BTL

On 6 September 1993, BTL wrote a letter to the Vicar General at the time, Monsignor Cudmore, whom BTL knew personally. BTL asked Monsignor Cudmore why Father Baker remained a priest. BTL wrote that he hoped Father Baker had received counselling and had not 'continued to deal with altar boys like he did with me 30 years ago'.[785]

On 17 November 1993, Monsignor Cudmore wrote to BTL and asked him to come in and see him about the matters concerning Father Baker. Monsignor Cudmore referred to the fact that there had been 'many rumours' regarding Father Baker 'but no facts'.[786]

On 25 November 1993, BTL wrote again to Monsignor Cudmore. He described being invited into bed with Father Baker as a boy, 'where a long hugging session followed'. BTL also wrote that Father Baker discussed erections with him.[787]

It was not until June the following year that Monsignor Cudmore spoke with Father Baker about BTL's complaint.[788] He made a note of that conversation. He recorded that Father Baker 'expressed deep regret about the activities' and was 'conscious now about the wrong which maturity has brought to light'.[789]

On 23 June 1994, Father Baker wrote to Monsignor 'Gerry' Cudmore. He expressed remorse for BTL's pain and said:

> Gerry, I knew nothing of sin, or of wrongdoing in my whole life. I knew nothing of sexuality either. … Somewhere in all of this there is emotional immaturity, reasonable innocence, and great ignorance … If it is appropriate please let [BTL] know of my profound self-reproach and anguish now, as for the first time I discover the distress he has experienced because of me then.[790]

We are satisfied that Father Baker's letter to Monsignor Cudmore was effectively an admission that he had engaged in sexual conduct with BTL in the past.

On around 29 September 1994, Monsignor Cudmore notified the Archdiocese's insurer, Catholic Church Insurance Limited (CCI), of BTL's allegation. He did so by completing and lodging a form titled 'Special Issues Incident Report'. This was a form that the insurer requested the Archdiocese to complete 'on all matters which may give rise to civil claims for criminal sexual misconduct'. Monsignor Cudmore stated that the Archdiocese became aware of BTL's allegation in November 1993 and provided the following details of the alleged incident:

> Priest invited boy to share his bed. Sexual activities took place (not intercourse) …[791]

There is no evidence of any other action being taken against Father Baker at this time.

Even though Father Baker effectively admitted to sexual misconduct with BTL, which Monsignor Cudmore deemed serious enough to require a notification to the insurer, no action was taken against Father Baker.

Further, the delay in responding to BTL's complaint was unacceptable.

BTM

BTM told us that he was sexually abused by Father Baker between 1968 and 1970, when he was 11 to 13 years old. The sexual abuse occurred on trips away at Father Baker's parents' house in Maryborough. BTM told us that Father Baker once showered with him and rubbed his penis against BTM's bottom and lower back. On other occasions, Father Baker got into bed with BTO and rubbed his penis against BTM's backside on the outside of his pyjamas. BTM said he went on visits to Maryborough about six times over a two-year period.[792]

BTM told his sister about the sexual abuse in 1992. His sister then told BTM's parents. BTM said he never spoke to his parents about the sexual abuse. He did not want them to feel guilty. He said he thought they found it difficult to talk to him about it, but his sisters were a 'communication link' between him and his parents.[793]

BTM told us that he was aware that his parents met with Monsignor Cudmore, because his sisters told him. He was not sure when this occurred. He was told that at the first meeting Monsignor Cudmore indicated that Father Baker would be removed from having any dealings with children. However, sometime later, Father Baker made a pastoral visit, as parish priest, to the workplace of one of his sisters. His sister was horrified and informed his parents, who visited Monsignor Cudmore again. BTM believed from conversations with his sisters that his parents met with Monsignor Cudmore on three occasions.[794]

Documents establish that sometime during 1994 BTM's father, BTN, met with Monsignor Cudmore about BTM. There is no record of that meeting or what was said. It is referred to in a letter that BTN wrote to another priest in December 1994. In that letter, BTN wrote that he had previously been interviewed in relation to his son being a 'sexual victim'.[795]

On 22 August 1995, BTN wrote to Monsignor Cudmore. He referred to the earlier meeting at which he and his wife discussed a 'very serious problem' concerning their son, BTM, and Father Baker. He wrote:

> When I last contacted you in the matter you advised that no action has been taken to remove Fr Baker from community contact. Why that is so is probably known only yourself, Archbishop Sir Frank Little, and God himself …
>
> Anyone, without exception, who is involved in cover-ups or in transferring offenders in attempts to avoid responsibility is definitely culpable of any further offences, and I believe should be called upon to answer for his actions or inactions in every proceeding offences. The buck must not stop right there. Once reported, urgent investigation should be implemented by trained police investigators, and the person under investigation must be relieved of any duties which could place them in any position from which further offences could occur. This is surely plain common sense action …[796]

BTN also referred to 'horrendous crimes' in the letter.[797]

On 1 September 1995, Monsignor Cudmore replied to BTN.[798] He wrote that the Church and the Archdiocese had established protocols and procedures to be followed in relation to complaints of alleged criminal conduct. He told BTN that he would take action once he received 'a written and detailed statement of allegation(s) against the priest concerned from your son' and that he would 'take action immediately' if he received specific allegations.[799]

On 4 October 1995, BTN wrote again to Monsignor Cudmore. He said:

> You made it quite clear at a follow up phone call that nothing has been done in this matter, and implied no action would be taken unless [BTM] was prepared to put his charges of sexual offence in writing. This despite the fact that he totally lost his Catholic faith, and in fact states he cannot believe in God.[800]

BTN wrote that it was unlikely BTM would want to bring himself to unburden his hurt and anger and this letter was probably the last Monsignor Cudmore would hear from BTN. BTN said he and his wife felt quite deluded by the responses they had received.[801]

Archbishop Hart said that he understood BTN's dissatisfaction with the response. He said he was unable to explain why Monsignor Cudmore required such detail before acting and did not investigate the complaints himself, as he had done in other instances.[802]

We are satisfied that the matters that BTN reported to Monsignor Cudmore were very serious. They indicated that Father Baker had sexually abused a boy, BTM, even if the details of the allegations were unknown. They indicated it was likely that there had been criminal conduct by Father Baker. It was the second complaint regarding Father Baker that had been made to Monsignor Cudmore directly, and it called for action.

Monsignor Cudmore's response was consistent with an approach that was protective of the Church and not the complainant. It was also inconsistent with the 1992 Protocol, which provided that such an allegation should be referred to the SIRG for a preliminary investigation.

3.4 Other complaints against Father Baker and meetings of the Archbishop's advisers

Complaint in December 1993

Towards the end of 1993, the Parents' Association of St James, North Richmond, held a farewell meeting for Ms Taylor, who was leaving the school after nine years.[803]

Following the meeting, on 15 December 1993 two parents wrote to Monsignor Doyle complaining of Father Baker's conduct at the farewell meeting.[804] The letter mentioned his drunkenness, bigotry and other general behaviour 'unbefitting his position as Parish Priest' and requested that Monsignor Doyle 'treat this as a matter of extreme seriousness'. The letter stated:

> We demand the immediate replacement of Father Baker as Parish Priest and his complete removal from the Parish …
>
> Father Baker clearly has a problem with alcohol. As such, he should not be placed in a position of authority or where he can influence young people.[805]

Ms Taylor said that she suggested the parents' association write letters about Father Baker's behaviour.[806]

The letter was provided to Monsignor Cudmore.[807]

A handwritten annotation on the CEO's note of that complaint records that Monsignor Connors visited Father Baker on 30 December 1993.[808]

Curia meeting on 23 December 1993

The minutes of the Curia meeting on 23 December 1993 record:

> A letter of complaint has been received by [Monsignor] Connors who will confront Father Baker.[809]

The attendees are not recorded, but Archbishop Little, Monsignor Cudmore, Monsignor Deakin, Monsignor Connors, Bishop Pell and Bishop O'Connell were members of the Curia at the time.

It was Monsignor Connors' evidence, which we accept, that the Archbishop asked him to visit Father Baker in relation to his alcoholism, not in relation to child sexual abuse.[810]

The reference in the minutes of 23 December, 'Bishop Connors will confront Baker', is consistent with the annotation on the CEO's note of that complaint, which records that Monsignor Connors visited Father Baker on 30 December. We are satisfied that Monsignor Connors' confrontation of Father Baker was in relation to the complaint by the parents' association in December 1993 regarding Father Baker's drunkenness and other conduct at Ms Taylor's farewell.

We do not know whether the BTO complaint or the concerns that Ms Taylor reported were discussed at the December 1993 Curia meeting.

PAB meeting on 28 January 1994

The PAB met again on 28 January 1994. Archbishop Little, Monsignor Connors, Monsignor Deakin, Bishop O'Connell, Monsignor Murray, Father Mullally, Father Cosgriff, Father Dalton and Father Rogers attended the meeting.[811]

The minutes record that the complaint by the parents' association was discussed at the meeting and that the Archbishop would discuss the situation with Monsignor Connors.[812] The minutes do not record any outcome, but handwritten notes of the meeting from which the minutes were produced provide 'Father W Baker – no action'.[813]

It was put to Monsignor Connors that this was another opportunity for him and Archbishop Little to act, and nothing was done. Monsignor Connors replied, 'From the minute that seems to be the case'. Monsignor Connors said he knew at this stage that Father Baker was a paedophile.[814]

We do not know whether the BTO complaint or the concerns that Ms Taylor reported were discussed at the January 1994 meeting.

PAB meeting on 23 February 1994

The PAB met again on 23 February. Archbishop Little, Monsignor Cudmore, Monsignor Connors, Monsignor Deakin, Bishop O'Connell, Bishop Pell, Monsignor Murray, Father J McMahon, Father Cosgriff, Father Dalton and Father Rogers attended.[815]

The records of the meeting provide that Father Cosgriff visited Father Baker, who was in an inebriated state, and that the Archbishop and Monsignor Connors would confer regarding the matter.[816]

Monsignor Connors was asked what more he needed at this stage to get the Archbishop to take action. He said:

> There was sufficient for me to get the Archbishop to take the action, because I can't remove Father Baker myself, but I should have insisted the Archbishop remove Father Baker from parish ministry.[817]

We agree. Monsignor Connors should have advised Archbishop Little to act. However, we do not know whether the BTO complaint or the concerns reported by Ms Taylor were discussed at the meeting.

PAB meeting on 23 March 1994

On 23 March 1994, the PAB met and the minutes record:

> Bishop Connors reported on discussions held with Fr. Baker and some parishioners of North Richmond. The board proposed that an offer should be made to Fr. Baker to accept some therapy. Bishop P. Connors and Fr. B. Cosgriff are to approach Fr. Baker.[818]

Archbishop Little, Monsignor Connors, Bishop O'Connell, Bishop Pell, Monsignor Cudmore, Father J McMahon, Father B Cosgriff, Father J Mullally, Father P Dalton and Father P Rogers were present.[819]

Monsignor Connors said he would have acted in accordance with the proposal of the board.[820] However, he said that, by 1994, there was 'good reason to act, and we should have acted; we should have taken advice from those who were dealing with the issue at the national level'.[821]

We do not know whether the BTO complaint or the concerns reported by Ms Taylor were discussed at the meeting. However, this was, as Monsignor Connors accepted, another missed opportunity for the Archbishop to take action and for Monsignor Connors to urge him to do so.

Conclusions regarding members of the PAB, Curia and Consultors

When it was put to Monsignor Connors that there were opportunities on many occasions for all of the Consultors to jointly say to Archbishop Little that enough was enough, he agreed.[822] He said there was a 'complete failure of the Archbishop and his advisers to deal with these issues'.[823]

We agree with Monsignor Connors that the Archbishop failed to deal with the issue of Father Baker and that Monsignor Connors failed to advise the Archbishop to remove Father Baker.

We are also satisfied that the evidence points to the inaction of other members of the Archbishop's advisory bodies.

Several persons who were members of the PAB and Curia at different times knew of complaints of child sexual abuse perpetrated by Father Baker:

- From 1978, Archbishop Little and Monsignor Connors knew of the BTO complaint.
- From mid-1992, Monsignor Connors knew of a complaint that Father Baker had sexually abused a person known to Ms Taylor and that the CEO had provided warnings to Ms Taylor in relation to allegations of a sexual nature against Father Baker.

- From November 1993, Monsignor Cudmore knew of a complaint that Father Baker had invited BTL into his bed when BTL was a child, where 'sexual activities' occurred.
- From sometime in 1994, Monsignor Cudmore knew of a complaint that indicated BTM had been sexually abused by Father Baker.

We have also found that Bishop Kelly, Bishop Perkins, Bishop O'Connell, Father J Murray, Father W O'Driscoll, Father J Mullally, Father M Fitzpatrick and Father J Grech probably also knew of the BTO complaint from July 1985, because they attended the PAB meeting at which it was probably discussed.

There is no evidence that these priests advised the Archbishop of the need for action. If they did not, they should have. They should have done so when they became aware of the complaints and on each subsequent occasion on which Father Baker was raised at meetings of the PAB and Curia they attended. If they did not advise the Archbishop to remove Father Baker, these occasions were missed opportunities to convince the Archbishop of the need for action.

BTO

On 12 June 1996, Mr O'Donnell wrote a lengthy letter to Monsignor Cudmore, then the Vicar General, on the topic of sexual abuse of children by clergy.[824] Mr O'Donnell detailed the complaint about BTO and Father Baker from Gladstone Park in 1978.[825] He wrote that he had interviewed BTO in 1978 and that BTO had disclosed two specific allegations about Father Baker. He wrote that a magistrate and a lawyer had gone to the Archbishop's residence with the complaint.[826]

Mr O'Donnell gave evidence that Monsignor Cudmore telephoned him and invited him to the Cathedral for a meeting. He said that Monsignor Cudmore was frustrated and said he had inherited a 'poisoned chalice'.[827]

In a further letter to Monsignor Cudmore on 8 July 1996, Mr O'Donnell said he was pleased Monsignor Cudmore had given a copy of his previous letter to the Archbishop and that he intended to table it with the Curia.[828]

There is no record of Mr O'Donnell's letter being discussed by the Curia and we are not able to draw a conclusion that it was. It is plain, however, that nothing was done then to remove Father Baker from ministry in 1996.

3.5 Criminal proceedings

On 26 August 1996, Father Waters recorded in a file note that he had been advised confidentially that the police had been questioning Father Baker and were likely to proceed to charge Father Baker as soon as corroborative evidence was received from witnesses. He wrote that the investigation concerned 'an incident in Brighton in 1965'. The document does not specify that the incident was sexual or that it involved a minor. None of the institutional witnesses were asked about the meaning of the document. Father Baker was the assistant priest at East Brighton parish between 1966 and 1967. Father Waters also wrote that he had received a letter from Father Baker to say that he would be on leave and out of the diocese until 26 September.[829]

Three days later, on 29 August 1996, the Curia met with the newly appointed Archbishop Pell. The attendees are not recorded. However, it is plain from the minutes that Archbishop Pell was present, as they record that he spoke on certain items. The minutes also record that Bishop O'Connell, Monsignor Connors, Monsignor Deakin, Mr Exell and Father Waters reported on certain matters. We are satisfied they were each present at the meeting.

The minutes record for the item 'Father W Baker':

> Father Ian Waters reported on the present situation of Father Baker. It was noted that Father Baker's situation could need further investigation. Father Waters was asked by Curia to follow up Father Baker's situation with the religious sisters in the parish or with the school Principal.
>
> The Archbishop is to ask advice on this particular case.[830]

There is no evidence that advice was provided to Archbishop Pell around the time of this meeting or shortly thereafter.

Archbishop Hart said he was not aware of the information from Father Waters when he was appointed Vicar General on 1 September 1996.[831] Archbishop Hart was asked if he agreed that the reference in the Curia minutes to the 'present situation of Father Baker' could only be a reference to the police investigation. Archbishop Hart said, 'Yes'.[832] We agree. That is the only logical inference, given that Father Waters reported on the situation and he had received the information regarding the police investigation three days before.

We are satisfied that the Curia knew in August 1996 that Father Baker would probably be charged in relation to an incident at Brighton in 1965. We are satisfied that Archbishop Pell, Bishop O'Connell, Monsignor Connors, Monsignor Deakin, Mr Exell and Father Waters were at the meeting where this was discussed.

Archbishop Pell had the authority to remove Father Baker. Despite that knowledge, Archbishop Pell did not stand down Father Baker at that point in time. Father Baker remained in his position at North Richmond – a parish with a primary school attached to it – until May 1997.

On 19 November 1996, Ms Maria Kirkwood of the CEO wrote a memorandum to Archbishop Hart, who was the Vicar General at the time. She wrote that she had met with the principal of St James regarding Father Baker. The principal discussed his concern at rumours that it was possible that Father Baker would be charged with some offences relating to children. Ms Kirkwood wrote that principal did not know the specifics and 'said that no-one told him anything in detail, everything was just rumour'. She then wrote:

> As advised by you, I told Mr Rocca that, to the best of our knowledge, no formal investigation of Fr Baker was being undertaken by the police nor was there any reason to suppose that charges of any kind were about to be laid. Mr Rocca was advised to forget the rumours and to deal with Fr Baker as professionally as possible. Mr Rocca was given some strategies for doing this and was further advised to contact this office if, at any time, he had serious concerns of a specific nature.[833]

Archbishop Hart told us that this was consistent with his state of knowledge at the time.[834]

On 21 May 1997, Mr O'Callaghan QC wrote to Father Baker. He informed Father Baker that he had received information and complaints that Father Baker had sexually abused three people in 1963, 1964–1965 and 1992. He wrote he had also received information relating to other allegations of sexual abuse by Father Baker. He said he would recommend to Archbishop Pell that Father Baker be placed on administrative leave pending further investigation.[835]

The following day, Archbishop Pell placed Father Baker on administrative leave, rescinded all of his faculties and directed him to leave North Richmond parish immediately.[836]

Father Baker was charged in July 1998 with 17 counts of indecent assault on a male and six counts of gross indecency with a male.[837]

Some of those charges were subsequently struck out, but on 8 June 1999 Father Baker was sentenced on the remaining counts to a term of imprisonment of four years. He had pleaded guilty to 16 counts of indecent assault on a male person and one count of gross indecency with a male person between 1960 and 1979.[838]

Father Baker was charged again in 2013 with numerous counts of indecent assault on a male, buggery and gross indecency with a male against multiple victims in the 1960s and 1970s, but he died before the proceedings were determined.[839]

Archbishop Hart told us that, following Father Baker's conviction, many other victims came forward and received compensation.[840]

3.6 Other matters

Unacceptable delay in seeking laicisation

In December 2010, Archbishop Hart sent the Acts of Preliminary Investigation in relation to Father Baker to the Apostolic Nuncio, to be forwarded to the Congregation for the Doctrine of the Faith.[841]

The Congregation for the Doctrine of the Faith is the department of the Roman Curia responsible for promoting and safeguarding official Catholic Church teaching. It was formerly known as the Holy Office. It currently has jurisdiction over cases of child sexual abuse by clergy.

Archbishop Hart said by August 2012 he had not received a response.[842]

On 30 August 2012, Archbishop Hart wrote to the Secretary of the Congregation for the Doctrine of the Faith requesting the Congregation consider 'for the good name of the Church [Father Baker] be dispensed from all of the obligations of priesthood'.[843] Archbishop Hart advised that Father Baker had been convicted of multiple charges relating to the sexual abuse of children. He also informed the Congregation of the Victorian Parliament's Inquiry into the Handling of Child Abuse by Religious and other Non-Government Organisations, which was taking place at that time.[844]

By decree on 24 September 2012, the Pope dismissed Father Baker from the clerical state.[845]

A period of more than 11 years elapsed between the time that Father Baker was convicted of sexually abusing children and the time that an application was made to have him reduced to the lay state. The delay was unacceptable.

Archbishop Hart's conclusion

Archbishop Hart said the terrible sexual abuse of children by Father Baker was 'utterly appalling'. He said:

> [It is a case of] the Archdiocese failing to act on credible information about criminal abuse by a priest, which failure resulted in more children being abused, and resulted in a long delay in developing widespread awareness of the incidence and the risk of sexual abuse by some members of the clergy, and in preventing its occurrence.[846]

We consider that Archbishop Hart's observation is correct.

4 Father Ronald Pickering

Father Ronald Pickering was born in London in 1927. He migrated to Australia in 1957, shortly after his ordination. In 1978 he was appointed the parish priest of St James Parish of Gardenvale, having previously held a number of other appointments in the Archdiocese.[847]

Father Pickering remained at Gardenvale parish until he departed Australia for the United Kingdom in 1993. He never returned to Australia. He died in 2009. He was never charged with a criminal offence and was never laicised.

4.1 Complaint by Sister Harold in 1978

Sister Marie Therese Harold is a nun of the Presentation Sisters Order of Victoria. She provided a statement to us.

In 1978 Sister Harold was leader of her congregation. At that time she received a visit from the Superior of the Star of the Sea College, Sister McMahon. The college was in the Parish of Gardenvale, where Father Pickering was the parish priest. Sister McMahon told Sister Harold that she and other nuns were concerned about the number of boys who visited the presbytery. Sister McMahon said that these boys had been seen climbing through a window to access Father Pickering's bedroom. Sister Harold could not recall whether Sister McMahon said that the concern was that Father Pickering was sexually abusing boys, but Sister Harold formed that impression.[848]

At around the same time in 1978, Sister Harold said that she had a conversation with Father Leslie Harper. At the time, Father Harper was the curate at Gardenvale and lived in the presbytery with Father Pickering. He has since left the priesthood. Sister Harold could not recall the exact terms of the conversation, but she said Father Harper was also concerned about boys visiting the presbytery and that he told her that he thought Father Pickering was sexually abusing boys, possibly altar servers or choir boys.[849]

Mr Harper, as he is now, provided a statement to us. He said that he could not recall being concerned about Father Pickering's relationships with young boys. He did not recall school-aged boys or altar boys being at the Gardenvale presbytery alone and did not ever see them in Father Pickering's bedroom.[850] He did recall Father Pickering associating with young adult males, whom Mr Harper believed to be homosexual. Mr Harper did hear rumours that Father Pickering had sexually abused boys, but he said this was much later, in around mid-1993.[851]

Mr Harper said he did not recall telling Sister Harold that he held concerns over Father Pickering's relationship with boys in 1978 or at any other time. However, he said that he respected Sister Harold and did not doubt her integrity or her credibility. He said it was possible that he told Sister Harold about Father Pickering's association with homosexual males and his concerns about an adult associate of Father Pickering.[852]

We accept Sister Harold's evidence. She had a clear recollection that the concern was in relation to boys (that is, children) and not young adult men. That is not a detail a person would be likely to remember incorrectly. Mr Harper does not recall holding such concerns or communicating them to Sister Harold, but he did not doubt her credibility. We are satisfied that Mr Harper (who was then Father Harper, the curate of Gardenvale parish) told Sister Harold that he thought Father Pickering was sexually abusing boys.

After she spoke with Father Harper, Sister Harold met with Archbishop Little. She told Archbishop Little that concerns had been conveyed to her that Father Pickering constantly had boys in the presbytery and in his bedroom and that there were rumours about him sexually abusing boys, and these matters required investigation. Archbishop Little said he would investigate the rumours.[853] She did not hear of the outcome of any investigation.[854]

A note of a conversation between Archbishop Little and Sister Harold on 15 December 1978 records Sister Harold's report that 'There is always a coterie of males hanging about the presbytery' and 'It would not be a good place in which to take first appointments or young priests'.[855]

Although the note refers only to 'males', we accept Sister Harold's evidence that the concerns she communicated were specifically in relation to children.

There is no record of Archbishop Little confronting Father Pickering regarding the allegations or of him making any other inquiries to determine they were true.

We are satisfied that Sister Harold told Archbishop Little in December 1978 of a concern that Father Pickering was sexually abusing boys and that he constantly had boys in the presbytery and in his bedroom. The Archbishop did not confront Father Pickering. He took no action to determine if the allegations were true. He did nothing to protect children within the Archdiocese from Father Pickering.

4.2 Complaint by Dr Barker in 1986

Dr Barker

Dr Peter Barker is a medical doctor practising in regional Victoria. He told us that in January 1986 an adolescent male, BVE, told him that, when he was 12 or 13, Father Pickering had fondled his genitals on two occasions in the Gardenvale presbytery.[856]

Dr Barker said he believed BVE and phoned the office of the Archdiocese.[857] He asked the woman who answered to speak with the Archbishop, but he was told it was the 'Monsignor' who handled complaints and was put through to the Monsignor.[858]

Monsignor Connors, who was the Vicar General in 1986, accepted that he would have been the 'Monsignor' to whom Dr Barker spoke.[859]

Dr Barker told Monsignor Connors that on at least two occasions Father Pickering had fondled BVE's genitals in the presbytery and had also offered BVE alcohol.[860] Monsignor Connors said that the matter would be looked into.[861] In a subsequent call with Monsignor Connors, Dr Barker was told that the situation was being dealt with.[862]

After this conversation, Dr Barker spoke with BVE on the telephone. During that conversation Dr Barker was told that Father Pickering had left the Gardenvale parish.[863]

Monsignor Connors could not recall the conversation with Dr Barker, but he accepted that it occurred. He accepted Dr Barker's evidence as to what he was told.[864] He said he would have told the Archbishop about the complaint, consistent with his usual practice, and would have left it to the Archbishop to act.[865] Monsignor Connors said he regretted failing to get back to Dr Barker to tell him he had informed the Archbishop and to inform him of what was going to happen.[866]

We accept Monsignor Connors' evidence and are satisfied that he would have told Archbishop Little of the complaint.

Archbishop Little confronts Father Pickering

On 13 February 1986, Archbishop Little asked his secretary[867] to arrange for Father Pickering to call on him in relation to a 'personal matter'.[868] The Archbishop's secretary conveyed to Father Pickering that the Archbishop wished to speak to him in relation to a personal matter of 'deep concern'.[869]

Father Pickering met with Archbishop Little on 14 February 1986. Archbishop Little's note of that conversation states:

> Fr. Pickering arrived … I told him the story regarding which I had invited him to come. (It had come from Dr. Peter Barker [REDACTED] but I did not advise Fr. P of that fact.) He indicated that he had given drink to those whom he knew were offered it in their own homes. As regards any further activities, he completely denied them.
>
> He told me that Bishop Kelly always warned him that someone would misinterpret the open house which he conducted to this stage.
>
> He also advised me that on occasions he was imprudent, but that there were no improprieties about which any legal action could be taken and which could do harm to the Church … I told him of the possibility of legal action and asked that he take such action that would do least harm to the Church should that possibility take place.[870]

Monsignor Connors did not recall being told by the Archbishop that he had confronted Father Pickering. He agreed that it seemed that a reference to a priest's 'imprudent' conduct was generally used in the context of an allegation of sexual misconduct with children and that he understood the 'open house' policy to be in relation to boys.[871]

The note is an obvious example of euphemistic language being used when recording complaints of child sexual abuse against priests. It is significant that the euphemism was readily understood, suggesting it was used repeatedly.

Father Pickering takes extended leave

On 27 February 1986, about a fortnight after Father Pickering met with Archbishop Little, Father Pickering wrote to Archbishop Little requesting a three-month leave of absence to visit his family in the United Kingdom.[872] The next day, a medical doctor signed a certificate to say that Father Pickering would be unfit for duty for three months.[873]

This was only two weeks after Archbishop Little confronted Father Pickering with the complaint from Dr Barker. The timing strongly indicates that the request for leave was as a consequence of the complaint.

Father Pickering travelled to the United Kingdom in March 1986.[874] Gardenvale parishioners were informed in a parish newsletter that Father Pickering was taking leave to see his sister in England, who was ill, and also because his doctor had advised that he was in need of sick leave.[875]

It was put to Monsignor Connors that, as a result of Dr Barker's complaint, Father Pickering was being sent overseas and out of the way. Monsignor Connors agreed.[876]

Monsignor Connors said he could not recall Father Pickering leaving Gardenvale parish or the reasons for it, but, based on the documents, it seemed Father Pickering often went back to England when he was subject to criticism or under pressure.[877]

We are satisfied that Father Pickering was sent overseas as a consequence of Dr Barker's complaint that he had sexually abused a boy.

The response of Archbishop Little and Monsignor Connors

We are satisfied that in February 1986 Archbishop Little and Monsignor Connors knew of a complaint from Dr Barker that Father Pickering had sexually abused BVE on two occasions and offered him alcohol in the presbytery. There is no evidence that any assistance was offered to the boy, BVE. In response to the complaint, Father Pickering took extended leave. The reasons provided to the parishioners of Gardenvale – that Father Pickering was on leave to visit family

and because of his health – were misleading. The reasons reflected an approach to responding to complaints that was protective of the reputation of the Church and of Father Pickering.

Archbishop Little took no action to protect other children within the parish from Father Pickering. After he travelled to the United Kingdom, Father Pickering was permitted to return to his ministry at Gardenvale parish. There is no evidence of any assurance that he would not reoffend.

Given he was aware of the complaint regarding BVE, this was another occasion upon which Monsignor Connors should have done more to influence Archbishop Little to take action.

The PAB

Father Pickering's request for a leave of absence was discussed at a PAB meeting on 5 March 1986. The meeting was attended by Archbishop Little, Bishop Perkins, Bishop O'Connell, Bishop Connors, Father W O'Driscoll, Father J Mullally, Father M Fitzpatrick, Father J McMahon, Father J Grech and Father P Dalton. The minutes record:

> Parish of Gardenvale
>
> Father R. Pickering P.P. has informed the Archbishop that he wishes to take extended leave of absence from the Parish of Gardenvale. The Vicar General is to arrange for Father L. Harney, O.Carm. and Father R. Byrne, O.F.M. to administer the Parish.[878]

Monsignor Connors is the only person who gave evidence about this meeting.

Monsignor Connors was asked whether it was likely that the true reasons for Father Pickering's absence were discussed at the meeting. He said, 'I hope it was disclosed, it should have been disclosed, but I can't be certain, but I would hope that someone would have asked, what's the reason for the extended leave of absence'.[879] As to whether he disclosed the matter himself, Monsignor Connors said that he 'probably would have deferred to the Archbishop', who was the chair of the meeting and knew 'the full facts' of the meeting with Father Pickering.[880] Monsignor Connors was asked if it was the practice at such meetings that the reasons for a vacancy would be discussed. He said:

> I can't recall, but I expect there was some discussion about Father Pickering, and whether the Archbishop was quite open about the complaint made against Father Pickering, I can't recall, but I was aware the Archbishop was aware of the reason for the extended leave.[881]

Monsignor Connors was asked whether it was likely that those present at the meeting were aware of the complaint either through the meeting or discussions outside the meeting. He said, 'Almost certainly they would have understood, they would have had some knowledge of Father Pickering'.[882]

Archbishop Hart (who was not present at the meeting or a member of the PAB at the time) said that, based on his later experience of such bodies, it was an accurate presumption that the members present would be told the reasons for Father Pickering going overseas. However, he said that it would depend on what the Archbishop took to the meeting. He agreed it was more likely that the circumstances would be raised where Monsignor Connors was present and also knew of the complaint.[883]

The Church parties submitted that Monsignor Connors' evidence falls short of sustaining a finding that all those present knew of a serious complaint against Father Pickering. They submitted that the circumstantial evidence regarding Archbishop Little's tendency to keep matters to himself, not to tell the whole story and to snub complaints suggested that the complaint was not raised.[884] The Church parties submitted that Archbishop Hart's evidence was only an opinion and was qualified by the premise that it depended on what Archbishop Little took to the meeting. They submitted it was equally likely that the circumstances advanced for Father Pickering going overseas were medical, as certified by his treating doctor.[885]

We agree that the true reason for Father Pickering's absence – that he was the subject of a complaint of child sexual abuse – should have been discussed at the PAB meeting. The function of the PAB was to advise the Archbishop on personnel matters. If the complaint was not disclosed, those present could not properly advise the Archbishop and the PAB's purpose was completely undermined.

We find it difficult to accept that there was no discussion at the meeting as to why Father Pickering wished to take leave. It is a logical inference that some explanation was provided to the PAB for the extended absence, given that an alternative priest would need to be found to administer the parish. We consider it is likely that the Archbishop provided a reason. The two available explanations the Archbishop could have provided on the evidence are either that the leave was for medical reasons or that the leave was as a consequence of Dr Barker's complaint that Father Pickering had sexually abused a boy. We note that, if Archbishop Little told the members of the PAB that Father Pickering's extended leave was for medical reasons, he deliberately misled them.

However, the only person who gave evidence of this meeting was Monsignor Connors. Monsignor Connors could not recall the discussion, so his evidence does not assist us. We acknowledge that there was more than one reason available as to why Father Pickering was taking leave, albeit one of them was misleading. In those circumstances, we cannot be satisfied that the Archbishop told the PAB that Father Pickering was taking extended leave because of a complaint that he had sexually abused a boy.

4.3 Father Pickering moves to the United Kingdom

Father Pickering retires early

On 18 March 1993, Father Pickering wrote to Archbishop Little requesting he be permitted to retire prematurely. He wrote that he had found himself unable to cope with the pressures and stresses of ministry and wished to relocate to Hobart.[886] Father Pickering's doctor wrote a medical certificate in support of Father Pickering's application.[887]

On 26 March 1993, Archbishop Little wrote to Father Pickering and 'reluctantly' granted his request, appointing him as administrator at Gardenvale until 30 June 1993. Archbishop Little wrote:

> I must say that the letter came as a surprise to me. You have given your heart and soul to the pastoral care of the parish of Gardenvale for some thirteen years now. The people there know you, respect you, and marvel at the ways in which with brilliant vocabulary and imaginative description you have shared with them your faith.
>
> Of course, my own memories take me back to our much loved Rector, Monsignor Felix Cenci, telling me of this English student who would be accepted at Propaganda College in October, 1953. It was a joy to meet up with you in London and share a meal in Piccadilly. I have therefore always felt a special brotherly affection and concern over the years.[888]

Archbishop Hart accepted that it was not appropriate for Archbishop Little to have written a letter in those terms when he knew of complaints against Father Pickering.[889] We agree. The letter was clearly inappropriate in light of Archbishop Little's knowledge of complaints and concerns that Father Pickering had sexually abused children.

Father Pickering leaves Australia 'suddenly'

Father Pickering was not due to retire until the end of June 1993. However, he left Gardenvale prematurely in about mid-May 1993 and travelled to the United Kingdom.

At a meeting of the Curia on 27 May 1993, it was minuted that Father Pickering had left Australia 'suddenly' for England.[890]

As Archbishop Hart stated, Father Pickering appears to have left without informing the Archdiocese of his early departure.891 On 31 May 1993, Archbishop Little wrote to Father Pickering at an address in England and revoked his appointment as administrator of Gardenvale.[892]

On 27 May 1993, Monsignor Cudmore (the Vicar General) wrote to the parishioners of Gardenvale to advise them that Father Pickering had returned to England due to ill health and that Father Pickering conveyed his apologies for leaving without the opportunity to say goodbye.[893]

In an undated interview with the Archdiocese's insurers, Monsignor Cudmore said that he went down to Gardenvale shortly after Father Pickering left. He spoke to Father Pickering's housekeeper, who appeared shocked at Father Pickering's departure and implied that the police were on Father Pickering's tail. The housekeeper said something like 'I told him he shouldn't have taken those boys upstairs'.[894] Monsignor Cudmore's account to the insurer clearly implies that the reason Father Pickering departed suddenly and prematurely was because there was a pending or potential police investigation of allegations against him in relation to boys.

However, Victoria Police Assistant Commissioner Fontana stated that the earliest available documentation held by Victoria Police in respect of a complaint made against Father Pickering was from 1998.[895] There was no record of an investigation in or around May 1993, when Father Pickering left. Assistant Commissioner Fontana told us that it was possible that Victoria Police undertook an investigation or inquiries earlier but that no records were made or that a hard copy record had been made but had been lost.[896]

In the absence of documents recording a complaint to police in around May 1993, we are unable to draw any firm conclusions as to the reason that Father Pickering left Australia.

Communications with Bishop Jukes

After he arrived in the United Kingdom, Father Pickering took up residence in a parish in Kent and offered to assist the parish priest there.

His offer prompted the Auxiliary Bishop of Southwark, John Jukes, to write to Archbishop Little to request that he certify that Father Pickering was a priest 'in good standing'.[897]

Curia meeting on 11 November 1993

The Curia considered Bishop Jukes' request on 11 November 1993. The attendees are not recorded, but Archbishop Little, Monsignor Cudmore, Monsignor Connors, Monsignor Deakin, Bishop O'Connell and Bishop Pell were members of the Curia at the time.[898] Bishop Pell did not attend the meeting, as he was overseas at the time.[899]

The minutes record that a suggestion was made that Archbishop Little respond to Bishop Jukes by telephone.[900]

Monsignor Connors was taken to this document by Counsel Assisting:

> Q. And he wasn't in good standing, was he?
>
> A. No, he certainly was not.
>
> Q. And that was known by at least you and Archbishop Little, and according to your previous evidence, almost certainly by others?
>
> A. Yes, I would be confident nearly all of them knew that Father Pickering was not in good standing.[901]

Monsignor Connors agreed that 'not in good standing' was a euphemism which meant 'a sexual offender'.[902]

Knowledge of the Curia

Cardinal Pell submitted that Monsignor Connors' evidence that nearly all of 'them' knew Father Pickering was not in good standing was a reference to the knowledge of the PAB in 1986, when Cardinal Pell was not a member, and not the Curia as comprised in 1993.[903]

We reject that submission. Monsignor Connors was asked directly about the knowledge of the Curia in 1993, when the matter of Father Pickering's standing was raised. We are satisfied that Monsignor Connors' reference to 'them' was to the members of the Curia as constituted in November 1993.

Counsel for Cardinal Pell submitted that Archbishop Hart's evidence was of no weight, as he was not part of the Curia in November 1993. Cardinal Pell submitted that Monsignor Connors' evidence only amounted to propositions accepted as a matter of logic and was not evidence of his independent recollection. Counsel submitted that Monsignor Connors was not even asked if he was present or if he had any recollection of the meeting.[904]

The effect of Monsignor Connors' evidence is that he believed 'nearly all' other members of the Curia knew by December 1993 that Father Pickering was a sexual offender. For the reasons stated above, we accept that Monsignor Connors' evidence of his opinion of what 'nearly all' other members of the Curia knew was honestly and reasonably held. However, Monsignor Connors' evidence does not establish which particular members of the Curia knew that Father Pickering was a sexual offender.

Suggestion to reply by telephone and subsequent correspondence in writing

Monsignor Connors and Archbishop Hart were asked about minutes recording the suggestion to reply to Bishop Jukes by telephone. Monsignor Connors said the conclusion 'could be made' that this was to avoid there being a record of the conversation.[905] Archbishop Hart said that that was a 'very reasonable presumption'.[906]

We consider it likely that the reason for the suggestion at the PAB meeting on 11 November 1993 that Archbishop Little reply to Bishop Jukes by telephone was to avoid making a written record of their discussion. A record of the discussion and advice, if accurate, would have disclosed that Father Pickering was not in good standing because he was alleged to have sexually abused children.

As is set out in below, despite it being 'suggested' at the Curia meeting that Archbishop Little telephone Bishop Jukes, he ultimately wrote to Bishop Jukes in January 1994 and informed him there had been allegations of sexual misconduct against Father Pickering.

However, he only did so after the Archdiocese received a letter of demand regarding a complaint of sexual abuse perpetrated by Father Pickering. Once a civil claim was on foot, the risk of scandal and publicity was beyond the Archdiocese's control.

