

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

**Public Hearing - Case Study 50  
(Day 242)**

Level 17, Governor Macquarie Tower  
1 Farrer Place, Sydney

On Monday, 6 February 2017 at 10am

Before:

The Chair:	Justice Peter McClellan AM
Before Commissioners:	Justice Jennifer Ann Coate
	Mr Bob Atkinson AO APM
	Mr Robert Fitzgerald AM
	Professor Helen Milroy
	Mr Andrew Murray

Counsel Assisting:	Ms Gail Furness SC
	Mr Stephen Free

1 THE CHAIR: Yes, Ms Furness.

2

3 MS G FURNESS SC: Thank you, your Honour. I appear with  
4 my friend Mr Free, instructed by Ms Amundsen, Ms Verney,  
5 Ms Dillon and Ms Merity, in relation to Case Study 50.

6

7 THE CHAIR: Are there other appearances? Mr Gray?

8

9 MR P GRAY SC: May it please the Commission, I appear with  
10 my learned friends Ms Needham SC, Mr Woods and Mr Duggan  
11 for the Truth, Justice and Healing Council and for all the  
12 Catholic Church authorities from which witnesses will be  
13 appearing in this hearing.

14

15 THE CHAIR: Thank you. Is there anyone else? No. Yes,  
16 Ms Furness.

17

18 MS FURNESS: Thank you, your Honour.

19

20 This is the Royal Commission's 50th public hearing.  
21 Its scope and purpose is to consider: the current policies  
22 and procedures of Catholic Church authorities in Australia  
23 in relation to child protection and child-safe standards,  
24 including responding to allegations of child sexual abuse;  
25 factors that may have contributed to the occurrence of  
26 child sexual abuse at Catholic Church institutions in  
27 Australia; factors that may have affected the institutional  
28 response of Catholic Church institutions in Australia to  
29 child sexual abuse; the responses of Catholic Church  
30 authorities in Australia to relevant case study reports and  
31 other Royal Commission reports; data relating to the extent  
32 of claims of child sexual abuse in the Catholic Church in  
33 Australia; and any related matters.

34

35 As with other review hearings being conducted by the  
36 Royal Commission, the purpose of this public hearing is not  
37 to inquire into individual sets of facts or particular  
38 events in a forensic manner, as has been done in prior case  
39 studies.

40

41 Over the last four years, the Royal Commission has  
42 conducted public hearings in relation to 116 institutions.

43

44 The matters examined in a public hearing were  
45 carefully chosen. There were a large number of  
46 institutions reported in private sessions and elsewhere,  
47 and there were necessary limits on the Royal Commission's

1 resources.

2

3 To ensure that those resources were used effectively,  
4 criteria were applied to identify appropriate matters to  
5 bring forward as individual case studies.

6

7 The factors taken into account included: whether the  
8 Royal Commission had received a large number of accounts  
9 about particular institutions or groups of institutions;  
10 the availability of witnesses, both survivors and  
11 institutional staff, and relevant documents; whether the  
12 case study highlighted systemic issues; the need for the  
13 Royal Commission to ensure that an appropriate range and  
14 type of institution was covered; as well as the need to  
15 hold public hearings into institutions located in all  
16 states and territories and in appropriate regional areas.

17

18 It was plain that hearings were needed to examine the  
19 responses of faith-based institutions, given that, as at  
20 the end of 2016, 60 per cent of survivors attending  
21 a private session reported sexual abuse in those  
22 institutions. Of those survivors, nearly two-thirds  
23 reported abuse in Catholic institutions. While the  
24 percentage has varied over time, at present over  
25 37 per cent of all private session attendees have reported  
26 sexual abuse in a Catholic institution. Consequently,  
27 Catholic institutions have been a key part of the Royal  
28 Commission's public hearings.

29

30 In response to the announcement of this Royal  
31 Commission, the Australian Catholic Bishops Conference and  
32 Catholic Religious Australia, which together represent  
33 dioceses, archdioceses and religion congregations across  
34 Australia, jointly established the Truth, Justice and  
35 Healing Council.

36

37 As I understand it, the Council was established to  
38 coordinate and oversee the Church's overall response to and  
39 appearance at hearings before the Royal Commission.  
40 Pursuant to arrangements made with the Australian Catholic  
41 Bishops Conference and Catholic Religious Australia, the  
42 Council acts for all archdioceses and dioceses in Australia  
43 and for all of the major religious orders, with the  
44 exception of three of the eastern rite eparchies.

45

46 The Royal Commission has undertaken a comprehensive  
47 data survey of Catholic Church authorities in Australia to

1 gather information about the extent of claims of child  
2 sexual abuse made against Catholic Church authorities and  
3 personnel. This includes claims made against any current  
4 or former priest, religious brother or sister or any other  
5 person employed in or appointed to a voluntary position by  
6 a Catholic Church authority.

7  
8 Catholic Church authorities include, as I have  
9 indicated, archdioceses, dioceses and religious orders,  
10 also known as congregations.

11  
12 This project and survey was undertaken with the  
13 assistance of the Truth, Justice and Healing Council and  
14 the Catholic Church authorities who provided the data about  
15 claims of child sexual abuse.

16  
17 The Royal Commission is very grateful for this  
18 assistance. We appreciate the amount of work involved.  
19 The project would not have been possible without the  
20 cooperation of the Council and the Catholic Church  
21 authorities.

22  
23 When commencing the data work, the Royal Commission  
24 engaged independent data analysts to design the claims  
25 survey.

26  
27 The Royal Commission engaged with the Council about  
28 the design of the survey. The survey was initially  
29 trialled by two Catholic Church authorities. Following  
30 their response and further consultation with the Council,  
31 the survey was amended. The Royal Commission and the  
32 Council agreed on the final version of the survey to be  
33 completed by each participating Catholic Church authority.

34  
35 Each Catholic Church authority entered data about each  
36 claim of child sexual abuse that they had received. The  
37 Royal Commission and the Council provided assistance to  
38 Catholic Church authorities regarding how the survey was to  
39 be populated and technical aspects of the survey.

40  
41 The Royal Commission gave each Catholic Church  
42 authority who completed a claims survey a spreadsheet  
43 containing their data in order for them to check the  
44 details of each claim. The independent data analysts  
45 addressed any concerns raised. After this process,  
46 a spreadsheet was given to the Council containing all of  
47 the data collected from all of the Catholic Church

1 authorities.

2

3 The Council engaged a statistician to ensure the  
4 accuracy of the work done by the independent data analysts.

5

6 There has been ongoing discussion between all  
7 involved, including the experts, over months.

8

9 I will be opening shortly on some of the results of  
10 the data survey and tendering the relevant data and  
11 analysis which support those results.

12

13 The balance of the data will be tendered before the  
14 end of this public hearing.

15

16 Information was gathered for the data project from  
17 three sources, each by way of a survey. The Royal  
18 Commission surveyed: Catholic Church authorities in  
19 Australia regarding claims of child sexual abuse made  
20 against Catholic Church personnel; 10 Catholic religious  
21 orders regarding the total number of religious brothers and  
22 sisters who were members of these orders and who ministered  
23 in Australia between 1950 and 2010; 75 Catholic Church  
24 authorities with priest members, including archdioceses,  
25 dioceses and religious orders, regarding the total number  
26 of priests who were members of their authority and who  
27 served as Catholic priests between 1950 and 2010.

28

29 The Royal Commission sought data regarding all claims  
30 received by a Catholic Church authority between 1 January  
31 1980 and 28 February 2015. There was no limitation imposed  
32 in relation to the date of the alleged incidents of child  
33 sexual abuse.

34

35 For the purposes of the survey, the term "claim"  
36 includes: claims of child sexual abuse made against  
37 Catholic Church personnel by a claimant, by a solicitor or  
38 by an advocate on their behalf seeking redress through  
39 Towards Healing, the Melbourne Response or another redress  
40 process, including civil proceedings, whether ongoing,  
41 settled or concluded without redress; and, secondly,  
42 complaints of child sexual abuse against Catholic Church  
43 personnel made by any person without redress being sought,  
44 that have been substantiated following an investigation by  
45 the relevant Catholic Church authority or another body or  
46 otherwise accepted by the relevant Catholic Church  
47 authority.

1  
2 The term "alleged perpetrator" is used to describe  
3 a person subject to an allegation, complaint or claim  
4 related to child sexual abuse. The Truth, Justice and  
5 Healing Council told Royal Commission officers that it was  
6 of the view that the term "named individual" should be  
7 used. In the Royal Commission's view, "alleged  
8 perpetrator" more accurately describes a person who has  
9 been the subject of a claim of child sexual abuse, and that  
10 term will be used throughout.

11  
12 Now, in terms of the results, between January 1980 and  
13 February 2015, 4,444 people alleged incidents of child  
14 sexual abuse made to 93 Catholic Church authorities. These  
15 claims related to over 1,000 separate institutions.

16  
17 The claims survey sought information about the people  
18 who made the claims. Where the gender of the person making  
19 the claim was reported, 78 per cent were male and  
20 22 per cent were female. Of those people who made claims  
21 of child sexual abuse received by religious orders with  
22 only religious brother members, 97 per cent were male.

23  
24 The average age of people who made claims of child  
25 sexual abuse at the time of the alleged abuse was 10 and  
26 a half for girls and just over 11 and a half for boys. The  
27 average time between the alleged abuse and the date the  
28 claim was made was 33 years.

29  
30 The claims survey sought information about alleged  
31 perpetrators of child sexual abuse. A total of 1,880  
32 alleged perpetrators were identified in claims. Over 500  
33 unknown people were identified as alleged perpetrators.  
34 It's obvious that it cannot be determined whether any of  
35 those people whose identities are unknown were identified  
36 by other claimants.

37  
38 Of the 1,880 identified alleged perpetrators: 597, or  
39 32 per cent, were religious brothers; 572, or 30 per cent,  
40 were priests; 543, or 29 per cent, were laypeople; and 96,  
41 or 5 per cent, were religious sisters.

42  
43 Of the alleged perpetrators, 90 per cent were male and  
44 10 per cent were female.

45  
46 As I indicated, the Royal Commission surveyed 75  
47 Catholic Church authorities with priest members, including

1 archdioceses, dioceses and religious orders, about the  
2 numbers of their members who ministered in Australia  
3 between 1 January 1950 and 31 December 2010. Ten religious  
4 orders with religious brother or sister members provided  
5 the same information.  
6

7 That information, when analysed in conjunction with  
8 the claims data, enabled calculation of the proportion of  
9 priests and religious brother and sister members of these  
10 Catholic Church authorities who ministered in the period  
11 and who were alleged perpetrators.  
12

13 Of priests from the 75 Catholic Church authorities  
14 with priest members surveyed and who ministered in  
15 Australia in that time period, 7.9 per cent of diocesan  
16 priests were alleged perpetrators; 5.7 per cent of  
17 religious priests were alleged perpetrators. Overall,  
18 7 per cent of priests were alleged perpetrators.  
19

20 The Archdiocese of Adelaide and the Dominican Friars  
21 had the lowest overall proportion of priests who ministered  
22 between 1950 and 2010 and were alleged perpetrators. That  
23 was 2.4 per cent for the Archdiocese of Adelaide and  
24 2.1 per cent for the Dominican Friars.  
25

26 The following five archdioceses or dioceses with  
27 priest members had the highest overall proportion of  
28 priests who ministered in the period 1950 to 2010 and who  
29 were alleged perpetrators: 11.7 per cent of priests from  
30 the Diocese of Wollongong were alleged perpetrators;  
31 13.9 per cent of priests from the Diocese of Lismore were  
32 alleged perpetrators; 14.1 per cent of priests from the  
33 Diocese of Port Pirie were alleged perpetrators;  
34 14.7 per cent of priests from the Diocese of Sandhurst were  
35 alleged perpetrators; and 15.1 per cent of priests from the  
36 Diocese of Sale were alleged perpetrators.  
37

38 The following five religious orders with priest  
39 members had the highest overall proportion of priests who  
40 ministered in the period 1950 to 2010 and who were alleged  
41 perpetrators: 8 per cent of priests from the Vincentians -  
42 The Congregation of the Mission, were alleged perpetrators;  
43 13.7 per cent of priests from the Pallottines - Society of  
44 the Catholic Apostolate, were alleged perpetrators;  
45 13.9 per cent of priests from the Marist Fathers - Society  
46 of Mary were alleged perpetrators, as distinct from the  
47 Marist Brothers, who I will come to; 17.2 per cent of

1 priests from the Salesians of Don Bosco were alleged  
2 perpetrators; 21.5 per cent of priests from the Benedictine  
3 Community of New Norcia were alleged perpetrators.  
4

5 In relation to religious orders with religious brother  
6 and sister members, the Sisters of St Joseph of the Sacred  
7 Heart and the Sisters of Mercy in Brisbane had the lowest  
8 overall proportion of members who were alleged  
9 perpetrators, at 0.6 per cent and 0.3 per cent  
10 respectively.  
11

12 The following five religious orders with only  
13 religious brother members had the overall highest  
14 proportion of religious brothers who ministered in the  
15 period 1950 to 2010 and who were alleged perpetrators:  
16 13.8 per cent of De La Salle Brothers were alleged  
17 perpetrators; 20.4 per cent of Marist Brothers were alleged  
18 perpetrators; 21.9 per cent of Salesians of Don Bosco  
19 Brothers were alleged perpetrators; 22 per cent of  
20 Christian Brothers were alleged perpetrators; 40.4 per cent  
21 of St John of God Brothers were alleged perpetrators.  
22

23 Your Honour and Commissioners, I tender the relevant  
24 data and analysis which supports the results I have  
25 referred to.  
26

27 THE CHAIR: We'll make that document exhibit 50-001.  
28

29 **EXHIBIT #50-001 REPORT TITLED "PROPORTION OF PRIESTS AND**  
30 **NON-ORDAINED RELIGIOUS SUBJECT TO A CLAIM OF CHILD SEXUAL**  
31 **ABUSE"**  
32

33 MS FURNESS: Thank you, your Honour.  
34

35 Now, turning to the work that the Royal Commission has  
36 carried out in respect of Catholic Church institutions, on  
37 13 March 2013 the Royal Commission issued its first notice  
38 to produce documents in relation to matters concerning the  
39 Catholic Church in Australia.  
40

41 Since then, 669 notices have been issued to Catholic  
42 Church authorities. Those authorities include each of the  
43 seven archdioceses, 23 dioceses, 57 male religious orders,  
44 84 female religious orders, Catholic Church Insurance  
45 Limited, the Australian Catholic Bishops Conference, and  
46 various Catholic Education Offices. As a result of those  
47 notices, 386,268 documents were produced to the Royal

1 Commission and reviewed. The Royal Commission has heard  
2 evidence from 261 witnesses in case studies focusing on the  
3 Catholic Church in Australia, including some witnesses who  
4 have been called to appear at more than one public hearing.  
5 There have been 14,671 pages of transcript of evidence  
6 generated and 707 exhibits.