Curia meeting on 9 December 1993

Bishop Jukes' request was considered again by the Curia on 9 December 1993.[907]
The Curia also considered 'Special Issues' and heard a report on a meeting to identify means of protecting archdiocesan assets if litigation of allegations of sexual abuse were successful. In relation to Father Pickering, the minutes record:

> FATHER R. PICKERING
>
> Further to the request from Bishop Jukes, UK, discussion focused on the need to protect the Archbishop and the diocese. Bishop Pell would follow up with Father Ian Waters.[908]

Cardinal Pell was asked about this entry in the minutes and the reference to protecting the Archdiocese. He said that at that time there had been no finding or conviction against Father Pickering, but there was a 'strong feeling that he was an offender' and that 'it would be damaging for the Archdiocese to say that he was okay, and, obviously, it would have been bad for the people with whom he was to work'. He said the ambition was to ensure that no misleading information was provided to Bishop Jukes.[909]

BTU

We heard from BTU, who said that Father Pickering sexually abused him for 12 years, beginning in 1966, when he was 11. BTU described being sexually abused by Father Pickering on numerous occasions, including on holidays with Father Pickering. For some of the time, BTU was an adult.[910]

The first time that BTU told anyone of the sexual abuse was in 1968, when he disclosed to a priest during confession. The priest who heard his confession was Wilfred Baker.[911] Afterwards, BTU had a conversation with Father Baker in the church about what he had confessed. A few months later, Father Pickering confronted BTU and told him that he was stupid for telling Father Baker.[912]

We accept BTU's evidence that he told Father Baker during confession in around 1968 that he was sexually abused by Father Pickering. It is not surprising that no action was taken in response to BTU's disclosure given that Father Baker was himself an offender.

BTU said that his sexual relationship with Father Pickering ended in 1978 after BTU saw a naked boy, who he thought was about 15 years old, inside Father Pickering's bedroom at the Gardenvale presbytery.[913]

In October 1993 BTU approached a solicitor about his complaint and subsequently instructed the solicitor to send a letter of demand to the Archdiocese in relation to the sexual abuse.[914]

On 23 December 1993, the Archdiocese received a letter of demand relating to a claim of sexual abuse of BTU by Father Pickering.[915]

Withdrawal of Father Pickering's faculties

On the same day that the Archdiocese received BTU's claim, the Curia met and minuted a decision to withdraw Father Pickering's faculties.[916]

Monsignor Connors told us that the minutes indicated action had to be taken because of the complaint that Father Pickering had offended against a young person in a sexual manner.[917]

On 4 January 1994, Archbishop Little wrote to Father Pickering and said:

> I have received from several sources allegations of serious sexual misconduct by you …
>
> Regretfully, I have decided that for the good of the Church it is best that you do not function as a priest at any time within the Archdiocese of Melbourne, unless and until such allegations are satisfactorily dismissed …
>
> I trust that you will accept this decision, and so avoid the publicity associated with an enquiry to impose the censure of suspension.[918]

That day, Archbishop Little also wrote to Bishop Jukes, enclosing a copy of the letter to Father Pickering. He suggested that Bishop Jukes inform the bishops in England and Wales and said that, should Father Pickering wish to minister in other dioceses, he would send the relevant bishops a copy of the letter.[919]

Archbishop Hart agreed that it was open to Archbishop Little to take action against Father Pickering under canon law, and he also agreed that other action would have resulted in publicity.[920] When asked if this was another illustration of the Church operating in secrecy in order to protect its reputation, he replied, 'Yes'.[921]

Even though Archbishop Little knew of two prior complaints that Father Pickering had sexually abused children, Father Pickering's faculties were not withdrawn until the Archdiocese received BTU's civil claim.

We are satisfied that Father Pickering's faculties were withdrawn in December 1993 because of the threat of litigation. A reason Archbishop Little did not take other action against Father Pickering pursuant to canon law was to protect the reputation of the Church from any publicity arising from that action.

4.4 Other matters

Notification to the insurer

On 1 June 1994, Monsignor Cudmore submitted a Special Issues Incident Report to CCI, the Archdiocese's insurer, in relation to BTU's claim. The report declared that the Archdiocese first became aware of 'this problem' on 24 December 1993.[922]

The report was inaccurate insofar as it stated the Archdiocese first became aware of Father Pickering's propensity to sexually abuse children in December 1993. As set out above, Archbishop Little first became aware of a concern that Father Pickering was sexually abusing boys in 1978.

Financial arrangements

After he returned to the United Kingdom, Father Pickering requested that he be paid the same allowance that retired priests in the Archdiocese received.[923]

'Pastor Emeritus' is an honorific title ordinarily bestowed on a retired priest. It makes the retired priest eligible for remuneration and allowances from the Priests' Retirement Foundation.[924]

While Archbishop Little did not appoint Father Pickering Pastor Emeritus, he sought and obtained approval from the Priests' Retirement Foundation to pay entitlements to Father Pickering as though he were a Pastor Emeritus.[925]

In August 1995, Father Gerard Beasley of the Priests' Retirement Foundation wrote to Archbishop Little and told him that some priests had been 'surprised' to see Father Pickering listed as a beneficiary of the foundation. Father Beasley asked for advice as to whether Father Pickering was an 'eligible priest' as defined in the Foundation Charter, which required that the priest not be subject to any ecclesiastical sanction.[926]

When the matter was raised in correspondence with Father Pickering, Father Pickering suggested to Archbishop Little that there be a confidential and discretionary fund established to 'circumvent scandal and understandable indignation'.[927] Archbishop Little provided Father Pickering's letter to Father Beasley.[928]

Father Pickering continued to receive a stipend from the Priests' Retirement Foundation until mid-2002.

Archbishop Hart told us that, when he (as Archbishop) became aware of this arrangement in 2002, he arranged for the payments to be suspended.[929] He described this arrangement as a 'subterfuge' and said he refused to be a part of it.[930]

We accept Archbishop Hart's evidence. Despite the fact that Father Pickering was the subject of ecclesiastical sanction, and therefore ineligible to receive the ordinary stipend, he continued to be supported by alternative arrangements. This was a subterfuge. Archbishop Little knowingly and deliberately supported a priest against whom allegations of child sexual abuse had been made in a way designed to conceal that support from others with access to the records or reports of the Priests' Retirement Foundation.

Statement to parishioners in 2002

In March 2002, Archbishop Hart made a statement to the parishioners of Gardenvale, the parish in which Father Pickering had been the parish priest before his sudden departure for the United Kingdom.

Archbishop Hart said, among other things, that the Archdiocese first became aware of allegations of sexual abuse against Father Pickering in late December 1993.[931]

Archbishop Hart told us that he was referring to when he became aware of the allegations, even though the document refers to the Archdiocese. He accepted in his evidence that the statement was incorrect.[932]

Laicisation

Father Pickering never returned to Australia.

Archbishop Hart said that the Archdiocese made attempts to locate Father Pickering in 2002, but they appear to have been unsuccessful.[933]

Father Pickering died in 2009. He was not laicised and was not the subject of a canonical application by the Archdiocese.[934]

5 Father Nazareno Fasciale

Father Nazareno Fasciale was born in Italy in 1926. He emigrated with his parents to Australia when he was a boy and they settled in Melbourne.[935]

He held various appointments as an assistant priest in the Archdiocese between 1953 and 1973, including at Geelong (1953–1957), North Fitzroy (1957–1963) and North Melbourne (1970–1972). He became the parish priest at Yarraville in 1973, and he remained in that position until he resigned in December 1993.[936]

The data reported that the first incidents of child sexual abuse the subject of a claim against Father Fasciale occurred in 1953, one year after his ordination, when Father Fasciale was 27 years old.[937]

Father Fasciale died in March 1996. He was never charged and he was not laicised.

5.1 Early complaints

BTC and BTD

In 1994 BTC told police she was sexually abused by Father Fasciale in 1953, when she was 12 years old.[938] In 1953, Father Fasciale was the assistant priest in the Parish of Geelong.

BTC said that Father Fasciale would often come to her house. On one such occasion Father Fasciale kissed her on the lips and neck and fondled her breasts.[939] She said incidents like this happened more than once.[940]

BTD (BTC's sister) also spoke to police in 1994. She told police that Father Fasciale kissed her 'passionately' on the lips on one occasion in the home in 1954 or 1955. She was then eight or nine years old.[941] She also recalled being made to sit on Father Fasciale's knee during confession.[942]

The girls' father, BTE, told police that in 1954 he found out from the girls that Father Fasciale had touched them on their vaginas on the inside of their clothing.[943] When he heard this, BTE went to see Father O'Regan. BTE told Father O'Regan, 'My two girls have been molested by Fr Fasciale'.[944]

BTE told police that two days later Father Fasciale left the parish and that the whole incident was 'hushed up'. He said the Church never informed him of what happened to Father Fasciale or apologised to his daughters.[945]

Archbishop Hart stated that he had no reason to doubt that BTE made the report to Father O'Regan and that no appropriate response was made.[946] We agree.

We accept BTE's account of what he said to Father O'Regan. BTE's recollection of when Father Fasciale left Geelong parish is likely to be faulty. According to the Archdiocese's records, Father Fasciale did not leave Geelong until 1957.[947] As the events occurred 40 years ago, it would not be surprising if BTE mistook the dates.

We are satisfied that in around 1954 BTE told Father O'Regan that his two daughters had been molested by Father Fasciale. No action was taken to discipline Father Fasciale in relation to the complaint or to protect other children from him. He was transferred to a different parish some years later; however, we are unable to draw any firm conclusion as to whether that was in response to this complaint or an unrelated event.

BTA

In 1994, BTA told police she was sexually abused by Father Fasciale in 1960, when he was an assistant priest in North Fitzroy parish.[948]

BTA said that, when she was 11 years old, Father Fasciale put his finger on her vagina over her underpants and fondled her private area. She said this took place in her home in North Carlton.[949] BTA told her mother, BTF, what Father Fasciale had done.[950]

BTF said she told the parish priest, Father Little, what BTA told her. Father Little gave BTF permission to speak with Father Fasciale.[951]

Father Little is not the same priest who went on to become Archbishop Little.

BTF said she confronted Father Fasciale that evening and told him what BTA had told her.[952] Father Fasciale responded by saying, 'I'm sorry – it's true – after all these things happen – I am a man made of flesh and blood and have feelings'.[953] Later that evening, Father Little came to BTF's house and told BTF to keep quiet and not to say anything to anyone about the matter.[954]

BTF decided to take the matter further. She went to see Monsignor Moran, who was the Vicar General at the time.[955] BTF said she spoke to Monsignor Moran 'about the matter involving Father Fasciale and BTA'.[956] Monsignor Moran told her to 'try to forget about it and get on with things' and said it was 'bad for the church and bad for the priests'.[957]

We accept BTF's account of what she told Father Little and Monsignor Moran and what they said to her.

Archbishop Hart said:

> By any standards the responses of Fr Little and of Monsignor Moran were totally unacceptable, but unfortunately, having regard to what I have read and learned, I am not surprised. The responses reflect a mentality of suppression of such complaints to protect the name of the Church, without having regard to the seriousness of the complaint, the interests of the victim of the abuse, or to the prospect that such abuse might occur again.
>
> … The reports of abuse to Fr O'Regan at Geelong, and to Fr Little and Monsignor Moran were missed opportunities, and the failure to act on those complaints allowed Fasciale to cause terrible harm to many other children over many years, which has resulted in immense suffering.[958]

We are satisfied that in early 1960 BTF told Father Little (a parish priest) and Monsignor Moran (the Vicar General) that Father Fasciale had touched her daughter on her private parts. By telling her to 'forget' the matter, or to 'keep quiet' and referring to the damage to the Church and priests, Monsignor Moran and Father Little sought to silence BTF, cover up the child sexual abuse and protect the reputation of the Church.

No action was taken at that time to protect other children within the Archdiocese from sexual abuse by Father Fasciale. We agree that the responses of Father Little and Monsignor Moran were totally unacceptable.

Father Fasciale's leave of absence and completion of a retreat

In June 1960, a few months after the complaint by BTF, Father Fasciale wrote to Auxiliary Bishop Francis Fox and requested permission from Archbishop Mannix to take a leave of absence to travel to Italy.[959] Monsignor Moran replied to Father Fasciale on 7 June, informing him that he had been granted leave until December 1960.[960]

Father Fasciale returned to the Parish of North Fitzroy at the end of 1960, where he remained as the assistant priest until 1963.

In June 1962, Father Fasciale wrote to Auxiliary Bishop Fox and said, 'I have today finished the three-day Retreat you asked me to make last February' and that 'after making it … I have great confidence of being more prudent in the future'.[961]

Archbishop Hart stated that Father Fasciale's letter to Auxiliary Bishop Fox (when read together with later correspondence) reinforced that there were known problems in relation to Father Fasciale.[962]

We agree. It is significant that an Auxiliary Bishop requested that Father Fasciale complete a retreat in or around February 1962, which was after complaints had been made against him. The evidence suggests that Father Fasciale's reference to being 'more prudent' is a reference to his alleged sexual indiscretions.

We are satisfied that it is likely that the reason Father Fasciale:

- was permitted by Archbishop Mannix to take a leave of absence in 1960
- was asked to complete a retreat by Auxiliary Bishop Fox in around 1962,

was that Father Fasciale had been the subject of complaints about his sexual misconduct with children.

5.2 Treatment

There is further evidence that Father Fasciale had consultations with priests who were also psychologists in the 1970s.

Correspondence between Archbishop Knox and Father Winters

On 24 March 1972, Father Daniel Winters wrote to Archbishop Knox.

Father Winters was a priest in the Archdiocese who was also a qualified psychologist.[963] He wrote:

> [Father Fasciale] has found it quite painful to realize that physically and intellectually he has probably matured with his age but that emotionally he was arrested at a much younger age – 18 to 20 year old level …
>
> We also discussed his work in the parish and the disappointment of not being assigned a parish. In an attempt and hope of preventing any bitterness developing in him, I pointed out the reasonableness of the action taken.[964]

Archbishop Knox replied to Father Winters four days later expressing his gratitude for Father Winters' continuing assistance in the 'delicate and important matter'.[965]

Father Winters wrote again to Archbishop Knox in June of 1972 regarding Father Fasciale's displeasure at not being appointed as a parish priest. Father Winters wrote that he had tried to explain to Father Fasciale that his conduct in the past was not the conduct of a man able or ready to assume the responsibilities of a parish.[966]

Archbishop Knox replied in August to say that he noted the circumstances and would keep them in mind.[967]

Despite the opinion expressed by Father Winters, Archbishop Knox appointed Father Fasciale as the parish priest of Yarraville the following year.

Monsignor Cudmore's 1993 file note

In October 1993, Monsignor Cudmore made a file note of a conversation between himself and Father Fasciale. That conversation was in relation to other allegations of child sexual abuse that had been made against Father Fasciale at that time and which Monsignor Cudmore was investigating, which are discussed below.

The note records:

> Nth Melbourne – saw Cardinal Knox. girl once. 70–72.[968]

There is no contemporaneous record of that complaint. However, Archbishop Hart accepted that the note indicates that Father Fasciale made an admission to Monsignor Cudmore about an incident in the past involving a girl in North Melbourne.[969] We agree.

We also consider that the note indicates that Father Fasciale had previously seen or spoken to Archbishop Knox about the incident.

Correspondence with Archbishop Little

Archbishop Little replaced Archbishop Knox in July 1974.

The documents establish that Archbishop Little corresponded with Father Fasciale, Father Winters and Father Augustine Watson (another priest who was also a qualified psychologist)[970] regarding Father Fasciale's treatment between 1976 and 1979.

On 4 June 1976, Archbishop Little wrote to Father Fasciale. Archbishop Little had spoken to Father Winters, who informed him that Father Fasciale had 'failed to maintain the regular monthly opportunity for discussion'. Archbishop Little wrote:

> I insist with you that you maintain a regular monthly appointment … I wish to receive your assurance that you will be faithful to this direction. The results for which we all wish can only be achieved in this way.[971]

On 11 June 1976, Father Fasciale replied to Archbishop Little and said that he would continue with Father Winters. Father Fasciale wrote that he felt this arrangement 'should be a great help' to him.[972]

By 1979, Father Fasciale was no longer seeing Father Winters, who had moved out of the area. In November 1979, Archbishop Little wrote to Father Watson, to whom he had referred Father Fasciale. Archbishop Little wrote:

> I would be most grateful for your help in this further matter … On other occasions, you have already helped Father Nazareno Fasciale … Some years ago, he made regular visits to Father Dan Winters. During that time everything went well … I am confident that with a regular visit to you, he can continue effectively in his priestly ministry …[973]

There is no reference in the correspondence to the circumstances giving rise to the need for treatment of Father Fasciale.

Archbishop Hart stated that he had examined the correspondence between Archbishop Knox and Father Winters and Archbishop Little and Father Watson. He said:

> Those documents indicate that it was likely that Fasciale was then undergoing regular counselling at the insistence of Archbishop Knox, and then Archbishop Little. In the context of the facts now known that Fasciale had been abusing children over this period, the elliptical language employed in some of the correspondence, the insistence that Fasciale undergo regular counselling, and Fasciale's later admission of treatment when speaking to Monsignor Cudmore … I believe that both Archbishop Knox and Archbishop Little were likely aware of at least serious questions around Fasciale's behaviour. The view that Fasciale had known problems is reinforced by the contents of an earlier letter dated 15 June 1962 from Fasciale to Bishop Fox.[974]

Archbishop Hart said that it was his understanding that the consultations were considered at the time to be treating sexual aberrations but that, despite the consultations, Father Fasciale continued to offend.[975] When asked whether that said something about the effectiveness of the treatment, Archbishop Hart said, 'Yes'.[976] As mentioned, he described the language used in the correspondence as 'elliptical'. Archbishop Hart agreed that a person reviewing Father Fasciale's file who read the letter to Father Watson and was unaware of the history would have no reason to think that Father Fasciale was being treated in relation to allegations of child sexual abuse.[977]

We consider it is likely that both Archbishop Knox and Archbishop Little knew of serious concerns regarding Father Fasciale's conduct, which were in relation to complaints of sexual abuse of children.

Archbishop Knox appointed Father Fasciale a parish priest, effectively a promotion, in 1973.[978] He did so even though he probably knew of those serious concerns and knew of the reservations that Father Winters expressed. That decision was wrong.

The elliptical language that Archbishop Little employed in his correspondence with Father Fasciale, Father Winters and Father Watson had the effect of disguising or concealing from any person who read the correspondence the reason that Father Fasciale was receiving counselling.[979] However, we are satisfied that Father Winters and Father Watson probably knew that Father Fasciale was to be counselled in relation to allegations of his sexual misconduct with children.

Complaint to Bishop O'Connell in 1977

Father Ernie Smith was the assistant priest at Yarraville in the 1970s, when Father Fasciale was the parish priest.

In October 1993 Father Smith wrote to Monsignor Cudmore and said that, around 1977, he had been approached by a Yarraville parishioner who reported a complaint about Father Fasciale. The parishioner did not discuss the complaint with Father Smith in detail except to say in broad terms that it was about Father Fasciale being 'too close' to his son.[980]

Father Smith wrote that he arranged for the parishioner to meet with the Auxiliary Bishop for the region, Bishop O'Connell. When Father Smith subsequently followed up with Bishop O'Connell about the matter, he was told that Father Fasciale had been referred to a psychologist or counsellor.[981]

We accept Father Smith's account. It is likely from the language used that the complaint was about improper conduct of a sexual nature. This is supported by the fact that Father Fasciale was referred for treatment.

5.3 BTC, BTD and BTA report sexual abuse to the Archdiocese

BTC met with Monsignor Deakin and Father Fleming at St Patrick's Cathedral on 5 December 1992.

At that time, Father Fasciale was still in active ministry as the parish priest of Yarraville.

This meeting occurred immediately before Monsignor Cudmore replaced Monsignor Deakin as Vicar General.

BTC told Monsignor Deakin and Father Fleming that she was a victim of sexual assault by Father Fasciale in 1953. She said Father Fasciale used to kiss her, touch her breasts and press himself against her. She said it happened about once a week over a period of time, but she could not recall for how long.[982]

During the meeting, BTC also reported that her sister, BTD, and another girl, BTA, were also victims of sexual abuse by Father Fasciale.

BTC said that, while she did not know what had happened with BTD, she thought that BTD may have been penetrated by Father Fasciale. BTC also said that she was aware that BTA said she was molested by Father Fasciale in 1959.[983] BTC knew about BTA's allegations because BTA and BTD happened to become work colleagues as adults and had each disclosed to the other they had been sexually abused by Father Fasciale.[984]

Father Fleming's typed record of the meeting contains the following note at the end:

> The above is a quite literal transcript of a most gushing speech by [BTC]. She hardly paused for breath; the whole story was as disjointed as it reads. She spoke with obvious hurt, but left me – rightly or wrongly – with the uneasy feeling that many of the words, and much of her outlook, came from her therapist or from her Sister's therapist. She clearly feels deeply about her Sister. Despite protestations of not looking for blood, repeatedly she insisted that Fr F. should not be allowed to practice now as a priest – and this because of things known to her which occurred nearly 40 years ago or 34 years ago.[985]

Monsignor Deakin told us that he could not recall the meeting, but he accepted that it took place.[986] He did not recall speaking to Father Fasciale about BTC's complaint or any other complaint of child sexual abuse.[987]

In our view, the last paragraph of the note conveys the impression that it was unreasonable for BTC to suggest that Father Fasciale ought to be removed from ministry, that there was some question as to the veracity of her account and that the incidents she reported were less serious because they were historical.

The note conveys an attitude of disbelief and disrespect, resulting in BTC's account being minimised and dealt with in a dismissive manner. That is so even though this was 1992 – a time when the issue of child sexual abuse by Catholic clergy and religious was a matter that had been considered nationally by the ACBC and protocols had been developed which were directed to responding appropriately to survivors who reported allegations.

5.4 Other complaints reported by Father Ernie Smith

In October 1993, Father Smith reported complaints to the Vicar General, Monsignor Cudmore.

His letter contained an account of two matters, the first being the complaint that he referred to Auxiliary Bishop O'Connell in 1977 regarding Father Fasciale being 'too close' to a boy in the parish.

The second matter was that, between 1975 and 1977, Father Smith also held concerns about four boys aged between 13 and 15 years, whom he observed spending time at the presbytery and doing jobs for Father Fasciale. They also regularly travelled with Father Fasciale in his car.[988] Although Father Smith had concerns at the time, he described them as only a 'feeling' on his part.[989]

Father Smith wrote that he was reporting the matters because the concerns had been brought back to him when he viewed a film about a paedophile priest in the USA. He wrote that he had thought about the matter for a couple of months and then raised it with Monsignor Connors, who asked him to talk to Bishop O'Connell.[990]

Monsignor Connors told us that, while he could not recall any such conversation with Father Smith, he had no reason to doubt that it occurred and he expected that Father Smith would have raised those kinds of concerns with him.[991] He believed that Father Smith would have told him of his concern that there had been sexual relationships between the four young men and Father Fasciale.[992]

Monsignor Connors said he expected that any suggestion that the matter be taken up with Bishop O'Connell was because of Bishop O'Connell's greater knowledge of the area and the parish, having been the Auxiliary Bishop for the region at the time.[993]

Monsignor Connors said that he did not do anything with the information that Father Smith reported to him in 1993.[994] He said that by 1993 he was aware of issues with the clergy and sexual abuse of children and accepted that the information should have been a red flag for him.[995]

We are satisfied that in around October 1993 Auxiliary Bishop O'Connell and Monsignor Connors (then an Auxiliary Bishop) were told of Father Smith's concerns that Father Fasciale may have had inappropriate sexual relationships with other boys at Yarraville in the 1970s. Monsignor Connors did nothing with that information. The Vicar General was also informed of this concern and was told that in 1977 Father Smith had reported to Bishop O'Connell a concern that Father Fasciale was 'too close' to a boy.

The Archbishop did nothing at this point in time to protect children in the Archdiocese from Father Fasciale. He was not stood down and continued to minister as a parish priest of Yarraville.

5.5 Complaints put to Father Fasciale

Monsignor Cudmore replaced Monsignor Deakin as Vicar General at the beginning of 1993. Between June and September 1993, Monsignor Cudmore corresponded with BTC, BTD and BTA about their complaints[996] and he received written statements from BTD and BTA.[997]

On 22 October 1993, Monsignor Cudmore spoke to Father Fasciale in relation to the allegations. Father Fasciale told Monsignor Cudmore that he had 'some memory' of the incidents but not of the detail of them. He said that they may have happened but not in the way alleged. He told Monsignor Cudmore that he had received treatment.[998]

Advice of the SIRG

Following the meeting with Father Fasciale, Monsignor Cudmore decided to refer the matter to the SIRG for advice, although how or to whom he referred the matter is unclear. The only records of this occurring are Monsignor Cudmore's handwritten notes, which are not detailed.[999]

On 27 October 1993, he made a note of advice of the SIRG, which appears to have been that Father Fasciale ought to offer his resignation or be suspended. It appears that the SIRG also advised that Father Fasciale agree not to have persons under 21 years in the presbytery, that he resume consultations with a doctor and that the breach of the conditions would lead to the immediate withdrawal of his faculties.[1000]

It is not clear whether that advice was communicated to Father Fasciale at the time. Three alternative letters were drafted in relation to the steps to be taken, but none appears to have been sent:

- The first letter imposed various conditions on Father Fasciale, including that he refrain from all contact with persons under the age of 16 and that he 'resume consultation with a medical doctor concerning his previous problems with the obligation of celibacy'.[1001]
- The second letter provided that 'serious consideration' was being given to removing Father Fasciale from ministry following Canons 1740 and 1741 and requested him to submit his resignation.[1002]
- The third letter provided that, after investigation by the SIRG, Father Fasciale was to be placed on administrative leave and ought to consider resigning voluntarily on health grounds.[1003]

Meeting with Father Fasciale

On 4 December 1993, Father Fasciale met with Monsignor Cudmore, Father John Salvano, BTC and BTD, their father BTE, and BTA.[1004]

Father Fasciale said he did not want to deny what happened but could not remember it.[1005] He apologised and acknowledged that he had undertaken criminal actions.[1006] Monsignor Cudmore told the attendees that Father Fasciale understood he could no longer be in a position of trust and would be required to retire prematurely. Monsignor Cudmore said this was in accordance with the Archbishop's will and the Archdiocese's policy that any priest who admits to criminal conduct would have his faculties removed.[1007]

The evidence was set out in a detailed record of interview made by Father Salvano and we accept it as an accurate account of what was said at the meeting.

There is no indication in that record of interview that the possibility of reporting Father Fasciale to the police was discussed.

5.6 Father Fasciale's resignation and withdrawal of his faculties

On 6 December 1993, Father Fasciale wrote to Archbishop Little and offered his resignation, citing ill health and stress.[1008] He had been diagnosed with cancer earlier that year. In support of his offer Father Fasciale attached a letter from his doctor.[1009]

On 8 December 1993, the PAB met. The minutes of the meeting provide:

> The Archbishop announced that a letter of resignation due to ill-health had been received from Fr. N. Fasciale, who is to resign the parish of Yarraville on 30 December 1993. It was moved by Monsignor Murray, seconded Fr. Mullally that this offer be accepted – carried …[1010]

The PAB

The persons present at the PAB meeting were Archbishop Little, Monsignor Cudmore, Bishop O'Connell, Monsignor Deakin, Bishop Pell, Monsignor J Murray, Father J McMahon, Father P Dalton, Father J Mullally, Father B Cosgriff and Father P Rogers. Monsignor Connors was not present.[1011]

Archbishop Little, Monsignor Deakin and Monsignor Cudmore each knew of one or more complaints that Father Fasciale had sexually abused children. Bishop O'Connell knew of two concerns that Father Fasciale had engaged in sexual misconduct with children.

Monsignor Deakin accepted that he knew of BTC's complaint at the time of the meeting.[1012] He was asked whether the fact that Father Fasciale was allowed to resign and retire was part of a cover-up. He said, 'I would think so, yes'.[1013] It was put to Monsignor Deakin that he participated in the cover-up, but he said he knew 'very little' about Father Fasciale, in part because Monsignor Deakin transitioned from the position of Vicar General to Auxiliary Bishop shortly after BTC's complaint[1014] and ceased to be involved in responding to it.

Cardinal Pell's evidence was that he could not recall whether or not he was aware of complaints of child sexual abuse against Father Fasciale at the time of the meeting. When asked whether Monsignor Cudmore or Archbishop Little told him of complaints either at or before the meeting, he said he could not recall either way, but it was possible that they did.1015 He told us he could not say whether or not Monsignor Deakin told him of any complaints in advance of the meeting.1016 He said he was 'not clear' whether he knew of complaints at the time, that he could not be sure whether he did or did not know, and that he was 'not quite sure' when he heard about Father Fasciale's crimes.[1017]

Cardinal Pell accepted that it was wrong and inadequate to allow a priest to resign on health grounds when the real reason was that complaints of child sexual abuse had been made against the priest. However, he said that another factor in judging the level of wrongness would be 'the truth or otherwise of the health claims'.[1018] He accepted that the public attribution to retirement on health grounds was misleading.[1019]

Monsignor Connors, who was not at the meeting, was asked whether he would expect that knowledge of complaints against Father Fasciale would have been shared by members of the PAB or Curia at the meeting or otherwise. He said, 'I would expect that that might have happened, but I wasn't there and I can't remember really'.[1020]

Archbishop Hart, who was not at the meeting, agreed that there was a 'strong presumption' that the true reasons for Father Fasciale's resignation were discussed given the number of people present who knew of allegations that Father Fasciale had sexually abused children.1021 Archbishop Hart said, however, that Archbishop Little had a 'very tight sense of confidentiality' and he may have presented the resignation only in the terms it was submitted (that is, on health grounds). It was put to Archbishop Hart that Archbishop Little was not the only person who knew of complaints. He accepted it was inconceivable that the true circumstances of Father Fasciale's resignation were not discussed, when so many senior priests were present with knowledge of complaints against him.[1022]

Counsel for Cardinal Pell submitted that it was not put to Cardinal Pell that he did have knowledge of complaints against Father Fasciale in 1993.1023 It was submitted that it was 'entirely conceivable' that not everyone at the meeting was aware of the reason for Father Fasciale's resignation.[1024] Counsel further submitted that it was dangerous to rely on the evidence of Archbishop Hart and Monsignor Connors, who were not present at the meeting, and that there was insufficient evidence to prove the submission to the relevant standard.[1025]

It was submitted that there was nowhere near the sort of proof required to satisfy an allegation that those present engaged in a cover-up.[1026]

We are satisfied that Father Fasciale did not resign solely because of his health. His resignation was also a result of complaints that he had sexually abused children in the 1950s and 1960s and because assurances had been given to the complainants that he would no longer minister.

For the reasons that follow, we are satisfied that it is likely that the fact that Father Fasciale's resignation was in part because he had been the subject of allegations of child sexual abuse was discussed at the PAB meeting.

Monsignor Deakin and Cardinal Pell were both asked about this meeting. Monsignor Deakin did not say whether the complaints were discussed, but he accepted he knew about allegations against Father Fasciale at the time. Cardinal Pell accepted the possibility that he was told of the complaints at or before the meeting.

We agree with Archbishop Hart that it was inconceivable that the true circumstances of Father Fasciale's resignation were not discussed, when so many senior priests were present with knowledge of complaints against him.

Whatever emphasis on confidentiality Archbishop Little ordinarily imposed, this was not a confidential matter. Three persons present (Archbishop Little, Monsignor Deakin and Monsignor Cudmore) had received complaints of child sexual abuse against Father Fasciale. A fourth person (Bishop O'Connell) knew of a concern in 1977 regarding Father Fasciale's relationship with a boy and was told in 1993 of a concern that Father Fasciale may have had inappropriate sexual relationships with other boys at Yarraville in the 1970s. A number of survivors had recently approached the Archdiocese and had attended a meeting with Monsignor Cudmore and Father Fasciale. Father Fasciale apologised and acknowledged he had undertaken criminal actions. The proximity between those events and the PAB meeting gives rise to the inference that those events were discussed.

By December 1993, the issue of child sexual abuse was well and truly on the agenda of the Archdiocese. A new protocol (the 1992 Protocol) was in place, and it appears that Monsignor Cudmore made some attempt to engage with the SIRG on this matter pursuant to that protocol. It also appears from the draft correspondence that someone on the SIRG advised Monsignor Cudmore that Father Fasciale ought to consider resigning voluntarily on health grounds.

To accept that the true reasons for Father Fasciale's resignation were not discussed is, in the circumstances, inconceivable.

We are satisfied that the evidence set out above permits the inference that the allegations were discussed.

No objection to Father Fasciale's resignation on health grounds is recorded in the minutes, but we are unable to determine if objections were raised. If those present did not object to Father Fasciale's resignation, they supported a course of action that had the effect of concealing from parishioners and the public at large the fact that Father Fasciale resigned because he was the subject of complaints that he had sexually abused children in the past.

Allowing Father Fasciale to resign ostensibly on health grounds was wrong. It had the effect of concealing the true reasons for his resignation from the public.

On 10 December 1993, Archbishop Little wrote to Father Fasciale accepting his offer to resign.[1027]

On 10 February 1994, two months after Father Fasciale resigned, Monsignor Cudmore wrote to Father Fasciale to inform him that he did not have any faculties or priestly ministry in the Archdiocese.[1028] On the same day and the following day, Monsignor Cudmore also sent letters to BTC, BTD and BTA and informed them that Father Fasciale's faculties had been removed.[1029]

Delay

It was a year between BTC's meeting with Monsignor Deakin in December 1992 and Father Fasciale's resignation in December 1993. During that period, Father Fasciale was not placed on administrative leave and no other action was taken to restrict his contact with children. BTC, BTD and BTA were not informed of Father Fasciale's resignation until February 1994.

Archbishop Hart was asked about his view on the period of time between BTC's complaint in 1992 and the matters being put to Father Fasciale in October 1993. Archbishop Hart said it was 'totally unsatisfactory' that such a length of time elapsed without any action being taken.[1030] We agree.

The delay was unacceptable.

Information provided to the Archdiocese's insurer

On 2 June 1994, Monsignor Cudmore made a notification to CCI in relation to Father Fasciale. He did so by completing a form, because CCI had requested information from the Archdiocese on any matters which could give rise to civil claims for criminal sexual misconduct.[1031]

He wrote on the form that the alleged victims were BTD, BTC, BTA and other 'unnamed boys' and that the alleged incidents occurred between 1956 and 1980 in four separate parishes.[1032]

In response to the question of when the diocesan/religious authorities first became aware of the problem, Monsignor Cudmore wrote that it was made known to the Vicar General in December 1992.[1033]

December 1992 was the date that BTC met with Monsignor Deakin and Father Fleming.

The Church parties submitted that Monsignor Cudmore did not knowingly provide incorrect information to CCI. They submitted that, in responding, he identified when *he*, as Vicar General, first became aware of the problem. They said that may have been a correct answer from his perspective.[1034]

We do not accept that submission. The question posited by CCI was when the diocesan/religious authorities (in this case, the Archdiocese) first became aware of the allegations, not when Monsignor Cudmore personally became aware of them. At the time he made the notification, Monsignor Cudmore knew of three alleged reports to members of the Archdiocese prior to December 1992, by virtue of:

- the written statement that BTA provided to him (in which she said that Father Little and Monsignor Moran knew of the allegation that she had been sexually abused in 1960)
- BTE's statements during the December 1993 interview that he told Father O'Regan his daughters had been molested by Father Fasciale in 1954
- Father Fasciale's admission that he saw Archbishop Knox between 1970 and 1972 in relation to a girl and received treatment.

We are satisfied that Monsignor Cudmore provided information to CCI which he knew to be incorrect.

5.7 Father Fasciale's death

Father Fasciale died on 13 March 1996.[1035] A week later, on 20 March 1996, a Pontifical Requiem Mass was held for Father Fasciale at St Mary Star of the Sea Church in West Melbourne.[1036]

Monsignor Connors' homily

Monsignor Connors delivered Father Fasciale's homily. He spoke of Father Fasciale being a good friend and devoted pastor, who was there to listen, encourage and teach his parishioners to laugh and pray.[1037] He also said:

> The life of our brother Nazareno Fasciale was not without its own fair measure of pain and suffering. Some of it he shared with others, and some of it was his own. He would be the first to confess that he too was a sinner.[1038]

Sometime after the funeral, BTA and her mother, BTF, wrote to Monsignor Cudmore expressing their concerns that Father Fasciale was given a Pontifical Requiem Mass. BTA wrote that she was 'most distressed and disgusted' by the words at the funeral.[1039] BTF wrote that she had attended the funeral with BTA and other victims of child sexual abuse by Father Fasciale and they were 'devastated' by the Mass.[1040]

On 20 June 1996, Monsignor Cudmore wrote to BTF and said:

> May I remind you that we do offer the Mass to ask God to forgive the sins of the faithful departed and it will always be the wish of the Church that a Requiem Mass will be offered for saints and sinners alike.[1041]

Monsignor Connors stated that he felt he was in a difficult position in relation to Father Fasciale's funeral. He said he did not feel he could make a statement about the allegations of child sexual abuse at Father Fasciale's funeral in circumstances where the matter had not gone to court. Rather, he said he was careful to include in his homily a reference to Father Fasciale's failings and the fact that he too was a sinner.[1042] He said that, looking back, he could understand why people might think he should have been more explicit and made reference to the people Father Fasciale had hurt.[1043]

The fact that Father Fasciale was given a Requiem Pontifical Mass and a homily was delivered by a senior member of the Archdiocese had the effect of causing further hurt and distress to BTA and BTF.

Statement by Monsignor Cudmore

On 20 March 1996, the date of Father Fasciale's funeral, a statement from seven persons who said they had been sexually abused by Father Fasciale was issued. They stated, 'the [Church] hierarchy has known about Fasciale's crimes for forty years but the victims and their families were intimidated into not contacting the police'.[1044]

That same day, Monsignor Cudmore released a statement in relation to Father Fasciale. It said:

> I was aware Police had interviewed Father Fasciale at Sunshine in September, 1994 concerning allegations of abuse against two girls in Geelong in 1953 and one in North Fitzroy in 1960. These allegations had been made to me in December, 1993.
>
> As a result of these allegations made Father Fasciale said it was difficult to remember exactly what happened 43 years ago in Geelong or 36 years ago in North Fitzroy, but did not want to deny what had been reported. He expressed his sorrow for any hurt these women may have suffered and Father Fasciale resigned from parish work in December, 1993.

> The Vicar General wishes to vehemently deny that the Church has been covering up complaints for years. Action has and will be taken as soon as reports are made.[1045]

There is no reference in Monsignor Cudmore's statement to his knowledge of:

- the allegations of complaints to the Archdiocese in 1954 and 1960
- Father Fasciale's admission that he saw Archbishop Knox between 1970 and 1972 in relation to a girl and received treatment
- the fact that Monsignor Cudmore said at the December 1993 meeting that Fasciale could not work again as a priest
- the fact that Father Fasciale was permitted to resign on grounds of ill health, when the true reason for his resignation was allegations of child sexual abuse.

Archbishop Hart accepted that in failing to record these matters the statement was misleading.[1046] Archbishop Hart said the denial that the Church had been covering up the allegations for years was 'indicative of the mentality'.[1047]

The Church parties submitted it was not clear on the evidence what allegation Monsignor Cudmore was responding to in denying the Church had been covering up complaints. They said that Monsignor Cudmore had not personally been covering up complaints. They submitted that this was evident in his conduct at the December 1993 meeting, where he informed the complainants that Father Fasciale would be required to resign early and confirmed Father Fasciale's admissions of criminal conduct. The Church parties submitted that this was wholly inconsistent with some broader strategy to conceal or lie. They further submitted that the most plausible explanation for Monsignor Cudmore's denial of a cover-up was that he interpreted the allegations as a personal attack on him.[1048]

In our view, Monsignor Cudmore's statement was probably made in response to the joint statement by survivors of the same date. We reject the proposition that Monsignor Cudmore was responding in terms of his actions personally. He did not deny that *he* had been covering up child sexual abuse for decades but that 'the Church' had. He knew from his personal experience in dealing with BTC, BTD and BTA that they said that the priests in the Archdiocese knew of Father Fasciale's offending in 1954 and in 1960. He knew from speaking to Father Fasciale that Archbishop Knox knew of an allegation involving Father Fasciale and a girl sometime between 1970 and 1972. Those matters were inconsistent with his vehement denial of a cover-up.

Monsignor Cudmore's statement was misleading. It had the effect of concealing the history of alleged complaints to the Archdiocese. It reflected a mentality of denial of culpability. The interests of the Church were prioritised over the interests of the survivors.

6 Father Kevin O'Donnell

Father Kevin O'Donnell was born in Melbourne in 1916. He was ordained in 1942 and held various appointments in the Archdiocese between 1942 and 1992.[1049] In 1995 he was convicted of 11 counts of indecent assault against 10 boys and two girls for incidents occurring between 1954 and 1972.[1050] He died in March 1997. He was never laicised.[1051]

The Royal Commission has already reported in relation to Father O'Donnell in our report on the *Melbourne Response* case study. Those matters are not repeated here.

In this case study, the Royal Commission received evidence regarding an additional complainant, known as BTZ.

6.1 BTZ

BTZ provided a statement to police in 1993. He told police that he was sexually abused by Father O'Donnell between 1972 and 1974.[1052]

He also said the following in this statement:[1053]

- In 1986 Father O'Donnell attempted to contact BTZ, which caused him distress. As a result of this, BTZ's mother-in-law recommended that he attend counselling sessions with Sister Rose Wood.
- BTZ's mother-in-law told Sister Wood about BTZ's sexual abuse by Father O'Donnell. When BTZ met with Sister Wood, she told him that he should tell the Church so that they could do something about Father O'Donnell.

Letter from Sister Wood to Archbishop Little

In 1986, Sister Wood was a pastoral worker at St John's parish, Koo Wee Rup.

She provided a statement to police regarding BTZ in 1994. In it she said that she wrote to Archbishop Little in or about June 1986 and told him that BTZ had disclosed to her that Father O'Donnell caused BTZ to masturbate. She did not receive any response from the Archbishop.[1054]

The letter referred to in Sister Wood's police statement was not produced by the Archdiocese and does not appear to be held within the Archdiocese's records.

In July 2000, Sister Wood spoke to Mr Laurie Rolls (an employee of CCI) about Father O'Donnell. She told Mr Rolls that she was approached by BTZ's mother-in-law and subsequently spoke to BTZ. She said that BTZ did not tell her the details or extent of the sexual abuse but asked her to advise the 'hierarchy' of Father O'Donnell's behaviour. Sister Wood told Mr Rolls that she wrote to Archbishop Little and recounted that BTZ had told her he was sexually abused and had asked that the 'hierarchy' be informed.[1055]

After the meeting, Mr Rolls wrote:

> From speaking with Sister Rose I am certain she has a clear memory of having written a letter as requested, to whom she wrote and the content of the communication.[1056]

In a statement provided to the Royal Commission, Sister Wood said that she did not now recall meeting with police or speaking with Mr Rolls, but she affirmed the contents of her police statement.[1057] She did not recall being contacted by Archbishop Little or anyone else in the Archdiocese about the matters referred to in her police statement.[1058]

When Father O'Donnell was interviewed by a loss adjuster in relation to BTZ in October 1996, he said that no one from the Archdiocese spoke to him about the allegation in 1986.[1059]

6.2 The institutional response

We accept Sister Wood's evidence and the content of her statement to police.

We are satisfied that Archbishop Little received a letter from Sister Wood in 1986 which said that BTZ had been sexually abused by Father O'Donnell. There is no evidence that Archbishop Little did anything with the information. We are satisfied that he did not confront Father O'Donnell.

The failure of Archbishop Little to act on the information that Sister Wood provided was an abandonment of his obligation to take immediate and effective action against Father O'Donnell to protect other children and their families within the Archdiocese.

7 Father Desmond Gannon

Father Desmond Gannon was born in Melbourne in 1929 and was ordained in 1956. He held various appointments within the Archdiocese between 1957 and his resignation in May 1993.[1060]

Between 1995 and 2009, Father Gannon was convicted of a large number sexual offences against children.[1061]

He died in 2015. He was not laicised.

7.1 BTS

BTS said he was sexually abused by Father Gannon when he was roughly eight to 10 years old, in around 1960.[1062] At that time Father Gannon was the assistant priest at Glenhuntly parish.

In 1997, when BTS was interviewed by Mr O'Callaghan QC through the Melbourne Response, he disclosed that his mother told the parish priest, Father Connellan, what Father Gannon had done to BTS and Father Connellan had responded that the allegations were made up.[1063]

We accept the account that BTS provided to Mr O'Callaghan QC.

Archbishop Hart told us that he did not doubt that the complaint was made.[1064]
He said that it appeared that Father Connellan 'rebuffed the complaint and never gave it proper consideration'.[1065]

We agree with Archbishop Hart.

7.2 Complaints made in 1993

BTP

In April 1993, BTP wrote to Archbishop Little and said that a priest within the Archdiocese had used him for sexual gratification when he was a young boy at St Anthony's Parish School in Glenhuntly.[1066]

BTP was subsequently interviewed by Monsignor Cudmore on 27 April 1993. BTP told him that he had been sexually abused by Father Gannon in the presbytery in around 1956. BTP said Father Gannon had undressed and rubbed himself against BTP. The sexual abuse lasted two to three years.[1067]

Monsignor Cudmore told BTP that he was obliged speak to Father Gannon and get his side of the story. BTP was offered counselling.[1068]

Father Gannon admits allegations to Monsignor Cudmore

On 30 April 1993, Monsignor Cudmore visited Father Gannon and informed him of the allegations.[1069]

Monsignor Cudmore's notes of that meeting record:[1070]

- Father Gannon said 'something did happen' and that he 'had made mistakes'.
- Father Gannon said there had been about five or six other 'involvements' in different parishes but none since he commenced at Macleod parish in 1980.
- Father Gannon told Monsignor Cudmore in detail about an involvement with another young boy, BTQ, while Father Gannon was in the Parish of Kilmore.
- Monsignor Cudmore advised Father Gannon he would speak with Monsignor Connors about what further action would be taken.

Monsignor Connors accepted that the reference to the five or six 'involvements' in different parishes was a reference to sexual misconduct.[1071] Archbishop Hart agreed that on his review of the documents Father Gannon had admitted to the allegation and to abusing other children.[1072]

After the meeting, Monsignor Cudmore told Archbishop Little about the allegations and his conversation with Father Gannon. Archbishop Little suggested that Father Gannon be asked to submit his resignation on health grounds.[1073]

Monsignor Cudmore then spoke to Monsignor Connors. Monsignor Cudmore's note of their conversation is as follows:

1. Don't admit accusation.
2. Indicate that Archbishop has asked for resignation. i.e. out of parish life.[1074]

Monsignor Connors told us that he could not recall this discussion.[1075] He said that if he had been asked for advice about the immediate next steps he could have said something along the lines of what was recorded in the note. He said that this was generally consistent with the approach of the Archdiocese at that time.[1076]

Monsignor Connors was, at the time, a member of the Bishops' Committee for Professional Standards.[1077] He said he expected that the reason he was contacted was because Monsignor Cudmore was to implement 'some kind of a process which had its origins at the Bishops Conference level'.[1078] He told us that he believed the comment 'don't admit accusation' was a reference to the fact that the Archbishop should not publicly admit the accusations, regardless of whether Father Gannon had himself made admissions.[1079] He stated that this was the advice they were receiving from the Archdiocese's insurer.[1080] Monsignor Connors accepted it was very bad advice.[1081]

The Church parties accepted that Monsignor Connors knew of Father Gannon's admissions.[1082]

We are satisfied that on 30 April 1993 Father Gannon admitted to Monsignor Cudmore that he had engaged in sexually inappropriate behaviour with BTP, BTQ and other children. That information was passed on to Archbishop Little and Monsignor Connors.

It was wrong of Monsignor Connors to advise that the accusations should not be admitted by the Archbishop. The advice was inconsistent with the fact that Father Gannon had admitted the accusations. If the advice were followed, it would have been misleading.

7.3 Father Gannon's resignation and appointment as Pastor Emeritus

By letter dated 3 May 1993, Father Gannon tendered his resignation as a parish priest of Macleod to Monsignor Cudmore, without specifying any grounds. He stated:

> As I am not yet of pensionable age and have not much in the way of resources with which to support myself. I would have preferred to leave active ministry altogether, however, I would be grateful if I could be considered for the position as Chaplain to Villa Madonna Hostel, Wantirna, which you indicated was available.[1083]

On 6 May 1993, Monsignor Cudmore discussed the matter with Father Dan Torpy, a priest of the Ballarat diocese who was then a member of the SIRG.[1084] Monsignor Cudmore's note of that discussion records:

> Inform complainant that administrative leave has been given to the priest in question. Counselling / Spiritual direction / Study etc away from the Diocese.[1085]

The next day, Monsignor Cudmore had a telephone conversation with Father Gannon. Monsignor Cudmore's note of that conversation records:

> GAC – DG
>
> Phone call – Frid 7 May 93.
>
> Thanks for letter. ACK.
>
> Public ack SUN – retire due to sickness …[1086]

We consider that note records that Monsignor Cudmore told Father Gannon there would be a public acknowledgement of his resignation due to sickness. The note later records that a medical certificate would be issued and that he would speak to Father Gannon about arranging a medical consultation.[1087]

The same day, Monsignor Cudmore wrote to Father Gannon and told him that his letter had been passed to the Archbishop. Monsignor Cudmore said he was 'sorry that this action has been necessary'. He also said that the chaplain position was no longer available.[1088]

On 11 May 1993, Father Gannon's doctor issued a medical certificate. The doctor wrote, 'I have found Fr. Gannon's health deteriorating over the years to the point where I believe that he is not able to continue in his capacity as Parish priest' and expressed his support for Father Gannon's retirement on medical grounds.[1089]

On 24 May 1993, Archbishop Little instructed Monsignor Cudmore to respond to Father Gannon's resignation letter on his behalf and appoint him as Pastor Emeritus. The Archbishop said, 'the more quickly he is appointed Pastor Emeritus the better'.[1090]

Pastor Emeritus is an honorific title ordinarily bestowed on a retired priest. It makes the retired priest eligible for remuneration and allowances from the Priests' Retirement Foundation.[1091]

Archbishop Little asked Monsignor Cudmore to draft a letter backdating the appointment to 7 May 1993.[1092] A letter was subsequently sent to Father Gannon from the Archbishop dated 7 May 1993 to that effect. It stated:

> I wish to acknowledge receipt of your resignation …
>
> I am informing Fr. Gerard Beasley, the Secretary of the Priests Remuneration Fund, of your appointment as Pastor Emeritus. He will be pleased to provide you with information concerning your remuneration and allowances.[1093]

Archbishop Little also thanked Father Gannon for his service with 'zeal and love over 37 years' and said he had 'always given the highest standard of pastoral care'.[1094]

On 3 August 1993, Monsignor Cudmore wrote to Father Gannon at an address in Queensland and advised him that his faculties had been withdrawn.[1095]

Archbishop Hart told us that, while Father Gannon appeared to have admitted to sexual abuse, his resignation was publicly attributed to health grounds.[1096] He said that accepting a resignation on the grounds of ill health was inconsistent with the direction noted in the conversation with Father Torpy to tell the complainant, BTP, that Father Gannon was on administrative leave. Archbishop Hart accepted that this was misleading to the complainant.[1097] Monsignor Connors also said this was 'not a very accurate description of the true situation'.[1098]

Archbishop Hart gave evidence that designating Father Gannon Pastor Emeritus was 'Quite inappropriate'.[1099] He accepted it permitted Father Gannon to be thought of in the community as a priest of good standing.[1100] Archbishop Hart stated that he was sure the purpose of the appointment was only to secure the financial support that Father Gannon needed.[1101] Archbishop Hart said that a priest stood down for sexual abuse or other criminal matters would normally be given financial assistance in the form of funds from the Archdiocese (and not be cared for by the Priests' Retirement Foundation).[1102]

Monsignor Connors said that appointing Father Gannon a Pastor Emeritus was a 'way of concealing the true situation' and 'kind of a cover up' of the true reasons for Father Gannon's resignation, being sexual misconduct with minors.[1103]

Cardinal Pell was asked whether he was informed of the reason for Father Gannon's resignation. He said, 'Yes, I think I would have been'.[1104] He said this would have been 'possibly around the time of the resignation – probably'.[1105] Cardinal Pell said he was probably aware at the time that Father Gannon's resignation was going to be or had been publicly attributed to health reasons.[1106] He said that attributing the retirement to ill health was misleading.[1107]

We accept the evidence of Archbishop Hart, Monsignor Connors and Cardinal Pell.

Some months after Father Gannon's resignation, the President of the Macleod Parish Pastoral Council (where Father Gannon had been the parish priest) wrote to Father Gannon. The president noted that Father Gannon's devotion to the parish sapped his health to the extent that his early retirement was necessary and recorded that parishioners had made a donation of $3,500 to Father Gannon as a 'token of their appreciation'.[1108]

When asked whether the pastoral council letter suggested that parishioners were not informed of the conduct giving rise to Father Gannon's resignation, Archbishop Hart agreed.[1109] Archbishop Hart said it was a 'serious deception of people'.[1110]

We are satisfied that Monsignor Cudmore and Archbishop Little sought Father Gannon's resignation on health grounds. That was done to conceal the fact that Father Gannon was resigning because he had admitted to sexually inappropriate behaviour with minors. It was a serious deception and did mislead the parishioners of Macleod.

Archbishop Little's instruction to appoint Father Gannon as Pastor Emeritus was wrong. It conveyed, falsely, that Father Gannon was a priest in good standing.

Furthermore, it was wrong for the Archbishop to commend Father Gannon as always providing the highest standard of pastoral care, when the Archbishop knew that complaints of child sexual abuse had been made against him, which he had admitted.

7.4 Financial arrangements

After Father Gannon's retirement and appointment as Pastor Emeritus, he received payments from the Priests' Retirement Foundation.[1111]

Following criminal investigation of Father Gannon in 1995, the issue of his remuneration by the Priests' Retirement Foundation arose. Archbishop Little expressed the view to the Priests' Retirement Foundation that Father Gannon should not be recorded in the foundation's expenditure.[1112]

Archbishop Hart agreed that Archbishop Little's concern that Father Gannon not appear in the expenditure column of the annual report was a concern that the public should not know that Father Gannon was receiving money from the fund.[1113] Archbishop Hart accepted that it was another way to keep continued support of a priest facing sexual abuse allegations hidden.[1114] He also accepted that Archbishop Little was seeking an arrangement to pay Father Gannon in circumstances where the payment was not public because people would think less of the Archbishop and the Church for doing so and that this was another example of the secrecy of the Church in this area.[1115]

On 19 April 1995, Monsignor Cudmore wrote to the foundation and said that Archbishop Little was concerned about being seen to disclaim all responsibility for the actions of priests guilty of misdemeanours. He wrote that the Archbishop was 'also concerned about the risk of unfavourable publicity' should it be perceived that the Archbishop was indirectly providing income for a priest in those circumstances.[1116]

We are satisfied that Archbishop Little endeavoured to conceal from those with access to the annual report that Father Gannon was being supported financially with funds from the Priests' Retirement Foundation. That arrangement was facilitated with the knowledge of the Vicar General, Monsignor Cudmore.

The financial support provided to Father Gannon was reduced significantly in 2002, after Archbishop Hart became the Archbishop. Archbishop Hart wrote to Father Gannon in October 2002 and said that remuneration arrangements for priests had been reviewed to ensure consistency in the Church's response to issues relating to abuse of power and trust. He informed Father Gannon that his support was no longer appropriate and would be reduced at the end of the year.[1117]

7.5 Laicisation

Father Gannon was convicted of offences in 1995, 1997, 2000 and 2009.[1118]

On 14 April 2010, Archbishop Hart wrote to Father Gannon and said that the Holy See had made available a new process for laicisation for those who had been away from the priesthood for many years. Archbishop Hart said he proposed to recommend to the Congregation for the Doctrine of the Faith that Father Gannon be laicised on that basis.

Archbishop Hart wrote that he did so 'solely based on the time you have been away from the priesthood, and wishing peace of mind and spirit to you and all concerned'.[1119]

Father Gannon replied on 23 April 2010 and said that he had declined to leave the priesthood previously but said, 'I leave to your judgement to do what you believe best for all concerned'.[1120]

Because Father Gannon did not agree to the process, in January 2011 Archbishop Hart submitted a canonical application to the Congregation of the Doctrine of the Faith recommending that Father Gannon be laicised because of his 'evil acts'.[1121] The application referred to evidence from BTP and other victims.[1122] Archbishop Hart wrote that Father Gannon's dismissal was 'imperative'.[1123]

A cardinal for the Congregation for the Doctrine of the Faith responded in October 2011 that, due to Father Gannon's 'advanced age and his feebleness', he would be permanently removed from public ministry and contact with minors and his faculties would remain suspended.[1124] The cardinal asked Archbishop Hart to issue a Penal Precept, which he did.[1125]

The response, in effect, was a refusal of Archbishop Hart's request that Father Gannon be reduced to the lay state.[1126]

On 18 December 2012, Archbishop Hart wrote to the Congregation for the Doctrine of the Faith and requested the matter be reassessed. He wrote:

> I am concerned the good name of the Church, and the strong and energetic efforts that are being made within the Archdiocese of Melbourne to protect children, could be damaged unless Reverend Desmond Gannon is laicised.[1127]

Despite that request, Father Gannon was not laicised.[1128] He should have been.

A period of more than 15 years elapsed between the time that Father Gannon was convicted and the time that the first application was made to have him reduced to the lay state. The delay was unacceptable.

8 Father David Daniel

Father David Daniel was born in 1942 and ordained a priest in May 1975.[1129] He held a number of appointments throughout the Archdiocese as an assistant priest between 1975 and 1989. In January 1990, he was appointed the parish priest of Healesville.[1130]

Father Daniel was convicted and sentenced in relation to multiple child sex offences in 2000.[1131] He was laicised in 2011 and died in 2014.

8.1 BTH

On 27 May 1991, BTH wrote to Auxiliary Bishop Perkins and informed him that Father Daniel had made a sexual advance towards him on two occasions in January and May 1991.[1132] He said that, on both occasions, Father Daniel encouraged BTH to remain silent by reference to the seal of confession. At the time of those events, BTH was 19 or 20 years old. However, BTH had met Father Daniel when BTH was 16 and developed a relationship of trust with him from that time.[1133]

Bishop Perkins spoke to Archbishop Little about the complaint, and they agreed the matter was serious and required further investigation.[1134] Bishop Perkins also informed Monsignor Deakin of the complaint.[1135]

On 30 May 1991, BTH was interviewed by a representative of the Archdiocese. The interviewer recorded his belief that there was strong evidence that BTH's claim was truthful, and wrote:

> Everything alleged about D.D's conduct is almost a classical story of a grown man seeking sexual contact with a late adolescent over whom he had influence and whom he had somewhat in thrall because of his position as a priest and a priest-friend ...
>
> What convinces me is the repeated comment (but with little suspicion of the meaning and significance any Catholic priest would find in the story) that D.D. advised the seal of Confession covered any revelation of what had happened in January between them ...[1136]

Monsignor Deakin told us that this was not his note,[1137] although he said that he did interview a young man in 1991 who made a complaint of sexually inappropriate conduct against Father Daniel.[1138] He said that he understood the matter to involve a homosexual relationship and that he subsequently spoke to Father Daniel about it and told him to 'sort himself out ... spiritually, morally and intellectually'.[1139]

At some point afterwards, Monsignor Deakin recorded the complaint as 'closed'.[1140] No other action was taken.

We are satisfied that in May 1991 Auxiliary Bishop Perkins, Archbishop Little and Monsignor Deakin knew of a complaint that Father Daniel had made sexual advances towards BTH, a young adult male with whom he had developed a relationship of trust as an adolescent. BTH was interviewed by a representative of the Archdiocese and deemed truthful. Monsignor Deakin closed the complaint knowing the above and without further action or any assessment of the risk that Father Daniel posed to children.

The decision to take no further action and consider the matter closed was wrong. It occurred in 1991, which was when the issue of child sexual abuse by Catholic clergy and religious was a matter that had been considered nationally by the ACBC and protocols had been developed which were directed to responding appropriately to survivors who reported allegations.

8.2 Mrs BTG

On 24 February 1994, Father Ernie Smith wrote to Monsignor Cudmore. He said that a woman, Mrs BTG, had disclosed to him concerns regarding Father Daniel's prior sexual behaviour with four children aged between 11 and 13. Mrs BTG said that four persons known to her had made disclosures or otherwise intimated they had been subject to sexually inappropriate behaviour by Father Daniel some years previously. Mrs BTG also expressed current concerns about two other boys aged 14 and seven, who would often spend time at the presbytery with Father Daniel and sometimes stayed overnight. She did not know whether those two boys had been sexually abused.[1141]

All of the children were known to Father Daniel other than in his capacity as a priest.

On 7 June 1994, Monsignor Cudmore interviewed Father Daniel, three months after having been informed of the allegations. He put the allegations to Father Daniel, who denied them.[1142]

Later that month, Monsignor Cudmore had discussions with the complainants or their families. He made only brief notes of these discussions, and it is not clear from those notes who the conversations were with. However, they record that he was told:

- that Father Daniel had put his hands up a girl's top and had her sit on his knee in 1984[1143]
- that Father Daniel had put his hands up a child's shorts and another child had made a similar complaint[1144]
- that there had been general discussion on one occasion about Father Daniel making 'passes' at the children.[1145]

Father Daniel continued to deny the allegations. In July, Father Daniel spoke to Monsignor Cudmore and described the allegations as 'malicious innuendo and gossip'.[1146]

No other action was taken against Father Daniel at this time.

Archbishop Hart said that the matters raised in Father Smith's letter were extremely serious and warranted immediate action.[1147] He accepted there was some delay in managing the complaint.[1148] He stated that Father Daniel should have been placed on administrative leave and his faculties should have been withdrawn when the complaint was received in February 1994.[1149]

Father Daniel's later criminal conviction included an offence against a 14-year-old boy in November 1994. As Archbishop Hart stated, 'Tragically, it seems the last offence … would never have happened if appropriate action had been taken after the information given by Fr Ernie Smith in February 1994'.[1150]

We are satisfied that the response to Mrs BTG's complaint was appalling, with tragic consequences.

The delay in acting on the complaint was unacceptable. No report was made to the police.

8.3 BVA

On 20 December 1994, a young adult male, BVA, provided a statement to Monsignor Cudmore. He said that Father Daniel told him his body was good and well built, and on an occasion in December 1994 Father Daniel hugged him and touched his private parts in the presbytery. He said that Father Daniel was drunk at the time.[1151] BVA said that he was bringing the matter to the attention of the Vicar General because he wanted Father Daniel to receive help.[1152]

8.4 Review of Father Daniel's file

In December 1994, Father Waters conducted a review of Father Daniel's file. He wrote a note detailing his review on 21 December 1994 titled 'Comment on DD File'.

In his note, Father Waters made the following conclusion in relation to BTH:

> Any barrister would make mincemeat of BTH. There was foolishness on the part of DD, possibly sinfulness, but nothing criminal in either civil or canon law. [Monsignor Deakin] after investigation on 1991 marked the file 'closed'; I believe that was a correct decision.[1153]

In relation to the complaints originating from Mrs BTG, Father Waters wrote:

> Much of the information is third-hand; none of the 'victims' have been interviewed by any Church authority.
>
> The alleged behaviour appears to be very tame – nothing gross – nothing such as exposure or undressing, much less anything worse.
>
> Fears that something may be happening is not evidence that something has happened.
>
> Conclusion: Unless that [sic] there is more substantial evidence, I suspect that nothing criminal in either civil or canon law could come from this. Perhaps the preliminary phase of the interim procedures should be followed confidentially, quickly, and kindly, after informing DD that this is as much to protect him first of all if he is, as he alleges, innocent.[1154]

The Church parties submitted that Father Waters was not called to give evidence or given an opportunity to explain the comments in his note. In the absence of evidence of the full extent of the material available to Father Waters from the file or elsewhere, the Church parties submitted that there is no proper basis to criticise Father Waters.[1155]

We are not able to determine precisely what information was in the file that Father Waters reviewed and whether it was complete.

It is clear, however, that Father Waters reviewed at least some of the information regarding the complaint from Mrs BTG and BTH.

As set out above, Monsignor Cudmore's notes of his conversations with the complainants or their families record that the allegations included inappropriate touching and that there were multiple alleged incidents involving many people over a number of years. If Father Waters had access to that material, it was not reasonable to conclude the conduct alleged was 'very tame' or that it was unlikely to constitute criminal conduct.

Despite Father Waters' advice that the 'interim procedures' be applied, no action was taken at that point in time – a fact which Archbishop Hart accepted.[1156]

8.5 The Curia

The Curia met on 22 December 1994, and Father Daniel was listed as an item on the agenda.[1157] The minutes record only:

> Father D. Daniel: The Vicar General to follow up.[1158]

The attendees are not recorded, but Archbishop Little, Monsignor Cudmore and Auxiliary Bishops O'Connell, Pell, Deakin and Connors were members of the Curia at that time.

Monsignor Connors told us that those present at the meeting would 'almost certainly' have understood that there was a complaint of sexual misconduct against Father Daniel.[1159]

Cardinal Pell was not asked about this meeting. However, as set out below, he said that he could not recall when he heard about Father Daniel's behaviour but that it was probably before Father Daniel's resignation,[1160] which was on 3 January 1995.

Archbishop Hart did not attend the meeting and was not a member of the Curia at the time. However, he agreed that it was likely that the discussion about Father Daniel at the meeting concerned the knowledge that was held in relation to his conduct.[1161]

For the reasons that follow, we are satisfied that the matter to be followed up on was the matter of Father Daniel's alleged sexual abuse of children and other alleged sexual misconduct with a young adult male.

BVA's complaint was provided to Monsignor Cudmore only two days before this meeting. Father Waters had completed his review and recommended further investigation of the earlier complaints the day before the meeting. The logical inference is that the reference to the Vicar General following up is a reference to the allegations against Father Daniel.

Monsignor Connors' evidence was that those present almost certainly would have understood there to be allegations against Father Daniel. Monsignor Connors did not state the basis of his opinion, but we have no reason to doubt it was honestly held.

8.6 Father Daniel's resignation on health grounds

Letter of resignation

On 3 January 1995, Father Daniel wrote to Archbishop Little and said:

> By virtue of this letter, I resign my position as Parish Priest of St Brigid's Church Healesville immediately, due to the fact of continuing ill-health …[1162]

Father Daniel attached a letter from his doctor, which said that he was suffering from uncontrollable blood pressure and was medically unfit to continue as a parish priest.[1163]

PAB meeting – 4 January 1995

Father Daniel's resignation was raised with the PAB at its meeting the following day. According to the minutes:

> The Archbishop read to the meeting a letter from Fr. D. Daniel, Parish Priest of Healesville, informing him of his resignation due to ill-health. The letter was accompanied by a doctor's certificate which indicated that Fr. Daniel was medically unfit to continue in his present position. Fr. Daniel requested that the resignation be effective immediately. Fr. Daniel also requested to see the Archbishop as soon as possible. It was moved Bishop Deakin, seconded Mons. Murray that the resignation be accepted immediately. CARRIED[1164]

Archbishop Little, Bishop O'Connell, Monsignor Connors, Monsignor Deakin, Bishop Pell, Monsignor Cudmore, Monsignor Murray, Father Cosgriff, Father J McMahon, Father Dalton, Father Mullally and Father Rogers were present at the meeting.

Cardinal Pell gave evidence that he could not recall when he heard about Father Daniel's behaviour but said it was probably before Father Daniel's resignation.[1165] It was put to Cardinal Pell that, if it was before the meeting, he was present at a meeting where Father Daniel's resignation on health grounds was accepted despite his (and others') knowledge of complaints against Father Daniel for sexual misconduct against minors. Cardinal Pell said, 'Yes, I didn't object. In my mind then the primary consideration was whether in fact the person had been sick rather than whether the explanation was complete'.[1166] He agreed that it was 'at least partly misleading' that Father Daniel's resignation was attributed to his health, given the history of complaints against him.[1167]

Monsignor Deakin was not asked about this particular meeting, but he told us that there were meetings 'where everybody voted on things; like, for instance, when a priest was moved or retired, it was because of ill-health or something, when in fact it was because of child abuse'.[1168] He was asked whether he was participating in a cover-up when he voted with others to have a resignation accepted on health grounds. Monsignor Deakin said:

> I think I have to say that at the time I didn't think of it, and that's my neglect, I did not think of it and that's also for what I am apologising for. But, as I have become more aware and understand what has happened, I am very much aware of it.[1169]

Monsignor Deakin did not specify to whom he was referring and, when asked whether he knew at the time that they were retiring because of allegations against them, he said, 'There would have been one or two, I think; again, my memory is pretty faulty, I'm an old man, remember'.[1170]

Archbishop Hart told us that what the doctor wrote may have been true, but the reason for Father Daniel moving out of ministry that was pertinent was 'obviously the offences'.[1171]

On 6 January 1995, Archbishop Little wrote to Father Daniel's doctor and said, 'Following consideration by my advisers, I have adopted your recommendation and have accepted the resignation submitted to me by Father Daniel'. He continued, 'Ongoing therapy will no doubt be a challenge'.[1172]

On 16 January 1995, Archbishop Little wrote to Father Daniel and said he accepted his resignation, adopting the advice of the PAB and Father Daniel's doctor. Archbishop Little directed Father Daniel not to exercise any priestly ministry until further direction. He also referred to an agreement that Father Daniel advise anyone requesting his services that he was not available on grounds of ill health.[1173]

Archbishop Hart told us that directing a priest not to exercise ministry was in practical terms the same as withdrawing a priest's faculties.[1174] He accepted that withdrawing Father Daniel's faculties was inconsistent with his resignation being on the grounds of ill health and that the real reason for Father Daniel's resignation was the complaints against him.[1175] Archbishop Hart agreed that Archbishop Little's 16 January letter was another subterfuge designed to hide the true situation from the public and other priests.[1176]

We are satisfied that the true reason for Father Daniel's resignation was the complaints against him of child sexual abuse and other sexual misconduct with adults. That reason was known to Monsignor Cudmore and Archbishop Little. Monsignor Deakin knew of an allegation that Father Daniel had made a sexual advance to a young adult male. Bishop Pell probably knew about complaints of child sexual abuse against Father Daniel.

Despite that knowledge, the PAB carried a motion to accept Father Daniel's resignation on the grounds proffered.

Counsel for Cardinal Pell submitted that the PAB did not support any arrangement or endorse the letter, and the resolution passed was limited to accepting Father Daniel's resignation. He submitted that it was not open to draw the inference that, by failing to object, a member of the PAB supported another's intentional deceit.[1177] We do not agree.

We accept Cardinal Pell's evidence that it was 'at least partly misleading' that Father Daniel's resignation was attributed to his health, given the history of complaints against him.[1178] We are satisfied that it was misleading and that all those present at the PAB meeting who knew of the true reason for the resignation and voted for the motion participated in an act that was misleading.

Financial arrangements

In May 1995, Archbishop Little wrote to the Priests' Retirement Foundation and said that he had accepted Father Daniel's resignation. He wrote:

> I present Father Daniel for consideration by your Foundation as if he were a 'Retired Priest' of the Archdiocese … I understand that Father Daniel finds himself in necessitous circumstances at the present time.
>
> I suggest that this consideration for Father Daniel continue until such time as Father Daniel receives another appointment …[1179]

We heard from Archbishop Hart that this was a way of fulfilling the obligation on every bishop to provide basic necessities for priests. He was asked whether drawing on the Priests' Retirement Fund to fulfil that obligation had the effect of conveying to a person who knew how the fund worked that Father Daniel was a priest in good standing. He said, 'You could certainly conclude that'.[1180]

We are satisfied that the fact that Father Daniel was treated as eligible for financial support from the Priests' Retirement Foundation as if he were a retired priest conveyed to others that he was in good standing. Archbishop Little knew he was not in good standing; therefore, treating him in that way was misleading.

Treatment by Father Peter Cantwell

In February 1995, Archbishop Little arranged for Father Daniel to be treated by Father Cantwell.[1181] They had two sessions, after which Father Cantwell reported to Archbishop Little:

> In my view, the possible public implications of these issues are serious … As [REDACTED] will be around for the foreseeable future, any return to public ministry by David is overshadowed by the likelihood of public action ...
>
> For the above reasons David feels that to undertake active ministry in the near future would be 'absolutely crazy', for medical but especially for legal reasons. He therefore wishes to retire from active ministry.[1182]

Archbishop Hart said that Father Cantwell would have had the 'mentality of the time'. When asked what that meant, he said, 'a very high level of concern for the welfare of the Church'. He agreed that the reason for not returning Father Daniel to ministry was that the reputation of the Church would suffer because Father Daniel was known to be an alleged child abuser.[1183]

We are satisfied that Father Cantwell's letter discloses that he considered the public implications, meaning reputational damage to the Church, of returning Father Daniel to ministry to be a serious concern. There is no reference in his letter to the risk that Father Daniel may have posed to children or young adults. Father Cantwell's letter is consistent with a culture in the Church of protecting priests and the Church's reputation.

8.7 Laicisation

In October 1997 a man contacted Bishop O'Connell and told him that his son, BTI, had been molested by Father Daniel, beginning when BTI was 13 years old.[1184]

BTI was known to Father Daniel other than in his capacity as a priest.

The complaint was passed on to Archbishop Hart (then the Vicar General), who referred it to Mr O'Callaghan QC.[1185] The next day, it was arranged for BTI to be interviewed by police.[1186]

In October 1998, Father Daniel was charged in relation to BTI. He was subsequently charged with offences against other persons.[1187]

In July 2000, Father Daniel was convicted in the County Court and sentenced for multiple child sex offences, including in relation to BTI.[1188]

On 28 January 2011, Archbishop Hart petitioned the Congregation for the Doctrine of the Faith for Father Daniel's laicisation. He wrote:

> With regret it must be said that the details of the offences given in the Court judgement and documentation are detailed and comprehensive. It is my conclusion that such behaviour is totally incompatible with a person remaining in the priesthood.[1189]

On 12 April 2011, the Congregation for the Doctrine of the Faith wrote to Archbishop Hart and asked him to have Father Daniel seek dispensation from the priesthood on his own behalf.[1190]

On 12 May 2011, Father Daniel wrote a letter to Pope Benedict XVI and requested to be relieved from all obligations of priesthood.[1191] By decree of Pope Benedict XVI dated 10 June 2011, Father Daniel was laicised.[1192]

A period of more than 10 years elapsed between the time that Father Daniel was convicted and the time that an application was made to have him reduced to the lay state. The delay was unacceptable.

9 Cultural, Structural and Other Factors

In this section we consider the cultural, structural and other factors that affected the Archdiocese's response to complaints of child sexual abuse. Our consideration of the matters that follow is limited to the period prior to October 1996, when the Melbourne Response was announced.

9.1 Dysfunctional systems, procedures and practices

The evidence before us establishes that there were a number of fundamental problems in the systems, procedures and practices adopted in the Archdiocese for responding to complaints of child sexual abuse. These were:

- the lack of adequate policies, procedures and practices for responding to allegations
- the failure to apply policies where they existed
- deficiencies in recordkeeping
- the structure of Catholic education in Victoria, whereby the parish priest is the employer of staff at parish schools.

We are satisfied that the dysfunctional systems, procedures and practices and their idiosyncratic operation in the Archdiocese inevitably led to poor outcomes in responding to allegations of child sexual abuse.

Lack of adequate policies, procedures and practices

Throughout the period considered in the case study, the Archdiocese's policies, procedures and practices for responding to complaints of child sexual abuse were inadequate.

Both Monsignor Connors and Monsignor Deakin told us that they did not follow a documented or formal process for responding to complaints during the time they held the position of Vicar General; cumulatively 1976 to 1992.[1193]

Monsignor Doyle stated that to the best of his recollection the CEO did not have any written or formal policies, procedures or guidelines for the handling of complaints against priests or religious between 1977 and 1996.[1194]

Archbishop Hart said that the only policy or procedure in place was 'the general vigilance of the Bishop to care for priests and people'.[1195] He described the approach to complaints as 'ad hoc'.[1196] He stated:

> There were many possible pathways for a complaint. However, the particular pathway emerged not from any established procedures, but rather from the complainant's initial point of contact. For example, a complaint involving a victim in the setting of a Diocesan school may have been communicated to the Archdiocese through the channels of the Catholic Education Office, but it need not have been. The same complaint could just as likely be transmitted directly to the Vicar General, or indirectly via another path, depending on the circumstances of the initial report of the complainant.[1197]

Deficiencies in recordkeeping

We heard that letters of complaint could be kept on the 'personnel file' maintained for the relevant priest.[1198] These were not specifically complaint files; they existed for all priests and otherwise contained basic information about a priest's appointments and leave arrangements.[1199] Not all complaints were filed in this way. Archbishop Little also kept his own files in relation to complaints against priests, which were not accessible to others.[1200]

Monsignor Cudmore introduced a complaint file for priests, called a 'red file', when he took the office of Vicar General in 1993. He made handwritten notes of his actions in relation to complaints.[1201] However, those notes were truncated and did not always record the steps to be taken in relation to complaints.

Some complaints were not recorded at all or the records are no longer held by the Archdiocese. Notable gaps in the Archdiocese's records include the following:

- There is no record of the 1978 BTO complaint about Father Baker.
- There are no contemporaneous records of any of the complaints against Father Fasciale made prior to 1992.
- The 1986 letter from Sister Wood to Archbishop Little regarding the complaint against Father O'Donnell in relation to BTZ does not appear to be held by the Archdiocese. There is no other contemporaneous record of this complaint.
- There are no records of the reports to the CEO that Father Searson had a gun.

We are satisfied that the process for documenting and filing complaints was deficient.

Failure to apply laws and policies

Those laws and policies which did exist for responding to complaints of child sexual abuse by priests were not applied in the Archdiocese consistently or at all.

As submitted by the Church parties, a canonical process which enabled the removal of a priest for serious misconduct was in place throughout the period of this case study, albeit with difficulties of process and uncertainty of outcome.[1202]

Cardinal Pell, Archbishop Hart and Monsignor Connors each gave evidence that canonical provisions could have been used at various points in time to remove Father Searson.[1203] Archbishop Little did refer to the canonical grounds for the removal of a priest when he wrote to Father Searson in 1986 and asked him to consider his resignation. In that instance, the Archbishop used the language of Canon 1741 but did not take action when Father Searson refused to resign. A canonical warning was issued but not until 1993.

There was also no use of a canonical procedure to discipline Father Baker when he was accused of child sexual abuse in 1978 or Father Pickering when he was accused of child sexual abuse in 1986.

When specific procedures were introduced by the ACBC and the Archdiocese, they were not properly applied.

As Archbishop Hart told us, there was nothing to show that the two archdiocesan committees and interim procedures established between 1988 and 1994 were deployed or implemented.[1204] Monsignor Deakin said he recalled being involved in an archdiocesan committee 'at some stage' but could only recall one meeting.[1205] We are satisfied the archdiocesan committees did nothing of any effect.

Regarding the procedures at the national level, in the documents tendered in evidence there was scant reference to the ACBC protocols or the SIRG committee established pursuant to them. Archbishop Hart said that minutes had been located for the SIRG meetings in 1993 and 1994, but he had not seen any documents indicating that the SIRG played a role in the investigation of complaints during the period of its existence.[1206]

Although there were some documented references to the SIRG and matters set out in the 1992 Protocol in relation to complaints, the process in the 1992 Protocol does not appear to have been wholly applied and documented for any of the complaints considered after its introduction.

The Catholic education system in Victoria

The evidence revealed areas of dysfunction regarding the structure of Catholic education in Victoria and the role of the CEO in relation to complaints against priests at diocesan schools.

First, notwithstanding the fact that diocesan schools relied upon the advice and assistance of the CEO in responding to complaints, the CEO had no authority to take disciplinary action in respect of a priest. As a consequence, the CEO was not part of the governance structure of the Archdiocese and therefore had little influence.

Secondly, the position of the parish priest as the employer of staff of diocesan schools has the potential to adversely impact on the open and effective reporting of complaints against priests.

Mrs Stack, a former teacher at Holy Family School in Doveton, stated to us that she was afraid she could be fired if it were known that she had reported a complaint against Father Searson.[1207] We also heard from Ms Rafferty that another teacher feared losing her job after allegations of Father Searson's mistreatment of students arose.[1208]

Teachers and other staff are placed in an invidious position of reporting complaints against their employer to a body with no authority to act on those complaints or to protect them from adverse action by their employer. It is understandable that a staff member seeking to report complaints diligently and openly would fear they could be unfairly treated as a result and that this could affect reporting.