7  
8 The Chair of the Royal Commission requested documents  
9 from the Vatican in relation to John Gerard Nestor, an  
10 Australian priest. Those documents were requested in July  
11 2013 and documents were received in response in January  
12 2014. Some of those documents were tendered during the  
13 public hearing of Case Study 14.

14  
15 On 22 April 2014, the Chair sought further documents  
16 from the Holy See. They included documents relating to  
17 each case involving an Australian priest. The request was  
18 made to assist the Commissioners in developing an  
19 understanding about the extent to which Australian priests  
20 accused of child sexual abuse had been referred to the  
21 Holy See and, in particular, the Congregation for the  
22 Doctrine of the Faith. The Royal Commission hoped to gain  
23 an understanding of the action taken in each case. The  
24 Holy See responded on 1 July 2014 that it was, and I quote,  
25 "neither possible nor appropriate to provide the  
26 information requested". The Holy See said it would respond  
27 "in the future to appropriate and specific requests".  
28

29 Documents in relation to a named Australian priest  
30 were also sought. In response to this request, the Royal  
31 Commission was told that, quote, "to avoid compromising the  
32 integrity of the canonical proceeding", it was not possible  
33 to provide all of the documents requested.  
34

35 The Royal Commission has conducted 15 public hearings  
36 into the conduct of Catholic Church authorities and related  
37 institutions. Catholic institutions have participated in  
38 other hearings, as have many other institutions, concerning  
39 matters of policy.  
40

41 Most, but not all, reports of case studies have been  
42 tabled in parliament and published. The remaining reports  
43 will be tabled over the coming months. One public hearing  
44 has not been completed - that is Case Study 44 into  
45 John Joseph Farrell.  
46

47 There could not be a case study in relation to each

1 Catholic institution the subject of a report in a private  
2 session. In a number of cases, there are current criminal  
3 investigations or prosecutions. Consistent with the  
4 Royal Commission's terms of reference, a decision was made  
5 not to hold a public hearing where to do so may have  
6 prejudiced that work.

7  
8 In some cases, survivors were not willing to give  
9 evidence, documents were not available, or the systemic  
10 issues had been addressed elsewhere.

11  
12 However, it should not be assumed that because  
13 a specific institution was not the subject of a case study  
14 that its conduct was not reported in a private session.

15  
16 As at the end of 2016, over 2,400 private session  
17 attendees reported they were sexually abused in a Catholic  
18 institution. Most of these institutions have not been  
19 considered in a case study. The type of those Catholic  
20 institutions reported, for example, a school or parish, the  
21 state or territory in which it was located, and the diocese  
22 or order which was responsible will be published in the  
23 final report. All other institutions reported in a private  
24 session and not considered in a public hearing will also be  
25 documented in the final report in the same manner.

26  
27 The public hearings into the conduct of Catholic  
28 institutions have dealt with a range of topics.

29  
30 The redress scheme operating in the Archdiocese of  
31 Melbourne and the Towards Healing process, which applies in  
32 every other diocese, were the subject of three hearings.  
33 The lack of independence of each scheme was the subject of  
34 adverse comment in each report. The Royal Commission has  
35 since reported on redress and civil litigation, and the  
36 Commonwealth Government has indicated its support for the  
37 key recommendations by announcing a Commonwealth Redress  
38 Scheme.

39  
40 The Archdiocese of Sydney's response to litigation in  
41 the late 2000s by a survivor seeking compensation was the  
42 subject of evidence. The instructions given to the  
43 archdiocese's lawyers and the response of its senior office  
44 holders and insurers were considered. In the Royal  
45 Commission's civil litigation report, reference was made to  
46 the conduct of officers of the archdiocese, among other  
47 matters. The Royal Commission made various recommendations

1 designed, in part, to overcome the problems which emerged  
2 in that case study, particularly to avoid unnecessarily  
3 adversarial responses to civil claims.  
4

5 The handling of complaints and the dealings with  
6 accused and convicted Catholic personnel in the  
7 Archdioceses of Melbourne, Sydney, Adelaide, Perth and  
8 Canberra and the Dioceses of Ballarat, Maitland-Newcastle,  
9 Toowoomba and Rockhampton have each featured in case  
10 studies. The Catholic Education Office's activities in the  
11 Archdiocese of Melbourne and the Diocese of Toowoomba were  
12 considered. Schools operated by Catholic entities were the  
13 subject of many hearings.  
14

15 A number of male religious orders were examined about  
16 their responses to complaints. The Christian Brothers and  
17 the Marist Brothers have received a significant number of  
18 claims of child sexual abuse. Their responses were  
19 considered in relation to a number of orphanages and  
20 schools in Western Australia, Queensland, Victoria,  
21 New South Wales and Canberra.  
22

23 The accounts given by survivors of four such  
24 institutions in Western Australia run by the Christian  
25 Brothers were particularly harrowing. The Christian  
26 Brothers had kept visitation reports and Provincial  
27 Council minutes from 1919. They revealed concerns about  
28 Brothers sexually misconducting themselves with children  
29 from that time. From 1959, such concerns were no longer  
30 reported in the minutes. The lawyers for the Christian  
31 Brothers were reported as saying,  
32

33 *This suggests that these cases are no*  
34 *longer reported in the Council minutes and*  
35 *there may well have been some decision made*  
36 *in the late 1950s not to record these*  
37 *matters.*  
38

39 The Diocese of Ballarat was also a focus. That  
40 diocese has frequently been referred to as notorious for  
41 the number of offenders who, at the relevant time, were  
42 priests in that diocese. Gerard Ridsdale was a priest in  
43 that diocese. Ridsdale is often referred to as Australia's  
44 most prolific paedophile priest.  
45

46 In Ballarat, diocesan priests', as well as Christian  
47 Brothers' conduct was considered. The former and now

1 deceased Bishop of Ballarat was the subject of much adverse  
2 evidence. The findings of the Royal Commission in that  
3 case study have not yet been published.  
4

5 The Diocese of Maitland-Newcastle was also examined.  
6 This is another diocese where numbers of priests and  
7 religious have been convicted for atrocities against  
8 children. Survivors and advocates have long agitated for  
9 an inquiry into that diocese. The findings of the Royal  
10 Commission in that case study have not yet been published.  
11

12 The manner in which the Church in Australia and the  
13 Vatican intersected in dealing with disciplinary action  
14 against a priest was considered in the context of a priest  
15 in the Diocese of Wollongong in New South Wales.  
16

17 The response of one female religious order to child  
18 sexual abuse by a layman and a priest in an orphanage in  
19 the Diocese of Rockhampton in Queensland was examined.  
20

21 A Catholic institution which provided services to  
22 children with disability was the subject of a public  
23 hearing. That hearing also heard evidence about dealing  
24 with children with sexualised behaviours.  
25

26 In each of those hearings, the experience of survivors  
27 was heard.  
28

29 The accounts were depressingly similar. Children were  
30 ignored, or worse, punished. Allegations were not  
31 investigated. Priests and religious were moved. The  
32 parishes or communities to which they were moved knew  
33 nothing of their past. Documents were not kept, or they  
34 were destroyed. Secrecy prevailed, as did cover-ups.  
35 Priests and religious were not properly dealt with, and  
36 outcomes were often not representative of their crimes.  
37 Many children suffered and continue, as adults, to suffer  
38 from their experiences in some Catholic institutions.  
39

40 Many of the findings of the Royal Commission in its  
41 published reports are consistent with the finding in the  
42 Irish report of the Commission of Investigation into the  
43 Catholic Archdiocese of Dublin which was published in 2009.  
44 The report said that in dealing with cases of child sexual  
45 abuse, the Archdiocese of Dublin was preoccupied, at least  
46 until the mid-1990s with, and I quote, "the maintenance of  
47 secrecy, the avoidance of scandal, the protection of the

1 reputation of the Church and the preservation of its  
2 assets. All other considerations, including the welfare of  
3 children and justice for the victims were subordinate to  
4 these priorities".

5  
6 Many Catholic Church institutions were insured by  
7 Catholic Church Insurance Limited. As part of its  
8 investigations, the Royal Commission reviewed documents  
9 produced by Catholic Church Insurance. Some of these  
10 documents were tendered during public hearings. Many  
11 related to investigation conducted by Catholic Church  
12 Insurance when it received a claim from an insured in  
13 relation to a named offender or alleged perpetrator of  
14 child sexual abuse. Catholic Church Insurance conducted  
15 those investigations to establish whether the relevant  
16 insured, a Catholic Church authority, had prior knowledge  
17 of the named offender's or alleged perpetrator's propensity  
18 to abuse.

19  
20 During 2015, after liaising with Catholic Church  
21 Insurance, the Royal Commission required the production of  
22 documents in relation to all cases where Catholic Church  
23 Insurance had determined prior knowledge on the part of  
24 a Catholic Church authority. The term "prior knowledge"  
25 was based on the definition used by Catholic Church  
26 Insurance in its investigations, which referred to  
27 knowledge held by a senior official of the relevant Church  
28 authority.

29  
30 The Royal Commission received over 128,000 documents  
31 from Catholic Church Insurance. During the course of this  
32 hearing, the documents relating to prior knowledge of  
33 Catholic Church authorities in relation to a number of  
34 offenders or alleged perpetrators will be tendered and that  
35 material referred to in the Royal Commission's final  
36 report.

37  
38 Now, the Royal Commission has done more than hear  
39 evidence at public hearings, conduct private sessions and  
40 review documents involving Catholic institutions. The  
41 Chair of the Royal Commission has made 309 referrals to  
42 police in all states and the Australian Capital Territory  
43 in relation to allegations of child sexual abuse involving  
44 Catholic Church institutions.

45  
46 As a result of those referrals, there have been  
47 27 prosecutions, 75 matters are currently being

1 investigated, the victim or the accused has died in  
2 37 cases, 66 matters are pending, which means that  
3 a referral has been made and the Royal Commission is  
4 waiting for information about allocation of the matter  
5 within the receiving agency. In relation to other  
6 referrals, some have been used for intelligence purposes;  
7 in some cases, there has been insufficient evidence; and in  
8 other cases, the complaint has been withdrawn.

9  
10 More recently, in June last year, the Royal Commission  
11 released an issues paper seeking submissions on a range of  
12 matters relevant to this hearing. Those matters included  
13 the extent to which the following issues may have  
14 contributed to the occurrence of child sexual abuse in  
15 Catholic institutions or affected the institutional  
16 response to this abuse.

17  
18 These issues were: the Catholic Church's structure  
19 and governance, including the role of the Vatican; issues  
20 related to the individual leadership of Catholic  
21 institutions; Canon Law; celibacy; clericalism; selection,  
22 screening, training and ongoing formation of candidates for  
23 the priesthood and religious life; support for and  
24 supervision of working priests and religious; the operation  
25 of the sacrament of confession; the use of secrecy,  
26 including the practice of mental reservation; individual  
27 psycho-sexual factors; and factors operating in society as  
28 a whole.

29  
30 In addition, the current and future proposed  
31 approaches of Catholic Church authorities were also  
32 identified.

33  
34 The Royal Commission received over 80 submissions in  
35 response to the issues paper. The Catholic Church's  
36 structure and governance, including the role of the Vatican  
37 and issues related to individual leadership of Catholic  
38 institutions, featured heavily in submissions as a factor  
39 that may have contributed to the occurrence of the abuse  
40 and certainly to the institutional response to it. Issues  
41 of a rigid hierarchy based on obedience to bishops and to  
42 the Pope, a lack of accountability to the faithful emerged  
43 as themes. The lack of women in positions of leadership  
44 was identified by many as a relevant factor.