9.2 Factors inhibiting decisive action

We do not consider it is accurate to characterise the failures in the Archdiocese's response as only failures of process. Evidently, there were failures and deficiencies in the processes for responding to complaints of child sexual abuse. But the problems were also a product of the structure of the institution and the cultural factors present within the Archdiocese at the time.

Centralised decision-making

During the tenure of Archbishop Little, decision-making within the Archdiocese in response to complaints of child sexual abuse against priests was highly centralised. There were no effective checks and balances on the Archbishop's exercise of his powers in relation to priests the subject of complaints. As the evidence in the case study makes plain, a system for responding to complaints of child sexual abuse in which the exclusive authority for making decisions was vested in one person is deeply flawed.

The Archbishop's advisers and deference to the Archbishop

Monsignor Connors told us that there was 'no doubt' that the culture of seniority and authority in the Church did not encourage questioning of the Archbishop.[1209] He said that he felt constrained in questioning the Archbishop and challenging his decisions or inaction.[1210] With hindsight, he could see that he should have questioned the Archbishop more and pushed back on some of his decisions.[1211]

When asked how the child sexual abuse could occur over decades in the Archdiocese, Archbishop Hart said, 'There was such a respect that only the Archbishop could act, that this introduced a paralysis'.[1212] That is an apt observation.

A number of priests who were Vicars General or Auxiliary Bishops at different times also received complaints or were made aware of allegations against priests.

Monsignor Connors knew:

- in 1978 of the BTO complaint in relation to Father Baker
- in 1992 of the complaints by Ms Taylor in relation to Father Baker and believed at the time that Father Baker was a paedophile
- in 1985 of complaints in relation to Father Searson of inappropriate sexual behaviour with children
- in 1986 of the complaint by Dr Barker in relation to Father Pickering
- in 1993 of a concern that Father Fasciale had inappropriate sexual relationships with boys in the 1970s.

Monsignor Deakin knew:

- in 1992 of a complaint that Father Searson had molested a teenage girl and of concerns regarding his relationship with grade 6 boys
- in 1992 of a complaint that Father Searson 'felt' a boy
- in 1992 of a complaint that Father Fasciale had sexually abused children in the past.

Bishop O'Connell knew:

- in 1977 of a complaint that Father Fasciale was 'too close' to a boy
- in 1992 of the accounts of primary school boys regarding Father Searson, including an allegation of inappropriate sexual touching
- in 1993 of a concern that Father Fasciale had inappropriate sexual relationships with boys in the 1970s.

He probably also knew of a complaint in around 1982 that Father Searson was conducting sex education with individual students in his bedroom.

Monsignor Cudmore knew:

- in 1993 of a complaint that Father Baker had invited BTL into his bed when BTL was a child, where 'sexual activities' occurred
- in 1994 of a complaint that indicated BTM had been sexually abused by Father Baker
- in 1993 that Father Gannon had sexually abused BTP and admitted to 'involvements' with five or six others
- in 1994 of a complaint that Father Daniel had touched children inappropriately.

Cardinal Pell (then Bishop Pell) knew in 1989 of the matters raised in relation to Father Searson by the delegation of teachers and a 'non-specific' allegation of sexual misconduct.

The Church parties submitted that judgments about any person's failure to act needed to be considered in light of the position that the Archbishop was the only person with the power to remove a priest from parish work and in light of the person's own knowledge of the Archbishop's views or inaction.[1213]

The repeated and devastating personal failures of Archbishop Little were laid bare by the evidence. Despite those matters, it would be inaccurate to judge the response of the Archdiocese to complaints of child sexual abuse solely by the action (or inaction) of one man.

Monsignor Connors, Monsignor Deakin, Bishop O'Connell, Monsignor Cudmore and Bishop Pell had the capacity and opportunity to persuade the Archbishop to take action on the matters known to them and either did not do so or were ineffectual. According to the evidence of Monsignor Connors, it was possible to persuade the Archbishop. He said that Bishop Kelly was one priest who was able to express his views forcefully and prevail.[1214]

Archbishop Hart said that, to the extent that members of the Curia had knowledge of complaints and did not 'urge their points', they were part of the failure of process.[1215] He accepted that the Archbishop's advisers needed to make their voices heard.[1216]

Monsignor Connors gave the following evidence about Father Searson in relation to complaints made against him between 1985 and 1993:

> THE CHAIR: Q. The Archbishop had the capacity to stand him down?
>
> A. That's right. With a bit of a process of consultation with three experienced parish priests, but basically it's the Archbishop's decision to stand him down.

Q. It's plain, at the very least that should have happened?

A. Should have happened, absolutely.

Q. Did you recommend to the Archbishop that it happen?

A. No, I didn't.

Q. Why not?

A. Well, it had not been done before to stand a priest down. I had to carry out the procedure with another priest on a matter of financial administration, but this, I think, is far more serious, it might be more difficult in a way, but it was far more demanding and certainly should have been done and I regret that it was not done.

Q. No doubt, as an [Auxiliary] Bishop, or as Vicar-General, you had the capacity to say to the Archbishop, this is serious, this should happen?

A. Yes. Well, he was certainly being informed by Monsignor Doyle of what was happening, and I was trying to keep him informed of what was happening, and he would have been aware of the issues …

Q. But we're talking about now, as it were, a corporate responsibility; you're one of the leaders of this enterprise. You accept that you had a responsibility, don't you, to speak to the Archbishop freely and frankly about it?

A. I should have done it then, a lot more firm and saying 'we must do something about this'.

Q. That was an obligation which fell upon you and other members of the Curia?

A. Other Curia, that's right.[1217]

Monsignor Connors said:

> With hindsight, and with the greater knowledge I now have about paedophiles and sexual abuse, I can see that I should have questioned the Archbishop more. I should have been more robust in pushing back on some of the Archbishop's decisions and questioning his failure to act far more than I did. Again with hindsight, I could have taken some of these issues to the Auxiliary Bishops, seeking their support for more decisive action. Instead, rather than responding quickly to allegations, we adopted a defensive attitude.[1218]

Cardinal Pell accepted that there was a responsibility on any ordained member of the Church to do what they could to influence a bishop to take action, subject to the nature and degree of knowledge the person had.[1219]

In the particular instances listed above, those individuals identified (Monsignor Connors, Monsignor Deakin, Monsignor Cudmore and Bishop Pell) should have advised Archbishop Little to act. As Monsignor Connors said, they could have sought the support of their peers in seeking to persuade the Archbishop. They could also have applied to the Apostolic Nuncio.

Instead, they accepted the inaction of the Archbishop. We consider that this constitutes a series of individual failures by those priests to advise, urge or influence the Archbishop to take action.

Culture of secrecy

Dealing with complaints internally and confidentially

Monsignor Connors was asked about the approach of the Archdiocese to complaints of child sexual abuse in the mid-1980s. He said that he 'almost certainly' approached complaints with a view of keeping them 'in house' and 'private'. He accepted that this was the mentality in the Church at the time.[1220] He could not recall any priests on the Curia or other advisory bodies expressing a contrary view prior to the developments nationally in the late 1980s.[1221] Monsignor Connors accepted that the priority of the Church was to do whatever it could to avoid scandal.[1222]

Archbishop Hart also said that the mentality within the Church in the past was to keep matters in-house, but it was no longer the mentality today.[1223]

Monsignor Deakin was asked whether he could have gone to the police with his concerns about Father Searson. He responded in the following way:

> A. No. I mean, I could have, I could have done lots of, thousands of things, but I wouldn't have gone to the police.
>
> Q. That's a different answer to the question; you could have, whether you did or not and whether you thought you should, is a different question.
>
> A. I see.
>
> Q. You accept that?
>
> A. I accept the difference, but I wouldn't have gone to the police, I'm leaving it at that.[1224]

He later said that reporting to police was 'not part of the agenda'.[1225]

We are satisfied that there was a prevailing culture within the Archdiocese, led by Archbishop Little, of dealing with complaints internally and confidentially to avoid scandal to the Church.

The approach to recording information in minutes and other documents

Monsignor Connors accepted that the minutes of meetings of the Archbishop's advisers were 'not very full' and not necessarily accurate.[1226] He agreed that euphemisms were used and that the topics of discussion might not be included.[1227]

Monsignor Connors said there was an 'expectation' that the minutes would not record matters fully as a way of protecting the Church. He said that this was a cultural matter, which possibly arose 'naturally as a priest, protecting the good name of the church'.[1228]

There was also evidence, as late as 1994, of a policy of not recording information regarding complaints.

The minutes of a February 1994 Curia meeting record:

> Special Issues – Asset Protection
>
> Due to discovery the number of written comments to be kept to a minimum …[1229]

Archbishop Hart said he imagined the conclusion following legal advice was that matters should not be recorded where that was not necessary because they could be used against the Church in litigation.[1230]

It is clear to us from those minutes that the purpose of not recording information was to protect the assets of the Archdiocese in the event of a claim being made against it.

There was also a practice of using oblique or euphemistic language in correspondence and records concerning complaints of child sexual abuse – for example:

- the language in the correspondence regarding Father Fasciale's treatment in the 1970s
- the use of the term 'not in good standing' to refer to a priest who was the subject of complaints
- the use of the term 'Special Issues' to refer primarily to complaints of child sexual abuse.

In our view the minutes of meetings were generally euphemistic, incomplete and inaccurate. None of the minutes refer directly to child sexual abuse or other similar terms. However, when considering the evidence as a whole, we are satisfied that there were such complaints which were or were likely to have been discussed on the occasions identified earlier in this report.

Disguising the reasons for priests' resignations

In the case of Father Fasciale and Father Gannon, the Archbishop disguised the fact that they resigned because they were accused of child sexual abuse by attributing their resignations solely to ill health.

Attempts to maintain secret financial arrangements

In the case of Father Pickering and Father Gannon, the Archbishop sought to conceal their continued financial assistance by the Archdiocese.

Conclusion

We are satisfied that the evidence in the case study showed a prevailing culture of secrecy within the Archdiocese, led by Archbishop Little, in relation to complaints. Complaints were dealt with in a way that sought to protect the Archdiocese from scandal and liability and prioritised the interests of the Church over those of the victims.

10 Victoria Police and the Office of Public Prosecutions

10.1 Inadequacies in the investigation of Father Searson

Police interview of Ms Stewart in December 1990

Ms Stewart told us that she was interviewed by a police officer, Mr Ben Condon, who came on his own. The interview took place at the kitchen table while her parents were in another room.[1231]

Ms Stewart said during the interview she told Mr Condon that she had also been sexually abused by another person and he said, 'Oh my God, what were you wearing a neon sign above your head saying "come and get me"?'. After he said this, Ms Stewart shut down and did not feel she could tell him all of the detail of what had happened to her. She felt that he was blaming her.[1232]

In December 1990, Mr Condon was a probationary officer with Victoria Police. In 2016 he was no longer with Victoria Police and was a member of the Australian Federal Police. At the time of the public hearing, he was overseas on an assignment.[1233] Assistant Commissioner Fontana told us that enquiries had been made with Mr Condon, who said that he did not recall taking the statement and did not know what action was taken after the interview.[1234] Mr Condon advised that he did not believe he would have made the statement attributed to him, but he said that, if he had said anything to offend or upset Ms Stewart, he was deeply sorry.[1235]

Assistant Commissioner Fontana stated that it appeared that another police officer, Sergeant Carroll, also attended the interview. That view was based on an Information Report that listed Sergeant Carroll as the officer who received the anonymous report about Father Searson in late November 1990.[1236] He also said he suspected Sergeant Carroll attended because he was the officer with carriage of the investigation.[1237]

Mr Carroll was no longer a police officer in 2016. Inquiries were made of him by Victoria Police, and he said he had no recollection of the investigation or any dealings with Ms Stewart.[1238]

In our view the Information Report does not establish one way or another who attended the interview. We accept Ms Stewart's account of the interview. She was the only person who had a recollection of the interview and there is no reason to doubt that her recollection is correct.

We are satisfied that she was interviewed by a probationary officer, without a more senior officer or other adult present.

The comment that the probationary officer, Mr Condon, made during the interview was highly insensitive and inappropriate. There was no evidence that Mr Condon intended for his comment to be offensive, but it shows that a junior male officer not trained in dealing with survivors of child sexual abuse should not have been sent alone to take the statement. It caused Ms Stewart to feel that she was to blame for the sexual abuse she said she had suffered. She was not and should not have been made to believe she was.

Interview contrary to practice and policies

Assistant Commissioner Fontana gave evidence that few applicable policies had been located. The most relevant policy was a Force Circular Memo dated 1 November 1989. It provided only limited guidance in relation to how sexual assaults should be investigated.[1239] However, he said:

- It would be 'highly unusual' for a junior police officer to attend and interview a complainant without a more senior officer present.
- As Ms Stewart was only 15 years old, there should have been another adult present.
- The guidelines in place required the welfare of the complainant to be the officer's first consideration, that the complainant be kept informed of the progress of investigations and that the officer would follow up to enquire if the complainant needed to be referred to a supporting agency.

Assistant Commissioner Fontana said that there was a policy or an expectation that a female police officer would also have been present.[1240] He agreed that a probationary officer may not have been aware of all the police procedures and would not have had specialist training to take statements from victims of sexual assault in 1990.[1241]

We are satisfied that the interview with Ms Stewart was not carried out in accordance with Victoria Police's policies or the accepted practice in place at the time.

Failure to recognise and act on a criminal offence

Ms Stewart told us that Mr Condon said to her, 'Unfortunately there's not enough here for me to go by', in relation to statement she provided. She understood that to mean that Father Searson would not be charged.[1242] The Information Report prepared around the time of her interview records 'Nil offences disclosed as previously believed'.[1243]

Ms Stewart's police statement records the following incidents:

- Father Searson made her sit on his knee.
- Father Searson made her kiss him on the cheek and tell him that she loved him.
- Father Searson dragged her onto his lap, where she could feel his erect penis pushing against her back.

Despite those matters, the Child Exploitation Unit of Victoria Police concluded in December 1990 that Ms Stewart had not disclosed a criminal offence.

Although it was not clear on the documents whether Father Searson was interviewed, Assistant Commissioner Fontana agreed that Father Searson would not have been interviewed if the view was that no offence was disclosed.[1244]

In 1994 the Child Exploitation Unit created a profile for Father Searson. Assistant Commissioner Fontana told us that this was done as part of an operation to provide districts with information about active paedophiles in their areas.[1245]

The profile records that 'CEU have investigated the complaints and find no allegations of a sexual nature'.[1246] Assistant Commissioner Fontana agreed this was the best evidence of why the matter in relation to Ms Stewart did not progress.[1247]

Assistant Commissioner Fontana was asked to comment on why that conclusion was drawn, and he said the reason was not clear to him.[1248] He said he was surprised by the comment in 1990 that nil offences were disclosed, and he disagreed with it. He said in relation to Ms Stewart's statement there was 'quite clearly an indecency around it' and 'the whole circumstances were surrounded with indecency'.[1249] He later agreed that the matters that Ms Stewart disclosed constituted at least an indecent assault.[1250]

We agree. The matters Ms Stewart disclosed constituted the basis for charges under the *Crimes Act 1958* (Vic).

The conclusion that Ms Stewart's statement did not disclose a criminal offence was plainly wrong. The Child Exploitation Unit failed to recognise the criminality of the conduct and failed to progress the investigation.

10.2 Inadequacies in the investigation of Father Fasciale

Excessive delays

In late May 1994 BTC, BTD and BTA provided statements to Victoria Police in Geelong and Knox, alleging they had been indecently assaulted by Father Fasciale between 1953 and 1965.[1251]

Father Fasciale was interviewed in September 1994 at the Geelong Criminal Investigation Branch (CIB). He told officers he could not recall the incidents due to the passage of time, but he did not deny the allegations.[1252]

Police prepared a brief of evidence and, on 17 October 1994, submitted the brief to the Police Legal Adviser for a decision on whether to prosecute.[1253]

On 10 March 1995 the Police Legal Adviser returned the brief to Geelong CIB with a report stating that the matters were serious and should proceed depending on the view of the Director of Public Prosecutions (DPP).[1254] The brief was then sent to the Office of Public Prosecutions (OPP) on 14 March.[1255] Assistant Commissioner Fontana told us that the decision to progress the matter or not was ultimately one for Victoria Police and that advice was sought from the DPP regarding the sufficiency of the evidence.[1256]

Between March and October 1995, BTD wrote a number of letters to Geelong CIB inquiring as to the state of the matter and why it had not progressed.[1257]

On 6 October 1995, an officer from Geelong CIB made inquiries with the OPP. He was informed that the matter had been referred to a barrister for an expedited decision. He asked the OPP to return the brief to Geelong CIB for a decision if the matter was not resolved in the near future.[1258]

On 4 December 1995, an employee of the OPP contacted a detective at Geelong CIB and requested a copy of the brief of evidence, as the original could not be located.[1259] A copy was provided on 8 December.[1260]

Father Fasciale died on 13 March 1996, before any decision was made as to whether to proceed with his prosecution. He was never charged.

Assistant Commissioner Fontana accepted that the delay was excessive and unusual.[1261] He also accepted that it was open to Victoria Police to ask for the brief to be returned and to proceed without the advice of the OPP, although he said it would be unusual to do so.[1262] He could not explain why Victoria Police did not more actively seek the return of the brief, as foreshadowed. He accepted that this letter was the extent of action taken by Victoria Police to follow up on a decision with the OPP.[1263]

The DPP, Mr John Champion SC, provided a statement to the Royal Commission. He said there was no record of any advice being provided by the OPP.[1264] He could not explain the reasons for the delay but said it was apparent at least some delay was caused by the loss of the brief in late 1995.[1265] He said that nowadays there was a formal policy which provides processes and time frames for the processing of requests for advice. He said that the apparent mishandling of the Father Fasciale matter would be unlikely to occur under the current processes within the OPP.[1266]

We consider that there were excessive delays on the part of Victoria Police and the OPP in reaching a decision on whether to prosecute Father Fasciale. The consequence of this was that no charges were brought prior to Father Fasciale's death.

Such delays caused unnecessary stress to BTD and probably to the other complainants as well.

Unsatisfactory document and information management

In June and July of 1995 four additional persons came forward and provided statements to Victoria Police regarding allegations of child sexual abuse perpetrated by Father Fasciale between 1967 and 1974.[1267] These reports were received by Newport Community Policing Squad, a different department to the original complaints.

Assistant Commissioner Fontana told us that these additional complaints were processed without those officers involved being aware of the pre-existing complaints against Father Fasciale or the ongoing brief process.[1268] He could not explain why that was the case, given the earlier reports were recorded on Victoria Police's electronic database. He said he would have expected the relevant officers to check the database before and during their investigation.[1269] He said a possible explanation was that the officers who processed the Newport complainants did not use the electronic database, as it was a relatively new system.[1270]

As set out above, the OPP's document management was also deficient in that the original brief of evidence was lost.

We are satisfied that the document and information management by Victoria Police and the OPP in relation to the Father Fasciale matter was unsatisfactory.

11 Systemic Issues

The systemic issues arising in Case Study 35 are:

- the governance of the Archdiocese
- the effect of cultural, structural and factors present within the Archdiocese and its institutions on the response to allegations of child sexual abuse
- knowledge of senior Church personnel of allegations of sexual abuse of children by priests
- movement and treatment of priests accused of child sexual abuse
- disciplinary action against priests accused of child sexual abuse
- the need to have and apply policies and procedures for handling complaints of child sexual abuse
- reporting allegations of child sexual abuse to child protection authorities and the police
- record keeping.

Appendix A: Terms of Reference

Letters Patent dated 11 January 2013

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

TO

The Honourable Justice Peter David McClellan AM,
Mr Robert Atkinson,
The Honourable Justice Jennifer Ann Coate,
Mr Robert William Fitzgerald AM,
Dr Helen Mary Milroy, and
Mr Andrew James Marshall Murray

GREETING

WHEREAS all children deserve a safe and happy childhood.

AND Australia has undertaken international obligations to take all appropriate legislative, administrative, social and educational measures to protect children from sexual abuse and other forms of abuse, including measures for the prevention, identification, reporting, referral, investigation, treatment and follow up of incidents of child abuse.

AND all forms of child sexual abuse are a gross violation of a child's right to this protection and a crime under Australian law and may be accompanied by other unlawful or improper treatment of children, including physical assault, exploitation, deprivation and neglect.

AND child sexual abuse and other related unlawful or improper treatment of children have a long-term cost to individuals, the economy and society.

AND public and private institutions, including child-care, cultural, educational, religious, sporting and other institutions, provide important services and support for children and their families that are beneficial to children's development.

AND it is important that claims of systemic failures by institutions in relation to allegations and incidents of child sexual abuse and any related unlawful or improper treatment of children be fully explored, and that best practice is identified so that it may be followed in the future both to protect against the occurrence of child sexual abuse and to respond appropriately when any allegations and incidents of child sexual abuse occur, including holding perpetrators to account and providing justice to victims.

AND it is important that those sexually abused as a child in an Australian institution can share their experiences to assist with healing and to inform the development of strategies and reforms that your inquiry will seek to identify.

AND noting that, without diminishing its criminality or seriousness, your inquiry will not specifically examine the issue of child sexual abuse and related matters outside institutional contexts, but that any recommendations you make are likely to improve the response to all forms of child sexual abuse in all contexts.

AND all Australian Governments have expressed their support for, and undertaken to cooperate with, your inquiry.

NOW THEREFORE We do, by these Our Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia on the advice of the Federal Executive Council and under the Constitution of the Commonwealth of Australia, the *Royal Commissions Act 1902* and every other enabling power, appoint you to be a Commission of inquiry, and require and authorise you, to inquire into institutional responses to allegations and incidents of child sexual abuse and related matters, and in particular, without limiting the scope of your inquiry, the following matters:

a. what institutions and governments should do to better protect children against child sexual abuse and related matters in institutional contexts in the future;

b. what institutions and governments should do to achieve best practice in encouraging the reporting of, and responding to reports or information about, allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;

c. what should be done to eliminate or reduce impediments that currently exist for responding appropriately to child sexual abuse and related matters in institutional contexts, including addressing failures in, and impediments to, reporting, investigating and responding to allegations and incidents of abuse;

d. what institutions and governments should do to address, or alleviate the impact of, past and future child sexual abuse and related matters in institutional contexts, including, in particular, in ensuring justice for victims through the provision of redress by institutions, processes for referral for investigation and prosecution and support services.

AND We direct you to make any recommendations arising out of your inquiry that you consider appropriate, including recommendations about any policy, legislative, administrative or structural reforms.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, We direct you, for the purposes of your inquiry and recommendations, to have regard to the following matters:

e. the experience of people directly or indirectly affected by child sexual abuse and related matters in institutional contexts, and the provision of opportunities for them to share their experiences in appropriate ways while recognising that many of them will be severely traumatised or will have special support needs;

f. the need to focus your inquiry and recommendations on systemic issues, recognising nevertheless that you will be informed by individual cases and may need to make referrals to appropriate authorities in individual cases;

g. the adequacy and appropriateness of the responses by institutions, and their officials, to reports and information about allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;

h. changes to laws, policies, practices and systems that have improved over time the ability of institutions and governments to better protect against and respond to child sexual abuse and related matters in institutional contexts.

AND We further declare that you are not required by these Our Letters Patent to inquire, or to continue to inquire, into a particular matter to the extent that you are satisfied that the matter has been, is being, or will be, sufficiently and appropriately dealt with by another inquiry or investigation or a criminal or civil proceeding.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, We direct you, for the purposes of your inquiry and recommendations, to consider the following matters, and We authorise you to take (or refrain from taking) any action that you consider appropriate arising out of your consideration:

i. the need to establish mechanisms to facilitate the timely communication of information, or the furnishing of evidence, documents or things, in accordance with section 6P of the *Royal Commissions Act 1902* or any other relevant law, including, for example, for the purpose of enabling the timely investigation and prosecution of offences;

j. the need to establish investigation units to support your inquiry;

k. the need to ensure that evidence that may be received by you that identifies particular individuals as having been involved in child sexual abuse or related matters is dealt with in a way that does not prejudice current or future criminal or civil proceedings or other contemporaneous inquiries;

l. the need to establish appropriate arrangements in relation to current and previous inquiries, in Australia and elsewhere, for evidence and information to be shared with you in ways consistent with relevant obligations so that the work of those inquiries, including, with any necessary consents, the testimony of witnesses, can be taken into account by you in a way that avoids unnecessary duplication, improves efficiency and avoids unnecessary trauma to witnesses;

m. the need to ensure that institutions and other parties are given a sufficient opportunity to respond to requests and requirements for information, documents and things, including, for example, having regard to any need to obtain archived material.

AND We appoint you, the Honourable Justice Peter David McClellan AM, to be the Chair of the Commission.

AND We declare that you are a relevant Commission for the purposes of sections 4 and 5 of the *Royal Commissions Act 1902*.

AND We declare that you are authorised to conduct your inquiry into any matter under these Our Letters Patent in combination with any inquiry into the same matter, or a matter related to that matter, that you are directed or authorised to conduct by any Commission, or under any order or appointment, made by any of Our Governors of the States or by the Government of any of Our Territories.

AND We declare that in these Our Letters Patent:

child means a child within the meaning of the Convention on the Rights of the Child of 20 November 1989.

government means the Government of the Commonwealth or of a State or Territory, and includes any non-government institution that undertakes, or has undertaken, activities on behalf of a government.

institution means any public or private body, agency, association, club, institution, organisation or other entity or group of entities of any kind (whether incorporated or unincorporated), and however described, and:

i. includes, for example, an entity or group of entities (including an entity or group of entities that no longer exists) that provides, or has at any time provided, activities, facilities, programs or services of any kind that provide the means through which adults have contact with children, including through their families; and

ii. does not include the family.

institutional context: child sexual abuse happens in an institutional context if, for example:

i. it happens on premises of an institution, where activities of an institution take place, or in connection with the activities of an institution; or

ii. it is engaged in by an official of an institution in circumstances (including circumstances involving settings not directly controlled by the institution) where you consider that the institution has, or its activities have, created, facilitated, increased, or in any way contributed to, (whether by act or omission) the risk of child sexual abuse or the circumstances or conditions giving rise to that risk; or

iii. it happens in any other circumstances where you consider that an institution is, or should be treated as being, responsible for adults having contact with children.

law means a law of the Commonwealth or of a State or Territory.

official, of an institution, includes:

i. any representative (however described) of the institution or a related entity; and

ii. any member, officer, employee, associate, contractor or volunteer (however described) of the institution or a related entity; and

iii. any person, or any member, officer, employee, associate, contractor or volunteer (however described) of a body or other entity, who provides services to, or for, the institution or a related entity; and

iv. any other person who you consider is, or should be treated as if the person were, an official of the institution.

related matters means any unlawful or improper treatment of children that is, either generally or in any particular instance, connected or associated with child sexual abuse.

AND We:

n. require you to begin your inquiry as soon as practicable, and

o. require you to make your inquiry as expeditiously as possible; and

p. require you to submit to Our Governor-General:

i. first and as soon as possible, and in any event not later than 30 June 2014 (or such later date as Our Prime Minister may, by notice in the *Gazette*, fix on your recommendation), an initial report of the results of your inquiry, the recommendations for early consideration you may consider appropriate to make in this initial report, and your recommendation for the date, not later than 31 December 2015, to be fixed for the submission of your final report; and

ii. then and as soon as possible, and in any event not later than the date Our Prime Minister may, by notice in the *Gazette*, fix on your recommendation, your final report of the results of your inquiry and your recommendations; and

q. authorise you to submit to Our Governor-General any additional interim reports that you consider appropriate.

IN WITNESS, We have caused these Our Letters to be made Patent

WITNESS Quentin Bryce, Governor-General of the Commonwealth of Australia.

Dated 11th January 2013
Governor-General
By Her Excellency's Command
Prime Minister

Letters Patent dated 13 November 2014

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

TO

The Honourable Justice Peter David McClellan AM,
Mr Robert Atkinson,
The Honourable Justice Jennifer Ann Coate,
Mr Robert William Fitzgerald AM,
Dr Helen Mary Milroy, and
Mr Andrew James Marshall Murray

GREETING

WHEREAS We, by Our Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia, appointed you to be a Commission of inquiry, required and authorised you to inquire into certain matters, and required you to submit to Our Governor-General a report of the results of your inquiry, and your recommendations, not later than 31 December 2015.

AND it is desired to amend Our Letters Patent to require you to submit to Our Governor-General a report of the results of your inquiry, and your recommendations, not later than 15 December 2017.

NOW THEREFORE We do, by these Our Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia on the advice of the Federal Executive Council and under the Constitution of the Commonwealth of Australia, the *Royal Commissions Act 1902* and every other enabling power, amend the Letters Patent issued to you by omitting from subparagraph (p)(i) of the Letters Patent "31 December 2015" and substituting "15 December 2017".

IN WITNESS, We have caused these Our Letters to be made Patent.

WITNESS General the Honourable Sir Peter Cosgrove AK MC (Ret'd),
Governor-General of the Commonwealth of Australia.

Dated 13th November 2014
Governor-General
By His Excellency's Command
Prime Minister

Appendix B: Public Hearing

The Royal Commission	Justice Peter McClellan AM (Chair) Justice Jennifer Coate Mr Bob Atkinson AO APM Mr Robert Fitzgerald AM Professor Helen Milroy Mr Andrew Murray
Commissioners who presided	Justice Peter McClellan AM (Chair) Justice Jennifer Coate Mr Andrew Murray
Dates of hearing	24 November – 4 December 2015 (Melbourne) 5, 8 and 29 February 2016 1–3 March 2016 13 and 27 April 2016 (Sydney)
Legislation	*Royal Commissions Act 1902* (Cth) *Evidence (Miscellaneous Provisions) Act 1958* (Vic)
Leave to appear	The Truth, Justice and Healing Council and the Catholic Archdiocese of Melbourne The State of Victoria Cardinal George Pell Peter O'Callaghan QC BVD BVC Graeme Sleeman Philip O'Donnell Carmel Rafferty Julie Stewart BTU BTO

Legal representation	G Furness SC, Counsel Assisting the Royal Commission S Free, Counsel Assisting the Royal Commission M Wheelahan QC and P Lawrie, instructed by K Harrison of Gilbert + Tobin, appearing for the Truth, Justice and Healing Council and the Catholic Archdiocese of Melbourne A Myers QC and S Duggan, instructed by M do Rozario of Corrs Chambers Westgarth, appearing for Cardinal George Pell D Collins QC and A Woods, instructed by G Austin of Corrs Chambers Westgarth, appearing for Peter O'Callaghan QC C Scerri QC and L Brown, instructed by M Boscaglia of the Victorian Government Solicitor, appearing for the State of Victoria C Serpell, instructed by Angela Sdrinis Legal, appearing for BVD, Julie Stewart and BTU P O'Dwyer SC and D O'Brien, instructed by P Holdway of Lewis Holdway Lawyers, appearing for Graeme Sleeman D O'Brien, instructed by P Holdway of Lewis Holdway Lawyers, appearing for Philip O'Donnell and BVC Emma Turnbull and Stephanie Keogh-Barnes of Emma Turnbull Lawyers appearing for BTO
Pages of transcript	1,598
Notices and Summons to produce documents issued under *Royal Commissions Act 1902* (Cth) and *Evidence (Miscellaneous Provisions) Act 1958* (Vic)	49
Documents produced	25,525
Number of exhibits	71

Witnesses	**Mr Philip O'Donnell** Former priest of the Catholic Archdiocese of Melbourne **BVD** Survivor witness **Ms Julie Stewart** Survivor witness **Graeme Sleeman** Former principal of Holy Family Primary School in Doveton **Ms Carmel Rafferty** Former teacher at Holy Family Primary School in Doveton **Monsignor Thomas Doyle** Former Director of Catholic Education in the Catholic Archdiocese of Melbourne **Mr Allan Dooley** Former educational consultant at the Catholic Education Office in Melbourne **Bishop Emeritus Peter Joseph Connors** Former Vicar General and Auxiliary Bishop of the Catholic Archdiocese of Melbourne **BVC** Survivor witness **BTO** Survivor witness **BTU** Survivor witness **Ms Patricia Taylor** Former principal of St James Primary School in North Richmond **Archbishop Denis James Hart** Archbishop of the Catholic Archdiocese of Melbourne **Dr Peter Barker** General practitioner **Mr Stephen Fontana** Assistant Commissioner of Victoria Police

Witnesses	**Mr William Howitt** Former Senior Constable of Victoria Police **Bishop Emeritus Hilton Deakin** Former Vicar General and Auxiliary Bishop of the Catholic Archdiocese of Melbourne **Cardinal George Pell** Former Auxiliary Bishop and Archbishop of the Catholic Archdiocese of Melbourne **Mr Peter Annett** Former Deputy Director of the Catholic Education Office in Melbourne **Mrs Catherine Briant** Former educational consultant at the Catholic Education Office in Melbourne

Appendix C: The Royal Commission Data Survey

The Royal Commission has conducted a comprehensive data survey of all Catholic Church authorities in Australia, including the Archdiocese. The data relates to claims and substantiated complaints received by the Archdiocese against personnel (including clergy, religious and lay people) operating within the Archdiocese at the time of the alleged child sexual abuse.

The data survey sought all claims and substantiated complaints of child sexual abuse that were received by the Archdiocese of Melbourne during the period 1 January 1980 to 28 February 2015.[1271]

The data in relation to the Archdiocese was presented in the form of a data analysis report prepared by the Royal Commission from the data produced by the Catholic Church authorities. The report was tendered.[1272]

Data in relation to the Archdiocese

The data reported that 454 people made either a claim or substantiated complaint within that period.[1273]

Where known, the gender of those people was 72 per cent male and 28 per cent female. The average age of those people at the time of the alleged sexual abuse was 10 years old for girls and 11 years old for boys.[1274]

The data identified 188 persons subject to one or more claims or substantiated complaints.[1275] The data indicated that 53 per cent of the accused were priests, 16 per cent were members of a religious order and 46 per cent were employees or volunteers.[1276]

The decade with the highest number of alleged incidents of child sexual abuse was the 1970s, with 142, or 34 per cent of the total claims or substantiated complaints, relating to that time period.[1277]

From the surveyed data, the total amount of compensation paid was $12.8 million, with an average payment of almost $40,000 per claim or substantiated complaint. When taking into consideration treatment, legal and other costs, a total of $16.8 million was paid to claimants at an average of around $52,000 per claimant.[1278]

Data in relation to Father Searson

The data produced to the Royal Commission revealed that three people made a claim or complaint of child sexual abuse that was substantiated against Father Searson.[1279]

The claims or substantiated complaints of child sexual abuse against Father Searson related to alleged incidents that occurred in the period from 1974 to 1985 (inclusive).[1280]

Data in relation to Father Baker

The data produced to the Royal Commission revealed that 21 people made a claim or complaint of child sexual abuse that was substantiated against Father Baker. The alleged incidents occurred between 1960 and 1985 (inclusive)[1281] and related to 15 institutions, generally parishes and schools.[1282] Eighteen claims were made against Father Baker prior to his death.[1283]

Where the age of the claimant was known, 84 per cent of the claimants were under the age of 13 years at the time of the sexual abuse.[1284] The average age of these children at the time of the alleged sexual abuse (where reported) was 11 for males and 12 for females.[1285] Where the gender was reported, 95 per cent of claimants were male.[1286]

Of the 21 claims or substantiated complaints of child sexual abuse against Father Baker, three resulted in a civil claim.[1287] Each resulted in an average payment of around $167,000 per claimant (including treatment, legal and other costs).[1288] Of the remaining 18 progressed through the Melbourne Response, 16 resulted in monetary compensation at an average of around $35,000 per claimant (including treatment, legal and other costs).[1289]

In terms of insurance (where known), the data revealed that 10 claims had indemnity reduced or denied due to prior knowledge.[1290]

Data in relation to Father Pickering

The data produced to the Royal Commission indicates that 19 people made a claim of child sexual abuse in relation to Father Pickering.[1291]

The data indicates that the gender of the people who made a claim of child sexual abuse against Father Pickering (where the gender is reported) is 95 per cent male (18 claimants) and 5 per cent female (one claimant).[1292]

The average age of these children at the time of the alleged sexual abuse (where the age was reported) was nine years old for female claimants and 12 years old for male claimants.[1293]

Where the age of the claimant was known, 79 per cent were under the age of 13 years at the time of the alleged sexual abuse and 21 per cent were 13 years or older.[1294]

The claims of child sexual abuse against Father Pickering relate to alleged incidents that occurred in the period from 1960 to 1989 (inclusive),[1295] with the highest number of incidents occurring in the 1970s.[1296]

The data records that all 19 claims went through the Melbourne Response and 16 resulted in monetary compensation, with an average payment of just over $55,000 per claimant (including treatment, legal and other costs).[1297]

Data in relation to Father Fasciale

The data produced to the Royal Commission records that 20 people made a claim of child sexual abuse against Father Fasciale.[1298]

The data indicates that the gender of the people who made a claim of child sexual abuse against Father Fasciale (where the gender was reported) is 70 per cent male and 30 per cent female.[1299]

The average age of these children at the time of the alleged sexual abuse (where the age was reported) was eight years old for female claimants and 10 years old for male claimants.[1300]

Where the age of the claimant was known, 78 per cent were under the age of 13 years at the time of the alleged sexual abuse and 22 per cent were 13 years or older.[1301]

The claims of child sexual abuse against Father Fasciale relate to alleged incidents that occurred in the period from 1953 to 1985 (inclusive).[1302]

Data in relation to Father O'Donnell

The data produced to the Royal Commission indicated that 56 people have made either a claim or a complaint of child sexual abuse that was substantiated against Father O'Donnell.[1303] Most of the sexual abuse alleged occurred in Dandenong in the 1950s and 1960s and Oakleigh in the 1970s and 1980s.[1304]

The Sacred Heart Primary School and the Sacred Heart Parish in Oakleigh were identified as the institutions within the Archdiocese of Melbourne with the highest number of claims against a priest, with 15 and eight claims respectively.[1305]

The data indicated that the gender of the people who made a claim or were the subject of a substantiated complaint of child sexual abuse against Father O'Donnell (where the gender was reported) was 84 per cent male (47 people) and 16 per cent female (nine people).[1306]

The average age of these children at the time of the alleged sexual abuse (where the age was reported) was 10 years old for female claimants and 11 years old for male claimants.[1307]

Where the age of the claimant was known, 73 per cent of the claimants were under the age of 13 years at the time of the alleged sexual abuse and 27 per cent were 13 years or older.[1308]

The claims or substantiated complaints against Father O'Donnell related to alleged incidents that occurred in the period from 1944 and 1990 inclusive.[1309]

Data in relation to Father Gannon

The data produced to the Royal Commission records that 25 people made a claim of child sexual abuse in relation to Father Gannon.[1310] The data records that Father Gannon was 25 years old at the time of the first alleged incident of child sexual abuse, two years before his ordination.[1311] The claims of child sexual abuse against Father Gannon alleged incidents that occurred between 1954 and 1984 (inclusive) and relate to 14 institutions, generally parishes and schools.[1312]

The average age of the children at the time of the alleged sexual abuse (where the age was reported) was eight years old for female claimants (two claimants) and 11 years old for male claimants (23 claimants).[1313]

The data shows that 25 claims went through the Melbourne Response and 22 resulted in paid compensation.[1314] Twenty-four of the claims against Father Gannon were made before his death.[1315] After taking into account treatment, legal and other costs, the Archdiocese paid just over $848,000 to claimants, at an average of around $39,000 per claimant.[1316]

The data recorded that there were no claims in respect of which indemnity was denied or reduced due to a finding of prior knowledge of the Archdiocese.[1317]

Data in relation to Father Daniel

The data produced to the Royal Commission indicated that seven people made a claim of child sexual abuse against Father Daniel.[1318] The alleged incidents occurred between 1972 and 1994 (inclusive).[1319]

The data indicated that the gender of the people who made a claim of child sexual abuse against Father Daniel, where the gender was reported, was 86 per cent male (six claimants) and 14 per cent female (one claimant).[1320]

The average age of these children at the time of the alleged sexual abuse, where the age was reported, was eight years old for female claimants and 10 years old for male claimants.[1321]

Where the age of the claimant was known, 80 per cent were under the age of 13 years at the time of the alleged sexual abuse and 20 per cent were 13 years or older.[1322]

The data identified four institutions in relation to the Archdiocese that were subject to claims of child sexual abuse against Father Daniel.[1323]

Appendix D: Archdiocesan Authorities 1917–1996

Archbishop	**Daniel Mannix** (d)	**6 May 1917 – 6 November 1963**
Co-adjutor Bishop	**Justin Daniel Simonds** (d 1967)	6 September 1942 – 6 November 1963
Auxiliary Bishop	**Arthur Francis Fox** (d 1997)	11 October 1956 – 19 November 1967 (appointed Bishop of Sale diocese until 1981)
Archbishop	**Justin Daniel Simonds** (d)	**6 November 1963 – 13 May 1967**
Auxiliary Bishop	**Lawrence Patrick Moran** (d)	9 November 1964 – 15 March 1970
	John Neil Cullinane (d)	29 November 1967 – 18 August 1974
Archbishop	**James Robert Knox** (d)	**13 April 1967 – 1 July 1974**
Auxiliary Bishop	**John Neil Cullinane** (d)	29 November 1967 – 18 August 1974
	Thomas Francis Little (d)	16 November 1972 – 1974
	Eric Gerard Perkins (d)	16 November 1972 – 1991
	John Anthony Kelly (d)	16 November 1972 – 1986
Archbishop	**Sir Thomas Francis Little** (d)	**1 July 1974 – 16 July 1996**
Auxiliary Bishop	**Eric Gerard Perkins** (d)	16 November 1972 – 20 August 1991
	John Anthony Kelly (d)	16 November 1972 – 19 August 1986
	Joseph Peter O'Connell (d) - Western Region - Northern Region	24 January 1976 – 11 December 2006
	Peter Joseph Connors - Western Region	21 May 1987 – 30 May 1997 (then appointed Bishop of Ballarat)
	George Pell - Southern Region	30 March 1987 – 16 July 1996
	Hilton Forrest Deakin - Eastern Region	3 March 1993 – 13 November 2007 (now Bishop Emeritus)
Vicar General	**Peter Joseph Connors**	1976 – March 1987
	Hilton Forrest Deakin	May 1987 – 30 December 1992
	Gerald Cudmore (d)	February 1993 – 1996

Endnotes

1 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 16: The Melbourne Response*, Sydney, 2015, p 4.
2 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 16: The Melbourne Response*, Sydney, 2015, p 6.
3 Transcript of application by A Myers, Case Study 28, 11 December 2015 at 14661:24–27.
4 Transcript of Directions Hearing, Case Study 28 and Case Study 35, 8 February 2016 at 61:12–18.
5 Transcript of Directions Hearing, Case Study 28 and Case Study 35, 8 February 2016 at 61:34–44.
6 Transcript of Directions Hearing, Case Study 28 and Case Study 35, 8 February 2016 at 62:7–22.
7 Submissions of Cardinal Pell, Case Study 35, SUBM.1035.003.0001, para [19].
8 Submissions of Cardinal Pell, Case Study 35, SUBM.1035.003.0001, para [19].
9 Submissions of Cardinal Pell, Case Study 35, SUBM.1035.003.0001, para [19].
10 Transcript of D Hart, Case Study 35, 30 November 2015 at 13682:37.
11 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [36].
12 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [37].
13 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [37].
14 Transcript of P Connors, Case Study 35, 3 December 2015 at 14014:23–14015:5.
15 Transcript of D Hart, Case Study 35, 30 November 2015 at 13639:3–9.
16 Transcript of D Hart, Case Study 35, 30 November 2015 at 13639:11–37.
17 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [36]–[37]; Transcript of D Hart, Case Study 35, 30 November 2015 at 13638:27–32.
18 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [41].
19 Transcript of P Connors, Case Study 35, 27 November 2015 at 13513:5–14.
20 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [41]–[42].
21 Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [26].
22 Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [26]; Exhibit 35-0049, 'Statement of H Deakin', Case Study 35, STAT.0768.001.0001_R at [19].
23 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [42], [44], [50].
24 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [39].
25 Exhibit 35-0067, 'Letter from Farther Mark Podesta JCL RE: Canonical Advice', Case Study 35, COR.0015.001.0015_R at 0016.
26 Exhibit 35-0049, 'Statement of H Deakin', Case Study 35, STAT.0768.001.0001_R at [31]; Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [53]–[54]; Transcript of G Pell, Case Study 35, 2 March 2016 at 16344:25–45.
27 Exhibit 35-0049, 'Statement of H Deakin', Case Study 35, STAT.0768.001.0001_R at [31].
28 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [43]; Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [41].
29 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [44]–[45].
30 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [47]; Transcript of D Hart, Case Study 35, 30 November 2015 at 13652:45–13653:4.
31 Transcript of P Connors, Case Study 35, 3 December 2015 at 14019:17–22.
32 Exhibit 35-0067, 'The competencies of the College of Consultors and Diocesan Consultors', Case Study 35, COR.0015.001.0011.
33 Exhibit 35-0067, 'The competencies of the College of Consultors and Diocesan Consultors', Case Study 35, COR.0015.001.0011.
34 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [48].
35 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [49].
36 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [50]; Transcript of D Hart, Case Study 35, 30 November 2015 at 13638:7–13; Exhibit 35-0067, '1983 Code of Cannon Law Extract', Case Study 35, COR.0015.001.0011.

37 Exhibit 35-0002, 'Minutes of Diocesan Consultors Meeting', Case Study 35, CTJH.221.06058.0014; Exhibit 35-0002, 'Minutes of Diocesan Consultors Meeting', Case Study 35, CTJH.221.06058.0008; Exhibit 35-0042, 'Minutes of Diocesan Consultors Meeting', Case Study 35, CTJH.221.10005.0123; Exhibit 35-0042, 'Minutes of Diocesan Consultors Meeting', Case Study 35, CTJH.221.10005.0074; Exhibit 35-0042, 'Minutes of Diocesan Consultors Meeting', Case Study 35, CTJH.221.10005.0063; Exhibit 35-0042, 'Minutes of Diocesan Consultors Meeting', Case Study 35, CTJH.221.10005.0042; Exhibit 35-0042, 'Minutes of Diocesan Consultors Meeting', Case Study 35, CTJH.221.10005.0016; Exhibit 35-0042, 'Minutes of Diocesan Consultors Meeting', Case Study 35, CTJH.221.10005.0003; Exhibit 35-0042, 'Minutes of Diocesan Consultors Meeting', Case Study 35, CTJH.221.10004.0200; Exhibit 35-0008, 'Minutes of Diocesan Consultors Meeting', Case Study 35, CTJH.221.10004.0218_E; Exhibit 35-0008, 'Minutes of Diocesan Consultors Meeting', Case Study 35, CTJH.221.10004.0019.
38 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [51].
39 Transcript of G Pell, Case Study 35, 2 March 2016 at 16342:4–28.
40 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [52]; Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [45].
41 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [53].
42 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [51]; Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [45]; Exhibit 35-0049, 'Statement of H Deakin', Case Study 35, STAT.0768.001.0001_R at [21].
43 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [54].
44 Exhibit 35-0022, 'Statement of T Doyle', Case Study 35, STAT.0778.001.0001_R at [25].
45 Exhibit 35-0022, 'Statement of T Doyle', Case Study 35, STAT.0778.001.0001_R at [23]–[24].
46 Exhibit 35-0022, 'Statement of T Doyle', Case Study 35, STAT.0778.001.0001_R at [23].
47 Exhibit 35-0022, 'Statement of T Doyle', Case Study 35, STAT.0778.001.0001_R at [22].
48 Exhibit 35-0022, 'Statement of T Doyle', Case Study 35, STAT.0778.001.0001_R at [25].
49 Exhibit 35-0022, 'Statement of T Doyle', Case Study 35, STAT.0778.001.0001_R at [26]–[27].
50 Exhibit 35-0022, 'Statement of T Doyle', Case Study 35, STAT.0778.001.0001_R at [13]; Transcript of T Doyle, Case Study 35, 26 November 2015 at 13352:9–40.
51 Exhibit 35-0022, 'Statement of T Doyle', Case Study 35, STAT.0778.001.0001_R at [15]; Transcript of T Doyle, Case Study 35, 26 November 2015 at 13352:42–13353:2; Exhibit 35-0002, 'Agenda of Meeting with Archbishop Little', Case Study 35, CTJH.222.01021.0001; Exhibit 35-0002, 'Agenda of Meeting with Archbishop Little', Case Study 35, CTJH.222.01021.0003; Exhibit 35-0002, 'Agenda of Meeting with Archbishop Little', Case Study 35, CTJH.222.01021.0005; Exhibit 35-0002, 'Agenda of Meeting with Archbishop Little', Case Study 35, CTJH.222.01021.0007; Exhibit 35-0002, 'Agenda of Meeting with Archbishop Little', Case Study 35, CTJH.222.01021.0009.
52 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13353:4–10.
53 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13353:41–43.
54 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13354:8–11.
55 Transcript of T Doyle, Case Study 35, 27 April 2016 at 19174:9–5.
56 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13353:45–47.
57 Exhibit 35-0022, 'Statement of T Doyle', Case Study 35, STAT.0778.001.0001_R at [16].
58 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13352:9–37.
59 Exhibit 35-0022, 'Statement of T Doyle', Case Study 35, STAT.0778.001.0001_R at [17].
60 Exhibit 35-0022, 'Statement of T Doyle', Case Study 35, STAT.0778.001.0001_R at [18]; Transcript of T Doyle, Case Study 35, 26 November 2015 at 13351:11–31.
61 Exhibit 35-0022, 'Statement of T Doyle', Case Study 35, STAT.0778.001.0001_R at [18].
62 Exhibit 35-0022, 'Statement of T Doyle', Case Study 35, STAT.0778.001.0001_R at [19].
63 John P Beal et al (eds), *New Commentary on the Code of Canon Law*, New York, 2000, p 1838.
64 Transcript of P Connors, Case Study 35, 27 November 2015 at 13543:16–28.
65 Transcript of G Pell, Case Study 35, 2 March 2016 at 16350:44–16351:3, 16–40; 16352:1–12; Exhibit 35-0002, 'Paper by Father Brian Lucas and Father John Usher', Case Study 35, CTJH.301.11002.0098; Exhibit 35-0002, 'Notes prepared by Father Brian Lucas for the ACBC', Case Study 35, CTJH.301.11015.0176.
66 Transcript of P Connors, Case Study 35, 27 November 2015 at 13542:41–13543:14.
67 Exhibit 35-0060, 'Protocol for Dealing with Allegations of Criminal Behaviour', Case Study 35,

CTJH.301.02002.0001; Exhibit 35-0061, 'ACBC Meeting Minutes', Case Study 35, CTJH.301.02001.1562 at 1575.

68 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [68]–[69].

69 Exhibit 35-0064, '15 ACBC, Special Issues Committee, Protocol for Dealing with Allegations of Criminal Behaviour', Case Study 35, CTJH.0001.001.0295.

70 Exhibit 35-0064, '15 ACBC, Special Issues Committee, Protocol for Dealing with Allegations of Criminal Behaviour', Case Study 35, CTJH.0001.001.0295.

71 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [80].

72 Exhibit 35-0049, 'Minutes of Curia Meeting', Case Study 35, CTJH.221.06059.0162 at 0163.

73 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [81].

74 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [72]; Exhibit 35-0028, 'Interim Procedures', Case Study 35, CTJH.221.10021.0054.

75 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [74]–[75].

76 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [70]–[71].

77 Exhibit 35-0049, 'Statement of H Deakin', Case Study 35, STAT.0768.001.0001_R at [26]; Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [32].

78 Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [37]; Exhibit 35-0049, 'Statement of H Deakin', Case Study 35, STAT.0768.001.0001_R at [24].

79 Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [33].

80 Exhibit 35-0049, 'Statement of H Deakin', Case Study 35, STAT.0768.001.0001_R at [28].

81 Transcript of T Doyle, Case Study 35, 26 November 2016 at 13359:43–13360:6.

82 Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [38].

83 Transcript of P Connors, Case Study 35, 27 November 2015 at 13518:41–13519:32.

84 Exhibit 35-0049, 'Statement of H Deakin', Case Study 35, STAT.0768.001.0001_R at [22].

85 Transcript of H Deakin, Case Study 35, 3 December 2015 at 14080:12–19, 21–24.

86 Exhibit 35-0049, 'Statement of H Deakin', Case Study 35, STAT.0768.001.0001_R at [27].

87 Exhibit 35-0024, 'Statement of P Connors', STAT.0769.001.0001_R at [39]; Transcript of P Connors, Case Study 35, 27 November 2015 at 13552:28–38, 13551:40–13552:6.

88 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13432:42–13433:30.

89 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [109]; Transcript of D Hart, Case Study 35, 30 November 2015 at 13668:27–43.

90 Transcript of D Hart, Case Study 35, 30 November 2015 at 13651:30–36.

91 Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [31]; Exhibit 35-0049, 'Statement of H Deakin', Case Study 35, STAT.0768.001.0001_R at [24].

92 Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [79]–[92].

93 Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [50].

94 Transcript of P Barker, Case Study 35, 1 December 2015 at 13826: 3–13837:17; Transcript of P Connors, Case Study 35, 3 December 2015 at 13991:2–4.

95 Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [52]–[56].

96 Exhibit 35-0049, 'Statement of H Deakin', Case Study 35, STAT.0768.001.0001_R at [57]–[100], [39]–[51], [52]–[54].

97 Exhibit 35-0008, 'Letter from BTL to Vicar General Cudmore', Case Study 35, CTJH.221.06008.0007_R; Exhibit 35-0008, 'Letter from BTN to Father Beasley', Case Study 35, COM.0007.0002.0035_R; Exhibit 35-0008, 'Letter from BTN and Redacted to Vicar General Cudmore', Case Study 35, COM.1006.0001.0083_R; Exhibit 35-0008, 'Letter from BTN to Vicar General Cudmore', Case Study 35, COM.0007.0002.0040_R.

98 Exhibit 35-0029, 'Handwritten Notes regarding Fasciale', Case Study 35, CTJH.221.06050.0101_R; Exhibit 35-0042, 'Statement re Fr. Fasciale', Case Study 35, CTJH.221.06044.0278_R at 0279_R.

99 Exhibit 35-0044, 'Handwritten Notes of Vicar General Cudmore', Case Study 35, CTJH.221.06046.0181_R; Exhibit 35-0044, 'Typed copy of notes of Vicar General Cudmore', Case Study 35, CTJH.221.06053.0030_R.

100 Exhibit 35-0043, 'Letter from Monsignor Vicar-General Cudmore to Father Daniel', Case Study 35, CTJH.221.06045.0242; Exhibit 35-0043, 'Handwritten Notes', Case Study 35, CTJH.221.06045.0238_R.

101 Exhibit 35-0049, 'Statement of H Deakin', Case Study 35, STAT.0768.001.0001_R at [28]; Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [32]–[33].

102 Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [33].
103 Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [33].
104 Exhibit 35-0049, 'Statement of H Deakin', Case Study 35, STAT.0768.001.0001_R at [25].
105 Transcript of D Hart, Case Study 35, 30 November 2015 at 13644: 19–29, 13645:15–20.
106 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13354:23–25.
107 Exhibit 35-0068, 'Supplementary Statement of T Doyle', Case Study 35, CTJH.500.73001.0001 at [8].
108 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13375:13–23.
109 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13358:22–35.
110 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13359:1–8.
111 Exhibit 35-0070, 'Statement of P Annett', Case Study 35, CTJH.500.71001.0001 at [16].
112 Transcript of P Annett, Case Study 35, 27 April 2016 at 19217:14–20.
113 Transcript of G Pell, Case Study 35, 2 March 2016 at 16399:32–34.
114 Exhibit 35-0049, 'Statement of H Deakin', Case Study 35, STAT.0768.001.0001_R at [33];
Transcript of P Connors, Case Study 35, 3 December 2015 at 14018:28–31.
115 Exhibit 35-0049, 'Statement of H Deakin', Case Study 35, STAT.0768.001.0001_R at [33].
116 Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [56].
117 Transcript of D Hart, Case Study 35, 30 November 2015 at 13644:19–29.
118 Transcript of D Hart, Case Study 35, 30 November 2015 at 13648:14–31;
Transcript of D Hart, Case Study 35, 30 November 2015 at 13665:5–12.
119 Transcript of D Hart, Case Study 35, 30 November 2015 at 13665:14–18.
120 Transcript of P O'Donnell, Case Study 35, 24 November 2015 at 13169:34–35.
121 Transcript of P O'Donnell, Case Study 35, 24 November 2015 at 13208:41–13209:6.
122 Exhibit 35-0002, 'Letter from Anthony Aulsebrook to Bishop O'Connell', Case Study 35,
CTJH.222.02002.0051.
123 Exhibit 35-0042, 'Statement regarding Father Fasciale', Case Study 35,
CTJH.221.06044.0278_R at 0279_R.
124 Exhibit 35-0043, 'Letter from BTH to Auxiliary Bishop Perkins and Archbishop Little',
Case Study 35, CTJH.221.06045.0253_R.
125 Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [43].
126 Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [43].
127 Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [34].
128 Transcript of P Connors, Case Study 35, 27 November 2015 at 13513:45–13514:12.
129 Transcript of H Deakin, Case Study 35, 3 December 2015 at 14092:2–6.
130 Transcript of H Deakin, Case Study 35, 4 December 2015 at 14130:38-44.
131 Transcript of H Deakin, Case Study 35, 4 December 2015 at 14130:46–14131:4.
132 Transcript of H Deakin, Case Study 35, 4 December 2015 at 14115:3–15.
133 Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [44].
134 Transcript of H Deakin, Case Study 35, 3 December 2015 at 14092:19–39.
135 Transcript of H Deakin, Case Study 35, 3 December 2015 at 14092:41–14093:1.
136 Exhibit 35-0067, 'The competencies of the College of Consultors and Diocesan Consultors',
Case Study 35, COR.0015.001.0011.
137 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [51].
138 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [15]–[16].
139 Exhibit 35-0002, 'Minutes of Diocesan Consultors Meeting', Case Study 35, CTJH.221.06058.0014;
Exhibit 35-0002, 'Minutes of Diocesan Consultors Meeting', Case Study 35, CTJH.221.06058.0008;
Exhibit 35-0042, 'Minutes of Diocesan Consultors Meeting', Case Study 35, CTJH.221.10005.0123;
Exhibit 35-0042, 'Minutes of Diocesan Consultors Meeting', Case Study 35, CTJH.221.10005.0074;
Exhibit 35-0042, 'Minutes of Diocesan Consultors Meeting', Case Study 35, CTJH.221.10005.0063;
Exhibit 35-0042, 'Minutes of Diocesan Consultors Meeting', Case Study 35, CTJH.221.10005.0042;
Exhibit 35-0042, 'Minutes of Diocesan Consultors Meeting', Case Study 35, CTJH.221.10005.0016;
Exhibit 35-0042, 'Minutes of Diocesan Consultors Meeting', Case Study 35, CTJH.221.10005.0003;
Exhibit 35-0042, 'Minutes of Diocesan Consultors Meeting', Case Study 35, CTJH.221.10004.0200;
Exhibit 35-0008, 'Minutes of Diocesan Consultors Meeting', Case Study 35, CTJH.221.10004.0218_E;
Exhibit 35-0008, 'Minutes of Diocesan Consultors Meeting', Case Study 35, CTJH.221.10004.0019.

140 Transcript of P Connors, Case Study 35, 2 December 2015 at 13955:24–33.
141 Transcript of P Connors, Case Study 35, 2 December 2015 at 13955:35–40.
142 Transcript of G Pell, Case Study 35, 2 March 2016 at 16344:11–14.
143 Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [46]; Transcript of P Connors, Case Study 35, 2 December 2015 at 13969:21–27.
144 Transcript of P Connors, Case Study 35, 2 December 2015 at 13968:14–28.
145 Transcript of P Connors, Case Study 35, 2 December 2015 at 13957:8–11.
146 Exhibit 35-0049, 'Statement of H Deakin', Case Study 35, STAT.0768.001.0001_R at [27].
147 Exhibit 35-0049, 'Statement of H Deakin', Case Study 35, STAT.0768.001.0001_R at [78].
148 Transcript of D Hart, Case Study 35, 1 December 2015 at 13736:39–43; Transcript of P Connors, Case Study 35, 2 December 2015 at 13957:8–11.
149 Transcript of D Hart, Case Study 35, 1 December 2015 at 13742:1–5.
150 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [55].
151 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [55].
152 Exhibit 35-0022, 'Statement of T Doyle', Case Study 35, STAT.0778.001.0001_R at [29].
153 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13353:17–33.
154 Exhibit 35-0022, 'Statement of T Doyle', Case Study 35, STAT.0778.001.0001_R at [27].
155 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13356:21–26.
156 Transcript of T Doyle, Case Study 35, 27 November 2015 at 13356: 29–31, 36–47.
157 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [90].
158 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [92].
159 Exhibit 35-0002, 'Letter from Archbishop Pell to Father Searson', Case Study 35, COM.0172.0001.0149.
160 Exhibit 35-0036, 'Statement of S Fontana', Case Study 35, STAT.0623.002.0001_R at [48].
161 Exhibit 35-0036, 'Statement of S Fontana', Case Study 35, STAT.0623.002.0001_R at [49].
162 Exhibit 35-0036, 'Father Searson original VPOL File', Case Study 35, VPOL.3043.025.0048 at 0074–0077.
163 Exhibit 35-0036, 'Father Searson original VPOL File', Case Study 35, VPOL.3043.025.0048 at 0077–0078.
164 Exhibit 35-0002, 'Letter from Redacted to Archbishop Little', Case Study 35, COM.0172.0001.0221_R.
165 Exhibit 35-0002, 'Letter from Archbishop Little to Redacted', Case Study 35, COM.0172.0001.0220_R.
166 Transcript of D Hart, Case Study 35, 30 November 2015 at 13683:41–42.
167 Transcript of G Pell, Case Study 35, 2 March 2016 at 16355:28–29.
168 Transcript of P O'Donnell, Case Study 35, 24 November 2015 at 13164: 8–12.
169 Exhibit 35-0011, 'Acts of the Process of Laicisation: Philip O'Donnell', Case Study 35, CTJH.221.15001.0003_R at 0006_R.
170 Exhibit 35-0011, 'Acts of the Process of Laicisation: Philip O'Donnell', Case Study 35, CTJH.221.15001.0003_R at 0029_R.
171 Exhibit 35-0002, 'Letter from Philip O'Donnell to Archbishop Little', Case Study 35, PS.0623.001.0008 at 0012–0016.
172 Exhibit 35-0011, 'Acts of the Process of Laicisation: Philip O'Donnell', Case Study 35, CTJH.221.15001.0003_R at 0042_R–0044_R.
173 Transcript of P Connors, Case Study 35, 27 November 2015 at 13562:9–10.
174 Exhibit 35-0011, 'Acts of the Process of Laicisation: Philip O'Donnell', Case Study 35, CTJH.221.15001.0003_R at 0045_R.
175 Transcript of P O'Donnell, Case Study 35, 24 November 2015 at 13189:14–47.
176 Transcript of P O'Donnell, Case Study 35, 24 November 2015 at 13193:3–6, 13190:3–5.
177 Transcript of P O'Donnell, Case Study 35, 24 November 2015 at 13190:30–34.
178 Exhibit 35-0002, 'Letter from Philip O'Donnell to Vicar General Cudmore', Case Study 35, CTJH.221.06039.0037_R at 0038.
179 Transcript of P O'Donnell, Case Study 35, 24 November 2015 at 13193:3–6.
180 Transcript of P O'Donnell, Case Study 35, 24 November 2015 at 13210:3–8.
181 Exhibit 35-0003, 'Statement of A Aulsebrook', Case Study 35, STAT.0759.001.0001 at [7].
182 Exhibit 35-0003, 'Statement of A Aulsebrook', Case Study 35, STAT.0759.001.0001.
183 Exhibit 35-0003, 'Statement of A Aulsebrook', Case Study 35, STAT.0759.001.0001 at [12].
184 Exhibit 35-0002, 'Letter from A Aulsebrook to Bishop O'Connell', Case Study 35, CTJH.222.02002.0051.

185 Exhibit 35-0003, 'Statement of A Aulsebrook', Case Study 35, STAT.0759.001.0001 at [14].
186 Exhibit 35-0002, 'Minutes of Diocesan Consultors Meeting', Case Study 35, CTJH.221.06058.0014 at 0016.
187 Exhibit 35-0002, 'Minutes of Diocesan Consultors Meeting', Case Study 35, CTJH.221.06058.0008.
188 Exhibit 35-0002, 'Minutes of Diocesan Consultors Meeting', Case Study 35, CTJH.221.06058.0008 at 0009.
189 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [101].
190 Exhibit 35-0002, 'File Note', Case Study 35, COM.0172.0001.0227; Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [102].
191 Exhibit 35-0002, 'Minutes of Archbishop Advisory Board Meeting', Case Study 35, CTJH.221.06060.0066.
192 Transcript of P Connors, Case Study 35, 27 November 2015 at 13561:14–44, 13562:37–13563:4.
193 Submissions of the Truth, Justice and Healing Council and Catholic Archdiocese of Melbourne, Case Study 35, SUBM.1035.006.0001, para [10].
194 Exhibit 35-0002, 'Diocesan clergy personal information form', Case Study 35, CTJH.221.06039.0333; Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [92].
195 Transcript of G Sleeman, Case Study 35, 25 November 2015 at 13274:41–45, 13275:11–14, 20–25.
196 Transcript of G Sleeman, Case Study 35, 25 November 2015 at 13276:29–44.
197 Transcript of G Sleeman, Case Study 35, 25 November 2015 at 13276:46-13277:4.
198 Exhibit 35-0002, 'Letter from parishioners to Archbishop Little', Case Study 35, COM.0078.0001.0038 at 0039.
199 Exhibit 35-0002, 'Letter from Archbishop Little to Mr and Mrs Mongan', Case Study 35, COM.0078.0001.0165_R.
200 Transcript of G Sleeman, Case Study 35, 25 November 2015 at 13278:15–13279:15.
201 Transcript of G Sleeman, Case Study 35, 25 November 2015 at 13279:32–38.
202 Transcript of G Sleeman, Case Study 35, 25 November 2015 at 13279:41–44.
203 Transcript of G Sleeman, Case Study 35, 25 November 2015 at 13280:3–7.
204 Exhibit 35-0023, 'Statement of A Dooley', Case Study 35, STAT.0788.001.0001_R at [28].
205 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13366:43–13367:10.
206 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13668:1–29.
207 Exhibit 35-0022, 'Statement of T Doyle', Case Study 35, STAT.0778.001.0001_R at [55].
208 Exhibit 35-0036, 'Statement of S Fontana', Case Study 35, STAT.0623.002.0001_R at [45]; Transcript of S Fontana, Case Study 35, 2 December 2015 at 13882:14–18.
209 Exhibit 35-0017, 'Statement of J Stewart', Case Study 35, STAT.0766.002.0001_R at [14]–[17].
210 Exhibit 35-0017, 'Statement of J Stewart', Case Study 35, STAT.0766.002.0001_R at [18]–[19].
211 Exhibit 35-0017, 'Statement of J Stewart', Case Study 35, STAT.0766.002.0001_R at [22].
212 Transcript of G Sleeman, Case Study 35, 25 November 2015 at 13284:25–35.
213 Transcript of G Sleeman, Case Study 35, 25 November 2015 at 13284:35– 39.
214 Transcript of G Sleeman, Case Study 35, 25 November 2015 at 13285:9–12.
215 Transcript of G Sleeman, Case Study 35, 25 November 2015 at 13285:23–26.
216 Exhibit 35-0017, 'Statement of J Stewart', Case Study 35, STAT.0766.002.0001_R at [23].
217 Transcript of G Sleeman, Case Study 35, 25 November 2015 at 13285:40–46.
218 Exhibit 35-0017, 'Statement of J Stewart', Case Study 35, STAT.0766.002.0001_R at [29].
219 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13457:36–43.
220 Exhibit 35-0002, 'Letter from Allan Dooley to Father Doyle', Case Study 35, CTJH.222.01011.0011; Exhibit 35-0002, 'Letter from Allan Dooley to Father Doyle', Case Study 35, COM.0078.0001.0230.
221 Exhibit 35-0002, 'Letter from Allan Dooley to Father Doyle', Case Study 35, CTJH.222.01011.0011.
222 Exhibit 35-0002, 'Letter from Allan Dooley to Father Doyle', Case Study 35, CTJH.222.01011.0011 at 0012.
223 Transcript of A Dooley, Case Study 35, 27 November 2015 at 13479:6–20.
224 Transcript of A Dooley, Case Study 35, 27 November 2015 at 13479:6–20.
225 Transcript of A Dooley, Case Study 35, 27 November 2015 at 13479:22–24.
226 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13383:30–13384:13.
227 Submissions of the Truth, Justice and Healing Council and Catholic Archdiocese of Melbourne, Case Study 35, SUBM.1035.006.0001, paras [32]–[33].
228 Exhibit 35-0002, 'Letter from Allan Dooley to Father Doyle', Case Study 35, CTJH.222.01011.0011.
229 Transcript of A Dooley, Case Study 35, 27 November 2015 at 13479:37–43.

230 Transcript of A Dooley, Case Study 35, 27 November 2015 at 13479:45–13480:11.
231 Transcript of A Dooley, Case Study 35, 27 November 2015 at 13480:19–28.
232 Transcript of A Dooley, Case Study 35, 27 November 2015 at 13480:22–28.
233 Transcript of G Sleeman, Case Study 35, 25 November 2015 at 13287:30–33, 13288:9–11.
234 Transcript of G Sleeman, Case Study 35, 25 November 2015 at 13288:13–19.
235 Transcript of G Sleeman, Case Study 35, 25 November 2015 at 13288:31–13289:5.
236 Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [67].
237 Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [68].
238 Transcript of P Connors, Case Study 35, 27 November 2015 at 13534:2–3.
239 Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [68].
240 Exhibit 35-0002, 'Handwritten note from Sister Joan Power to Father Doyle', Case Study 35, CTJH.222.01010.0008_R.
241 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13371:11–14.
242 Exhibit 35-0002, 'File note by Graeme Sleeman', Case Study 35, CTJH.222.01010.0002_R.
243 Exhibit 35-0002, 'File note by Graeme Sleeman', Case Study 35, CTJH.222.01010.0004_R.
244 Transcript of G Sleeman, Case Study 35, 25 November 2015 at 13290:21–26; Exhibit 35-0002, 'Letter from Allan Dooley to Norm Lalor', Case Study 35, CTJH.222.01010.0001_R; Exhibit 35-0002, 'File note by Graeme Sleeman', Case Study 35, CTJH.222.01010.0002_R; Exhibit 35-0002, 'File note by Graeme Sleeman', Case Study 35, CTJH.222.01010.0004_R.
245 Exhibit 35-0002, 'Handwritten note from Norm Lalor', Case Study 35, COM.0078.0001.0285.
246 Exhibit 35-0002, 'Catholic Education Office Intra-Office Memo from Sister Joan Power to Father Doyle', Case Study 35, COM.0078.0001.0201; Exhibit 35-0002, 'Memo from Vicar General Connors to Archbishop Little', Case Study 35, COM.0172.0001.0224.
247 Exhibit 35-0002, Memo from Vicar General Connors to Archbishop Little', Case Study 35, COM.0172.0001.0224.
248 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13371:46–13372:6.
249 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13372:14–23.
250 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13373:25–28.
251 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13374:23–29.
252 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13374:31–34.
253 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13375:43–13376:4.
254 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13376:5–13.
255 Transcript of A Dooley, Case Study 35, 27 November 2015 at 13475:8–29.
256 Transcript of P Connors, Case Study 25, 27 November 2015 at 13528:8–16.
257 Transcript of P Connors, Case Study 25, 27 November 2015 at 13528:18–47.
258 Transcript of P Connors, Case Study 35, 27 November 2015 at 13529:22–40.
259 Transcript of P Connors, Case Study 35, 27 November 2015 at 13531:25–31.
260 Transcript of P Connors, Case Study 35, 27 November 2015 at 13531:28–13532: 3.
261 Transcript of P Connors, Case Study 35, 27 November 2015 at 13528:14–16, 41–47.
262 Exhibit 35-0002, 'Catholic Education Office Intra-Office Memo from Sister Joan Power to Father Doyle', Case Study 35, COM.0078.0001.0201.
263 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13377:34–44.
264 Transcript of A Dooley, Case Study 35, 27 November 2015 at 13475:46–13476:7.
265 Exhibit 35-0022, 'Statement of T Doyle', Case Study 35, STAT.0778.001.0001_R at [64].
266 Transcript of P Connors, Case Study 35, 27 November 2015 at 13530:3–5.
267 Exhibit 35-0002, 'Letter from Graeme Sleeman to Father Doyle', Case Study 35, COM.0078.0001.0207.
268 Transcript of G Sleeman, Case Study 35, 25 November 2015 at 13296:45–47.
269 Transcript of G Sleeman, Case Study 35, 25 November 2015 at 13298:3–32.
270 Transcript of G Sleeman, Case Study 35, 25 November 2015 at 13298:40–43.
271 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13382:10–15.
272 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13382:21–26.
273 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13382:39–43.
274 Exhibit 35-0002, 'Letter from Graeme Sleeman to Archbishop Little', Case Study 35, CTJH.222.01017.0009_R.

275 Transcript of G Sleeman, Case Study 35, 25 November 2015 at 13300:39–44.
276 Exhibit 35-0002, 'Letter from Graeme Sleeman to Archbishop Little', Case Study 35, CTJH.222.01020.0005_R.
277 Transcript of G Sleeman, Case Study 35, 25 November 2015 at 13304:33–36.
278 Exhibit 35-0002, 'File note of Peter Annett', Case Study 35, CTJH.222.01017.0010; Transcript of G Sleeman, Case Study 35, 25 November 2015 at 13302:18–23.
279 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13387:38–45.
280 Exhibit 35-0002, 'File note of Peter Annett', Case Study 35, CTJH.222.01017.0010.
281 Exhibit 35-0002, 'File note of Peter Annett', Case Study 35, CTJH.222.01017.0010.
282 Exhibit 35-0002, 'File note of Peter Annett', Case Study 35, CTJH.222.01017.0010.
283 Transcript of G Sleeman, Case Study 35, 25 November 2015 at 13302:47–13303:12.
284 Transcript of G Sleeman, Case Study 35, 25 November 2015 at 13303:14–31.
285 Exhibit 35-0002, 'File note of Peter Annett', Case Study 35, CTJH.222.01017.0010.
286 Transcript of P Connors, Case Study 35, 27 November 2015 at 13537:21–47.
287 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13390:42–13391:8.
288 Transcript of G Sleeman, Case Study 35, 25 November 2015 at 13304:26–31.
289 Exhibit 35-0002, 'File note of Peter Annett', Case Study 35, CTJH.222.01017.0010.
290 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13454:33–13455:6.
291 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13391:31–45.
292 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13391:47–13392:1.
293 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13392:3–30.
294 Exhibit 35-0002, 'Letter from Graeme Sleeman to Father Searson', Case Study 35, CTJH.222.01020.0012_R; Exhibit 35-0002, 'Letter from Graeme Sleeman to Archbishop Little', Case Study 35, CTJH.222.01020.0011_R; Exhibit 35-0002, 'Letter from Graeme Sleeman to Father Doyle', CTJH.222.01017.0012.
295 Exhibit 35-0002, 'Letter from Graeme Sleeman to Father Searson', Case Study 35, CTJH.222.01020.0012_R.
296 Transcript of G Sleeman, Case Study 35, 25 November 2015 at 13308:16–47.
297 Transcript of A Dooley, Case Study 35, 27 November 2015 at 13492:1–12.
298 Transcript of P Connors, Case Study 35, 27 November 2015 at 13558:20–35.
299 Transcript of D Hart, Case Study 35, 1 December 2015 at 13812:10–12.
300 Transcript of G Sleeman, Case Study 35, 25 November 2015 at 13314:26–34.
301 Exhibit 35-0002, 'Catholic Education Office Intra-Office Memo from Sister Joan Power to Father Doyle', Case Study 35, COM.0078.0001.0201 at 0202.
302 Transcript of G Sleeman, Case Study 35, 25 November 2015 at 13302:38–13303:31.
303 Transcript of P Annett, Case Study 35, 27 April 2016 at 19223:1–11.
304 Transcript of G Sleeman, Case Study 35, 25 November 2015 at 13295:30–34.
305 Transcript of A Dooley, Case Study 35, 27 November 2015 at 13476:34–13477:34.
306 Transcript of A Dooley, Case Study 35, 27 November 2015 at 13475:8–29.
307 Exhibit 35-0023, 'Statement of A Dooley', Case Study 35, STAT.0788.001.0001_R at [21].
308 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13379:29–13380:15.
309 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13378:30–32.
310 Exhibit 35-0002, 'Catholic Education Office Intra-Office Memo from Sister J Power to Father Doyle', Case Study 35, COM.0078.0001.0201; Exhibit 35-0002, 'Memo from Vicar General Connors to Archbishop Little', Case Study 35, COM.0172.0001.0224.
311 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [18].
312 Exhibit 35-0002, 'Memo from Allan Dooley to Father Doyle', Case Study 35, CTJH.222.01010.0021 at 0024.
313 Exhibit 35-0049, 'Statement of H Deakin', Case Study 35, STAT.0768.001.0001_R at [73].
314 Exhibit 35-0049, 'Statement of H Deakin', Case Study 35, STAT.0768.001.0001_R at [73]; Transcript of H Deakin, Case Study 35, 3 February 2015 at 14095:32–34.
315 Transcript of H Deakin, Case Study 35, 3 December 2015 at 14094:14–22.
316 Transcript of H Deakin, Case Study 35, 4 December 2015 at 14113:20–26.
317 Transcript of H Deakin, Case Study 35, 4 December 2015 at 14113:31–35.
318 Exhibit 35-0002, 'Memo from Allen Dooley to Father Doyle', Case Study 35, CTJH.222.01010.0021 at 0024.