45  
46 Several submissions were received from former priests  
47 and religious or people who had commenced training but left

1 during their formation. They spoke of their young age when  
2 entering training, the absence of teaching about intimacy  
3 or friendships, and inadequate teaching on the reality of  
4 celibacy and understanding their own sexuality.

5  
6 The majority of submissions received by the Royal  
7 Commission have been published on the website. All the  
8 submissions received will be used to inform the Royal  
9 Commission's work. Some will be tendered during the course  
10 of this hearing because they're relevant to particular  
11 witnesses who will be giving evidence.

12  
13 In May 2016, in preparation for this hearing, the  
14 Royal Commission gave the Truth, Justice and Healing  
15 Council the opportunity to inform the Royal Commission  
16 about the issues it saw as relevant to this review hearing,  
17 the witnesses it wished to be called, and any other  
18 research it wanted the Royal Commission to take into  
19 account.

20  
21 In November 2016, the Council provided a list of  
22 suggested witnesses to the Royal Commission. Many of those  
23 individuals had been identified and approached.

24  
25 On 22 December 2016, the Royal Commission received  
26 a written submission from the Council that addressed  
27 matters identified in the issues paper and the Royal  
28 Commission's May correspondence.

29  
30 This hearing will be conducted over three weeks.  
31 Witnesses will be giving evidence generally in panels.  
32 Each witness has been selected in consultation with the  
33 Council.

34  
35 In August last year, the Chair of the Royal Commission  
36 invited Cardinal O'Malley and another member of the  
37 Pontifical Commission for the Protection of Minors,  
38 Professor Sheila Baroness Hollins to give evidence by  
39 videolink. Each declined the Chair's invitation to give  
40 oral evidence, preferring to rely on a submission prepared  
41 by Baroness Hollins about the work of the Pontifical  
42 Commission and her opinion on factors that may have  
43 contributed to the occurrence of or affected the response  
44 to child sexual abuse in Catholic institutions. That  
45 submission will be tendered.

46  
47 In October 2016, we spoke with the United States

1 Executive Director, Secretariat of Child and Youth  
2 Protection, Deacon Bernard Nojadera. The deacon informed  
3 the Royal Commission, a week or so ago, that he was no  
4 longer able to participate in the hearing. He declined our  
5 offer to have him give evidence by videolink and declined  
6 to provide a signed statement. Material we have from that  
7 institution will be tendered.

8  
9 On 27 July 2016, Dr Marie Keenan was invited to give  
10 oral evidence at this hearing. She has conducted and  
11 reported on her significant research into issues related to  
12 child sexual abuse within the Catholic Church. She  
13 accepted the invitation and confirmed her willingness to  
14 appear and give evidence by videolink from Dublin.

15  
16 Dr Keenan provided a precis of the evidence she would  
17 give to the Royal Commission a couple of weeks ago.

18  
19 On 2 February this year, she advised that she didn't  
20 believe that the forum of the Royal Commission is the  
21 correct one to do justice adequately to the research she  
22 has done and to all the parties involved. In order for the  
23 Royal Commission not to lose the benefit of the evidence  
24 she could give, I propose to read sections of the precis  
25 she provided this morning. The full precis will be  
26 available on the website this afternoon.

27  
28 During the first week of the hearing, the Royal  
29 Commission will hear evidence about structural, governance  
30 and cultural factors that may have contributed to the  
31 occurrence of child sexual abuse at Catholic Church  
32 institutions in Australia or affected its institutional  
33 response.

34  
35 In addition, the secrecy requirements and the  
36 operation of the Sacrament of Reconciliation will be  
37 considered. Dr Gerry O'Hanlon SJ is a member of the  
38 Society of Jesus, the Jesuit order. He will give evidence  
39 by videolink from Dublin and the Royal Commission will sit  
40 on Wednesday night from 6 to 8pm to accommodate the time  
41 difference.

42  
43 Also in this week, there will be evidence about  
44 approaches adopted or considered in Ireland about child  
45 safety, complaint handling and risk management in the  
46 Church.

1           During the second week of the hearing, there will be  
2 evidence about the formation of clergy and religious and  
3 the professional support and supervision of clergy and  
4 religious. Child safety, complaint handling and the risk  
5 management practices of Catholic Church authorities in  
6 Australia, issues in Catholic Education and the operation  
7 of Catholic community and social services will be examined.  
8

9           The third week of the hearing will commence with  
10 a panel comprising Archbishop Coleridge and the Chair and  
11 Chief Executive Officer of the Council, outlining the  
12 establishment and proposed purpose of Catholic Professional  
13 Standards Limited, a company which has been created. No  
14 doubt the Royal Commission will hear more about that  
15 shortly. The evidence of a number of regional bishops will  
16 be heard, followed by the provincials of the main male  
17 religious orders and the Sisters of Mercy.  
18

19           The hearing will conclude with a panel of five  
20 metropolitan archbishops of Australia. There will be  
21 evidence about their response to issues raised in Royal  
22 Commission reports as well as data relating to the extent  
23 of claims in their dioceses and generally. Their current  
24 policies and procedures will also be canvassed.  
25

26           Before each substantive topic is addressed by a panel,  
27 I will provide an introduction in relation to that topic.  
28

29           This hearing has been structured to allow sufficient  
30 time to deal with the issues raised by the Council in its  
31 communications with us, to properly consider the results of  
32 the data project undertaken with the assistance of the  
33 Council and each of the dioceses and orders which  
34 participated, to examine the issues raised with the  
35 Royal Commission by the dozens of submissions received to  
36 the issues paper, and to hear from as many priests and  
37 religious as is necessary. In total, over half the  
38 witnesses to be called are priests or religious, with most  
39 others employed by or working directly with the Church or  
40 on Church-related matters.  
41

42           It is hoped that the hearing can be completed in less  
43 than the time allocated. However, it is important for the  
44 Commissioners to have a complete understanding of the  
45 issues and for the Church, through the Council, to be given  
46 all the time it needs to put its position to the  
47 Commissioners.

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Now, I understand that the Council wishes to make an opening to provide its perspective on the issues to be discussed in this hearing, and time has been allocated for that to occur.

THE CHAIR: Mr Gray?

MR GRAY: Yes, your Honour, it is not an opening, but Mr Sullivan of the Truth, Justice and Healing Council, by arrangement with the Commission, will make a statement.

THE CHAIR: Yes, very well. Mr Sullivan, come forward.

MR SULLIVAN: Thank you, Commissioners.

I make this statement on behalf of the Truth, Justice and Healing Council. When the Council made its first major submission to this Royal Commission in 2013, it included a nine-point commitment statement by the Catholic Church leadership. This, in part, said, "the leaders of the Church in Australia committed themselves to repairing the wrongs of the past, to listening to and hearing survivors, to putting their needs first and to doing everything the Church can to ensure a safer future for children".

Over the past four years, as the Church has been through what many would say has been the most intense and unforgiving examination of almost all aspects of its operations in Australia, the Council has worked hard to hold the Church leadership accountable to these words, but, more than that, to put these words into action.

Having been involved with this Commission from the word go, I have seen the Church leadership rise to this challenge. From the outset, we have positively wanted the Commission process to help to free people to tell their stories, and we will always encourage them to do so.

We too have also engaged with survivors individually and in support groups to gain a closer and more personal appreciation of their experiences with the Church.

The general feedback from these many, many survivors ranges across a spectrum, from those who found Church personnel wary and distrustful, to others who expressed gratitude for pastoral and caring responses they received.

1 For too many, the processes to gain redress and support  
2 have been protracted and stressful. Some have given up.  
3 Some remain in limbo. Others have said that they have  
4 found a more welcoming attitude from Church authorities in  
5 recent times and a readiness to address the particular  
6 circumstances victims faced.

7  
8 We want to acknowledge that it is never an even  
9 playing field when a survivor confronts the size and  
10 magnitude of an institution like the Catholic Church.  
11 Neither is it easy in the first instance to come forward  
12 and to reveal what has happened.

13  
14 We admire and are grateful for the courage of those  
15 who have told their stories to us and to the Commission, on  
16 which much of the Commission's work has been based. We  
17 also acknowledge that around 37 per cent of the  
18 Commission's private sessions revealed claims of abuse  
19 within a Catholic institution. It is a history that must  
20 be told and reckoned with.

21  
22 Regardless of the histories of other institutions, how  
23 the Catholic Church dealt with the child sexual abuse is  
24 very much the concern and responsibility of today's  
25 leadership. Painful though it may be, these next three  
26 weeks is the chance we all have to explore why the abuse  
27 occurred and what has been done to prevent it happening  
28 again.

29  
30 Let us not forget that every person who has come  
31 forward carries with them the suffering, damage and loss  
32 which child sexual abuse inevitably causes. They have  
33 borne the risk of further traumatising in order to share  
34 their experiences.

35  
36 The fact that child sexual abuse has been perpetrated  
37 by those holding privileged positions of trust within the  
38 Church and the fact that many Church leaders then  
39 compounded the damage in various ways, including in some  
40 cases covering up the truth, is a tragedy in itself.

41  
42 The Royal Commission case studies have caused our  
43 Church to look deeply at its past and confront the truth of  
44 what happened. The stark reality is that the Catholic  
45 Church should never have put itself in a position that sees  
46 it at the very centre and major focus of an inquiry such as  
47 this. The Church's teaching about the sacred place of

1 children and about the severity with which any offending  
2 against that teaching should be met is both famous and  
3 fundamental. So for even one child to have been sexually  
4 abused by a Catholic priest or religious is appalling to  
5 all faithful Catholics, as it is to all within our  
6 community.

7  
8 The hypocrisy involved in these historic failures is  
9 grossly unbecoming a Church which seeks to be, and should  
10 be, held to its own high standard.

11  
12 As we have heard outlined in Senior Counsel  
13 Assisting's opening today, the extent of abuse within the  
14 Church spans decades and it has occurred in institutions  
15 both small and large. We are advised that the data does  
16 not distinguish those claims that were substantiated from  
17 those that were accepted by an investigation. In an ideal  
18 world, the data would distinguish between the number of  
19 allegations where offenders made admissions or were  
20 convicted and those where an investigation substantiated  
21 the complaint.

22  
23 Nevertheless, there can be no doubt that the  
24 proportion of priests since 1950 against whom even claims  
25 of abuse have been made undermines the image and  
26 credibility of the priesthood. Likewise, the very high  
27 proportions of religious brothers with claims of abuse only  
28 further corrodes the community's trust.

29  
30 The data tells us that over the six decades from 1950  
31 to 2010, some 1,265 Catholic priests and religious were the  
32 subject of a child sexual abuse claim. These numbers are  
33 shocking. They are tragic and they are indefensible. Each  
34 entry in this data, for the most part, represents a child  
35 who suffered at the hands of someone who should have cared  
36 for and protected them, and let us not forget the ripples  
37 of the abuse also felt by their family, friends and carers.  
38 These secondary victims need not only to be acknowledged  
39 but to be tangibly supported and compensated for the impact  
40 on their lives.

41  
42 The data is an indictment on the priests and religious  
43 who abused these children. It also reflects on the Church  
44 leaders who at times failed to take steps to deal with the  
45 abusers, failed to call them to order and failed to deal  
46 with them in accordance with the law, and, perhaps worse,  
47 took steps which had the effect, if not the intent, of

1 enabling them to abuse again.

2

3 The data provides, as best it can, a public accounting  
4 of what has occurred, a public record of the number of  
5 people coming forward to say they were abused. We  
6 recognise that many have not come forward and never will.

7

8 In the interests of a broader understanding of the  
9 extent of child sexual abuse across the community, it would  
10 also be helpful if this data could be seen alongside  
11 similar data from other institutions, particularly  
12 government institutions, where abuse also took place at  
13 disturbing levels. That said, the data and the number of  
14 claims it details can only be seen as indicative of the  
15 scale of child sexual abuse which has occurred in the  
16 Catholic Church.

17

18 This data, along with all we have heard over the past  
19 four years, can only be interpreted for what it is:  
20 a massive failure on the part of the Catholic Church in  
21 Australia to protect children from abusers and  
22 perpetrators; a misguided determination by leaders at the  
23 time to put the interests of the Church ahead of the most  
24 vulnerable; and a corruption of the gospel the Church seeks  
25 to profess.

26

27 As Catholics, we hang our heads in shame.

28

29 Part of the Council's role has been to meet and talk  
30 with the Catholic community in its many different settings.  
31 Broadly speaking, Catholics identify with the Church not as  
32 an institution but as a community based on shared sets of  
33 beliefs and values. What we have seen and heard over the  
34 past four years is that Catholics have been profoundly  
35 shaken, to the point of disgust, by the revelations they  
36 have heard during the Commission's hearings.

37

38 However, it is important to understand that today's  
39 Church is significantly different from the one that has  
40 been the focus of most of the Commission's case studies  
41 over the past four years. Once the role of priests and  
42 religious was dominant in the life of the Church. In the  
43 modern era, at both governance and operational levels, the  
44 organisations that run the education, health and social  
45 services of the Church are predominantly lay led. This has  
46 brought a broader and more sophisticated and professional  
47 approach to management.