319 Exhibit 35-0002, 'Letter from Stephan Vaughan to Archbishop Little', Case Study 35, COM.0172.0001.0163_R at 0164_R.
320 Exhibit 35-0002, 'Letter from Stephan Vaughan to Archbishop Little', Case Study 35, COM.0172.0001.0163_R at 0164_R, 0163_R.
321 Exhibit 35-0002, 'Letter from Stephan Vaughan to Archbishop Little', Case Study 35, COM.0172.0001.0163_R at 0164–0165.
322 Exhibit 35-0002, 'Letter from Stephan Vaughan to Archbishop Little', Case Study 35, COM.0172.0001.0163_R at 0166_R.
323 Exhibit 35-0002, 'Petition of parishioners and parents', Case Study 35, COM.0172.0001.0176_R;
Exhibit 35-0002, 'Petition of parishioners and parents', Case Study 35, COM.0172.0001.0177_R;
Exhibit 35-0002, 'Petition of parishioners and parents', Case Study 35, COM.0172.0001.0178_R;
Exhibit 35-0002, 'Petition of parishioners and parents', Case Study 35, COM.0172.0001.0179_R.
324 Exhibit 35-0002, 'Letter from Redacted', Case Study 35, COM.0172.0001.0175_R;
Exhibit 35-0002, 'Letter from Kathy Buckley', Case Study 35, COM.0172.0001.0180_R;
Exhibit 35-0002, 'Letter from Redacted', Case Study 35, COM.0172.0001.0182_R;
Exhibit 35-0002, 'Letter from J Chadwick', Case Study 35, COM.0172.0001.0184_R;
Exhibit 35-0002, 'Letter from Theodore van der Werff', Case Study 35, COM.0172.0001.0186_R;
Exhibit 35-0002, 'Letter from Redacted', Case Study 35, COM.0172.0001.0188_R;
Exhibit 35-0002, 'Letter from Redacted', Case Study 35, COM.0172.0001.0191_R;
Exhibit 35-0002, 'Letter from Redacted', Case Study 35, COM.0172.0001.0195_R;
Exhibit 35-0002, 'Letter from Redacted', Case Study 35, COM.0172.0001.0196_R;
Exhibit 35-0002, 'Handwritten note from Redacted', Case Study 35, COM.0172.0001.0197_R;
Exhibit 35-0002, 'Letter from Kathy Buckley', Case Study 35, COM.0172.0001.0198;
Exhibit 35-0002, 'Letter from William Round', Case Study 35, COM.0172.0001.0199_R;
Exhibit 35-0002, 'Letter from BTY', Case Study 35, COM.0172.0001.0204_R;
Exhibit 35-0002, 'Letter from Redacted', Case Study 35, COM.0172.0001.0206_R;
Exhibit 35-0002, 'Letter from BTX', Case Study 35, COM.0172.0001.0207_R;
Exhibit 35-0002, 'Letter from Redacted', Case Study 35, COM.0172.0001.0208_R;
Exhibit 35-0002, 'Letter from Redacted', Case Study 35, COM.0172.0001.0209_R;
Exhibit 35-0002, 'Letter from Redacted', Case Study 35, COM.0172.0001.0211_R;
Exhibit 35-0002, 'Letter from J Atkins', Case Study 35, COM.0172.0001.0235_R;
'Letter from Redacted', Case Study 35, COM.0172.0001.0241_R;
Exhibit 35-0002, 'Letter from Peter Robinson', Case Study 35, COM.0172.0001.0244_R;
Exhibit 35-0002, 'Letter from Redacted', Case Study 35, COM.0172.0001.0247_R.
325 Exhibit 35-0002, 'Letter from BTY', Case Study 35, COM.0172.0001.0204_R.
326 Exhibit 35-0002, 'Letter from Redacted', Case Study 35, COM.0172.0001.0241_R.
327 Exhibit 35-0002, 'Letter from Redacted', Case Study 35, COM.0172.0001.0247_R.
328 Exhibit 35-0002, 'Letter from Redacted', Case Study 35, COM.0172.0001.0191_R.
329 Exhibit 35-0002, 'Letter from Redacted', Case Study 35, COM.0172.0001.0175_R.
330 Exhibit 35-0002, 'Letter from Archbishop Little to Stephan Vaughan', Case Study 35, COM.0172.0001.0160_R at 0160_R–0161_R.
331 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13404:24–31, 13405:12–14.
332 Exhibit 35-0002, 'Letter from Allan Dooley to Father Doyle', Case Study 35, CTJH.222.01010.0025.
333 Exhibit 35-0002, 'Memo from Allan Dooley to Father Doyle', Case Study 35, CTJH.222.01010.0021.
334 Exhibit 35-0002, 'Letter from Father Doyle to Archbishop Little', Case Study 35, CTJH.222.02001.0144;
Exhibit 35-0002, 'Letter from Allan Dooley to Father Doyle', Case Study 35, CTJH.222.02001.0148.
335 Transcript of A Dooley, Case Study 35, 27 November 2015 at 13495:45–13496:1.
336 Transcript of A Dooley, Case Study 35, 27 November 2015 at 13472:28–30.
337 Transcript of A Dooley, Case Study 35, 27 November 2015 at 13472:40–47;
Exhibit 35-0023, 'Statement of A Dooley', Case Study 35, STAT.0788.001.0001_R at [21].
338 Transcript of A Dooley, Case Study 35, 27 November 2015 at 13473:2–4.
339 Transcript of A Dooley, Case Study 35, 27 November 2015 at 13483:20–29.
340 Transcript of A Dooley, Case Study 35, 27 November 2015 at 13483:27–32.
341 Transcript of A Dooley, Case Study 35, 27 November 2015 at 13483:35–38.

342 Transcript of A Dooley, Case Study 35, 27 November 2015 at 13483:40–45.
343 Submissions of the Truth, Justice and Healing Council and Catholic Archdiocese of Melbourne, Case Study 35, SUBM.1035.006.0001, paras [19]–[25].
344 Transcript of G Sleeman, Case Study 35, 25 November 2015 at 13277:38–43.
345 Exhibit 35-0002, 'Typed note by unknown author', Case Study 35, COM.0172.0001.0171 at 0173.
346 Exhibit 35-0002, 'Typed note by unknown author', Case Study 35, COM.0172.0001.0171 at 0172.
347 Exhibit 35-0002, 'Typed note by unknown author', Case Study 35, COM.0172.0001.0171 at 0173–0174.
348 Exhibit 35-0002, 'Typed note by unknown author', Case Study 35, COM.0172.0001.0171.
349 Submissions of the Truth, Justice and Healing Council and Catholic Archdiocese of Melbourne, Case Study 35, SUBM.1035.006.0001, para [14(l)].
350 Transcript of H Deakin, Case Study 35, 3 December 2015 at 14097:23–41.
351 Transcript of H Deakin, Case Study 35, 3 December 2015 at 14098:20–21.
352 Transcript of H Deakin, Case Study 35, 3 December 2015 at 14098:32–36.
353 Exhibit 35-0002, 'Letter from Father Searson to Archbishop Little', Case Study 35, COM.0172.0001.0159.
354 Exhibit 35-0002, 'Minutes of Personnel Advisory Board Meeting', Case Study 35, CTJH.221.06060.0023 at 0024.
355 Transcript of P Connors, Case Study 35, 3 December 2015 at 14031:18–20.
356 Transcript of P Connors, Case Study 35, 3 December 2015 at 13538:4–22.
357 Transcript of G Pell, Case Study 35, 2 March 2015 at 16366:7–17.
358 Transcript of G Pell, Case Study 35, 2 March 2015 at 16366:19–32.
359 Transcript of G Pell, Case Study 35, 2 March 2015 at 16367:40–43.
360 Exhibit 35-0002, COM.0172.0001.0159, 'Letter from Father Searson to Archbishop Little', Case Study 35; Exhibit 35-0002, 'Letter from Archbishop Little to Father Searson', Case Study 35, COM.0172.0001.0157.
361 Exhibit 35-0002, 'Letter from Archbishop Little to Father Searson', Case Study 35, COM.0172.0001.0157 at 0157.
362 Exhibit 35-0022, 'Catholic Education Office Intra-Office Memo from Norm Lalor to Father Doyle', Case Study 35, CTJH.222.01010.0039.
363 Exhibit 35-0022, 'Catholic Education Office Intra-Office Memo from Norm Lalor to Father Doyle', Case Study 35, CTJH.222.01010.0039.
364 Exhibit 35-0002, 'Catholic Education Office Intra-Office Memo from Norm Lalor to Father Doyle', Case Study 35, CTJH.222.02001.0132.
365 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13407:40–43.
366 Exhibit 35-0017, 'Statement of J Stewart', Case Study 35, STAT.0766.002.0001_R at [32].
367 Exhibit 35-0017, 'Statement of J Stewart', Case Study 35, STAT.0766.002.0001_R at [34].
368 Exhibit 35-0006, 'Statement of F Chandley', Case Study 35, STAT.0761.001.0001 at [5].
369 Exhibit 35-0002, 'Handwritten notes of F Chandley', Case Study 35, IND.0306.001.0085_R; Exhibit 35-0006, 'Statement of F Chandley', Case Study 35, STAT.0761.001.0001 at [5].
370 Exhibit 35-0002, 'Letter from Father A Dooley to Father Doyle', Case Study 35, COM.0078.0001.0230_R at 0231_R; Exhibit 35-0017, 'Statement of J Stewart', Case Study 35, STAT.0766.002.0001_R at [34]; Exhibit 35-0002, 'Handwritten notes of F Chandley', Case Study 35, IND.0306.001.0085_R at 0088_R.
371 Exhibit 35-0006, 'Statement of F Chandley', Case Study 35, STAT.0761.001.0001 at [7].
372 Exhibit 35-0002, 'Handwritten notes of F Chandley', Case Study 35, IND.0306.001.0085_R at 0088_R.
373 Exhibit 35-0002, 'Letter from A Dooley to Father Doyle', Case Study 35, COM.0078.0001.0230_R at 0230_R.
374 Exhibit 35-0002, 'Letter from A Doyle to Father Doyle', Case Study 35, CTJH.222.01011.0011.
375 Exhibit 35-0002, 'Letter from A Doyle to Father Doyle', Case Study 35, COM.0078.0001.0230_R at 0230_R–0231_R.
376 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13408:40–13409:20.
377 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [123]–[124].
378 Exhibit 35-0005, 'Statement of D Stack', Case Study 35, STAT.0760.001.0001_R at [22]–[29].
379 Exhibit 35-0005, 'Statement of D Stack', Case Study 35, STAT.0760.001.0001_R at [24].
380 Exhibit 35-0005, 'Statement of D Stack', Case Study 35, STAT.0760.001.0001_R at [25].

381 Exhibit 35-0005, 'Statement of D Stack', Case Study 35, STAT.0760.001.0001_R at [26].
382 Exhibit 35-0005, 'Statement of D Stack', Case Study 35, STAT.0760.001.0001_R at [27].
383 Exhibit 35-0036, 'Statement of S Fontana', Case Study 35, STAT.0623.002.0001_R at [45]; Transcript of S Fontana, Case Study 35, 2 December 2015 at 13882:14–18.
384 Exhibit 35-0023, 'Statement of A Dooley', Case Study 35, STAT.0788.001.0001_R at [25], [27].
385 Exhibit 35-0023, 'Statement of A Dooley', Case Study 35, STAT.0788.001.0001_R at [28].
386 Exhibit 35-0002, 'Letter from A Dooley to Father Doyle', Case Study 35, CTJH.222.02001.0074_R.
387 Exhibit 35-0002, 'Letter from A Dooley to Father Doyle', Case Study 35, CTJH.222.02001.0074_R.
388 Exhibit 35-0002, 'Letter from A Dooley to Father Doyle', Case Study 35, CTJH.222.02001.0074_R.
389 Exhibit 35-0002, 'Letter from A Dooley to Father Doyle', Case Study 35, CTJH.222.02001.0074_R at 0075_R.
390 Exhibit 35-0002, 'Letter from A Dooley to Father Doyle', Case Study 35, CTJH.222.02001.0074_R at 0075_R.
391 Exhibit 35-0002, 'Letter from A Dooley to Father Doyle', Case Study 35, CTJH.222.02001.0074_R at 0075_R-0076_R.
392 Exhibit 35-0005, 'Statement of D Stack', Case Study 35, STAT.0760.001.0001_R at [16].
393 Exhibit 35-0005, 'Statement of D Stack', Case Study 35, STAT.0760.001.0001_R at [16].
394 Exhibit 35-0002, 'With compliments slip', Case Study 35, CTJH.222.02001.0073.
395 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13412:3–27.
396 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13412:29–32.
397 Exhibit 35-0022, 'Statement of T Doyle', Case Study 35, STAT.0778.001.0001_R at [89].
398 Exhibit 35-0049, 'Statement of H Deakin', Case Study 35, STAT.0768.001.0001_R at [61].
399 Transcript of D Hart, Case Study 35, 30 November 2015 at 13692:35–39.
400 Transcript of G Pell, Case Study 35, 2 March 2016 at 16370:2–4.
401 Exhibit 35-0005, 'Statement of D Stack', Case Study 35, STAT.0760.001.0001_R at [17].
402 Exhibit 35-0005, 'Statement of D Stack', Case Study 35, STAT.0760.001.0001_R at [18].
403 Exhibit 35-0005, 'Statement of D Stack', Case Study 35, STAT.0760.001.0001_R at [18]–[19].
404 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13411:24–31; Exhibit 35-0023, 'Statement of A Dooley', Case Study 35, STAT.0788.001.0001_R at [27].
405 Exhibit 35-0023, 'Statement of A Dooley', Case Study 35, STAT.0788.001.0001_R at [25].
406 Exhibit 35-0049, 'Statement of H Deakin', Case Study 35, STAT.0768.001.0001_R at [60]–[64].
407 Transcript of D Hart, Case Study 35, 30 November 2015 at 13692:24–26.
408 Transcript of D Hart, Case Study 35, 30 November 2015 at 13692:31–33.
409 Exhibit 35-0005, 'Statement of D Stack', Case Study 35, STAT.0760.001.0001_R at [20].
410 Exhibit 35-0005, 'Statement of D Stack', Case Study 35, STAT.0760.001.0001_R at [20], [21].
411 Exhibit 35-0005, 'Statement of D Stack', Case Study 35, STAT.0760.001.0001_R at [21].
412 Exhibit 35-0005, 'Statement of D Stack', Case Study 35, STAT.0760.001.0001_R at [21].
413 Exhibit 35-0007, 'Statement of S Stack', Case Study 35, STAT.0764.001.0001_R at [12].
414 Exhibit 35-0007, 'Statement of S Stack', Case Study 35, STAT.0764.001.0001_R at [12], [13].
415 Transcript of G Pell, Case Study 35, 2 March 2016 at 16349:41–44.
416 Transcript of G Pell, Case Study 35, 2 March 2016 at 16350:1–42.
417 Exhibit 35-0002, 'Catholic Education Office Intra-Office Memo', Case Study 35, CTJH.222.01010.0115_R.
418 Exhibit 35-0066, 'Letter from Dr Alex Ziaras regarding Norman Lalor', Case Study 35, IND.0421.001.0001_R.
419 Exhibit 35-0002, 'Letter from staff at Holy Family School to Father Doyle', Case Study 35, COM.0078.0001.0246.
420 Exhibit 35-0002, 'List of incidents and grievances', Case Study 35, CTJH.221.06039.0133.
421 Exhibit 35-0002, 'Catholic Education Office Intra-Office Memo from P Annett to N Lalor', Case Study 35, CTJH.222.01010.0105.
422 Exhibit 35-0002, 'Catholic Education Office Intra-Office Memo from G Downes to P Annett', Case Study 35, CTJH.222.01010.0108.
423 Exhibit 35-0002, 'Catholic Education Office Intra-Office Memo from G Downes to P Annett', Case Study 35, CTJH.222.01010.0108.

424 Exhibit 35-0002, 'Catholic Education Office Intra-Office Memo from N Lalor to Father Doyle', Case Study 35, CTJH.222.01011.0114_R; Exhibit 25-0002, 'Letter from Redacted to Vicar General Deakin', Case Study 35, CTJH.222.01011.0021_R.
425 Exhibit 35-0002, 'Parish newsletter', Case Study 35, CTJH.222.01010.0117.
426 Transcript of G Pell, Case Study 35, 2 March 2016 at 16356:45–16358:5.
427 Transcript of G Pell, Case Study 35, 2 March 2016 at 16375:1–5.
428 Transcript of G Pell, Case Study 35, 2 March 2016 at 16373:15–37, 16375:15–16; Submissions of Cardinal Pell, Case Study 35, SUBM.1035.003.0001, para [111].
429 Transcript of G Pell, Case Study 35, 2 March 2016 at 16374:8–13.
430 Transcript of G Pell, Case Study 35, 2 March 2016 at 16374:8–23.
431 Transcript of G Pell, Case Study 35, 2 March 2016 at 16377:25–47.
432 Transcript of G Pell, Case Study 35, 2 March 2016 at 16378:5.
433 Transcript of G Pell, Case Study 35, 2 March 2016 at 16378:15–16380:27.
434 Transcript of G Pell, Case Study 35, 2 March 2016 at 16376:2–4.
435 Transcript of G Pell, Case Study 35, 2 March 2016 at 16375:24–30.
436 Transcript of G Pell, Case Study 35, 2 March 2016 at 16380:26-27.
437 Transcript of G Pell, Case Study 35, 2 March 2016 at 16382:37–16383:7.
438 Transcript of G Pell, Case Study 35, 2 March 2016 at 16383:9–28.
439 Transcript of G Pell, Case Study 35, 2 March 2016 at 16389:14–23.
440 Transcript of G Pell, Case Study 35, 2 March 2016 at 16375:41–44.
441 Transcript of G Pell, Case Study 35, 2 March 2016 at 16375:46–16376:2.
442 Transcript of G Pell, Case Study 35, 2 March 2016 at 16384:2–17.
443 Transcript of G Pell, Case Study 35, 2 March 2016 at 16385:3–13.
444 Exhibit 35-0068, 'Supplementary Statement of T Doyle', Case Study 35, CTJH.500.73001.0001 at [11].
445 Transcript of T Doyle, Case Study 35, 27 April 2016 at 19184:18–21.
446 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13418:7–13.
447 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13418:35–341.
448 Exhibit 35-0068, 'Supplementary Statement of T Doyle', Case Study 35, CTJH.500.73001.0001 at [12]–[13]; Exhibit 35-0070, 'Statement of P Annett', Case Study 35, CTJH.500.71001.0001 at [19].
449 Transcript of T Doyle, Case Study 35, 27 April 2016 at 19185:46–19186:11.
450 Transcript of T Doyle, Case Study 35, 27 April 2016 at 19184:23–31.
451 Exhibit 35-0071, 'Statement of C Briant', Case Study 35, CTJH.500.72001.0001 at [16]; Exhibit 35-0070, 'Statement of P Annett', Case Study 35, CTJH.500.71001.0001 at [17]; Exhibit 35-0069, 'Supplementary Statement of A Dooley', Case Study 35, CTJH.500.74001.0001 at [10].
452 Transcript of T Doyle, Case Study 35, 27 April 2016 at 19187:7–12.
453 Exhibit 35-0069, 'Supplementary Statement of A Dooley', Case Study 35, CTJH.500.74001.0001 at [10].
454 Exhibit 35-0071, 'Statement of C Briant', Case Study 35, CTJH.500.72001.0001 at [16].
455 Exhibit 35-0070, 'Statement of P Annett', Case Study 35, CTJH.500.71001.0001 at [20].
456 Transcript of G Pell, Case Study 35, 2 March 2016 at 16387:9–32.
457 Submissions of Cardinal Pell, Case Study 35, SUBM.1035.003.0001, para [37].
458 Submissions of Cardinal Pell, Case Study 35, SUBM.1035.003.0001, para [33].
459 Submissions of Cardinal Pell, Case Study 35, SUBM.1035.003.0001, paras [47], [58]–[59], [65], [70].
460 Exhibit 35-0068, 'Supplementary Statement of T Doyle', Case Study 35, CTJH.500.73001.0001 at [8]; Transcript of T Doyle, Case Study 35, 27 April 2016 at 19183:36–42; Exhibit 35-0069, 'Supplementary Statement of A Dooley', Case Study 35, CTJH.500.74001.0001 at [7]–[8]; Exhibit 35-0071, 'Statement of C Briant', Case Study 35, CTJH.500.72001.0001 at [13]–[14]; Transcript of C Briant, Case Study 35, 27 April 2016 at 19242:28–36; Exhibit 35-0070, 'Statement of P Annett', Case Study 35, CTJH.500.71001.0001 at [15].
461 Transcript of G Pell, Case Study 35, 2 March 2016 at 16373:32–37, 16375:15–16; Submissions of Cardinal Pell, Case Study 35, SUBM.1035.003.0001, para [111].
462 Submissions of Cardinal Pell, Case Study 35, SUBM.1035.003.0001, paras [38], [96].
463 Submissions of Cardinal Pell, Case Study 35, SUBM.1035.003.0001, paras [75], [114].
464 Exhibit 35-0002, 'Letter from A Dooley to N Lalor', Case Study 35, CTJH.222.01010.0001_R; Exhibit 35-0002, 'File note by G Sleeman', Case Study 35, CTJH.222.01010.0002_R; Exhibit 35-0002, 'File note by G Sleeman', Case Study 35, CTJH.222.01010.0004_R.

465 Exhibit 35-0002, 'Letter from A Dooley to Father Doyle', Case Study 35, COM.0078.0001.0230 at 0231.
466 Exhibit 35-0002, 'With compliments slip', Case Study 35, CTJH.222.02001.0073; Exhibit 35-0002, Case Study 35, 'Letter from A Dooley to Father Doyle', Case Study 35, CTJH.222.02001.0074_R.
467 Exhibit 35-0002, 'Catholic Education Office Intra-Office Memo from N Lalor to Father Doyle', Case Study 35, CTJH.222.01011.0114_R; Exhibit 35-0002, 'Catholic Education Office Intra-Office Memo from N Lalor to Father Doyle', Case Study 35, CTJH.222.01010.0115_R.
468 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13418:24–26, 35–37.
469 Transcript of G Pell, Case Study 35, 2 March 2016 at 16377:41–47.
470 Submissions of Cardinal Pell, Case Study 35, SUBM.1035.003.0001, paras [5], [7], [38], [127], [151].
471 Submissions of Cardinal Pell, Case Study 35, SUBM.1035.003.0001, paras [119]–[121].
472 Transcript of G Pell, Case Study 35, 2 March 2016 at 16372:33–34.
473 Transcript of G Pell, Case Study 35, 3 March 2016 at 16535:25–34.
474 Exhibit 35-0005, 'Statement of D Stack', Case Study 35, STAT.0760.001.0001_R at [34].
475 Exhibit 35-0005, 'Statement of D Stack', Case Study 35, STAT.0760.001.0001_R at [35].
476 Exhibit 35-0005, 'Statement of D Stack', Case Study 35, STAT.0760.001.0001_R at [37].
477 Exhibit 35-0005, 'Statement of D Stack', Case Study 35, STAT.0760.001.0001_R at [38].
478 Exhibit 35-0007, 'Statement of S Stack', Case Study 35, STAT.0764.001.0001_R at [27]–[29].
479 Exhibit 35-0007, 'Statement of S Stack', Case Study 35, STAT.0764.001.0001_R at [30].
480 Exhibit 35-0004, 'Statement of G Palmer', Case Study 35, STAT.0762.001.0001 at [14]–[15].
481 Exhibit 35-0004, 'Statement of G Palmer', Case Study 35, STAT.0762.001.0001 at [16].
482 Transcript of G Pell, Case Study 35, 3 March 2016 at 16536:13–19.
483 Transcript of G Pell, Case Study 35, 2 March 2016 at 16381:29–32; 3 March 2016, 16537:39–41.
484 Transcript of G Pell, Case Study 35, 3 March 2016 at 16538:4–10.
485 Transcript of G Pell, Case Study 35, 3 March 2016 at 16538:12–40.
486 Transcript of G Pell, Case Study 35, 2 March 2016 at 16382:2–7.
487 Transcript of G Pell, Case Study 35, 2 March 2016 at 16382:13–16.
488 Transcript of G Pell, Case Study 35, 2 March 2016 at 16382:22–35.
489 Transcript of G Pell, Case Study 35, 2 March 2016 at 16399:26–35.
490 Transcript of G Pell, Case Study 35, 2 March 2016 at 16399:37–41.
491 Submissions of Cardinal Pell, Case Study 35, SUBM.1035.003.0001, paras [97]–[98].
492 Submissions of Cardinal Pell, Case Study 35, SUBM.1035.003.0001, paras [100]–[101].
493 Exhibit 35-0002, 'Victoria Police Memo', Case Study 35, VPOL.3037.004.0099_R; Exhibit 35-0002, 'Victoria Police Memo', Case Study 35, VPOL.3037.004.0017_R.
494 Exhibit 35-0036, 'Statement of S Fontana', Case Study 35, STAT.0623.002.0001_R at [18].
495 Exhibit 35-0036, 'Statement of S Fontana', Case Study 35, STAT.0623.002.0001_R at [23].
496 Exhibit 35-0002, 'Letter from Auxiliary Bishop Hart to Father Searson', Case Study 35, CTJH.221.06039.0013_R; Exhibit 35-0002, 'Catholic Education Office Intra-Office Memo from A Dooley to Father Doyle', Case Study 35, CTJH.222.01011.0026.
497 Exhibit 35-0036, 'Statement of S Fontana', Case Study 35, STAT.0623.002.0001_R at [24].
498 Exhibit 35-0017, 'Statement of J Stewart' Case Study 35, STAT.0766.002.0001_R at [43].
499 Exhibit 35-0002, 'Police Statement of Julie Stewart', Case Study 35, VPOL.3037.004.0077_R at 0078–0079.
500 Exhibit 35-0017, 'Statement of J Stewart', Case Study 35, STAT.0766.002.0001_R at [43].
501 Exhibit 35-0017, 'Statement of J Stewart', Case Study 35, STAT.0766.002.0001_R at [44]–[45].
502 Exhibit 35-0002, 'File note by F Rogan', Case Study 35, CTJH.222.01011.0028.
503 Exhibit 35-0002, 'File note by F Rogan', Case Study 35, CTJH.222.01011.0028.
504 Exhibit 35-0002, 'File note on Vicar General Letterhead', Case Study 35, CTJH.221.06039.0097_R.
505 Exhibit 35-0049, 'Statement of H Deakin', Case Study 35, STAT.0768.001.0001_R at [92].
506 Exhibit 35-0049, 'Statement of H Deakin', Case Study 35, STAT.0768.001.0001_R at [93].
507 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [127].
508 Exhibit 35-0002, 'Letter from Redacted to Vicar General Deakin', Case Study 35, CTJH.221.06039.0108_R.
509 Exhibit 35-0002, 'Letter from Vicar General Deakin to Redacted', Case Study 35, CTJH.221.06039.0107_R.
510 Transcript of H Deakin, Case Study 35, 4 December 2015 at 14120:29–38.

511 Transcript of H Deakin, Case Study 35, 4 December 2015 at 14121:12–17.
512 Transcript of H Deakin, Case Study 35, 4 December 2015 at 14121:3–9.
513 Exhibit 35-0002, 'Letter from parents at Holy Family School to Father Doyle', Case Study 35, CTJH.221.06039.0105.
514 Exhibit 35-0002, 'Letter from parents at Holy Family School to Father Doyle', Case Study 35, CTJH.221.06039.0105.
515 Exhibit 35-0002, 'Letter from parents at Holy Family School to Father Doyle', Case Study 35, CTJH.221.06039.0105; Transcript of H Deakin, Case Study 35, 4 December 2015 at 14122:11–13.
516 Exhibit 35-0049, 'Statement of H Deakin', Case Study 35, STAT.0768.001.0001_R at [96].
517 Transcript of H Deakin, Case Study 35, 4 December 2015 at 14122:2–5.
518 Exhibit 35-0049, 'Statement of H Deakin', Case Study 35, STAT.0768.001.0001_R at [26].
519 Exhibit 35-0002, 'Report by C Toms', Case Study 35, CTJH.221.01011.0047_R; Transcript of C Rafferty, Case Study 35, 25 November 2015 at 13331:31–13332:4.
520 Exhibit 35-0002, 'Report by C Toms', Case Study 35, CTJH.221.01011.0047_R; Transcript of C Rafferty, Case Study 35, 25 November 2015 at 13331:31–13332:4; Transcript of T Doyle, Case Study 35, 26 November 2015 at 13420:29–38.
521 Exhibit 35-0002, 'Report by C Toms', Case Study 35, CTJH.221.01011.0047_R.
522 Exhibit 35-0002, 'Report by C Toms', Case Study 35, CTJH.221.01011.0047_R at 0048_R.
523 Transcript of C Rafferty, Case Study 35, 25 November 2015 at 13331:46–13332:4.
524 Transcript of C Rafferty, Case Study 35, 25 November 2015 at 13332:8–16.
525 Transcript of C Rafferty, Case Study 35, 25 November 2015 at 13330:32–35.
526 Transcript of C Rafferty, Case Study 35, 25 November 2015 at 13331:18–22.
527 Transcript of C Rafferty, Case Study 35, 25 November 2015 at 13330:44–47.
528 Exhibit 35-0002, 'Report of C Toms', Case Study 35, CTJH.222.01011.0047_R at 0047_R–0048_R.
529 Transcript of C Rafferty, Case Study 35, 25 November 2015 at 13332:43–13333:9.
530 Exhibit 35-0002, 'Report by C Toms', Case Study 35, CTJH.221.01011.0047_R.
531 Exhibit 35-0049, 'Statement of H Deakin', Case Study 35, STAT.0768.001.0001_R at [98].
532 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13422:3–7.
533 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13422:8–28.
534 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [106], [130].
535 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [134].
536 Exhibit 35-0002, 'Typed student accounts', Case Study 35, COM.0172.0001.0168; Exhibit 35-0002, 'Typed student accounts', Case Study 35, COM.0172.0001.0169_R; Exhibit 35-0002, 'Typed student accounts', Case Study 35, COM.0172.0001.0170; Transcript of C Rafferty, Case Study 35, 25 November 2016 at 13336:38–13338:40.
537 Exhibit 35-0002, 'Typed student accounts', Case Study 35, COM.0172.0001.0168.
538 Exhibit 35-0002, 'Typed student accounts', Case Study 35, COM.0172.0001.0169_R.
539 Transcript of C Rafferty, Case Study 35, 25 November 2016 at 13329:15–24.
540 Exhibit 35-0002, 'Handwritten note', Case Study 35, COM.0172.0001.0167.
541 Exhibit 35-0002, 'Minutes of Curia Meeting', Case Study 35, CTJH.221.06059.0466 at 0469.
542 Transcript of P Connors, Case Study 35, 27 November 2015 at 13545:39–47.
543 Transcript of P Connors, Case Study 35, 27 November 2015 at 13546:5–8.
544 Exhibit 35-0002, 'File note', Case Study 35, CTJH.221.06039.0079_R; Exhibit 35-0002, 'Handwritten note', Case Study 35, CTJH.221.06039.0084.
545 Exhibit 35-0002, 'Handwritten note', Case Study 35, CTJH.221.06039.0086_R.
546 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13422:35–42; Exhibit 35-0002, 'File note by Father Reynolds,' Case Study 35, CTJH.222.01011.0066 at 0066.
547 Exhibit 35-0002, 'File note by Father Reynolds', Case Study 35, CTJH.222.01011.0066.
548 Exhibit 35-0002, 'File note of Father Reynolds', Case Study 35, CTJH.222.01011.0066 at 0067.
549 Exhibit 35-0002, 'Letter from Father Doyle to Archbishop Little', Case Study 35, CTJH.222.01011.0064.
550 Transcript of S Fontana, Case Study 35, 2 December 2015 at 13893:45–13894:29.
551 Exhibit 35-0002, 'File note by Father Reynolds', Case Study 35, CTJH.222.01011.0066 at 0067.
552 Transcript of W Howitt, Case Study 35, 3 December 2015 at 14063:3–30.
553 Transcript of W Howitt, Case Study 35, 3 December 2015 at 14067:4–10.

554 Transcript of G Pell, Case Study 35, 2 March 2016 at 16397:27–33.
555 Transcript of D Hart, Case Study 35, 1 December 2015 at 13701:8–21.
556 Transcript of D Hart, Case Study 35, 1 December 2015 at 13711:40–46.
557 Exhibit 35-0002, 'File note by Father Reynolds', Case Study 35, CTJH.222.01011.0066 at 0067.
558 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13424:9–27.
559 Transcript of P Connors, Case Study 35, 27 November 2015 at 13546:19–20.
560 Transcript of P Connors, Case Study 35, 27 November 2015 at 13546:25–36.
561 Transcript of G Pell, Case Study 35, 2 March 2016 at 16398:16–30.
562 Transcript of G Pell, Case Study 35, 2 March 2016 at 16396:3–12.
563 Transcript of G Pell, Case Study 35, 2 March 2016 at 16397:35–16398:6.
564 Submissions of Cardinal Pell, Case Study 35, SUBM.1035.003.0001, para [157].
565 Exhibit 35-0002, 'Letter from Father Doyle to Vicar General Cudmore', Case Study 35, CTJH.222.01011.0104.
566 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13426:3–6.
567 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13426:8–21.
568 Exhibit 35-0002, 'Letter from Father Doyle to Vicar General Cudmore', Case Study 35, CTJH.222.01011.0104.
569 Exhibit 35-0002, 'Legal Advice from R West to Father Doyle', Case Study 35, CTJH.222.01011.0088_R.
570 Exhibit 35-0002, 'Legal Advice from R West to Father Doyle', Case Study 35, CTJH.222.01011.0088_R at 0089_R–0090_R.
571 Transcript of T Doyle, Case Study 35, 27 April 2016 at 19191:43–46.
572 Exhibit 35-0022, 'Statement of T Doyle', Case Study 35, STAT.0778.001.0001_R at [107].
573 Exhibit 35-0002, 'Draft warning Letter from Vicar General Cudmore to Father Searson', Case Study 35, COM.0078.0001.0102; Exhibit 35-0002, 'Handwritten note', Case Study 35, CTJH.221.06039.0078; Exhibit 35-0002, 'File note of interview with Father Searson', Case Study 35, CTJH.221.06038.0107_R; Exhibit 35-0002, 'Letter from Vicar General Cudmore to Father Searson', Case Study 35, COM.0078.0001.0099.
574 Exhibit 35-0002, 'File note of interview with Father Searson', Case Study 35, CTJH.221.06038.0107_R; Exhibit 35-0002, 'Letter from C L'Huillier to Vicar Cudmore', Case Study 35, CTJH.221.06039.0073_R.
575 Exhibit 35-0002, 'File note of interview with Father Searson', Case Study 35, CTJH.221.06038.0107_R.
576 Exhibit 35-0002, 'Letter from Vicar General Cudmore to Father Searson', Case Study 35, COM.0078.0001.0099.
577 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [110]; Transcript of D Hart, Case Study 35, 30 November 2015 at 13702:10–13.
578 Transcript of T Doyle, Case Study 35, 26 November 2015 at 13427: 35–13428:19, 26–32.
579 Transcript of P Connors, Case Study 35, 27 November 2015 at 13548:1–6.
580 Transcript of P Connors, Case Study 35, 27 November 2015 at 13548:7–9.
581 Transcript of P Connors, Case Study 35, 27 November 2015 at 13548:11–21.
582 Exhibit 35-0002, 'Letter from C Rafferty to Vicar General Cudmore', Case Study 35, CTJH.221.06038.0065_R at 0065_R–0066_R.
583 Transcript of C Rafferty, Case Study 35, 25 November 2015 at 13342:46–13343:16.
584 Exhibit 35-0002, 'File note of interview with C Rafferty', Case Study 35, COM.0172.0001.0154_R.
585 Exhibit 35-0002, 'File note of interview with C Rafferty', Case Study 35, COM.0172.0001.0154_R.
586 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [135].
587 Transcript P Annett, Case Study 35, 27 April 2015 at 19220:13–18.
588 Transcript P Annett, Case Study 35, 27 April 2015 at 19220:24–33.
589 Exhibit 35-0002, 'Minutes of Curia Meeting', Case Study 35, CTJH.221.06059.0362 at 0365.
590 Transcript of P Connors, Case Study 35, 27 November 2015 at 13549:19–27; Transcript of D Hart, Case Study 35, 1 December 2015 at 13703:42–47.
591 Exhibit 35-0002, 'Minutes of Curia Meeting', Case Study 35, CTJH.221.06059.0362 at 0364.
592 Transcript of D Hart, Case Study 35, 1 December 2015 at 13703:27–35.
593 Transcript of H Deakin, Case Study 35, 3 December 2015 at 14083:9–12.
594 Transcript of H Deakin, Case Study 35, 3 December 2015 at 14082:1–3.
595 Transcript of H Deakin, Case Study 35, 3 December 2015 at 14082:25–33.

596 Transcript of H Deakin, Case Study 35, 3 December 2015 at 14081:44–45, 14082:35–36.
597 Exhibit 35-0025, 'Statement of BVC', Case Study 35, STAT.0763.001.0001_R at [14], [18].
598 Exhibit 35-0025, 'Statement of BVC', Case Study 35, STAT.0763.001.0001_R at [16]–[17].
599 Exhibit 35-0025, 'Statement of BVC', Case Study 35, STAT.0763.001.0001_R at [18].
600 Exhibit 35-0025, 'Statement of BVC', Case Study 35, STAT.0763.001.0001_R at [20].
601 Exhibit 35-0025, 'Statement of BVC', Case Study 35, STAT.0763.001.0001_R at [28].
602 Exhibit 35-0002, 'Catholic Education Office Intra-Office Memorandum from M Kirkwood to Vicar General Hart', Case Study 35, COM.0078.0001.0259_R.
603 Exhibit 35-0002, 'Catholic Education Office Intra-Office Memorandum from M Kirkwood to Vicar General Hart', COM.0078.0001.0259_R.
604 Exhibit 35-0002, 'Memorandum by Vicar General Hart', Case Study 35, CTJH.221.06038.0093_R.
605 Exhibit 35-0002, 'Catholic Education Office Intra-Office Memorandum of M Kirkwood to Father Doyle', Case Study 35, CTJH.222.02006.0004.
606 Exhibit 35-0002, 'Fax from Vicar General Hart', Case Study 35, COM.0078.0001.0098.
607 Transcript of D Hart, Case Study 35, 1 December 2015 at 13714:26–40.
608 Exhibit 35-0002, 'Memorandum from Vicar General Hart to R Leder', Case Study 35, CTJH.221.06038.0094.
609 Exhibit 35-0002, 'Letter from A Darvall to Vicar General Hart', Case Study 35, COM.0078.0001.0092.
610 Exhibit 35-0002, 'Letter from A Darvall to Vicar General Hart', Case Study 35, COM.0078.0001.0092 at 0093.
611 Exhibit 35-0002, 'Letter from R Leder to P O'Callaghan QC', Case Study 35, COM.0078.0001.0091.
612 Exhibit 35-0002, 'Letter from P O'Callaghan QC to Father Searson', Case Study 35, COM.0078.0001.0072_R.
613 Exhibit 35-0002, 'Letter from Archbishop Pell to Father Searson', Case Study 35, COM.0172.0001.0149.
614 Exhibit 35-0002, 'Report of Commissioner in relation to complaints against Father Searson', COM.0172.0001.0046_R.
615 Exhibit 35-0002, 'Catholic Archdiocese of Melbourne Administrative Process Report', Case Study 35, CTJH.221.06041.0001_R.
616 Transcript of G Pell, Case Study 35, 3 March 2016 at 16570:46–16571:3.
617 Transcript of G Pell, Case Study 35, 3 March 2016 at 16571:8–19.
618 Transcript of H Deakin, Case Study 35, 3 December 2015 at 14094:14–22.
619 Transcript of P O'Donnell, Case Study 35, 24 November 2015 at 13185:35–13186:34, 13187:19–13188:6.
620 Transcript of G Sleeman, Case Study 35, 25 November 2015 at 13275:3–13276:27.
621 Exhibit 35-0008, 'Personal Information Form – Wilfred Baker', Case Study 35, CTJH.221.06008.0254.
622 Exhibit 35-0008, 'Personal Information Form – Wilfred Baker', Case Study 35, CTJH.221.06008.0254.
623 Exhibit 35-0036, 'Statement of S Fontana: Schedule A', Case Study 35, STAT.0623.002.0036_R at 0041_R–0043_R.
624 Exhibit 35-0039, 'Statement of BTO', Case Study 35, STAT.0779.001.0001_R.
625 Exhibit 35-0039, 'Statement of BTO', Case Study 35, STAT.0779.001.0001_R at [11], [14].
626 Exhibit 35-0039, 'Statement of BTO', Case Study 35, STAT.0779.001.0001_R at [15].
627 Exhibit 35-0039, 'Statement of BTO', Case Study 35, STAT.0779.001.0001_R at [15]–[18].
628 Exhibit 35-0039, 'Statement of BTO', Case Study 35, STAT.0779.001.0001_R at [16].
629 Exhibit 35-0039, 'Statement of BTO', Case Study 35, STAT.0779.001.0001_R at [21].
630 Exhibit 35-0039, 'Statement of BTO', Case Study 35, STAT.0779.001.0001_R at [21].
631 Exhibit 35-0039, 'Statement of BTO', Case Study 35, STAT.0779.001.0001_R at [22].
632 Transcript of P O'Donnell, Case Study 35, 24 November 2015 at 13171:19–13172:13.
633 Transcript of P O'Donnell, Case Study 35, 24 November 2015 at 13172:15–25.
634 Transcript of P O'Donnell, Case Study 35, 24 November 2015 at 13172:27–37.
635 Transcript of P O'Donnell, Case Study 35, 24 November 2015 at 13172:40–43.
636 Transcript of P O'Donnell, Case Study 35, 24 November 2015 at 13173:6–17.
637 Exhibit 35-0039, 'Statement of BTO', Case Study 35, STAT.0779.001.0001_R at [23].
638 Transcript of P O'Donnell, Case Study 35, 24 November 2015 at 13174:25–13175:9.
639 Exhibit 35-0009, 'Statement of B Cosgriff', Case Study 35, STAT.0781.001.0001_R at [10], [5].

640 Exhibit 35-0009, 'Statement of B Cosgriff', Case Study 35, STAT.0781.001.0001_R at [11].
641 Exhibit 35-0009, 'Statement of B Cosgriff', Case Study 35, STAT.0781.001.0001_R at [13].
642 Exhibit 35-0009, 'Statement of B Cosgriff', Case Study 35, STAT.0781.001.0001_R at [12].
643 Exhibit 35-0009, 'Statement of B Cosgriff', Case Study 35, STAT.0781.001.0001_R at [15]–[16].
644 Exhibit 35-0039, 'Statement of BTO' Case Study 35, STAT.0779.001.0001_R at [26].
645 Exhibit 35-0009, 'Statement of B Cosgriff', Case Study 35, STAT.0781.001.0001_R at [17], [18].
646 Exhibit 35-0009, 'Statement of B Cosgriff', Case Study 35, STAT.0781.001.0001_R at [19].
647 Exhibit 35-0009, 'Statement of B Cosgriff', Case Study 35, STAT.0781.001.0001_R at [20].
648 Exhibit 35-0009, 'Statement of B Cosgriff', Case Study 35, STAT.0781.001.0001_R at [21].
649 Transcript of P O'Donnell, Case Study 35, 24 November 2015 at 13180:26–41.
650 Exhibit 35-0009, 'Statement of B Cosgriff', Case Study 35, STAT.0781.001.0001_R at [22]–[23].
651 Exhibit 35-0009, 'Statement of B Cosgriff', Case Study 35, STAT.0781.001.0001_R at [24].
652 Exhibit 35-0009, 'Statement of B Cosgriff', Case Study 35, STAT.0781.001.0001_R at [25].
653 Exhibit 35-0009, 'Statement of B Cosgriff', Case Study 35, STAT.0781.001.0001_R at [26].
654 Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [81].
655 Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [83].
656 Transcript of P Connors, Case Study 35, 2 December 2015 at 13952:42–46.
657 Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [82].
658 Transcript of P Connors, Case Study 35, 2 December 2015 at 13939:37–43.
659 Transcript of P Connors, Case Study 35, 2 December 2015 at 13950:47–13951:25.
660 Transcript of P Connors, Case Study 35, 3 December 2015 at 14027:7–17.
661 Transcript of P Connors, Case Study 35, 2 December 2015 at 13947:33–36.
662 Transcript of P O'Donnell, Case Study 35, 24 November 2015 at 13178:7–15.
663 Transcript of P Connors, Case Study 35, 2 December 2015 at 13953:1–15.
664 Exhibit 35-0009, 'Statement of B Cosgriff', Case Study 35, STAT.0781.001.0001_R at [28].
665 Transcript of P O'Donnell, Case Study 35, 24 November 2015 at 13177:39–13178:15, 13182:6–14.
666 Exhibit 35-0008, 'Document titled James (Bill) Baker, Catholic priest', Case Study 35, CTJH.221.09013.0189_R.
667 Transcript of P Connors, Case Study 35, 2 December 2015 at 13954:5–22.
668 Transcript of P Connors, Case Study 35, 2 December 2015 at 13954:24–26.
669 Transcript of P Connors, Case Study 35, 3 December 2015 at 14053:2–39.
670 Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [85].
671 Transcript of P Connors, Case Study 35, 2 December 2015 at 13954:35–44.
672 Transcript of P O'Donnell, Case Study 35, 24 November 2015 at 13181:30–34.
673 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [183].
674 Transcript of D Hart, Case Study 35, 1 December 2015 at 13736:1–4.
675 Transcript of D Hart, Case Study 35, 30 November 2015 at 13666:21–38.
676 Transcript of D Hart, Case Study 35, 30 November 2015 at 13666:21–38.
677 Transcript of D Hart, Case Study 35, 30 November 2015 at 13666:34–38.
678 Transcript of D Hart, Case Study 35, 1 December 2015 at 13735:39–43.
679 Exhibit 35-0039, 'Statement of BTO', Case Study 35, STAT.0779.001.0001_R at [38]–[39].
680 Transcript of BTO, Case Study 35, 30 November 2015 at 13590:23–27.
681 Exhibit 35-0039, 'Statement of BTO', Case Study 35, STAT.0779.001.0001_R at [26].
682 Transcript of P O'Donnell, Case Study 35, 24 November 2015 at 13181:43–45.
683 Transcript of P Connors, Case Study 35, 3 December 2015 at 14055:30–37.
684 One set of minutes was produced for two meetings held on 26 May and 1 June 1978. Exhibit 35-0008, 'Minutes of Diocesan Consultors Meeting', Case Study 35, CTJH.221.10004.0019.
685 Exhibit 35-0008, 'Minutes of Diocesan Consultors Meeting', Case Study 35, CTJH.221.10004.0019.
686 Exhibit 35-0008, 'Minutes of Diocesan Consultors Meeting', Case Study 35, CTJH.221.10004.0019.
687 Transcript of P Connors, Case Study 35, 3 December 2015 at 13955:35–13956:32.
688 Transcript of P Connors, Case Study 35, 3 December 2015 at 14058:35–14059:2.
689 Transcript of P Connors, Case Study 35, 3 December 2015 at 14058:18–22.
690 Exhibit 35-0008, 'Minutes of Personal Advisory Board Meeting', Case Study 35, CTJH.221.06060.0213 at 0214.

691 Transcript of P Connors, Case Study 35, 2 December 2015 at 13957:40–46.
692 Transcript of P Connors, Case Study 35, 2 December 2015 at 13957:13–38.
693 Transcript of P Connors, Case Study 35, 2 December 2015 at 13957:35–38.
694 Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [87].
695 Transcript of P Connors, Case Study 35, 2 December 2015 at 13958:8–15.
696 Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [87].
697 Transcript of P Connors, Case Study 35, 2 December 2015 at 13958:20–22.
698 Transcript of P Connors, Case Study 35, 2 December 2015 at 13958:27–45.
699 Transcript of D Hart, Case Study 35, 1 December 2015 at 13737:17–22.
700 Submissions of the Truth, Justice and Healing Council, Case Study 35, SUBM.1035.006.0001, para [44].
701 Submissions of the Truth, Justice and Healing Council, Case Study 35, SUBM.1035.006.0001, paras [44]–[45].
702 Transcript of P Connors, Case Study 35, 2 December 2015 at 13957:35–38.
703 Exhibit 35-0008, 'Letter from Sister G Reynolds to Vicar General Connors', Case Study 35, CTJH.221.09013.0306_R.
704 Exhibit 35-0008, 'Letter from Vicar General Connors to Sister G Reynolds', Case Study 35, CTJH.221.09013.0305.
705 Transcript of P Connors, Case Study 35, 2 December 2015 at 13959:42–13960:3.
706 Transcript of P Connors, Case Study 35, 2 December 2015 at 13960:14–29.
707 Exhibit 35-0008, 'Letter from W Baker to Vicar General Deakin', Case Study 35, CTJH.221.06008.0151.
708 Exhibit 35-0008, 'Minutes of Curia Meeting', Case Study 35, CTJH.221.06059.0199 at 0201.
709 Exhibit 35-0008, 'Minutes of Personnel Advisory Board Meeting', Case Study 35, CTJH.221.06060.0008 at 0008.
710 Transcript of P Connors, Case Study 35, 2 December 2015 at 13964:24–36.
711 Transcript of P Connors, Case Study 35, 2 December 2015 at 13965:13–36.
712 Transcript of P Connors, Case Study 35, 2 December 2015 at 13965:13–25.
713 Transcript of D Hart, Case Study 35, 1 December 2015 at 13738:5–13.
714 Exhibit 35-0008, 'Memo from N Lalor to Father T Doyle', Case Study 35, CTJH.222.01010.0113_R.
715 Exhibit 35-0008, 'Letter from Redacted to Mrs O'Donnell', Case Study 35, COM.0007.0002.0050_R.
716 Exhibit 35-0008, 'Letter from Redacted to Vicar General Deakin', Case Study 35, CTJH.221.06008.0120_R; Exhibit 35-0008, 'Letter from Vicar General Deakin to Redacted', Case Study 35, CTJH.221.09013.0276_R.
717 Exhibit 35-0008, 'Letter from Vicar General Deakin to Redacted', Case Study 35, CTJH.221.09013.0276_R.
718 Exhibit 35-0008, 'Letter from W Baker to Archbishop Little', Case Study 35, CTJH.221.06008.0116.
719 Exhibit 35-0008, 'Minutes of Personnel Advisory Board Meeting', Case Study 35, CTJH.221.06060.0101 at 0102.
720 Transcript of D Hart, Case Study 35, 1 December 2015 at 13741:15–23; Transcript of P Connors, Case Study 35, 2 December 2015 at 13966:38–41.
721 Transcript of P Connors, Case Study 35, 2 December 2015 at 13967:23–40.
722 Transcript of P Connors, Case Study 35, 2 December 2015 at 13968:3–13969:4.
723 Transcript of D Hart, Case Study 35, 1 December 2015 at 13741:45–13742:24.
724 Transcript of D Hart, Case Study 35, 1 December 2015 at 13741:47–13742:5.
725 Exhibit 35-0008, 'Minutes of Personnel Advisory Board Meeting', Case Study 35, CTJH.221.06060.0097 at 0098.
726 Transcript of P Connors, Case Study 35, 2 December 2015 at 13969:12–19.
727 Exhibit 35-0008, 'Letter from Redacted to Archbishop Little', Case Study 35, CTJH.221.06008.0106_R.
728 Exhibit 35-0008, 'Letter from Archbishop Little to Redacted', Case Study 35, CTJH.221.06008.0105_R.
729 Exhibit 35-0008, 'Minutes of Personnel Advisory Board Meeting', Case Study 35, CTJH.221.06060.0094.
730 Transcript of P Connors, Case Study 35, 2 December 2015 at 13970:9–19.
731 Transcript of P Connors, Case Study 35, 2 December 2015 at 13970:21–24.
732 Transcript of P Connors, Case Study 35, 2 December 2015 at 13970:29–44.
733 Transcript of P Connors, Case Study 35, 2 December 2015 at 13970:41–13971:1.

734 Exhibit 35-0008, 'Minutes of Personnel Advisory Board Meeting', Case Study 35, CTJH.221.06060.0092.
735 Transcript of D Hart, Case Study 35, 1 December 2015 at 13745:15–26.
736 Transcript of P Connors, Case Study 35, 2 December 2015 at 13972:24–28.
737 Submissions of the Truth, Justice and Healing Council, Case Study 35, SUBM.1035.006.0001, para [46].
738 Submissions of Cardinal Pell, Case Study 35, SUBM.1035.003.0001, paras [200]–[208], [224]–[225], [227], [230].
739 Submissions of Cardinal Pell, Case Study 35, SUBM.1035.003.0001, para [224].
740 Transcript of G Pell, Case Study 35, 2 March 2016 at 16401:35–46.
741 Transcript of D Hart, Case Study 35, 1 December 2015 at 13743:40–13744:2.
742 Exhibit 35-0008, 'Letter from Redacted to J O'Donnell', Case Study 35, CTJH.221.06008.0044_R at 0045_R.
743 Transcript of D Hart, Case Study 35, 1 December 2015 at 13744:33–37.
744 Exhibit 35-0026, 'Statement of P Taylor', Case Study 35, STAT.0776.001.0001_R at [7].
745 Exhibit 35-0026, 'Statement of P Taylor', Case Study 35, STAT.0776.001.0001_R at [8].
746 Exhibit 35-0026, 'Statement of P Taylor', Case Study 35, STAT.0776.001.0001_R at [8]; Transcript of P Taylor, Case Study 35, 30 November 2015 at 13596:25–27.
747 Transcript of P Taylor, Case Study 35, 30 November 2015 at 13596:30–43.
748 Transcript of P Taylor, Case Study 35, 30 November 2015 at 13957:22–30; Exhibit 35-0026, 'Statement of P Taylor', Case Study 35, STAT.0776.001.0001_R at [9]–[11].
749 Exhibit 35-0026, 'Statement of P Taylor', Case Study 35, STAT.0776.001.0001_R at [11]; Transcript of P Taylor, Case Study 35, 30 November 2015 at 13597:32–35.
750 Transcript of P Taylor, Case Study 35, 30 November 2015 at 13597:45–13958:2.
751 Exhibit 35-0026, 'Statement of P Taylor', Case Study 35, STAT.0776.001.0001_R at [15].
752 Transcript of P Taylor, Case Study 35, 30 November 2015 at 13603:15–25.
753 Exhibit 35-0026, 'Statement of P Taylor', Case Study 35, STAT.0776.001.0001_R at [18]; Transcript of P Taylor, Case Study 35, 30 November 2015 at 13601:32–47.
754 Transcript of P Taylor, Case Study 35, 30 November 2015 at 13595:1–12.
755 Exhibit 35-0026, 'Statement of P Taylor', Case Study 35, STAT.0776.001.0001_R at [20].
756 Exhibit 35-0026, 'Statement of P Taylor', Case Study 35, STAT.0776.001.0001_R at [21].
757 Transcript of P Taylor, Case Study 35, 30 November 2015 at 13602:46–13603:7.
758 Transcript of P Taylor, Case Study 35, 30 November 2015 at 13603:32–42.
759 Exhibit 35-0026, 'Statement of P Taylor', Case Study 35, STAT.0776.001.0001_R at [23].
760 Transcript of P Taylor, Case Study 35, 30 November 2015 at 13604:32–33.
761 Exhibit 35-0026, 'Statement of P Taylor', Case Study 35, STAT.0776.001.0001_R at [24].
762 Transcript of P Taylor, Case Study 35, 30 November 2015 at 13606:27–44.
763 Transcript of P Taylor, Case Study 35, 30 November 2015 at 13604:11–21.
764 Exhibit 35-0026, 'Statement of P Taylor', Case Study 35, STAT.0776.001.0001_R at [25].
765 Transcript of P Taylor, Case Study 35, 30 November 2015 at 13611:6–11; Exhibit 35-0026, 'Statement of P Taylor', Case Study 35, STAT.0776.001.0001_R at [26].
766 Transcript of P Connors, Case Study 35, 2 December 2015 at 13973:18–13974:38.
767 Transcript of P Connors, Case Study 35, 2 December 2015 at 13975:3–8.
768 Transcript of P Connors, Case Study 35, 2 December 2015 at 13975:15–21.
769 Transcript of P Connors, Case Study 35, 2 December 2015 at 13975:23–26.
770 Exhibit 35-0026, 'Statement of P Taylor', Case Study 35, STAT.0776.001.0001_R at [16]–[17].
771 Exhibit 35-0026, 'Statement of P Taylor', Case Study 35, STAT.0776.001.0001_R at [17].
772 Transcript of P Taylor, Case Study 35, 30 November 2015 at 13601:8–23.
773 Transcript of P Taylor, Case Study 35, 30 November 2015 at 13603:44–13604:1.
774 Exhibit 35-0026, 'Statement of P Taylor', Case Study 35, STAT.0776.001.0001_R at [27]–[28]; Transcript of P Taylor, Case Study 35, 30 November 2015 at 13609:41–46.
775 Exhibit 35-0026, 'Statement of P Taylor', Case Study 35, STAT.0776.001.0001_R at [30].
776 Transcript of P Taylor, Case Study 35, 30 November 2015 at 13608:11–30.
777 Transcript of P Taylor, Case Study 35, 30 November 2015 at 13609:2–34.
778 Exhibit 35-0026, 'Statement of P Taylor', Case Study 35, STAT.0776.001.0001_R at [31], [32].

779 Transcript of P Connors, Case Study 35, 2 December 2015 at 13976:15–33, 13977:31–33.
780 Transcript of P Connors, Case Study 35, 2 December 2015 at 13976:15–33, 13977:29–33.
781 Transcript of P Connors, Case Study 35, 2 December 2015 at 13976:24–27.
782 Transcript of P Connors, Case Study 35, 2 December 2015 at 13983:4–7.
783 Transcript of P Connors, Case Study 35, 2 December 2015 at 13983:26–30.
784 Transcript of P Connors, Case Study 35, 2 December 2015 at 13984:8–11.
785 Exhibit 35-0008, 'Letter from BTL to Vicar General Cudmore', Case Study 35, CTJH.221.06008.0007_R.
786 Exhibit 35-0008, 'Letter from Vicar General Cudmore to BTL', Case Study 35, COM.0007.0002.0027_R.
787 Exhibit 35-0008, 'Letter from BTL to Vicar General Cudmore', Case Study 35, COM.0010.0008.0069_R.
788 Exhibit 35-0008, 'Handwritten Notes', Case Study 35, CTJH.221.06008.0027_R.
789 Exhibit 35-0008, 'Handwritten Notes', Case Study 35, CTJH.221.06008.0027_R.
790 Exhibit 35-0008, 'Letter from W Baker to Vicar General Cudmore', Case Study 35, COM.0007.0002.0033_R.
791 Exhibit 35-0008, 'CCI Special Issues Incident Report', Case Study 35, CCI.0323.00002.0003_R.
792 Exhibit 35-0010, 'Statement of BTM', Case Study 35, STAT.0784.001.0001_R at [11]–[14].
793 Exhibit 35-0010, 'Statement of BTM', Case Study 35, STAT.0784.001.0001_R at [19]–[21].
794 Exhibit 35-0010, 'Statement of BTM', Case Study 35, STAT.0784.001.0001_R at [21]–[22].
795 Exhibit 35-0008, 'Letter from BTN to Father Beasley', Case Study 35, COM.0007.0002.0035_R.
796 Exhibit 35-0008, 'Letter from BTN and Redacted to Vicar General Cudmore', Case Study 35, COM.1006.0001.0083_R at 0083_R.
797 Exhibit 35-0008, 'Letter from BTN and Redacted to Vicar General Cudmore', Case Study 35, COM.1006.0001.0083_R.
798 Exhibit 35-0008, 'Letter from Vicar General Cudmore to BTN and Redacted', Case Study 35, COM.0007.0002.0040_R.
799 Exhibit 35-0008, 'Letter from Vicar General Cudmore to BTN and Redacted', Case Study 35, COM.0007.0002.0040_R.
800 Exhibit 35-0008, 'Letter from BTN to Vicar General Cudmore', Case Study 35, COM.0007.0002.0043_R at 0043_R.
801 Exhibit 35-0008, 'Letter from BTN to Vicar General Cudmore', Case Study 35, COM.0007.0002.0043_R.
802 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [187].
803 Exhibit 35-0008, 'Letter from P Plant and M Pullar to Father Doyle', Case Study 35, CTJH.221.06008.0091_R.
804 Exhibit 35-0008, 'Letter from P Plant and M Puller to Father Doyle', Case Study 35, CTJH.221.06008.0091_R.
805 Exhibit 35-0008, 'Letter from P Plant and M Puller to Father Doyle', Case Study 35, CTJH.221.06008.0091_R at 0093_R.
806 Transcript of P Taylor, Case Study 35, 30 November 2015 at 13614:20–23.
807 Exhibit 35-0008, 'Cover Note', Case Study 35, CTJH.221.06008.0090; Transcript of P Connors, Case Study 35, 2 December 2015 at 13977:39–46.
808 Exhibit 35-0008, 'Cover Note', Case Study 35, CTJH.221.06008.0090; Transcript of P Connors, Case Study 35, 2 December 2015 at 13977:35–46.
809 Exhibit 35-0008, 'Minutes of Curia Meeting', Case Study 35, CTJH.221.06059.0393_R at 0397_R.
810 Transcript of P Connors, Case Study 35, 2 December 2015 at 13978:38–13979:11.
811 Exhibit 35-0008, 'Minutes of Personnel Advisory Board Meeting', Case Study 35, CTJH.221.06060.0117.
812 Exhibit 35-0008, 'Minutes of Personnel Advisory Board Meeting', Case Study 35, CTJH.221.06060.0117.
813 Exhibit 35-0008, 'Handwritten Minutes of Personnel Advisory Board Meeting', Case Study 35, CTJH.221.06062.0303_E.
814 Transcript of P Connors, Case Study 35, 2 December 2015 at 13985:10–21.
815 Exhibit 35-0008, 'Minutes of Personnel Advisory Board Meeting', Case Study 35, CTJH.221.06060.0123.
816 Exhibit 35-0008, 'Handwritten Minutes of Personnel Advisory Board Meeting', Case Study 35, CTJH.221.06062.0306_E_R at 0307_E_R; Exhibit 35-0008, 'Minutes of Personnel Advisory Board Meeting', Case Study 35, CTJH.221.06060.0123 at 0125.

817 Transcript of P Connors, Case Study 35, 2 December 2015 at 13985:34–44.
818 Exhibit 35-0008, 'Minutes of Personnel Advisory Board Meeting', Case Study 35, CTJH.221.06060.0129_R at 0131_R.
819 Exhibit 35-0008, 'Minutes of Personnel Advisory Board Meeting', Case Study 35, CTJH.221.06060.0129_R.
820 Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [91].
821 Transcript of P Connors, Case Study 35, 2 December 2015 at 13987:8–12.
822 Transcript of P Connors, Case Study 35, 2 December 2015 at 13986:5–8.
823 Transcript of P Connors, Case Study 35, 2 December 2015 at 13986:10–15.
824 Exhibit 35-0008, 'Letter from P O'Donnell to Vicar General Cudmore', Case Study 35, COM.0007.0002.0020_R.
825 Exhibit 35-0008, 'Letter from P O'Donnell to Vicar General Cudmore', Case Study 35, COM.0007.0002.0020_R.
826 Exhibit 35-0008, 'Letter from P O'Donnell to Vicar General Cudmore', Case Study 35, COM.0007.0002.0020_R.
827 Transcript of P O'Donnell, Case Study 35, 24 November 2015 at 13199:2–17.
828 Exhibit 35-0008, 'Letter from P O'Donnell to Vicar General Cudmore', Case Study 35, CTJH.221.06008.0017.
829 Exhibit 35-0008, 'File note of Father Waters', Case Study 35, CTJH.221.06008.0073.
830 Exhibit 35-0008, 'Minutes of Curia Meeting', Case Study 35, CTJH.221.06059.0545 at 0552.
831 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [190].
832 Transcript of D Hart, Case Study 35, 1 December 2015 at 13751:26–43.
833 Exhibit 35-0008, 'Memo from Maria Kirkwood to Monsignor Denis Hart', Case Study 35, CTJH.221.06008.0014_R.
834 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [190].
835 Exhibit 35-0008, 'Letter from P O'Callaghan QC to W Baker', Case Study 35, CTJH.221.06005.0016_R.
836 Exhibit 35-0008, 'Letter from Archbishop Pell to W Baker', Case Study 35, CTJH.221.06005.0083.
837 Exhibit 35-0036, 'Statement of S Fontana: Schedule A', Case Study 35, STAT.0623.002.0036_R at 0041_R.
838 Exhibit 35-0008, 'Sentencing remarks of Judge Lewis', Case Study 35, VIC.0010.001.0395.
839 Exhibit 35-0036, 'Statement of S Fontana: Schedule A', Case Study 35, STAT.0623.002.0036_R at 0043_R; Exhibit 35-0008, 'Prosecution Brief – W Baker', Case Study 35, VPOL.3037.007.0001_R at 0014_R–0027_R.
840 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [195].
841 Exhibit 35-0028, 'Letter from Father Salvano to the Apostolic Nuncio', Case Study 35, CTJH.221.06006.0005.
842 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [198].
843 Exhibit 35-0028, 'Letter from Archbishop Hart to Congregation for the Doctrine of the Faith', Case Study 35, CTJH.221.06005.0001.
844 Exhibit 35-0028, 'Letter from Archbishop Hart to Congregation for the Doctrine of the Faith', Case Study 35, CTJH.221.06005.0001.
845 Exhibit 35-0028, 'Letter from the Congregation for Doctrine of the Faith to Archbishop Hart', Case Study 35, CTJH.221.06006.0048.
846 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [199].
847 Exhibit 35-0041, 'Clergy Personal Information Form', Case Study 35, CTJH.221.06003.0434.
848 Exhibit 35-0055, 'Statement of M Harold', Case Study 35, STAT.0780.001.0001 at [7]–[9].
849 Exhibit 35-0055, 'Statement of M Harold', Case Study 35, STAT.0780.001.0001 at [10].
850 Exhibit 35-0056, 'Statement of L Harper', Case Study 35, STAT.0794.0001.0001 at [7].
851 Exhibit 35-0056, 'Statement of L Harper', Case Study 35, STAT.0794.0001.0001 at [8]–[11].
852 Exhibit 35-0056, 'Statement of L Harper', Case Study 35, STAT.0794.0001.0001 at [15]–[18].
853 Exhibit 35-0055, 'Statement of M Harold', Case Study 35, STAT.0780.001.0001 at [13]–[14].
854 Exhibit 35-0055, 'Statement of M Harold', Case Study 35, STAT.0780.001.0001 at [19].
855 Exhibit 35-0041, 'File Note', Case Study 35, CTJH.221.06003.0005.
856 Exhibit 35-0034, 'Statement of P Barker', Case Study 35, STAT.0775.001.0001_R at [11]–[13].

857 Exhibit 35-0034, 'Statement of P Barker', Case Study 35, STAT.0775.001.0001_R at [15], [17].
858 Exhibit 35-0034, 'Statement of P Barker', Case Study 35, STAT.0775.001.0001_R at [19].
859 Transcript of P Connors, Case Study 35, 3 December 2015 at 13990:44–13991:4.
860 Exhibit 35-0034, 'Statement of P Barker', Case Study 35, STAT.0775.001.0001_R at [20].
861 Exhibit 35-0043, 'Statement of P Barker', Case Study 35, STAT.0775.001.0001_R at [21]; Transcript of P Barker, Case Study 35, 1 December 2015 at 13830:29–45.
862 Transcript of P Barker, Case Study 35,1 December 2015 at 13833:14–33, 13833:40–13834:8; Exhibit 35-0043, 'Statement of P Barker', Case Study 35, STAT.0775.001.0001_R at [24].
863 Exhibit 35-0043, 'Statement of P Barker', Case Study 35, STAT.0775.001.0001_R at [25].
864 Transcript of P Connors, Case Study 35, 3 December 2015 at 13990:44–13991:4.
865 Transcript of P Connors, Case Study 35, 3 December 2015 at 13990:44–13991:28.
866 Transcript of P Connors, Case Study 35, 3 December 2015 at 13991:22–28.
867 Transcript of P Connors, Case Study 35, 3 December 2015 at 13992:29–30.
868 Exhibit 35-0041, 'Letter from Archbishop Little', Case Study 35, CTJH.221.06003.0046.
869 Exhibit 35-0041, 'Memorandum from Father Deal to Archbishop Little', Case Study 35, CTJH.221.06003.0047.
870 Exhibit 35-0041, 'File Note', Case Study 35, CTJH.221.06003.0040_R at 0040_R.
871 Transcript of P Connors, Case Study 35, 3 December 2015 at 13994:1–17, 28–35.
872 Exhibit 35-0041, 'Letter from Father Pickering to Archbishop Little', Case Study 35, CCI.0247.00002.0400.
873 Exhibit 35-0041, 'Medical Certificate', Case Study 35, CTJH.221.06002.0162_R.
874 Exhibit 35-0041, 'Letter from Father Pickering to Archbishop Little', Case Study 35, CCI.0247.00002.0400.
875 Exhibit 35-0041, 'Gardenvale Newsletter', Case Study 35, CCI.0247.00002.0402 at 0170.
876 Transcript of P Connors, Case Study 35, 3 December 2015 at 14004:7–16.
877 Transcript of P Connors, Case Study 35, 3 December 2015 at 13992:16–24.
878 Exhibit 35-0041, 'Minutes of Personnel Advisory Board Meeting', Case Study 35, CTJH.221.06060.0036 at 0038.
879 Transcript of P Connors, Case Study 35, 3 December 2015 at 14005:22–29.
880 Transcript of P Connors, Case Study 35, 3 December 2015 at 14005:31–35.
881 Transcript of P Connors, Case Study 35, 3 December 2015 at 14005:37–46.
882 Transcript of P Connors, Case Study 35, 3 December 2015 at 14005:22–14006:5.
883 Transcript of D Hart, Case Study 35, 1 December 2015 at 13760:25–40.
884 Submissions of the Truth, Justice and Healing Council, Case Study 35, SUBM.1035.006.0001, paras [55], [44].
885 Submissions of the Truth, Justice and Healing Council, Case Study 35, SUBM.1035.006.0001, para [55].
886 Exhibit 35-0041, 'Letter from Father Pickering to Archbishop Little', Case Study 35, CCI.0247.00002.0122_R.
887 Exhibit 35-0041, 'Letter from Dr Tiernan to Archbishop Little', Case Study 35, CTJH.221.06003.0118_R; Exhibit 35-0041, 'Letter from Archbishop Little to Dr Tiernan', Case Study 35, CTJH.221.06002.0224_R.
888 Exhibit 35-0041, 'Letter from Archbishop Little to Father Pickering', Case Study 35, CTJH.221.06003.0115.
889 Transcript of D Hart, Case Study 35, 1 December 2015 at 13764:36–41.
890 Exhibit 35-0041, 'Minutes of Curia Meeting', Case Study 35, CTJH.221.06059.0446 at 0449.
891 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [289]; Exhibit 35-0041, 'Minutes of Curia Meeting', Case Study 35, CTJH.221.06059.0446 at 0449.
892 Exhibit 35-0041, 'Letter from Archbishop Little to Father Pickering', Case Study 35, CTJH.221.06003.0085_R.
893 Exhibit 35-0041, 'Letter from Vicar General Cudmore to parishioners of St James Parish', Case Study 35, CTJH.221.06002.0219.
894 Exhibit 35-0041, 'Statement of Vicar General Cudmore', Case Study 35, CCI.0001.00038.0117_R at 0122_R–0124_R.

895 Exhibit 35-0036, 'Statement of S Fontana', Case Study 35, STAT.0623.002.0001_R at [79]–[80]; Exhibit 35-0037, 'Supplementary Statement of S Fontana', Case Study 35, STAT.0623.003.0001 at [4].
896 Transcript of S Fontana, Case Study 35, 2 December 2015 at 13904:12–13905:7.
897 Exhibit 35-0041, 'Letter from Bishop Jukes to Archbishop Little', Case Study 35, CCI.0247.00002.0367.
898 Exhibit 35-0041, 'Minutes of Curia Meeting', Case Study 35, CTJH.221.06059.0405.
899 Submissions of Cardinal Pell, Case Study 35, SUBM.1035.003.0001, para [197].
900 Exhibit 35-0041, 'Minutes of Curia Meeting', Case Study 35, CTJH.221.06059.0405 at 0409.
901 Transcript of P Connors, Case Study 35, 3 December 2015 at 14007:29–36.
902 Transcript of P Connors, Case Study 35, 3 December 2015 at 14007:40–45.
903 Submissions of Cardinal Pell, Case Study 35, SUBM.1035.003.0001, paras [189]–[191].
904 Submissions of Cardinal Pell, Case Study 35, SUBM.1035.003.0001, paras [188], [192]–[193].
905 Transcript of P Connors, Case Study 35, 3 December 2015 at 14006:28–14007:1.
906 Transcript of D Hart, Case Study 35, 1 December 2015 at 13766:25–32.
907 Exhibit 35-0041, 'Minutes of Curia Meeting', Case Study 35, CTJH.221.06059.0400.
908 Exhibit 35-0041, 'Minutes of Curia Meeting', Case Study 35, CTJH.221.06059.0400 at 0403.
909 Transcript of G Pell, Case Study 35, 2 December 2016 at 16048:32–16409:2.
910 Exhibit 35-0027, 'Statement of BTU', Case Study 35, STAT.0785.001.0002_R.
911 Exhibit 35-0027, 'Statement of BTU', Case Study 35, STAT.0785.001.0002_R at [34].
912 Exhibit 35-0027, 'Statement of BTU', Case Study 35, STAT.0785.001.0002_R at [34].
913 Exhibit 35-0027, 'Statement of BTU', Case Study 35, STAT.0785.001.0002_R at [30]–[32].
914 Exhibit 35-0027, 'Statement of BTU', Case Study 35, STAT.0785.001.0002_R at [37]; Exhibit 35-0041, 'Letter from Maurice Blackburn to Archbishop Little', Case Study 35, CTJH.221.06002.0135_R.
915 Exhibit 35-0041, 'Letter from Maurice Blackburn to Brother Paul Noonan', Case Study 35, CCI.0247.00002.0383_R; Exhibit 35-0041, 'Letter from Maurice Blackburn to Archbishop Little', Case Study 35, CTJH.221.06002.0135_R.
916 Exhibit 35-0041, 'Minutes of Curia Meeting', Case Study 35, CTJH.221.06059.0393 at 0398_R.
917 Transcript of P Connors, Case Study 35, 3 December 2015 at 14008:38–46.
918 Exhibit 35-0041, 'Letter from Archbishop Little to Father Pickering', Case Study 35, CTJH.221.06002.0129_R.
919 Exhibit 35-0041, 'Letter from Archbishop Little to Bishop Jukes', Case Study 35, CTJH.221.06002.0131; Exhibit 35-0041, 'Letter from Archbishop Little to Father Pickering', Case Study 35, CTJH.221.06002.0129_R.
920 Transcript of D Hart, Case Study 35, 1 December 2015 at 13769:1–11.
921 Transcript of D Hart, Case Study 35, 1 December 2015 at 13769:13–15.
922 Exhibit 35-0041, 'CCI Special Issues Incident Report', Case Study 35, CCI.0001.00038.0026_R.
923 Exhibit 35-0041, 'Letter from Father Pickering to Vicar General Cudmore', Case Study 35, CTJH.221.06003.0077_R at 0078.
924 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [245]; Transcript of D Hart, Case Study 35, 1 December 2015 at 13772:12–21, 29–40, 13763:23–28; Transcript of P Connors, Case Study 35, 3 December 2015 at 14016:47–14017:3.
925 Exhibit 35-0041, 'Letter from Bishop O'Connell to Priests Retirement Foundation', Case Study 35, CTJH.221.06003.0079; Exhibit 35-0041, 'Memorandum by Father Fleming', Case Study 35, CTJH.221.06002.0214; Exhibit 35-0041, 'Minutes of Curia Meeting', Case Study 35, CTJH.221.06059.0433; Exhibit 35-0041, 'Letter from Priests Retirement Foundation to Vicar General Cudmore', Case Study 35, CTJH.221.06003.0076; Exhibit 35-0041, 'Letter from Vicar General Cudmore to Father Pickering', Case Study 35, CTJH.221.06003.0075_R.
926 Exhibit 35-0041, 'Letter from Father Beasley to Archbishop Little', Case Study 35, CCI.0247.00002.0071.
927 Exhibit 35-0041, 'Letter from Father Pickering to Archbishop Little', Case Study 35, CTJH.221.06002.0075_R.
928 Exhibit 35-0041, 'Letter from Archbishop Little to Priests Retirement Foundation', Case Study 35, CTJH.221.06002.0074; Exhibit 35-0041, 'Letter from Father Pickering to Archbishop Little', Case Study 35, CTJH.221.06002.0075_R.
929 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [302].

930 Transcript of D Hart, Case Study 35, 1 December 2015 at 13767:18–13768:16.
931 Exhibit 35-0002 'Statement to parishioners of St James Parish, Gardenvale', Case Study 35, CCI.0247.00002.0275.
932 Transcript of D Hart, Case Study 35, 1 December 2015 at 13770:15–34.
933 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [303].
934 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [83]–[84].
935 Exhibit 35-0042, 'Homily for Father Fasciale', Case Study 35, CTJH.221.06050.0001.
936 Exhibit 35-0042, 'Personal Information Form – N Fasciale', Case Study 35, CTJH.221.06050.0094.
937 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [59].
938 Exhibit 35-0042, 'Statement of BTC', Case Study 35, COM.0057.0004.0014_R.
939 Exhibit 35-0042, 'Statement of BTC', Case Study 35, COM.0057.0004.0014_R.
940 Exhibit 35-0042, 'Statement of BTC', Case Study 35, COM.0057.0004.0014_R.
941 Exhibit 35-0042, 'Statement of BTD', Case Study 35, COM.0041.0001.0032_R at 0033_R.
942 Exhibit 35-0042, 'Statement of BTD', Case Study 35, COM.0041.0001.0032_R at 0034_R.
943 Exhibit 35-0042, 'Statement of BTE', Case Study 35, CCI.0001.00054.0020_R.
944 Exhibit 35-0042, 'Statement of BTE', Case Study 35, CCI.0001.00054.0020_R.
945 Exhibit 35-0042, 'Statement of BTE', Case Study 35, CCI.0001.00054.0020_R.
946 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [219].
947 Exhibit 35-0042, 'Personal Information Form – N Fasciale', Case Study 35, CTJH.221.06050.0094.
948 Exhibit 35-0042, 'Statement of BTA', Case Study 35, CCI.0001.00053.0010_R.
949 Exhibit 35-0042, 'Statement of BTA', Case Study 35, CCI.0001.00053.0010_R at 0011_R.
950 Exhibit 35-0042, 'Statement of BTA', Case Study 35, CCI.0001.00053.0010_R at 0011_R.
951 Exhibit 35-0042, 'Statement of BTF', Case Study 35, CCI.0001.00055.0011_R at 0012_R.
952 Exhibit 35-0042, 'Statement of BTF', Case Study 35, CCI.0001.00055.0011_R at 0012_R.
953 Exhibit 35-0042, 'Statement of BTF', Case Study 35, CCI.0001.00055.0011_R at 0012_R.
954 Exhibit 35-0042, 'Statement of BTF', Case Study 35, CCI.0001.00055.0011_R at 0012_R.
955 Transcript of D Hart, Case Study 35, 1 December 2015 at 13718:40–44.
956 Exhibit 35-0042, 'Statement of BTF', Case Study 35, CCI.0001.00055.0011_R at 0013_R.
957 Exhibit 35-0042, 'Statement of BTF', Case Study 35, CCI.0001.00055.0011_R at 0013_R.
958 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [220]–[221].
959 Exhibit 35-0042, 'Letter from Father Fasciale to Auxiliary Bishop Fox', Case Study 35, CTJH.221.06050.0067; Exhibit 35-0042, 'Letter from Monsignor Moran to Father Fasciale', Case Study 35, CTJH.221.06050.0066.
960 Exhibit 35-0042, 'Letter from Monsignor Moran to Father Fasciale', Case Study 35, CTJH.221.06050.0066.
961 Exhibit 35-0042, 'Letter from Father Fasciale to Auxiliary Bishop Fox', Case Study 35, CTJH.221.06050.0068.
962 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [223].
963 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [223].
964 Exhibit 35-0042, 'Letter from Father Winters to Archbishop Knox', Case Study 35, CTJH.221.06050.0054.
965 Exhibit 35-0042, 'Letter from Archbishop Knox to Father Winters', Case Study 35, CTJH.221.06050.0055.
966 Exhibit 35-0042, 'Letter from Father Winters to Archbishop Knox', Case Study 35, CTJH.221.06050.0044.
967 Exhibit 35-0042, 'Letter from Archbishop Knox to Father Winters', Case Study 35, CTJH.221.06050.0043.
968 Exhibit 35-0029, 'Handwritten Notes regarding Fasciale', Case Study 35, CTJH.221.06050.0101_R.
969 Transcript of D Hart, Case Study 35, 1 December 2015 at 13724:39–43.
970 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [223].
971 Exhibit 35-0042, 'Letter from Archbishop Little to Father Fasciale', Case Study 35, CTJH.221.06050.0027.