1  
2 Today, due to the declining and aging numbers in  
3 religious and priestly life, the culture and participation  
4 of laypeople in key roles has changed the face of the  
5 Church. The fact that the Church leadership chose to rely  
6 on the Truth, Justice and Healing Council, a lay-led  
7 advisory body, and that it has accepted all of its policy  
8 recommendations is, in itself, a reflection of that change.  
9

10 This Commission is not only about the past; more  
11 importantly, it is about today and the future, about  
12 ensuring institutions are as safe as they possibly can be  
13 for children.  
14

15 Later in this hearing, the Commissioners will hear  
16 from and speak with many leaders of the Church, including  
17 archbishops, bishops and leaders of religious institutes,  
18 to gain a picture of what is in place to safeguard  
19 children.  
20

21 It is appropriate now to mention a few of the key  
22 changes that have been made over the past four years to  
23 address the issue of abuse and to respond to abuse  
24 survivors.  
25

26 Catholic Professional Standards. As indicated by  
27 Senior Counsel Assisting, the most significant and  
28 far-reaching change is the establishment in November last  
29 year of a new independent body to set standards within the  
30 Church for child safety. This company, Catholic  
31 Professional Standards Limited, will audit and report on  
32 compliance by bishops and religious leaders with the  
33 standards. It is a not-for-profit public company with its  
34 own governance structure and with a board made up of lay  
35 professionals.  
36

37 Professional standards will apply across all aspects  
38 of Catholic Church activities and will cover not only  
39 children but anyone who comes into contact with the Church.  
40 The company will audit the performance of bishops and  
41 religious leaders on how their services comply with the  
42 standards.  
43

44 The audit reports will be made public. In this way,  
45 the leaders will be held accountable. This is a dramatic  
46 change to the accountability of bishops and congregational  
47 leaders. The significance of this change will have

1 ramifications for many years to come.

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Revisiting claims. Over the past four years, many dioceses and religious orders have also committed to revisiting past claims, making adjustments to payments and other compensation provided to abuse survivors. In November 2014, the Truth, Justice and Healing Council released guidelines for revisiting payments that had been settled under Towards Healing or at common law, regardless of whether or not a deed of release was entered into. Claims and payments have now been revisited extensively by many dioceses and religious orders across Australia.

National redress. From the early days of the Royal Commission, the Church, through the Council, is one of the most consistent voices calling for the adoption of a national independent child sexual abuse redress scheme similar to the one recommended by the Royal Commission in late 2015.

The Church has called for a scheme that would independently determine fair and compassionate compensation for abuse survivors regardless of where, when or in which institution they were abused. We have said many times that the days of the Church investigating itself must be over. A national redress scheme, organised and operated by the Commonwealth but funded by the institutions in which the abuse took place, if established, will be a lasting legacy of this Commission.

New Professional Standards Offices, policies and procedures. Over the last four years, religious orders and dioceses across Australia have introduced many new child protection policies and procedures. They have improved their processes, taken on new staff, adopted better practices and principles and built new child safeguarding systems in an effort to embed a culture of child protection at all levels.

Significant changes and reviews have been made by many dioceses and religious orders across Australia. Much has changed in the Church across Australia over the last 20 years, and particularly over the last four. Many Church leaders will appear before the Commission over the coming weeks. They will do so out of a heartfelt commitment to contribute to a reasoned discussion about better treatment of those who have been damaged in Church institutions and

1 about a better future for those who are entrusted to the  
2 care of the Church.

3  
4 They will give evidence about the work that they have  
5 done as a direct result of this Commission and the  
6 initiatives they have implemented to ensure children are as  
7 safe as possible in our parishes, schools, hospitals,  
8 social services and welfare organisations.

9  
10 As I mentioned earlier, the Church leadership and the  
11 Truth, Justice and Healing Council published, at the start  
12 of this Commission in 2013, what has become known as the  
13 Catholic Church's Commitment Statement. In it, for the  
14 first time anywhere in the world, bishops and religious  
15 leaders as one made a comprehensive acknowledgment of the  
16 crimes and cover-ups of the past. Together they offered an  
17 unqualified apology to survivors of sexual abuse. This  
18 apology included accepting that too often victims had not  
19 been believed, that the interests of the Church had been  
20 put ahead of young children, and that the might of the  
21 Church had, in many cases, been used to silence and oppress  
22 them for many years.

23  
24 Over the past four years, as the Royal Commission has  
25 gone about its work, not one religious leader has backed  
26 away from this statement and, more significantly, all of  
27 these bishops and religious leaders have actively worked to  
28 address the many issues highlighted as part of the  
29 statement. While this is admirable, still more needs to be  
30 done.

31  
32 It is vital that the culture of the Church that  
33 enabled the abuse of privilege and power that led to the  
34 crimes and cover-ups be confronted head-on not only by  
35 those in positions of authority but also by the Catholic  
36 community as a whole. Words are important, but the measure  
37 of commitment can only ever be gauged by actions. The  
38 wrongs of the past must be repaired. Survivors of abuse  
39 must be shown the compassion and justice they have been  
40 calling for. Child safety must be embedded in the culture  
41 of the Church.

42  
43 One measure of our success in achieving those goals  
44 will be the confinement to history of devastating abuse  
45 statistics of the kind we have heard this morning from  
46 Senior Counsel Assisting the Commission. Thank you very  
47 much.

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THE CHAIR: Ms Furness?

MS FURNESS: Thank you, your Honour.

Your Honour and Commissioners, I propose to provide a short introduction to the next few days of hearings.

THE CHAIR: Should we take the adjournment, though, now, and then you can do that after the adjournment?

MS FURNESS: Certainly.

THE CHAIR: I think that might be sensible. Very well, we'll take the adjournment.

**SHORT ADJOURNMENT**

MS FURNESS: Thank you, your Honour.

The evidence over the following days will consider the factors which may have contributed to the sexual abuse of children by clergy and religious and the response of the hierarchy to that abuse.

To understand the coming discussion, it's necessary to briefly refer to some aspects of the structure of the Church.

The Catholic Church comprises members of the clergy, religious brothers, religious sisters and the laity.

"Clergy" means men who have been ordained. Ordained men receive the Sacrament of Holy Orders. There are three grades of Holy Orders: bishop, priest and deacon.

"Laity" means all other Catholics who have not received the Sacrament of Holy Orders.

The term "religious" refers to members of Catholic religious institutes or societies of apostolic life. Religious are not ordained, so they are laypersons. Religious institutes are sometimes called orders or congregations. The membership of Catholic religious institutes may be exclusively ordained, that is clergy; exclusively lay, that is brothers and sisters; or a mixture of lay and ordained.

1  
2 In 1906, Pope Pius X said:

3  
4 *The Church is essentially an unequal*  
5 *society, that is, a society comprising two*  
6 *categories of persons, the Pastors and the*  
7 *flock, those who occupy a rank in the*  
8 *different degrees of the hierarchy and the*  
9 *multitude of the faithful. So distinct are*  
10 *these categories that with the pastoral*  
11 *body only, rests the necessary right and*  
12 *authority for promoting the end of the*  
13 *society and directing all its members*  
14 *towards that end; the one duty of the*  
15 *multitude is to allow themselves to be led,*  
16 *and, like a docile flock, to follow the*  
17 *Pastors.*

18  
19 In the 1960s, the Second Vatican Council was held.  
20 Dr O'Hanlon, a witness giving evidence this week, has  
21 written that Vatican II sketched out an alternative  
22 understanding of the Church as "the people of God", which  
23 afforded equality to laypersons. However, he also said:

24  
25 *... for a multitude of reasons, this dream*  
26 *of Vatican II of a more collegial Church,*  
27 *with active participation and a balancing*  
28 *of the power of the papacy with the*  
29 *influence of local Churches has for the*  
30 *most part not been realised.*

31  
32 The Truth, Justice and Healing Council explains in its  
33 submission to the Royal Commission that, "due to its  
34 historical development and theological underpinnings, the  
35 Catholic Church is organised in a hierarchical structure".  
36 The Council states that although ultimate authority rests  
37 with God, ultimate authority within the Church's  
38 organisational structure rests with the Pope. Each bishop  
39 in his diocese is subject only to the Pope.

40  
41 "Clericalism" is a term which will be used often over  
42 the next few weeks. One frequently cited definition, which  
43 is used by the Council in its submission, is from a 1983  
44 report on clericalism by the US Conference of Major  
45 Superiors of Men:

46  
47 *Clericalism is the conscious or unconscious*

1           *concern to promote the particular interests*  
2           *of the clergy and to protect the privilege*  
3           *and power that traditionally has been*  
4           *conceded to those in the clerical state ...*  
5           *Among its chief manifestations are an*  
6           *authoritarian style of ministerial*  
7           *leadership, a rigidly hierarchical*  
8           *worldview, and a virtual identification of*  
9           *the holiness and grace of the Church with*  
10          *the clerical state and thereby with the*  
11          *cleric himself.*

12  
13           The evidence is likely to be that there is no simple  
14          answer as to why some priests and religious have sexually  
15          abused children. Many witnesses, each of whom has  
16          significant experience in this area, will say that there is  
17          a complex intersection of elements within the Catholic  
18          Church which have contributed to offending.

19  
20           The approach of the Church to matters of sexuality  
21          will be raised as one factor. Dr Ranson, the Vicar General  
22          of the Diocese of Broken Bay, will speak about the Church's  
23          ambivalent tradition of sexuality. Archbishop Coleridge is  
24          the Metropolitan Archbishop of Brisbane. He has been of  
25          the view that there has been a poor understanding and  
26          communication of the Church's teaching on sexuality.  
27          Dr Whelan SM is the director of the Aquinas Academy and  
28          parish priest of St Patrick's in Church Hill in Sydney.  
29          He's also a member of the Marist Fathers order. He will  
30          speak of a fear of an obsession with sex in the Catholic  
31          Church.

32  
33           Many witnesses do not view mandatory celibacy as  
34          a factor in itself; rather, they are likely to say it is  
35          the teachings or theology of the Church in matters of  
36          sexuality that are relevant. Dr Whelan will say that it is  
37          reasonable to assume that some religious were either ill  
38          prepared or simply unsuited for celibate life; thus, it  
39          would also be reasonable to think that this contributed to  
40          the incidence of sexual abuse.

41  
42           Archbishop Coleridge has said that celibacy was not in  
43          itself a factor; however, its discipline may have been  
44          attractive to men in whom there were paedophile tendencies  
45          which may have not been recognised by themselves when they  
46          entered the seminary.

47

1 Dr Marie Keenan, who has conducted a study of Roman  
2 Catholic clergy who have sexually abused minors, has  
3 expressed a contrary view.  
4

5 Dr Michelle Mulvihill is an organisational and  
6 counselling psychologist. She is expected to say that any  
7 hierarchical organisation which:  
8

9 *... demands total obedience by its members,*  
10 *which denies members any capacity to answer*  
11 *to their individual conscience and which*  
12 *focuses heavily on controlling the personal*  
13 *sexuality of its members and limiting human*  
14 *sexuality as a means of loving (rather than*  
15 *procreation), will produce paedophiles*  
16 *whose activity is hidden in the*  
17 *organisation.*

18  
19 She gives the Catholic Church as one example.  
20

21 Emotional isolation, the lack of intimacy and  
22 friendship and the role of sin and forgiveness will be  
23 canvassed by the witnesses.  
24

25 Dr Whelan will say that there is a theology of sin  
26 which is legalistic and fundamentalist, with the effect  
27 that an offence could be dealt with in the privacy of the  
28 confessional because it was largely about the relationship  
29 with God.  
30

31 Some will give evidence about the patriarchal image of  
32 God and the absence of women in decision making in the  
33 Church.  
34

35 Most witnesses will give evidence that the structure  
36 of the Church, including the autonomy of the bishops and  
37 the lack of accountability of that office, is  
38 a contributing factor. The highly centralised top-down  
39 power structure will be discussed.  
40

41 Dr Ranson will say the theology of priesthood and its  
42 relationship to clericalism, the sense of entitlement,  
43 resistance to accountability and potential for abuse of  
44 power are all relevant factors.  
45

46 Dr Gerry O'Hanlon SJ is from the Jesuit order. He was  
47 the Provincial of the Irish Jesuit Province. He is

1 expected to give evidence that aspects of Church  
2 governance, including a centralised vertical model, the  
3 prevalence of clericalism which privilege the role of the  
4 priest in such a way that made accountability difficult,  
5 a lack of freedom of speech and a strong presumption of  
6 priestly innocence were contributing factors.

7  
8 Mr Peter Johnstone is President of Catholics for  
9 Renewal. Mr Johnstone believes the dysfunctional  
10 governance, which he describes as autocratic,  
11 male-dominated and clericalist, is a key causal factor in  
12 relation to child sexual abuse in the Catholic Church.

13  
14 This culture that asserts the superiority of clergy  
15 and religious and the consequent culture of deference to  
16 the power and privilege of the priesthood has been  
17 described by Dr Keenan as "unregulated public power".

18  
19 Dr Ranson is also expected to reject the proposition  
20 that sexual abuse in the Catholic Church resulted from  
21 a climate of moral dissent against the Church's sexual  
22 teachings in the 1970s and 1980s.