972 Exhibit 35-0042, 'Letter from Father Fasciale to Archbishop Little', Case Study 35, CTJH.221.06050.0025.
973 Exhibit 35-0042, 'Letter from Archbishop Little to Father Watson', Case Study 35, CTJH.221.06050.0020.
974 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [223].
975 Transcript of D Hart, Case Study 35, 1 December 2015 at 13722:13–16.
976 Transcript of D Hart, Case Study 35, 1 December 2015 at 13722:18–20.
977 Transcript of D Hart, Case Study 35, 1 December 2015 at 13723:5–13724:8.
978 Exhibit 35-0042, 'Letter from Archbishop Knox to Father Fasciale', Case Study 35, CTJH.221.06050.0037.
979 Submissions of the Truth, Justice and Healing Council, Case Study 35, SUBM.1035.006.0001, para [62]; Submissions of Council Assisting, Case Study 35, SUBM.0035.001.0001, paras [1226], [1236]–[1238], [1247], [1264]–[1266], [1313], [1316]–[1318].
980 Exhibit 35-0042, 'Letter from Father Ernie Smith to Vicar General Cudmore', Case Study 35, CTJH.221.06044.0276; Exhibit 35-0042, 'Statement regarding Father Fasciale', Case Study 35, CTJH.221.06044.0278_R at 0279_R.
981 Exhibit 35-0042, 'Statement regarding Father Fasciale', Case Study 35, CTJH.221.06044.0278_R at 0279_R.
982 Exhibit 35-0042, 'Record of Interview', Case Study 35, CTJH.221.06044.0307_R.
983 Exhibit 35-0042, 'Record of Interview', Case Study 35, CTJH.221.06044.0307_R.
984 Exhibit 35-0042, 'Statement of BTD', Case Study 35, COM.0041.0001.0032_R at 0035_R.
985 Exhibit 35-0042, 'Record of Interview', Case Study 35, CTJH.221.06044.0307_R at 0308_R.
986 Exhibit 35-0049, 'Statement of H Deakin', Case Study 35, STAT.0768.001.0001_R at [53]; Transcript of H Deakin, Case Study 35, 4 December 2015 at 14123:23–38.
987 Exhibit 35-0049, 'Statement of H Deakin', Case Study 35, STAT.0768.001.0001_R at [53].
988 Exhibit 35-0042, 'Statement regarding Father Fasciale', Case Study 35, CTJH.221.06044.0278_R at 0278_R–0279_R.
989 Exhibit 35-0042, 'Statement regarding Father Fasciale', Case Study 35, CTJH.221.06044.0278_R at 0279_R.
990 Exhibit 35-0042, 'Statement regarding Father Fasciale', Case Study 35, CTJH.221.06044.0278_R at 0280_R.
991 Transcript of P Connors, Case Study 35, 3 December 2015 at 14021:19–38.
992 Transcript of P Connors, Case Study 35, 3 December 2015 at 14021:43–14022:4.
993 Exhibit 35-0010, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [99].
994 Transcript of P Connors, Case Study 35, 3 December 2015 at 14022:6–7.
995 Transcript of P Connors, Case Study 35, 3 December 2015 at 14022:20–27.
996 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [225]; Exhibit 35-0028, 'Handwritten Notes regarding Fasciale', Case Study 35, CTJH.221.06050.0097_R; Exhibit 35-0028, 'Handwritten Notes regarding Fasciale', Case Study 35, CTJH.221.06044.0321_R; Exhibit 35-0028, 'Handwritten Notes regarding Fasciale', Case Study 35, CTJH.221.06050.0100_R; Exhibit 35-0028, 'Handwritten Notes regarding Fasciale', Case Study 35, CTJH.221.06044.0320_R.
997 Exhibit 35-0042, 'Statement of BTD', Case Study 35, CTJH.221.06044.0172_R; Exhibit 35-0042, 'Facsimile from BTA to Vicar General Cudmore', Case Study 35, CTJH.221.06044.0167_R; Exhibit 35-0042, 'Handwritten Statement of BTA', Case Study 35, CTJH.221.06044.0168_R.
998 Exhibit 35-0029, 'Handwritten Notes regarding Fasciale', Case Study 35, CTJH.221.06050.0101_R.
999 Exhibit 35-0029, 'Handwritten Notes regarding Fasciale', Case Study 35, CTJH.221.06050.0101_R.
1000 Exhibit 35-0029, 'Handwritten Notes regarding Fasciale', Case Study 35, CTJH.221.06050.0102.
1001 Exhibit 35-0042, 'Archdiocese of Melbourne Precept', Case Study 35, CTJH.221.06044.0282.
1002 Exhibit 35-0042, 'Removal of Pastor: First Proposal', Case Study 35, CTJH.221.06044.0283.
1003 Exhibit 35-0042, 'Letter from Vicar General Cudmore to Father Fasciale', Case Study 35, CTJH.221.06044.0171.
1004 Exhibit 35-0042, 'Record of Interview', Case Study 35, CTJH.221.06044.0309_R.
1005 Exhibit 35-0042, 'Record of Interview', Case Study 35, CTJH.221.06044.0309_R at 0310_R.
1006 Exhibit 35-0042, 'Record of Interview', Case Study 35, CTJH.221.06044.0309_R at 0310_R–0311_R.
1007 Exhibit 35-0042, 'Record of Interview', Case Study 35, CTJH.221.06044.0309_R at 0311_R.

1008 Exhibit 35-0042, 'Letter from Father Fasciale to Archbishop Little', Case Study 35, CTJH.221.06044.0306.
1009 Exhibit 35-0042, 'Letter from Dr J Lamont', Case Study 35, CTJH.221.06044.0174.
1010 Exhibit 35-0042, 'Minutes of Personnel Advisory Board Meeting', Case Study 35, CTJH.221.06060.0069 at 0070.
1011 Exhibit 35-0042, 'Minutes of Personnel Advisory Board Meeting', Case Study 35, CTJH.221.06060.0069_R.
1012 Transcript of H Deakin, Case Study 35, 4 December 2015 at 14124:36–39.
1013 Transcript of H Deakin, Case Study 35, 4 December 2015 at 14124:41–45.
1014 Transcript of H Deakin, Case Study 35, 4 December 2015 at 14124:47–14125:9.
1015 Transcript of G Pell, Case Study 35, 2 March 2016 at 16406:24–28.
1016 Transcript of G Pell, Case Study 35, 2 March 2016 at 16406:24–28.
1017 Transcript of G Pell, Case Study 35, 2 March 2016 at 16406:10–17,36–40.
1018 Transcript of G Pell, Case Study 35, 2 March 2016 at 16406:42–16407:1.
1019 Transcript of G Pell, Case Study 35, 2 March 2016 at 16406:42–16407:9.
1020 Transcript of P Connors, Case Study 35, 3 December 2015 at 14023:20–27.
1021 Transcript of D Hart, Case Study 35, 1 December 2015 at 13730:43–13731:2.
1022 Transcript of D Hart, Case Study 35, 1 December 2015 at 13731:4–30.
1023 Submissions of Cardinal Pell, Case Study 35, SUBM.1035.003.0001, para [234].
1024 Submissions of Cardinal Pell, Case Study 35, SUBM.1035.003.0001, para [235].
1025 Submissions of Cardinal Pell, Case Study 35, SUBM.1035.003.0001, paras [237]–[239].
1026 Submissions of Cardinal Pell, Case Study 35, SUBM.1035.003.0001, para [239].
1027 Exhibit 35-0042, 'Letter from Archbishop Little to Father Fasciale', Case Study 35, CTJH.221.06044.0305.
1028 Exhibit 35-0042, 'Letter from Vicar General Cudmore to Father Fasciale', Case Study 35, CTJH.221.06044.0301.
1029 Exhibit 35-0042, 'Letter from Vicar General Cudmore to BTC', Case Study 35, CTJH.221.06044.0302_R; Exhibit 35-0042, 'Letter from Vicar General Cudmore to BTD', Case Study 35, CTJH.221.06044.0303_R; Exhibit 35-0042, 'Letter from Vicar General Cudmore to BTA', Case Study 35, CTJH.221.06044.0296_R.
1030 Transcript of D Hart, Case Study 35, 1 December 2015 at 13725:6–15.
1031 Exhibit 35-0042, 'Special Issues Incident Report', Case Study 35, CCI.0001.00035.0002_R.
1032 Exhibit 35-0042, 'Special Issues Incident Report', Case Study 35, CCI.0001.00035.0002_R.
1033 Exhibit 35-0042, 'Special Issues Incident Report', Case Study 35, CCI.0001.00035.0002_R.
1034 Submissions of the Truth, Justice and Healing Council, Case Study 35, SUBM.1035.006.0001, para [66].
1035 Exhibit 35-0042, 'Father Fasciale Funeral Program', Case Study 35, COM.0041.0001.0020.
1036 Exhibit 35-0042, 'Father Fasciale Funeral Program', Case Study 35, COM.0041.0001.0020.
1037 Exhibit 35-0042, 'Homily for Father Fasciale', Case Study 35, CTJH.221.06050.0001 at 0004.
1038 Exhibit 35-0042, 'Homily for Father Fasciale', Case Study 35, CTJH.221.06050.0001 at 0005.
1039 Exhibit 35-0042, 'Letter from BTA to Vicar General Cudmore', Case Study 35, CTJH.221.06044.0178_R.
1040 Exhibit 35-0042, 'Letter from BTF to Vicar General Cudmore', Case Study 35, CTJH.221.06044.0192_R.
1041 Exhibit 35-0042, 'Letter from Vicar General Cudmore to BTF', Case Study 35, CTJH.221.06044.0191_R.
1042 Exhibit 35-0010, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [101].
1043 Exhibit 35-0010, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [102].
1044 Exhibit 35-0042, 'N Fasciale: A statement of seven of his victims', Case Study 35, CTJH.221.06044.0198.
1045 Exhibit 35-0042, 'Statement by the Vicar General', Case Study 35, CTJH.221.06044.0206.
1046 Transcript of D Hart, Case Study 35, 1 December 2015 at 13732:1–13733:43.
1047 Transcript of D Hart, Case Study 35, 1 December 2015 at 13733:33–13734:27.
1048 Submissions of the Truth, Justice and Healing Council, Case Study 35, SUBM.1035.006.0001, paras [67]–[69].
1049 Exhibit 35-0045, 'Clergy Personal Information Form', Case Study 35, CTJH.221.06030.0112.
1050 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 16: The Melbourne Response*, Sydney, 2015, p 24.

1051 Exhibit 35-0051, 'Revised Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [147].
1052 Exhibit 35-0045, 'Unsigned Police Statement of BTZ', Case Study 35, CCI.0001.00045.0088_R at 0091_R–0097_R.
1053 Exhibit 35-0045, 'Unsigned Police Statement of BTZ', Case Study 35, CCI.0001.00045.0088_R at 0097_R–0098_R.
1054 Exhibit 35-0054, 'Handwritten Statement of Sister Wood', Case Study 35, OPP.3008.002.0058_E_R at 0059_E_R–0060_E_R.
1055 Exhibit 35-0054, 'Intra-Office Memorandum from L Rolls to L McCarthy', Case Study 35, CCI.0601.00022.0185_R.
1056 Exhibit 35-54, 'Intra-Office Memorandum from L Rolls to L McCarthy', Case Study 35, CCI.0601.00022.0185_R.
1057 Exhibit 35-0054, 'Statement of R Wood', Case Study 35, STAT.0783.001.0001 at [4], [6].
1058 Exhibit 35-0054, 'Statement of R Wood', Case Study 35, STAT.0783.001.0001 at [5].
1059 Exhibit 350045, 'Loss Adjuster Report', Case Study 35, CCI.0001.00058.0159_R at 0160_R.
1060 Exhibit 35-0044, 'Clergy Personal Information Form', Case Study 35, CTJH.221.06046.0280.
1061 Exhibit 35-0036, 'Schedule A', Case Study 35, STAT.0623.002.0036_R; Exhibit 35-0036, 'LEAP Incident Report', Case Study 35, VPOL.3043.006.0039_R.
1062 Exhibit 35-0044, 'Police Statement of BTS', Case Study 35, COM.0034.0001.0013_R.
1063 Exhibit 35-0044, 'Sexual Abuse Questionnaire of BTS', Case Study 35, COM.0034.0001.0057_R at 0059_R; Exhibit 35-0044, 'Transcript of Interview by P O'Callaghan of BTS', Case Study 35, COM.0034.0001.0033_R at 0038_R.
1064 Transcript of D Hart, Case Study 35, 1 December 2015 at 13771:12–25.
1065 Transcript of D Hart, Case Study 35, 1 December 2015 at 13771:19–22; Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [239].
1066 Exhibit 35-0044, 'Letter from BTP to Archbishop Little', Case Study 35, CTJH.221.06046.0189_R.
1067 Exhibit 35-0044, 'Record of Interview between Vicar General Cudmore, BTP and Father Fleming', Case Study 35, CTJH.221.06046.0184_R at 0184_R–0185_R.
1068 Exhibit 35-0044, 'Record of Interview between Vicar General Cudmore, BTP and Father Fleming', Case Study 35, CTJH.221.06046.0184_R at 0185_R.
1069 Exhibit 35-0044, 'Handwritten notes of Vicar General Cudmore', Case Study 35, CTJH.221.06046.0181_R; Exhibit 35-0044, 'Typed copy of note of Vicar General Cudmore', Case Study 35, CTJH.221.06053.0030_E_R; Transcript of D Hart, Case Study 35, 1 December 2015 at 13773:26–32.
1070 Exhibit 35-0044, 'Handwritten notes of Vicar General Cudmore', Case Study 35, CTJH.221.06046.0181_R; Exhibit 35-0044, 'Typed copy of notes of Vicar General Cudmore', Case Study 35, CTJH.221.06053.0030_E_R.
1071 Transcript of P Connors, Case Study 35, 3 December 2015 at 14011:28–30.
1072 Transcript of D Hart, Case Study 35, 1 December 2015 at 13771:39–41; Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [248].
1073 Exhibit 35-0044, 'Handwritten notes of Vicar General Cudmore', Case Study 35, CTJH.221.06046.0181_R; Exhibit 35-0044, 'Typed copy of notes of Vicar General Cudmore', Case Study 35, CTJH.221.06053.0030_E_R.
1074 Exhibit 35-0044, 'Typed copy of notes of Vicar General Cudmore', Case Study 35, CTJH.221.06046.0181_R at 0182_R.
1075 Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [110]–[111].
1076 Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [111].
1077 Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [12].
1078 Transcript of P Connors, Case Study 35, 3 December 2015 at 14011:36–14012:8.
1079 Transcript of P Connors, Case Study 35, 3 December 2015 at 14012:21–40.
1080 Transcript of P Connors, Case Study 35, 3 December 2015 at 14012:28–29.
1081 Transcript of P Connors, Case Study 35, 3 December 2015 at 14012:27–31.
1082 Submissions of the Truth, Justice and Healing Council, Case Study 35, SUBM.1035.006.0001, para [82].
1083 Exhibit 35-0044, 'Letter of resignation from D Gannon to Vicar General Cudmore', Case Study 35, CTJH.221.06053.0179.

1084 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [80].
1085 Exhibit 35-0044, 'Handwritten notes of Vicar General Cudmore', Case Study 35, CTJH.221.06046.0181_R at 0182_R.
1086 Exhibit 35-0044, 'Handwritten notes by GAC', Case Study 35, CTJH.221.06046.0176.
1087 Exhibit 35-0044, 'Handwritten notes by GAC', Case Study 35, CTJH.221.06046.0176.
1088 Exhibit 35-0044, 'Letter from Vicar General Cudmore to D Gannon', Case Study 35, CTJH.221.06053.0171.
1089 Exhibit 35-0044, 'Medical Letter', Case Study 35, CTJH.221.06053.0034_E.
1090 Exhibit 35-0044, 'Letter from Archbishop Little to Vicar General Cudmore', Case Study 35, CTJH.221.06046.0170.
1091 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [245]; Transcript of D Hart, Case Study 35, 1 December 2015 at 13772:12–21, 29–40, 13763:23–28; Transcript of P Connors, Case Study 35, 3 December 2015 at 14016:47–14017: 3.
1092 Exhibit 35-0044, 'Letter from Archbishop Little to Vicar General Cudmore', Case Study 35, CTJH.221.06046.0170.
1093 Exhibit 35-0044, 'Letter from Archbishop Little to D Gannon', Case Study 35, CTJH.221.06046.0177 at 0177.
1094 Exhibit 35-0044, 'Letter from Archbishop Little to D Gannon', Case Study 35, CTJH.221.06046.0177.
1095 Exhibit 35-0044, 'Letter from Vicar General Cudmore to D Gannon', Case Study 35, CTJH.221.06046.0147.
1096 Transcript of D Hart, Case Study 35, 1 December 2015 at 13774:7–11; Exhibit 35-0028, ' Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [248].
1097 Transcript of D Hart, Case Study 35, 1 December 2015 at 13774:28–46.
1098 Transcript of P Connors, Case Study 35, 3 December 2015 at 14016:2–18.
1099 Transcript of D Hart, Case Study 35, 1 December 2015 at 13772:29–40.
1100 Transcript of D Hart, Case Study 35, 1 December 2015 at 13772:42–44.
1101 Transcript of D Hart, Case Study 35, 1 December 2015 at 13763:25–34.
1102 Transcript of D Hart, Case Study 35, 1 December 2015 at 13772:23–36.
1103 Transcript of P Connors, Case Study 35, 3 December 2015 at 14016:33–45.
1104 Transcript of G Pell, Case Study 35, 2 March 2016 at 16402:28–31.
1105 Transcript of G Pell, Case Study 35, 2 March 2016 at 16402:33–35.
1106 Transcript of G Pell, Case Study 35, 2 March 2016 at 16402:37–40.
1107 Transcript of G Pell, Case Study 35, 2 March 2016 at 16402:42–16403:6.
1108 Exhibit 35-0044, 'Letter from Macleod Parish Council to D Gannon', Case Study 35, COM.0037.0005.0055.
1109 Transcript of D Hart, Case Study 35, 1 December 2015 at 13775:5–15.
1110 Transcript of D Hart, Case Study 35, 1 December 2015 at 13775:25–28.
1111 Exhibit 35-0044 'Letter from Priests' Retirement Foundation to Vicar General's Office', Case Study 35, COM.0136.0003.0055.
1112 Exhibit 35-0044, 'Letter from Vicar General's Office to Priests Retirement Foundation', Case Study 35, COM.0127.0005.0054.
1113 Transcript of D Hart, Case Study 35, 1 December 2015 at 13776:36–13777:8.
1114 Transcript of D Hart, Case Study 35, 1 December 2015 at 13777:10–14.
1115 Transcript of D Hart, Case Study 35, 1 December 2015 at 13778:14–32.
1116 Exhibit 35-0044, 'Letter from Vicar General's Office to Priests Retirement Foundation', Case Study 35, COM.0136.0003.0053.
1117 Exhibit 35-0044, 'Letter from Vicar General Prowse to D Gannon', Case Study 35, CTJH.221.06046.0041.
1118 Exhibit 35-0044, 'LEAP Court Outcomes Report for D Gannon', Case Study 35, VPOL.3043.006.0012.
1119 Exhibit 35-0044, 'Letter from Archbishop Hart to D Gannon', Case Study 35, CTJH.221.06053.0077_E.
1120 Exhibit 35-0044, 'Handwritten Letter from D Gannon to Archbishop Hart', Case Study 35, CTJH.221.06053.0111; Exhibit 35-0044, 'Typed copy of Letter from D Gannon to Archbishop Hart', Case Study 35, CTJH.221.06053.0078_E.
1121 Exhibit 35-0044, 'Votum from Archbishop Hart', Case Study 35, CTJH.221.06053.0013_E; Exhibit 35-0044, 'Votum from Archbishop Hart', Case Study 35, CTJH.221.06053.0014_E_R; Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [253].

1122 Exhibit 35-0044, 'Votum from Archbishop Hart', Case Study 35, CTJH.221.06053.0014_E_R.
1123 Exhibit 35-0044, 'Votum from Archbishop Hart', Case Study 35, CTJH.221.06053.0014_E_R.
1124 Exhibit 35-0044, 'Letter from the Congregation of the Doctrine of the Faith to Archbishop Hart', Case Study 35, CTJH.221.06053.0001.
1125 Exhibit 35-0028, 'Letter from Archbishop Hart to D Gannon', Case Study 35, CTJH.221.06053.0006; Exhibit 35-0028, 'Decree', Case Study 35, CTJH.221.06053.0008.
1126 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [254].
1127 Exhibit 35-0044, 'Letter from Archbishop Hart to the Congregation of the Doctrine of the Faith', Case Study 35, CTJH.221.06046.0006 at 0007.
1128 Exhibit 35-0044, 'Letter and verification of Death Certificate', Case Study 35, CTJH.221.06053.0368_R; Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [255].
1129 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [200].
1130 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [202].
1131 Exhibit 35-0043, 'Transcript of County Court Proceedings', Case Study 35, CTJH.221.06052.0052_E_R; Exhibit 35-0036, 'Schedule A', Case Study 35, STAT.0623.002.0036_R at 0044_R.
1132 Exhibit 35-0043, 'Letter from BTH to Auxiliary Bishop Perkins and Archbishop Little', Case Study 35, CTJH.221.06045.0253_R.
1133 Exhibit 35-0043, 'Letter from BTH to Auxiliary Bishop Perkins and Archbishop Little', Case Study 35, CTJH.221.06045.0253_R.
1134 Exhibit 35-0043, 'Handwritten Notes', Case Study 35, CTJH.221.06045.0150_R.
1135 Exhibit 35-0043, 'Handwritten Notes', Case Study 35, CTJH.221.06045.0149_R.
1136 Exhibit 35-0043, 'Notes of Interview with BTH', Case Study 35, CTJH.221.06045.0252_R.
1137 Transcript of H Deakin, Case Study 35, 3 December 2015 at 14089:27–36.
1138 Exhibit 35-0009, 'Statement of H Deakin', Case Study 35, STAT.0768.001.0001_R at [46].
1139 Transcript of H Deakin, Case Study 35, 3 December 2015 at 14088:15–40.
1140 Exhibit 35-0043, 'Notes of Interview with BTH', Case Study 35, CTJH.221.06045.0252_R; Transcript of H Deakin, Case Study 35, 3 December 2015 at 14090:14–30.
1141 Exhibit 35-0043, 'Letter from Father Smith to Monsignor Vicar-General Cudmore', Case Study 35, CTJH.221.06045.0244.
1142 Exhibit 35-0043, 'Letter from Monsignor Vicar-General Cudmore to Father Daniel', Case Study 35, CTJH.221.06045.0242; Exhibit 35-0043, 'Handwritten Notes', Case Study 35, CTJH.221.06045.0238_R.
1143 Exhibit 35-0043, 'Handwritten Notes', Case Study 35, CTJH.221.06045.0138_R.
1144 Exhibit 35-0043, 'Handwritten Notes', Case Study 35, CTJH.221.06045.0137_R.
1145 Exhibit 35-0043, 'Handwritten Notes', Case Study 35, CTJH.221.06045.0137_R; Exhibit 35-0043 'Handwritten Notes', Case Study 35, CTJH.221.06045.0138_R.
1146 Exhibit 35-0043, 'Handwritten Notes' Case Study 35, CTJH.221.06045.0134.
1147 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [204].
1148 Transcript of D Hart, Case Study 35, 1 December 2015 at 13780:30–31.
1149 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [214].
1150 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [214].
1151 Exhibit 35-0043, 'Statement of BVA to Monsignor Vicar-General Cudmore', Case Study 35, CTJH.221.06045.0218_R.
1152 Exhibit 35-0043, 'Statement of BVA to Monsignor Vicar-General Cudmore', Case Study 35, CTJH.221.06045.0218_R.
1153 Exhibit 35-0043, 'Comment on DD File at 21/12/1994', Case Study 35, CTJH.221.06045.0128_R at 0128_R.
1154 Exhibit 35-0043, 'Document titled: Comment on DD File at 21/12/1994', Case Study 35, CTJH.221.06045.0128_R.
1155 Submissions of the Truth, Justice and Healing Council, Case Study 35, SUBM.1035.006.0001, para [95].
1156 Transcript of D Hart, Case Study 35, 1 December 2015, 13781:21–43.
1157 Exhibit 35-0043, 'Agenda of Curia Meeting', Case Study 35, CTJH.221.06059.0252.
1158 Exhibit 35-0043, 'Minutes of Curia Meeting', Case Study 35, CTJH.221.06059.1036 at 1040.
1159 Transcript of P Connors, Case Study 35, 3 December 2015 at 14019:28–40.
1160 Transcript of G Pell, Case Study 35, 2 March 2016 at 16404:29–34.

1161 Transcript of D Hart, Case Study 35, 1 December 2015 at 13782:36–40.
1162 Exhibit 35-0043, 'Letter from Father Daniel to Archbishop Little', Case Study 35, CTJH.221.06052.0028_E.
1163 Exhibit 35-0043, 'Medical Certificate', Case Study 35, CTJH.221.06052.0029_E.
1164 Exhibit 35-0043, 'Minutes of Personnel Advisory Board Meeting', Case Study 35, CTJH.221.06060.0150 at 0151.
1165 Transcript of G Pell, Case Study 35, 2 March 2016 at 16404:29–34.
1166 Transcript of G Pell, Case Study 35, 2 March 2016 at 16404:36–43.
1167 Transcript of G Pell, Case Study 35, 2 March 2016 at 16405:5–11.
1168 Transcript of H Deakin, Case Study 35, 3 December 2015 at 14075:26–41.
1169 Transcript of H Deakin, Case Study 35, 3 December 2015 at 14075:32-41.
1170 Transcript of H Deakin, Case Study 35, 3 December 2015 at 14076:5–12.
1171 Transcript of D Hart, Case Study 35, 1 December 2015 at 13783:3–8.
1172 Exhibit 35-0043, 'Letter from Archbishop Little to Doctor Williams', Case Study 35, CTJH.221.06052.0030_E.
1173 Exhibit 35-0043, 'Letter from Archbishop Little to Father Daniel', Case Study 35, CTJH.221.06052.0031_E.
1174 Transcript of D Hart, Case Study 35, 1 December 2015 at 13785:24–30.
1175 Transcript of D Hart, Case Study 35, 1 December 2015 at 13785:5–11.
1176 Transcript of D Hart, Case Study 35, 1 December 2015 at 13785:13–22.
1177 Submissions of Cardinal Pell, Case Study 35, SUBM.1035.003.0001, para [250].
1178 Transcript of G Pell, Case Study 35, 2 March 2016 at 16405:5–11.
1179 Exhibit 35-0043, 'Letter from Archbishop Little to Father Beasley', Case Study 35, CTJH.221.06052.0102.
1180 Transcript of D Hart, Case Study 35, 1 December 2015 at 13785:32–13786:1.
1181 Exhibit 35-0043, 'Letter from Archbishop Little to Father Daniel', Case Study 35, CTJH.221.06052.0033_E.
1182 Exhibit 35-0043, 'Letter from Reverent Cantwell to Archbishop Little', Case Study 35, CTJH.221.06052.0045_E_R.
1183 Transcript of D Hart, Case Study 35, 1 December 2015 at 13787:47–13788:17.
1184 Exhibit 35-0043, 'Letter from P O'Callaghan QC to Monsignor Vicar General Hart', Case Study 35, CTJH.221.06045.0194_R.
1185 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [210].
1186 Exhibit 35-0043, 'Letter from P O'Callaghan QC to Monsignor Vicar General Hart', Case Study 35, CTJH.221.06045.0194_R.
1187 Exhibit 35-0036, 'Schedule A', Case Study 35, STAT.0623.002.0036_R at 0044_R.
1188 Exhibit 35-0043, 'Transcript of County Court Proceedings', Case Study 35, CTJH.221.06052.0052_E_R; Exhibit 35-0036, 'Schedule A', Case Study 35, STAT.0623.002.0036_R at 0044_R.
1189 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [215]; Exhibit 35-0028, 'Acts of Preliminary Investigation: Father Daniel', Case Study 35, CTJH.221.06052.0011_R at 0013_R.
1190 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [215]; Exhibit 35-0043, 'Acts of the Supplementary Process Graviora Delicta', Case Study 35, CTJH.221.06052.0190_R at 0194_R.
1191 Exhibit 35-0043, 'Acts of the Supplementary Process Graviora Delicta', Case Study 35, CTJH.221.06052.0190_R at 0196_R.
1192 Exhibit 35-0042, 'Letter from Congregation for the Doctrine of the Faith to Archbishop Hart', Case Study 35, CTJH.221.06052.0006.
1193 Exhibit 35-0049, 'Statement of H Deakin', Case Study 35, STAT.0768.001.0001_R at [25]; Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [32].
1194 Exhibit 35-0022, 'Statement of T Doyle', Case Study 35, STAT.0778.001.0001_R at [38].
1195 Transcript of D Hart, Case Study 35, 30 November 2015 at 13663:3–9.
1196 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [57].
1197 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [59].

1198 Transcript of D Hart, Case Study 35, 30 November 2015 at 13656:1–6; Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [36]; Exhibit 35-0049, 'Statement of H Deakin', Case Study 35, STAT.0768.001.0001_R at [29].
1199 Transcript of D Hart, Case Study 35, 30 November 2015 at 13655:47–13656:4.
1200 Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [36]; Exhibit 35-0049, 'Statement of H Deakin', Case Study 35, STAT.0768.001.0001_R at [29]; Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [61].
1201 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [61].
1202 Submissions of the Truth, Justice and Healing Council, Case Study 35, SUBM.1035.006.0001, para [119].
1203 Transcript of G Pell, Case Study 35, 2 March 2016 at 16366:19–32; Transcript of D Hart, Case Study 35, 1 December 2015 at 13704:16–38, 13705:32–45; Transcript of P Connors, Case Study 35, 27 November 2015 at 13550:3–16.
1204 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [73], [81], [84].
1205 Exhibit 35-0049, 'Statement of H Deakin', Case Study 35, STAT.0768.001.0001_R at [30].
1206 Exhibit 35-0028, 'Statement of D Hart', Case Study 35, STAT.0782.001.0001_R at [82]; Transcript of D Hart, Case Study 35, 30 November 2015 at 13678:11–20.
1207 Exhibit 35-0005, 'Statement of D Stack', Case Study 35, STAT.0760.001.0001_R at [29].
1208 Transcript of C Rafferty, Case Study 35, 25 November 2015 at 13336:1–8.
1209 Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [17].
1210 Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [116].
1211 Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [16].
1212 Transcript of D Hart, Case Study 35, 30 November 2015 at 13680:17–21.
1213 Submissions of Truth, Justice and Healing Council, Case Study 35, SUBM.1035.006.0001, para [18].
1214 Transcript of P Connors, Case Study 35, 2 December 2015 at 13958:27–45.
1215 Transcript of D Hart, Case Study 35, 30 November 2015 at 13687:35–43.
1216 Transcript of D Hart, Case Study 35, 30 November 2015 at 13680:26–34.
1217 Transcript of P Connors, Case Study 35, 27 November 2015 at 13550:18–13551:11.
1218 Exhibit 35-0024, 'Statement of P Connors', Case Study 35, STAT.0769.001.0001_R at [16].
1219 Transcript of G Pell, Case Study 35, 1 March 2016 at 16309:22–42.
1220 Transcript of P Connors, Case Study 35, 3 December 2015 at 13995:8–21, 13996:3–6.
1221 Transcript of P Connors, Case Study 35, 3 December 2015 at 13996:8–13997:3.
1222 Transcript of P Connors, Case Study 35, 3 December 2015 at 14032:15–30.
1223 Transcript of D Hart, Case Study 35, 30 November 2015 at 13641:36–46.
1224 Transcript of H Deakin, Case Study 35, 4 December 2015 at 14135:9–24.
1225 Transcript of H Deakin, Case Study 35, 4 December 2015 at 14157:15–26.
1226 Transcript of P Connors, Case Study 35, 2 December 2015 at 13960:21–29.
1227 Transcript of P Connors, Case Study 35, 2 December 2015 at 13962:1–16.
1228 Transcript of P Connors, Case Study 35, 2 December 2015 at 13963:32–45.
1229 Exhibit 35-0044, 'Minutes of Curia Meeting', Case Study 35, CTJH.221.06059.0388 at 0389.
1230 Transcript of D Hart, Case Study 35, 1 December 2015 at 13776:17–27.
1231 Exhibit 35-0017, 'Statement of J Stewart', Case Study 35, STAT.0766.002.0001_R at [37]–[38].
1232 Exhibit 35-0017, 'Statement of J Stewart', Case Study 35, STAT.0766.002.0001_R at [37].
1233 Transcript of S Fontana, Case Study 35, 2 December 2015 at 13916:6–13.
1234 Exhibit 35-0036, 'Statement of S Fontana', Case Study 35, STAT.0623.002.0001_R at [40].
1235 Transcript of S Fontana, Case Study 35, 2 December 2015 at 13888:4–13.
1236 Exhibit 35-0038, 'Information Report – Priest Searson', Case Study 35, VPOL.3043.025.0084_R.
1237 Transcript of S Fontana, Case Study 35, 2 December 2015 at 13892:22–44.
1238 Exhibit 35-0038, 'Supplementary Statement of S Fontana', Case Study 35, STAT.0623.004.0001_R at [11].
1239 Exhibit 35-0036, 'Statement of S Fontana', Case Study 35, STAT.0623.002.0001_R at [34]–[35].
1240 Transcript of S Fontana, Case Study 35, 2 December 2015 at 13883:36–39.
1241 Transcript of S Fontana, Case Study 35, 2 December 2015 at 13883:32–47.
1242 Exhibit 35-0017, 'Statement of J Stewart', Case Study 35, STAT.0766.002.0001_R at [39].
1243 Exhibit 35-0038, 'Information Report – Priest Searson', Case Study 35, VPOL.3043.025.0084_R.

1244 Transcript of S Fontana, Case Study 35, 2 December 2015 at 13890:24–28; Exhibit 35-0002, 'Victoria Police Memo', Case Study 35, VPOL.3037.004.0001_R at 0009_R, 0015_R.
1245 Exhibit 35-0002, 'Victoria Police Report', Case Study 35, VPOL.3037.004.0052_R; Exhibit 35-0036, 'Statement of S Fontana', Case Study 35, STAT.0623.002.0001_R at [30].
1246 Exhibit 35-0036, 'Statement of S Fontana', Case Study 35, STAT.0623.002.0001_R at [30].
1247 Transcript of S Fontana, Case Study 35, 2 December 2015 at 13893:24–31.
1248 Exhibit 35-0036, 'Statement of S Fontana', Case Study 35, STAT.0623.002.0001_R at [43].
1249 Transcript of S Fontana, Case Study 35, 2 December 2015 at 13886:1–11.
1250 Transcript of S Fontana, Case Study 35, 2 December 2015 at 13887:1–15.
1251 Exhibit 35-0042, 'Statement of BDT', Case Study 35, COM.0041.0001.0032_R; Exhibit 35-0042, 'Statement of BTA', Case Study 35, CCI.0001.00053.0010_R; Exhibit 35-0042, 'Statement of BTC', Case Study 35, COM.0057.0004.0014_R; Exhibit 35-0036, 'Statement of S Fontana', Case Study 35, STAT.0623.002.0001_R at [53].
1252 Exhibit 35-0036, 'Statement of S Fontana', Case Study 35, STAT.0623.002.0001_R at [53]; Exhibit 35-0042, 'Letter from Detective Senior Sergeant K G Purves to Superintendent', Case Study 35, VPOL.3043.005.0013_E_R.
1253 Exhibit 35-0036, 'Statement of S Fontana', Case Study 35, STAT.0623.002.0001_R at [54].
1254 Exhibit 35-0036, 'Statement of S Fontana', Case Study 35, STAT.0623.002.0001_R at [59].
1255 Exhibit 35-0036, 'Statement of S Fontana', Case Study 35, STAT.0623.002.0001_R at [59].
1256 Transcript of S Fontana, Case Study 35, 2 December 2015 at 13901:11–20.
1257 Exhibit 35-0036, 'Statement of S Fontana', Case Study 35, STAT.0623.002.0001_R at [57]–[63], [66]; Exhibit 35-0044, 'Letter from BTD to Chief Commissioner of Police', Case Study 35, VPOL.3043.005.0018_E_R; Exhibit 35-0044, 'Letter from Ray Dowse to BTD', Case Study 35, VPOL.3043.005.0017_E_R; Exhibit 35-0044, 'Facsimile from BTD to Chief Superintendent B Edward', Case Study 35, VPOL.3043.005.0016_E_R; Exhibit 35-0044, 'Letter from Chief Superintendent Brian Edward to BTD', VPOL.3043.005.0011_E_R; Exhibit 35-0044, 'Facsimile from BTD to Chief Superintendent B Edward', Case Study 35, VPOL.3043.005.0010_E_R; Exhibit 35-0044, 'Letter from Acting Chief Superintendent Kelly to BTD', Case Study 35, VPOL.3043.005.0009_E_R; Exhibit 35-0042, 'Letter from Chief Superintendent Brian Edward to BTD', Case Study 35, VPOL.3043.005.0006_E_R.
1258 Exhibit 35-0036, 'Statement of S Fontana', Case Study 35, STAT.0623.002.0001_R at [65].
1259 Exhibit 35-0042, 'Letter from Detective Senior Constable P F Greaney to Officer in Charge', Case Study 35, VPOL.3043.005.0005_E_R; Exhibit 35-0036, 'Statement of S Fontana', Case Study 35, STAT.0623.002.0001_R at [70].
1260 Exhibit 35-0042, 'Letter from Detective Senior Constable P F Greaney to Officer in Charge', Case Study 35, VPOL.3043.005.0005_E_R; Exhibit 35-0042, 'Letter from Detective Inspector F Crulci to Chief Superintendent', Case Study 35, VPOL.3043.005.0003_E_R; Exhibit 35-0036, 'Statement of S Fontana', Case Study 35, STAT.0623.002.0001_R at [70].
1261 Transcript of S Fontana, Case Study 35, 2 December 2015 at 13901:42–13902:2.
1262 Transcript of S Fontana, Case Study 35, 2 December 2015 at 13902:36–46.
1263 Transcript of S Fontana, Case Study 35, 2 December 2015 at 13902:42–46.
1264 Exhibit 35-0057, 'Statement of J Champion', Case Study 35, STAT.0765.001.0001 at [10].
1265 Exhibit 35-0057, 'Statement of J Champion', Case Study 35, STAT.0765.001.0001 at [22].
1266 Exhibit 35-0057, 'Statement of J Champion', Case Study 35, STAT.0765.001.0001 at [27], [32].
1267 Exhibit 35-0042, 'Statement of BTB', Case Study 35, COM.0080.0001.0132_R; Exhibit 35-0042, 'Statement of Redacted', Case Study 35, COM.0035.0002.0030_R; Exhibit 35-0042, 'Statement of Redacted', Case Study 35, COM.0012.0006.0035_R; Exhibit 35-0042, 'Statement of Redacted', Case Study 35, COM.0073.0001.0047_R; Exhibit 35-0036, 'Statement of S Fontana', Case Study 35, STAT.0623.002.0001_R at [67]–[68].
1268 Transcript of S Fontana, Case Study 35, 2 December 2015 at 13903:1–11; Exhibit 35-0036, 'Statement of S Fontana', Case Study 35, STAT.0623.002.0001_R at [69].
1269 Exhibit 35-0036, 'Statement of S Fontana', Case Study 35, STAT.0623.002.0001_R at [73].
1270 Transcript of S Fontana, Case Study 35, 2 December 2015 at 13903:16–41.
1271 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [3].

1272 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001.
1273 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [6].
1274 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [8].
1275 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [16].
1276 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [18].
1277 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [11].
1278 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [15].
1279 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [97].
1280 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [100].
1281 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [60], [63].
1282 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [65].
1283 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [72].
1284 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [62].
1285 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [61].
1286 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [61].
1287 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [66].
1288 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [67].
1289 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [69].
1290 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [70].
1291 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [73].
1292 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [74].
1293 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [74].
1294 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [75].
1295 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [76].
1296 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [77].
1297 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [80], [81].
1298 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [48].

1299 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [49].
1300 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [49].
1301 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [50].
1302 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [51].
1303 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [134].
1304 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at[138]–[140].
1305 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [36].
1306 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [135].
1307 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001at [135].
1308 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [136].
1309 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [137].
1310 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [85].
1311 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [96].
1312 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [88], [90].
1313 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [86].
1314 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [92].
1315 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [96].
1316 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [93].
1317 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [94].
1318 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [109].
1319 Exhibit 35-0051, ''Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [112].
1320 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [110].
1321 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [110].
1322 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [111].
1323 Exhibit 35-0051, 'Data Report: Data analysis of claims and substantiated complaints in relation to the Archdiocese of Melbourne', Case Study 35, REPT.0008.003.0001 at [114].

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