23  
24 Father Doyle, a Dominican priest, has qualifications  
25 in Canon Law, theology, Church administration and political  
26 sciences. He is expected to say that sexual abuse by  
27 clerics has been "a known reality in the Catholic Church  
28 since the first century". It cannot therefore be described  
29 as the effect of the culture of the 1960s or, put another  
30 way, the effect of the music of Janis Joplin and others of  
31 that time.

32  
33 The inadequacies of formation, the need for ongoing  
34 supervision and support for priests and proper training for  
35 leaders will also be canvassed.

36  
37 Professor Ormerod is a Professor of Theology at the  
38 Australian Catholic University. He will suggest that  
39 regular pastoral supervision for all those in ministry,  
40 ongoing professional and theological education and seminary  
41 training in professional ethics may lessen the culture of  
42 clericalism.

43  
44 Professor Moloney was the Provincial of the Salesians  
45 of Don Bosco in Australia. He is expected to say that the  
46 Royal Commission could help by positively affirming the  
47 need for more careful scrutiny and training of those placed

1 in leadership positions.

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1           *Sexuality which includes Mandatory Celibacy*  
2           *as it contributed to the occurrence of*  
3           *child sexual abuse in Catholic*  
4           *institutions.*

5  
6           *Attempts to control sexual desire and*  
7           *sexual activity in my view led to*  
8           *sex-obsessed lives of terror, in which the*  
9           *body was disavowed, sexual desire was*  
10           *a problem to be overcome and the moral*  
11           *superiority of vowed virginity was*  
12           *presumed.*

13  
14           *The clerical perpetrators who participated*  
15           *in my research could not openly acknowledge*  
16           *the reality of their sexual lives and*  
17           *losses, even long before they had begun to*  
18           *abuse boys and/or girls. Nor could they*  
19           *deal appropriately with the losses that*  
20           *clerical life would bring. Rather, these*  
21           *men continually sought that which they*  
22           *could not have, attempting to sublimate and*  
23           *deny sexual desire, control sexual*  
24           *expression and live emotionally lonely*  
25           *lives.*

26  
27           *My research suggests that while celibacy is*  
28           *not a problem that gives rise to sexual*  
29           *abuse of minors by the Catholic clergy,*  
30           *a Catholic sexual ethic and theology of*  
31           *priesthood, which problematises the body*  
32           *and erotic sexual desire and emphasises*  
33           *chastity and purity over a relational ethic*  
34           *as the model for living, may be.*

35  
36           *An important question is not why so many*  
37           *Catholic clergy sexually acted out in the*  
38           *way that they did, but rather why more did*  
39           *not.*

40  
41           In relation to selection, screening, training and ongoing  
42           formation of candidates for the priesthood and religious  
43           life, Dr Keenan has commented, and again I use her words:

44  
45           *Sometimes the question is raised why*  
46           *individuals with a disposition to prey*  
47           *sexually upon minors gain admission to the*

1           *priesthood and why they are not weaned out*  
2           *before they infiltrate the organisation.*  
3           *Examined closely this question suggests*  
4           *a number of assumptions: that priests and*  
5           *religious who come to be accused of the*  
6           *sexual abuse of children have*  
7           *a predisposition to do so, that such*  
8           *inclinations can be discerned at the point*  
9           *of entry to the seminary or while they are*  
10           *seminarians and that some men become*  
11           *priests and religious in order to gain*  
12           *access to children to abuse. By*  
13           *implication the assumption is that the*  
14           *sexual abuse of a child by Catholic clergy*  
15           *is the result of individual pathology or*  
16           *predisposition - a theory that is favoured*  
17           *by some men in leadership in the Catholic*  
18           *Church. The response often suggests the*  
19           *need for better screening for clergy at the*  
20           *point of entry in order to pick up*  
21           *individuals with a disordered psychological*  
22           *state.*

23  
24           *Whilst it might be important for a lot of*  
25           *reasons, the assumption that it will pick*  
26           *up those men who might come to be accused*  
27           *of the sexual abuse of children is not*  
28           *borne out by available research and*  
29           *clinical experience. It is unlikely that*  
30           *clerical and religious men who have*  
31           *sexually abused minors have specifically*  
32           *chosen a profession in the Catholic Church*  
33           *so that they could gain access to children*  
34           *to abuse.*

35  
36           *Several other studies have reviewed aspects*  
37           *of the psychological functioning of*  
38           *clerical men who have sexually abused*  
39           *minors, looking for clues to their abusive*  
40           *actions and decisions. Lack of intimacy*  
41           *and emotional loneliness is considered*  
42           *important by a number of clinicians and*  
43           *researchers. Depression and difficulty*  
44           *expressing emotional concerns is seen as*  
45           *important by others. In one study, 59% of*  
46           *non-offending or "normal" clergy identified*  
47           *themselves as having received some form of*

1           *psychological treatment or counselling,*  
2           *mainly relating to depression, sexual*  
3           *orientation, sexual identity issues and*  
4           *alcoholism, only 1.8% - 2.5% of sexually*  
5           *offending clergy ever sought psychological*  
6           *help prior to treatment for their sexual*  
7           *offending. Clergy who were identified as*  
8           *child sexual offenders simply did not seek*  
9           *help for their sexual and emotional*  
10          *problems.*

11  
12          *Anger and over-controlled hostility was*  
13          *also reported as part of the profile of*  
14          *clerical men who have sexually abused*  
15          *minors. A style of relating that tended*  
16          *towards passivity and conformity, and in*  
17          *some instances a tendency towards shyness*  
18          *is also reported in some studies. Anger*  
19          *was also implicated in the offending of the*  
20          *men who participated in my own research -*  
21          *anger that came from a lifetime of*  
22          *submission and attempts at living a life*  
23          *that was impossible to live. My research*  
24          *suggests that the practices of obedience*  
25          *and the absence of personal autonomy in*  
26          *clerical and religious life must be*  
27          *considered significant in the sexual*  
28          *offending of Roman Catholic clergy -*  
29          *especially if obedience becomes an*  
30          *instrument of oppression in the hands of*  
31          *Church leaders who work in a spirit of*  
32          *power and control rather than a spirit of*  
33          *guiding leadership.*

34  
35          *Some studies found that ignorance of sexual*  
36          *matters, lack of knowledge of the basic*  
37          *physiology of sexuality and of the*  
38          *emotional responses in sexually charged*  
39          *situations and what is described as sexual*  
40          *and emotional underdevelopment were all*  
41          *found in sexually offending Catholic*  
42          *clergy. However, it was also found that*  
43          *all groups of clergy attending a treatment*  
44          *centre in Canada for a range of issues were*  
45          *ignorant of sexual matters and not just*  
46          *those who had abused minors.*

1           *Several studies have reported that clergy*  
2           *who have sexually abused minors have*  
3           *experienced sexual abuse themselves in*  
4           *childhood, sometimes by another priest or*  
5           *religious. This is also the case in my own*  
6           *research in which six of the nine*  
7           *participants reported a history of sexual*  
8           *abuse; five in childhood and one man was*  
9           *abused in the seminary. This is an*  
10          *important finding and although sexual abuse*  
11          *in childhood can never be accepted as an*  
12          *excuse for sexual offending in adulthood,*  
13          *and many people who experience childhood*  
14          *sexual abuse never abuse anyone, it is*  
15          *important that many clergy who had*  
16          *experienced sexual abuse in childhood had*  
17          *never discussed these experiences until*  
18          *they were in treatment for sexual*  
19          *offending.*

20  
21          *A history of childhood sexual victimisation*  
22          *was found to be one of the strongest*  
23          *predictive variables for clerical men to*  
24          *become repeat offenders. This is an*  
25          *important observation as there is not*  
26          *overall support for this finding in the*  
27          *general literature on other child sexual*  
28          *offenders. Priests and religious who have*  
29          *experienced childhood sexual abuse may be*  
30          *different in this regard. Priests who had*  
31          *experienced childhood sexual abuse were*  
32          *seen as particularly at risk for subsequent*  
33          *sexual offending against minors in the*  
34          *John Jay study and my own research has*  
35          *pointed to the role of childhood*  
36          *experiences of sexual abuse in the sexual*  
37          *offending histories of five of the men who*  
38          *took part in my research.*

39  
40          In relation to the operation of the Sacrament of  
41          Reconciliation, Dr Keenan said:

42  
43                 *The men in my research used the sacrament*  
44                 *of reconciliation to seek forgiveness,*  
45                 *resolve never to do this bad thing again*  
46                 *and in some cases to ease their conscience.*  
47

1 In relation to individual psychosexual factors, Dr Keenan  
2 has said:

3  
4 *Another issue that is often raised in*  
5 *relation to clerical men who have sexually*  
6 *abused minors relates to the question of*  
7 *homosexuality.*

8  
9 *The proclamations by the Catholic Church in*  
10 *the 1990s, which essentially linked child*  
11 *sexual abuse by clergy to the issue of*  
12 *homosexuality, are fundamentally flawed and*  
13 *have no basis in empirical or respectable*  
14 *research, scientific knowledge, common*  
15 *social mores or a theology of justice.*  
16 *Indeed, this misinformation and the*  
17 *frequency of homophobic condemnation by*  
18 *Church hierarchy contribute significantly*  
19 *to an obfuscation of the facts about child*  
20 *sexual abuse and human sexuality and*  
21 *de facto to opportunities for the*  
22 *recurrence of abusive behaviours.*

23  
24 *Something that is not much reported in the*  
25 *literature on clerical men who have*  
26 *sexually abused minors but that I found in*  
27 *my own research relates to the role of*  
28 *fear. It is apparent from an analysis of*  
29 *the men's narratives that the participants*  
30 *in my study constructed their priestly or*  
31 *religious vocation on fear - fear of*  
32 *breaking their celibate commitment and fear*  
33 *of displeasing others (particularly those*  
34 *in authority). For these men the resultant*  
35 *way of "doing" priesthood involved*  
36 *strategies such as adopting a submissive*  
37 *way of relating to others, avoiding*  
38 *relationships with women and avoiding*  
39 *particular friendships with men. In*  
40 *essence, these men avoided intimacy. Such*  
41 *strategies produced poor adult attachments,*  
42 *a fear of emotional and physical intimacy*  
43 *and prolonged emotional loneliness.*  
44 *Although three of the men in my study said*  
45 *that they learned their initial fear of*  
46 *displeasing others and of emotional*  
47 *disclosure in their families of origin and*

1 two of the men believed that they developed  
2 these patterns in response to childhood  
3 experiences of sexual abuse, all of the men  
4 believed that these problems were  
5 compounded by their experiences of seminary  
6 life and during their time in formation.  
7

8 In relation to what extent the occurrence of child sexual  
9 abuse in Catholic institutions has been a result of  
10 failings of the individuals who committed the abuse,  
11 Dr Keenan commented:  
12

13 *Based on an analysis of the literature on*  
14 *"normal" and offending clergy and my own*  
15 *research on this subject my conclusion is*  
16 *that individual pathology is insufficient*  
17 *to explain sexual offending by Roman*  
18 *Catholic clergy and alternative*  
19 *interpretations must be explored. When*  
20 *comparing clergy offenders with non-clergy*  
21 *offenders a similar conclusion is reached.*  
22 *The broad consensus in the psychological*  
23 *literature is that Roman Catholic clergy*  
24 *sexual offenders represent an atypical*  
25 *group of child sexual offenders and that*  
26 *situational and contextual factors must be*  
27 *considered significant in their sexual*  
28 *offending.*  
29

30 *As the kind of access that clergy are given*  
31 *is a product of their institutional*  
32 *identity and the kind of safety that their*  
33 *roles suggest comes to them from the*  
34 *authority of the institution, it is*  
35 *important for the institution to examine*  
36 *itself to see what in its structure and*  
37 *history have contributed to this problem.*  
38 *At the same time, although access and*  
39 *opportunity are very important, my own*  
40 *research suggests that to see sexual abuse*  
41 *of minors as a problem of access and*  
42 *opportunity alone is to simplify what is*  
43 *a much more complex issue. Many clergy men*  
44 *who have unrestricted access to minors*  
45 *never sexually abuse anyone.*  
46

47 *In order to understand clerical men who*

1 have sexually abused minors, one can come  
2 to no other conclusion but that their  
3 sexual offending must be understood within  
4 the unique context of their lives and  
5 ministries as Roman Catholic ministers  
6 within the Roman Catholic Church.

7  
8 In the general literature a number of  
9 institutional aspects of the Roman Catholic  
10 Church are seen as creating a climate in  
11 which child sexual abuse by Catholic clergy  
12 becomes possible.

13  
14 The features of the institutional Church  
15 that are said to contribute to a climate in  
16 which sexual abuse by Catholic clergy  
17 becomes possible include the theology of  
18 sexuality, the ecclesiastical structure of  
19 power relations and hierarchical authority,  
20 clerical culture and seminary formation.

21  
22 These aspects of the institution are  
23 influenced, in turn, by its traditions and  
24 teachings that are seen by some scholars to  
25 have rendered sexual abuse by clergy and  
26 the subsequent responses of the Catholic  
27 hierarchy almost inevitable. What is  
28 important here is the interrelationship  
29 between the forces of sexuality, power and  
30 power relations, governance structures and  
31 clerical culture and their enabling and  
32 constraining powers and potentialities on  
33 the lives of those men who became the  
34 clergy perpetrators, those men who became  
35 the Church hierarchy and those men who are  
36 regarded as "normal" clergy. Whilst many  
37 within the leadership of the Catholic  
38 Church prefer to operate outside of  
39 conscious awareness of this fact and prefer  
40 to think in terms of individual pathology  
41 rather than systemic breakdown, the  
42 evidence seems to point otherwise. In  
43 addition, a Church and social culture that  
44 prefers to focus blame on individuals -  
45 those men who have abused minors and those  
46 Church leaders who are seen to have failed  
47 in their duties in the handling of abuse

1           *complaints - may do well to think again -*  
2           *and keep the institutional dimensions of*  
3           *the aetiology of the problem in focus, as*  
4           *well as the manner in which the problem is*  
5           *currently constructed in popular discourse.*  
6           *This is not to say that individuals are not*  
7           *responsible for the actions they take, but*  
8           *it is to point to the fact that in trying*  
9           *to understand the problem (and presumably*  
10           *seek solutions) an approach that merely*  
11           *focuses on the individuals who have been*  
12           *"named and shamed" is to fail in a way that*  
13           *is regrettable. An approach to the problem*  
14           *that merely focuses on the "named and the*  
15           *shamed" will keep the institutional aspects*  
16           *of the problem in play, aspects that will*  
17           *contribute to additional human problems, if*  
18           *not to further abuse of minors. As the*  
19           *identity of the clerical male takes its*  
20           *shape from the institution of the Roman*  
21           *Catholic Church, breaching the boundaries*  
22           *of his identity (as in the case of clergy*  
23           *perpetrators) or working for the best*  
24           *interest of the Church (as in the case of*  
25           *Church leaders who are said to have failed*  
26           *in the handling of abuse complaints) is,*  
27           *therefore, an institutional issue.*

28  
29           Your Honour, I tender the full precis of Dr Keenan's  
30           evidence.

31  
32           THE CHAIR:    I will make that exhibit 50-002.

33  
34           **EXHIBIT #50-002 FULL PRECIS OF DR KEENAN'S EVIDENCE**

35  
36           MS FURNESS:    Your Honour, that completes my introduction  
37           to the next few days of evidence. There needs to be  
38           a short adjournment in order to accommodate the cameras.

39  
40                        Given the time, your Honour, might I suggest that the  
41           Royal Commission resumes at 1.30?

42  
43           THE CHAIR:    Yes, very well, we'll do that.

44  
45           MS FURNESS:    Thank you, your Honour.

46  
47           THE CHAIR:    Thank you. We'll take the adjournment.

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**LUNCHEON ADJOURNMENT**

MS FURNESS: Your Honour, Dr Whelan and Dr Ranson are giving evidence this afternoon.

<DAVID GERARD RANSON, sworn: [1.35pm]

<MICHAEL DAMIEN WHELAN, sworn: [1.35pm]

**<EXAMINATION BY MS FURNESS:**

MS FURNESS: Can I start with you, Dr Whelan. Will you tell the Royal Commission your full name and occupation?

DR WHELAN: My full name is Michael Damien Whelan. I am a Roman Catholic priest, a member of the Society of Mary.

MS FURNESS: Your qualifications, Dr Whelan?

DR WHELAN: My qualifications are, working backwards, I have a Doctorate in Philosophy, which I gained at Duquesne University in the United States; a Masters from the same university. I spent eight years in the seminary, and there was no particular certificate associated with that. I was ordained in 1972.

MS FURNESS: Just going back to your PhD, what was your PhD in?

DR WHELAN: My PhD was in an institute which looked to the integration of psychology, spirituality, theology and philosophy, and my thesis was on idealisation in Roman Catholic priests and religious.

MS FURNESS: What was it about?

DR WHELAN: The problem of shifting one's focus as a priest to an idealised image rather than some kind of emerging reality that was within and possible for the person. So that there is a sort of a template, the good priest, and you apply your willpower and you become the good priest.

MS FURNESS: Have you been able to apply anything you learned from that PhD in the other work you have done?

1 DR WHELAN: A lot. I look around me in my own life, the  
2 reason I did it, and we had the phenomenological approach  
3 at Duquesne University. They were leaders in that field in  
4 the English-speaking world. That is, you take experience  
5 and you use protocols to listen to the experience.  
6

7 I nearly destroyed my life through idealising myself  
8 as a priest, trying to be the good priest. When I came  
9 back into formation, I was determined to help the  
10 seminarians to not be the good priest, and I've dedicated  
11 myself to helping people not to be idealised images but to  
12 be who they are. And I think a lot of the material that  
13 I've discovered, in myself and others, is entirely relevant  
14 to the pursuit of this Commission.  
15

16 MS FURNESS: When you say "not to be the good priest", I'm  
17 assuming you don't mean to be a bad priest, doctor?  
18

19 DR WHELAN: Correct.  
20

21 MS FURNESS: So how would you describe not being a good  
22 priest?  
23

24 DR WHELAN: The good priest was a template. One of the  
25 themes I would like to pick up this afternoon is that of  
26 objectivism. If you think abstractly about priesthood, an  
27 ontological reality, this is how the priest behaves, the  
28 good priest does, and I was finding, unbeknownst to myself,  
29 but it gradually became evident to me because I had to go  
30 into therapy as part of my four-year doctoral program, that  
31 there was an enormous conflict between what I was  
32 discovering in myself and what I was supposed to be.  
33

34 There was a chapter in a book which struck a great  
35 chord with me. The psychiatrist Karen Horney talked about  
36 the "tyrannical shoulds", and I've come to the conclusion  
37 that when we are placed under those sorts of tyrannies, we  
38 develop conflicts and we seek consolation and we seek  
39 compensation and generally are not able to be graceful,  
40 free human beings.  
41

42 MS FURNESS: Thank you, doctor. We'll come back to the  
43 detail of that when we talk about your views, but you are  
44 currently parish priest of St Patrick's, Church Hill in  
45 New South Wales?  
46

47 DR WHELAN: I am.

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MS FURNESS: You also hold the position of Director of Aquinas Academy?

DR WHELAN: I do.

MS FURNESS: What does the directorship entail?

DR WHELAN: The Aquinas Academy was founded in 1945, and for the first, say, 20 years or so of its life, it taught highly intellectual courses in philosophy and theology in the Thomistic tradition. Given the changes in the 1960s, it moved to a more exploratory, experiential approach, using the Enneagram and so forth. Father Allan Connors and others were part of that, and it was a more populist kind of an approach.

I have been there since the beginning of the year 2000. My field is more along the lines of what I have explained in my studies, so call it spirituality, if you will. But we get people there who give courses in cultural studies, people from other universities, people who give courses in literature, et cetera, for adults.

MS FURNESS: Is that essentially a full-time job of yours?

DR WHELAN: It used to be, but since I've been made parish priest, it's a part-time job, and my colleague, Sister Marie Biddle, virtually runs the place these days and I help when I can.

MS FURNESS: Your Honour, I tender Dr Whelan's CV, which can be found in tab 3 of the precis bundle.

You have said that you were ordained as a priest of the Society of Mary in 1972.

DR WHELAN: Correct.

THE CHAIR: Just before you move on, you say the "precis bundle". I'm not sure we have a bundle identified as a precis bundle. We have a bundle "Information and Precis Documents".

MS FURNESS: That's it, your Honour.

THE CHAIR: Do we need to tender each one separately? Can we just take the documents in?

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MS FURNESS: The documents in it comprise CVs as well as precis of information or dot points that the witness might have given us, as well as other documents the witness has provided. It may be better to do it by witness rather than the whole volume, but I'm in your Honour's hands.

THE CHAIR: I think we're going to end up with a lot of exhibits. If we just take the volumes in, we'll be able to find our way through the volumes. Why don't we make the precis documents volume exhibit 50-003.

**EXHIBIT #50-003 INFORMATION AND PRECIS DOCUMENTS VOLUME**

MS FURNESS: Perhaps we will refer to the tab number of that volume.

THE CHAIR: Yes.

MS FURNESS: Doctor, the seminary you attended?

DR WHELAN: St Peter Chanel's Scholasticate at Toongabbie.

MS FURNESS: What was your experience there?

DR WHELAN: I was very young and naive and my experience was - I can describe my experience then and my experience on reflection. My experience then was mostly a happy one. I did four years - three years of philosophy and one year of novitiate and four years of theology, and there were tensions that I was aware of, but mostly I was intent on becoming a priest, and a Marist priest at that. It was only when I look back, there were quite intense conflicts.

MS FURNESS: Just before you go to those conflicts, how old were you when you --

DR WHELAN: I was 17 when I entered.

MS FURNESS: You went there from a Catholic school, I take it?

DR WHELAN: No, I didn't. I went from Ballina High School.

MS FURNESS: What was it that made you wish to become part of the Marist family?

1  
2 DR WHELAN: I don't know. I think there were tangential  
3 connections with St John's College at Woodlawn where the  
4 Marist Fathers taught. Some of my friends went to that  
5 school. I was keen on teaching. I liked the notion of the  
6 Spirit of Mary. I didn't want to become a Jesuit; it took  
7 too long. And I didn't want to become a diocesan priest,  
8 because I thought they're lonely men.

9  
10 MS FURNESS: So what was your experience, as you now  
11 reflect upon it?

12  
13 DR WHELAN: I had a very bad back in the seminary, and  
14 I put that down to - I think that was psychosomatic.

15  
16 MS FURNESS: A very bad back?

17  
18 DR WHELAN: A very bad back, yes. I suffered from  
19 migraine headaches, and I think that was tension. I will  
20 cover this in my material more fully, but, again, it's the  
21 template model, that you are presented with all these  
22 ideals, abstract, and then you are invited to use your  
23 willpower to go and do it, and I think that is a very  
24 destructive way to live, in retrospect. I didn't realise  
25 it at the time; I just thought this was the way you became  
26 a priest.

27  
28 MS FURNESS: When your formation was completed, what was  
29 your first position?

30  
31 DR WHELAN: My first position actually was at St Patrick's  
32 for six months, and at the end of that year my Provincial  
33 contacted me and said, "We'll be posting you to our college  
34 in Burnie, in Tasmania. The principal will see you at  
35 Christmas time and explain."

36  
37 MS FURNESS: That's a teaching college?

38  
39 DR WHELAN: It's a teaching college, yes, high school,  
40 from years 7 to 12.

41  
42 MS FURNESS: And you hadn't had any teaching training at  
43 that stage?

44  
45 DR WHELAN: Not professional teacher training. I had  
46 sought some under my own initiative during the seminary  
47 years, during my holidays, but I had had no professional

1 training.

2

3 MS FURNESS: So you turned up in Tasmania?

4

5 DR WHELAN: Before I turned up in Tasmania, the then  
6 principal had a meeting with me in Sydney. The only thing  
7 I remember about that meeting, apart from him saying that  
8 I would be in charge of the junior school, was, "Buy  
9 yourself an instrument of discipline. Pellegrini sells  
10 them." So I went down to Pellegrini and bought myself an  
11 instrument of discipline.

12

13 MS FURNESS: What was it?

14

15 DR WHELAN: A cane.

16

17 MS FURNESS: How did you go at your teaching job?

18

19 DR WHELAN: I thought I loved it, but in retrospect,  
20 again, I was carrying a lot of conflict in that.  
21 I remember I lost a lot of weight at that time and I was  
22 very happy to leave it after four and a half years, when  
23 I went to the United States to begin my postgraduate study.

24

25 MS FURNESS: Did you do any more teaching after that?

26

27 DR WHELAN: At a tertiary level, yes. I've spent most of  
28 my life teaching at a tertiary level.

29

30 MS FURNESS: But not in schools?

31

32 DR WHELAN: Not in schools. If I could just add one other  
33 thing, and I think this really was a serious lack. There  
34 was no mentoring. I just turned up with my cane from  
35 Pellegrini, and a lot of goodwill and naivety, and set  
36 about probably being quite a bad disciplinarian and  
37 teacher.

38

39 MS FURNESS: What should have happened?

40

41 DR WHELAN: I should have been given professional training  
42 as a teacher and I should have been mentored and guided.  
43 I've thought back on it, in the light of the Commission's  
44 work, and I say, "Thank God I didn't have a proclivity to  
45 misbehave."

46

47 MS FURNESS: Why do you say that?

1  
2 DR WHELAN: Because the tensions that I was under and the  
3 opportunities that I had could have led me to that.  
4  
5 MS FURNESS: Do the Marist Fathers now provide teachers to  
6 schools?  
7  
8 DR WHELAN: No, not in Australia.  
9  
10 MS FURNESS: Thank you. I will come back to your other  
11 views.  
12  
13 Could I turn to you, Dr Ranson. If you could tell us  
14 your full name?  
15  
16 DR RANSON: Yes, my name is David Gerard Ranson.  
17  
18 MS FURNESS: What is your current work, Dr Ranson?  
19  
20 DR RANSON: I'm a Catholic priest, parish priest of the  
21 Catholic Parish of Holy Name, Wahroonga, and Vicar General  
22 of the Diocese of Broken Bay.  
23  
24 MS FURNESS: How long have you been in that position?  
25  
26 DR RANSON: I have had the official appointment of  
27 Vicar General since the middle of 2015, and at that same  
28 time I was appointed officially as parish priest of  
29 Wahroonga.  
30  
31 MS FURNESS: What role do you play as Vicar General?  
32  
33 DR RANSON: As Vicar General, I share in the executive  
34 government of the diocese that the bishop has and assist  
35 him in the governance of the diocese as a whole as he  
36 considers to be most appropriate for his own needs.  
37  
38 MS FURNESS: Does he, effectively, tell you what to do?  
39  
40 DR RANSON: No. It would be very much a partnership in  
41 which we work together on a whole range of different  
42 issues.  
43  
44 MS FURNESS: You are also part of the College of  
45 Consultors?  
46  
47 DR RANSON: Yes. As Vicar General, I'm ex officio member

1 of a number of diocesan committees, including the College  
2 of Consultors, which also act as the trustees, civilly, of  
3 the diocese. I am also a member of the Council of Priests  
4 and the Diocesan Finance Council.

5  
6 MS FURNESS: What are your qualifications?

7  
8 DR RANSON: My qualifications - apart from my ordination,  
9 I have a Masters (Honours) degree in Theology from which  
10 was then the Melbourne College of Divinity in 1998, and  
11 I hold a PhD from the Australian Catholic University in  
12 2009.

13  
14 MS FURNESS: What was your PhD covering?

15  
16 DR RANSON: My PhD was called Between the Politics of  
17 Mysticism and the Mysticism of Politics.

18  
19 MS FURNESS: You might have to explain that.

20  
21 DR RANSON: This was in a completely different field. I'd  
22 long had an interest in the dialectic between the mystical  
23 and the political in Catholic spiritual tradition, and so  
24 the doctorate basically examined this dialectic of the  
25 mystical and the political and then provided a template  
26 over what we call in the Church the new ecclesial  
27 movements, which are a phenomenon within the 20th century,  
28 and suggested that some represent either the mysticism of  
29 politics or the politics of mysticism.

30  
31 THE CHAIR: I have to say I'm not sure we yet understand.  
32 Can you help us a little more? It sounds fascinating, but  
33 can you help us to understand it?

34  
35 DR RANSON: It was premised on the understanding that the  
36 20th century represented a paradigmatic shift in the  
37 Catholic spiritual tradition, so that if one looks over the  
38 entire history of the Catholic tradition, we see at  
39 different stages in the history different paradigms for the  
40 understanding of holiness to come to the fore. We can  
41 identify a whole range of those paradigms: one paradigm  
42 comes to the fore; the preceding paradigm recedes into the  
43 background.

44  
45 My basic thesis was that in the 20th century, we see  
46 the recession of a paradigm that had been uppermost in the  
47 Church's tradition for the centuries previous and a new

1 paradigm.

2

3 THE CHAIR: What were those paradigms?

4

5 DR RANSON: The paradigm that had dominated basically from  
6 the 18th century through to the 20th century saw the  
7 paradigm of holiness within the Catholic tradition being  
8 represented by the apostolic life, so the rise of  
9 congregations and religious institutes as have been  
10 identified today. They really represented, as it were, the  
11 epitome or the paradigm of the way in which holiness was  
12 understood. In order to become holy, so to speak, one left  
13 the world and entered into the religious life. The  
14 religious life, in that sense, was expressed through those  
15 what we call apostolic religious congregations as distinct  
16 from monastic congregations, which had been the paradigm of  
17 the first 1,000 years.

18

19 In the 20th century, we see a significant shift in  
20 that. Through the 20th century, the two-tiered system of  
21 holiness that had dominated the Church's understanding and  
22 experience in the centuries before began to be dissolved.  
23 So we see through the 20th century the rise of what we  
24 would call lay spirituality. Part of that would be what we  
25 call the rise of the new ecclesial movements, which  
26 essentially are lay, and so this tends to work against  
27 a dichotomy of holiness, where holiness is reserved to one  
28 state of life, and now holiness is that which is available  
29 to every state of life within the Church.

30

31 So as these spiritualities begin to emerge through the  
32 20th century, the Church's own sense of where holiness is  
33 to be found shifts. Now, holiness is to be found in  
34 involvement in the world, and so it is not a withdrawal  
35 from the world but an engagement with the world.

36

37 This is why I became interested in the dialectic of  
38 the mystical and the political, because the 20th century  
39 gives evidence now, through its writers and its  
40 theologians, that the experience of God can be found in the  
41 midst of political engagement.

42

43 THE CHAIR: Now we understand. Thank you.

44

45 MS FURNESS: Let me change the topic. You were  
46 a seminarian at Corpus Christi College in Victoria in the  
47 late 1970s?

1  
2 DR RANSON: Yes. I grew up in Tasmania. I had a long  
3 attraction for priesthood, ever since I was a boy, in fact.  
4 My family had wonderful friends who were Catholic priests  
5 and they made a deep impression on me, and because of my  
6 close association with them growing up, I had  
7 a longstanding attraction to priesthood. I imagined, first  
8 of all, that I would become a priest with the Archdiocese  
9 of Hobart. The Archdiocese of Hobart did not have  
10 a seminary of its own. It used the services of the  
11 provincial seminary, which at that stage was at  
12 Corpus Christi College at Clayton. So in 1978, I joined  
13 the seminary there, with the intention of becoming  
14 eventually a priest with the Archdiocese of Hobart.

15  
16 MS FURNESS: Were you about 19 or so at the time?

17  
18 DR RANSON: I was 19 and 20, yes, for those two years.  
19 I was only there for two years. In the second year, my  
20 reading and my reflection had given me a passion for  
21 a whole range of ideals, I suppose, the ideals of  
22 community, of hospitality, of prayer, of simplicity, of  
23 work. Perchance, in fact, in the middle of that second  
24 year there, I visited the monastic community of Tarrawarra  
25 Abbey, which is outside of Melbourne, which is a community  
26 of the Cistercians. This is an ancient monastic order  
27 living the rule of St Benedict but having undertaken  
28 a reform in the 11th century or the 12th century.

29  
30 Those ideals that had become so important to me  
31 through my reading of people like Thomas Merton,  
32 Dorothy Day, Jean Vanier and other such writers became  
33 manifest in that community. Everything that had become  
34 important to me in that second year was actually embedded  
35 in my experience of that community.

36  
37 So I made the discernment in 1979 to leave the  
38 seminary, and in 1980 I joined the monastic community of  
39 Tarrawarra Abbey. I was ordained there in 1992 and  
40 remained a member of that community until 1998, when I made  
41 the decision for a more active ministry.

42  
43 MS FURNESS: You said that you were ordained in 1992 and  
44 you began in 1980.

45  
46 DR RANSON: Yes.

47

1 MS FURNESS: Did it take 12 years to reach that state?

2

3 DR RANSON: Yes, because the vocation was not a vocation  
4 to priesthood; it was a monastic vocation. Ordination  
5 wasn't considered to be even a consideration until well  
6 after one had taken solemn vows.

7

8 MS FURNESS: So what did you do in those 12 years?

9

10 DR RANSON: Well, I had a range of activities, but the  
11 primary one was that I managed the community's dairy farm.

12

13 MS FURNESS: And there was a large number of acres,  
14 I think.

15

16 DR RANSON: We had a thousand-acre property. Most of it  
17 was given to beef, but I managed the smaller portion, which  
18 was a dairy farm.

19

20 MS FURNESS: That was, effectively, commercially run so  
21 that the order could --

22

23 DR RANSON: Yes. Yes, the community made its income,  
24 because one of the values of Benedictine life is that the  
25 monk lives off the labour of their hand. So we worked and  
26 engaged the property ourselves and, from that property,  
27 made the income by which we lived.

28

29 MS FURNESS: Did you undertake any work that we would  
30 commonly understand to be pastoral work in the community  
31 outside of the monastery?

32

33 DR RANSON: Yes. The community, as a Cistercian  
34 community, had a guesthouse because hospitality was a key  
35 feature of its life. So the monastery was never without  
36 guests. Through the monastery's guesthouse from the late  
37 1980s, through the 1990s, I was very significantly engaged  
38 in a ministry of spiritual accompaniment. People would  
39 come to the monastery; they would seek a time of retreat;  
40 they would seek spiritual counsel; they would seek out  
41 a monk to speak to about their spiritual and prayer life.  
42 As a result, I was very involved with a lot of people who  
43 came to the monastery.

44

45 But from about 1992, from the time of my ordination,  
46 to 1998 when I made the decision to leave the community,  
47 I was drawn out of the community on many different

1 occasions to assist the Church in a variety of ways, some  
2 of which, a good deal of which, relate to the work that has  
3 brought me to this day, but not only that. There was also  
4 a lot of other involvements with Church agencies of one  
5 kind or another.

6  
7 MS FURNESS: So you left in the late 1990s?

8  
9 DR RANSON: 1998.

10  
11 MS FURNESS: Where did you go?

12  
13 DR RANSON: Then I came into the Archdiocese of Melbourne,  
14 where I was appointed, because I was effectively on leave  
15 from the monastic community, working out where the future  
16 might lie for me - I was given an appointment as chaplain  
17 at St Vincent's Hospital in Melbourne and I was there from  
18 1998 to 2000.

19  
20 In 2000 I was invited by the Catholic Institute of  
21 Sydney to join its faculty, so in 2001 I came to Sydney and  
22 I was a member then of the faculty of the Catholic  
23 Institute of Sydney at Strathfield until I left at the end  
24 of 2015.

25  
26 MS FURNESS: What has it been in your experience that has  
27 led you to have an interest, and particularly an  
28 intellectual interest, in child sexual abuse in the Church?

29  
30 DR RANSON: This was really the result of circumstance  
31 more than of intentions, and I fell into it really more  
32 accidentally than anything else. As I mentioned, towards  
33 the end of the 1980s, and in the 1990s, through the  
34 monastery's guesthouse, I had developed a significant  
35 ministry in spiritual accompaniment. It was really out of  
36 that context that I received an invitation from the Jesuit  
37 scholastics to provide them, or to lead them, at least, in  
38 what I thought would be a once-off reflection on celibate  
39 sexuality or formation and celibacy.

40  
41 In 1992, towards the second half of 1992, I conducted  
42 that workshop for the Jesuit scholastics of Australia,  
43 thinking that that would be a one-off venture, but it  
44 turned out to be particularly effective, and quickly I was  
45 invited then by seminaries and other houses of religious  
46 formation across Australia to conduct similar programs. So  
47 really from 1992 until the end of the 1990s, I was involved

1 in every seminary in Australia and many of the religious  
2 houses of formation.

3  
4 I think I had the sense at the time that seminary  
5 faculties or seminary staff were turning to me because  
6 I was the only one who was offering such workshops or such  
7 seminars.

8  
9 MS FURNESS: What were your workshops about?

10  
11 DR RANSON: They were primarily about trying to assist the  
12 participants to reflect more deeply on what it meant to  
13 lead a celibate life.

14  
15 MS FURNESS: Did you consider that was something that they  
16 didn't have prior to your conducting those workshops?

17  
18 DR RANSON: I wouldn't want to claim that I was the first  
19 to be able to offer those. I think there were certainly  
20 seminars and programs in place. I suppose the difference  
21 with mine was that it sought to be as integrated as it  
22 could; it sought to help people reflect on their actual  
23 experience rather than on their ideal experience, as  
24 Michael was suggesting, and it sought to provide  
25 a framework through which people could reflect more deeply  
26 on their experience.

27  
28 THE CHAIR: Again, you will have to help us. Give us some  
29 idea of the content?

30  
31 DR RANSON: Well, it was kind of divided, from memory,  
32 into three components. The first component basically  
33 sought to address the question of how we imagine celibacy.  
34 I had become very aware that there are unhelpful ways of  
35 imagining celibacy and there are helpful ways of imagining  
36 celibacy, that there is a way of imagining celibacy that  
37 sees it primarily as a renunciation and as a denial and  
38 that there is a more positive way of imagining celibacy as  
39 a call to relationship. To the extent that it was the  
40 first, it would in fact set people up for lives of quiet  
41 despair and isolation. To the extent that it was permeated  
42 with the second imagination, that is, as a call to  
43 relationship, it held great promise and possibility.

44  
45 So I spent a good deal of time exploring the  
46 imagination that people bring to the commitment and to  
47 suggest that one form of imagining it could lead to great

1 difficulties; another could lead to possibility.

2  
3 That was really the first part, that was the first  
4 component, of those workshops, looking at the imagination  
5 and the role that the imagination plays in all of this. It  
6 was premised on the understanding that all behaviour begins  
7 in the imagination. So the way we imagine something  
8 determines the way we behave. If we imagine something in  
9 one way, then there is a whole consequent set of behaviours  
10 that flow from that. If we imagine something another way,  
11 then there is a different kind of behaviours that ensue.

12  
13 The second component was basically to try to develop  
14 emotional and what I was calling at that time sexual  
15 literacy, that is, to try to assist people to listen to  
16 what they were experiencing and to try to interpret that.

17  
18 Part of this was to try to address what had been, and  
19 continues in residual form, a fear of our sexual experience  
20 and so to try to simply invite people to learn how to read  
21 their experience.

22  
23 I remember I used to put up a whole range of different  
24 experiences that people would get themselves in. For many,  
25 this was quite shocking, because I sought to be as blunt  
26 and as upfront as I could. But I used this as a teaching  
27 aide to try to get people to read what was coming from  
28 where and why and so, in that sense, to try to develop this  
29 sense of emotional literacy.

30  
31 THE CHAIR: What sorts of things would you put up?

32  
33 DR RANSON: I would put up different sexual fantasies,  
34 different scenarios that represented sexual misconduct,  
35 just using different case studies. I used to say to the  
36 group, "None of these are about anyone in the room."  
37 I remember one Jesuit saying, "Well, they must all be about  
38 you." What I was trying to do there was simply create all  
39 these different scenarios that were possibilities and to  
40 try to get people to understand what were the forces, what  
41 were the factors, what were the driving features underneath  
42 this.

43  
44 I was very influenced by the work of the psychologist  
45 Henry Murray. Murray had identified 24 different needs  
46 that were operative in every one of us. He was suggesting  
47 that some of these needs are in contradiction to one

1 another. For example, we could have a strong need for  
2 autonomy and a strong need of affiliation, and they could  
3 both equally be strong. The psyche has no difficulty in  
4 holding things in contradiction. But where things aren't  
5 identified and recognised, then that unconscious conflict  
6 can easily manifest itself in sexualised behaviour.

7  
8 So this was an attempt to try to identify in these  
9 scenarios that I would present what were the underlying  
10 needs that they represented. This was really an attempt,  
11 as I say, to get people to listen to their experience in  
12 a way that didn't force them to disclose what they weren't  
13 comfortable in disclosing. The intention of putting it out  
14 objectively was to try to get individuals to reflect on  
15 what they may be experiencing. I think that was what was  
16 particularly effective about those workshops.

17  
18 The third aspect of those workshops was to look at the  
19 question of intimacy and to suggest that celibacy is not  
20 a denial of intimacy, that celibacy is in fact a way of  
21 becoming intimate, and so how might intimacy be defined and  
22 how might our life as a priest be full of intimacy rather  
23 than not with intimacy.

24  
25 As I used to say, the call to celibacy is not a call -  
26 well, it's not that some people are called into  
27 relationship and others are not. We are all called into  
28 relationship. Some are called into relationship through  
29 the structure of partnership; others are called into  
30 celibacy through the structure of community and the  
31 relationships that make up a community. Celibacy can only  
32 be understood - this was my very firm conviction, that  
33 Christian celibacy can only be understood within the  
34 context of community and the network of friendships. It  
35 only makes sense in that network.

36  
37 MS FURNESS: Doctor, you referred earlier to sexual  
38 misconduct, or words to that effect. Why was it that at  
39 this stage, 1992 and shortly thereafter, that was a topic  
40 that was on your mind and one that you thought you needed  
41 to deal with in your seminarian workshops?

42  
43 DR RANSON: It was around this very same time, of course,  
44 that the revelations of sexual abuse within the Church were  
45 becoming apparent, so my work coincided with the increasing  
46 revelation. Because of that coincidence, I thought this  
47 was a very important component of what I was seeking to do.

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MS FURNESS: You began writing in about 1997, particularly about your thoughts as to, if I can put it this way, causal factors?

DR RANSON: That's right. Well, alongside this work, at the same time, in 1996, as you would appreciate, the Australian Catholic Bishops put out a nine-point plan that they proposed as a response to what had then become an avalanche of revelation. The seventh point of that nine-point plan was the commissioning of a research project.

From memory, that pastoral letter of the Australian Catholic Bishops came out in April 1996. Soon after, I met Father David Cappo at a Catholic Education conference in Melbourne. David at that stage was in charge of the new National Professional Standards Committee. He had become interested in my work, thought that I had something to contribute and introduced me to Toby O'Connor, who was then Chair of the Australian Catholic Social Welfare Commission, which had been tasked with this research project.

It was Mr Toby O'Connor who then basically asked me to provide a briefing to the Australian Catholic Social Welfare Commission at the service of that research project, which I did in July 1997.

MS FURNESS: As an introduction to the address that you provided, you said that abuse, however private its exercise, is never personal, nor is abuse an isolated incident; whether it occurs within a family or within an institution, it occurs within a concrete social context and specific patterns of relationship which must be explored. Perhaps you can explain that a little more?

DR RANSON: I would want to endorse, in fact, what Dr Marie Keenan has written and, indeed, what was shared with the Commission earlier today. My own thinking parallels Dr Keenan's very, very closely.

It became apparent to me through the 1990s, as I was reflecting on the work that I was doing - accidental as it had started, nonetheless it had now become a significant personal investment, and it was apparent to me then that abuse can't be thought of simply - that abuse within the Church can't be thought of apart from a much wider context,

1 that there would have to be contributing factors from the  
2 context that either occasioned it or inhibited it, so that  
3 there were factors that were present that would either  
4 contribute to a culture out of which abuse could occur, or  
5 there could be factors that would inhibit the possibility  
6 of abuse occurring. So I began to try to articulate, from  
7 my own perspective, what some of those factors were.  
8

9 MS FURNESS: You suggested, I think, that abuse in the  
10 Catholic Church occurs in the intersection of the  
11 dysfunctional elements of three matrices.  
12

13 DR RANSON: Yes. This was my particular contribution. It  
14 became apparent to me that there was no simple cause.  
15 There was no single factor. If there was a simple cause or  
16 a single factor that occasioned abuse within the Church,  
17 then life would be a lot more simple; that factor, that  
18 cause, could be addressed or eradicated. But it always  
19 struck me that the phenomenon of abuse within the Church  
20 was far more complex.  
21

22 I had been influenced somewhat by two significant  
23 writers in respect to this. There was a writer in the  
24 19th century, Cardinal John Henry Newman, and a writer on  
25 the continent, who followed soon after, Friedrich  
26 von Hügel.  
27

28 Both Newman and von Hügel understood that the life of  
29 the Church was constituted by factors and features in  
30 intensive alignment. Each of them identified three  
31 features, or forces, as they called them, that kept the  
32 Church's vitality intact. Newman identified the pastoral,  
33 the spiritual and the theological as three forces that kept  
34 the Church's vitality together so long as they were in  
35 intensive alignment; von Hügel talked about the  
36 institutional, the pastoral and the mystical as three  
37 elements that keep the Church's tension alive.  
38

39 Their hypothesis was that if one of those forces goes  
40 missing or dominates over the other two, then problems  
41 arise. Things go awry when one or the other factor  
42 dominates, so each factor needs the corrective of the other  
43 two in order for the Church's life and vitality to ensue.  
44

45 On that kind of basis, I thought that this had  
46 something to teach us now in our own situation, that the  
47 Church's health and vitality was dependent on three other

1 forces as well, that is, a healthy psychology, particularly  
2 the healthy psychology of individuals, but also a healthy  
3 social context and, as well, a healthy theological climate  
4 or culture. When these three things work together in  
5 support of one another, then the Church is at its  
6 healthiest.

7  
8 But in each of these elements or each of these  
9 dimensions - the psychological, the social and the  
10 theological - we can identify distortions. There can be  
11 a distortion, obviously, in the psychological sphere; there  
12 can be a distortion in the social sphere; and there can be  
13 a distortion in the theological sphere as well. That is,  
14 certain understandings of God, of the Church, of human  
15 nature can end in distortion.

16  
17 My thinking proposed, then, that when distortions in  
18 each of these three areas intersect, there the experience  
19 of abuse occurs within the Church.

20  
21 MS FURNESS: Perhaps you could start with the theological  
22 matrix, as you describe it, and the distortions, as you  
23 say, that have occurred there?

24  
25 DR RANSON: Again, it goes back a little bit to what I was  
26 saying in this premise that all behaviour begins in the  
27 imagination. In that sense, theology is a highly  
28 sophisticated imaginative framework. It is the way we  
29 imagine the nature of God, and the way in which we imagine  
30 the nature of God overflows to the way in which we imagine  
31 the nature of the Church, just as it overflows into the way  
32 in which we imagine the nature of ourselves.

33  
34 So what has already been identified as the curse of  
35 clericalism is in fact a behaviour. It is a behaviour that  
36 emerges out of an inadequate imagination. There are ways  
37 of thinking about God that in fact can support the dynamism  
38 of power. If God is imagined exclusively in monarchical  
39 terms or in an overly patriarchal way, then there is  
40 a range of behaviours that flow from that theological  
41 understanding.

42  
43 If I imagine God as monarchical, I will act  
44 monarchically, especially if I'm God's representative. If  
45 I imagine God in an entirely different way, as a communion  
46 of life and of love, then I'm going to act in a different  
47 way. So there are theological currents and there are

1 theological ways of thinking that in fact translate into  
2 behaviours.

3

4 MS FURNESS: But in relation to what you have described as  
5 the patriarchal imagery of God, there is no question that  
6 those who represent God on earth are male. How then should  
7 one see the image of God in other than patriarchal terms?

8

9 DR RANSON: Because God is neither male nor female, of  
10 course, and so there are many other ways of imagining God.  
11 I mean, the classical Christian understanding of God is not  
12 patriarchal. The classic Christian imagination of God is  
13 what we call Trinitarian. That is, God is a communion of  
14 persons made one and their life and love of one another.

15

16 Now, the way we talk about those persons in the divine  
17 communion does have a masculine expression because of the  
18 very fact that Jesus himself is male and calls God as  
19 father. But there are different ways of entering into that  
20 that do not have to be exclusively patriarchal, because the  
21 originating experience for that theological framework is  
22 the experience of Jesus, of God as a tender embrace.

23

24 MS FURNESS: How is it, in your theory, that the  
25 patriarchal imagery of God has been in some way causally  
26 related to the epidemic of child sexual abuse in the  
27 Catholic Church in the time frame we're discussing?

28

29 DR RANSON: Because if a patriarchal understanding of God  
30 is not corrected by supplementary understandings of God and  
31 by different understanding - of course, the important thing  
32 in all of this is that there is no one way of understanding  
33 God. There has always to be a constellation of  
34 interpretations. The difficulties emerge when one takes  
35 dominance over the others and doesn't stand to be corrected  
36 by alternatives.

37

38 So where we have a situation in the Church where there  
39 is a predominant and exclusive patriarchal sense of God  
40 that does not stand corrected by other ways of  
41 understanding God, which are in fact present in the  
42 Catholic tradition, then that translates into behaviours.  
43 It translates into systems and structures of power and  
44 submission. Clericalism is one such expression that  
45 I think is a direct consequence of that particular  
46 understanding of God.

47

1 MS FURNESS: You also refer to what you describe as  
2 a second ramification, which is the manner in which failure  
3 and vulnerability are regarded within the Church?  
4

5 DR RANSON: Yes. I would echo what Michael has already  
6 shared here, this sense of the difference between ideal and  
7 reality. So the expectation that everyone lives at an  
8 ideal doesn't take into account the fact of the reality.  
9 And the reality is never the ideal. In fact, the reality  
10 is people, ordinary people, struggling to make sense of  
11 their experience, to make sense of their history, to make  
12 sense of their personality, stumbling and stuttering along  
13 the way to try to live out a life that is authentic and  
14 whole. But that is never without a process and a journey  
15 into maturation.  
16

17 So there has been, I think, within the Catholic  
18 tradition this unrealistic expectation that life is lived  
19 perfectly. This is very dangerous because it means then  
20 that people's vulnerability and their struggle goes  
21 subterranean. In other words, it is not given the space to  
22 be acknowledged fully as itself and to be even celebrated.  
23

24 MS FURNESS: Is what you are describing the situation that  
25 prevails today or historically or both?  
26

27 DR RANSON: I think it's still current. I think it was  
28 predominant for a certain part of our history. I think  
29 that began to shift in the late 20th century. There was  
30 a new way of writing about the spiritual life, for example,  
31 that was much more adept at entering into human experience  
32 as it was, as Michael shared with you his own doctoral work  
33 and the work of those schools. For example, they had  
34 shifted into this recognition.  
35

36 Generally I do think that there has been a change, but  
37 I don't want to suggest that the past does not continue in  
38 residual form. And I see this constantly. For example,  
39 I mean, it comes through with our struggle with our own  
40 sexual experience. Everyone struggles with their sexuality  
41 in one way or another. This is where we are most  
42 vulnerable, where people carry both hurt and hope, and so  
43 for every one of us, we are on a journey into recognising  
44 how flawed we are and yet the possibility that we carry  
45 within ourselves.  
46

47 But because there has been historically such

1 a suspicion about that which is sexual - and Marie Keenan  
2 says it very well. She says "Any ethic that problematizes  
3 the body and erotic sexual desire creates difficulties."  
4 It creates difficulties because it then renders what one  
5 might be experiencing into the realm of shame and, at  
6 worst, of sin in the Catholic sense of the term. The ideal  
7 is somehow presented - and I think this has been an issue  
8 for a good deal of those who have sought to live  
9 celibately - that they should have no sexual desire. But  
10 not only for celibates; this is true for people who are  
11 lay.

12  
13 I am constantly amazed, as a confessor, at the number  
14 of people who will confess that they have had a sexual  
15 feeling or a sexual thought. Entirely neutral morally, but  
16 the very evocation of a sexual thought or a sexual feeling  
17 is considered to be somehow impure or sinful, and this  
18 is --

19  
20 MS FURNESS: Considered by the teachings of the Church?

21  
22 DR RANSON: Not by the teachings of the Church but by  
23 popular imagination about it. So this, then, creates this  
24 cloak of fear and this cloak of suspicion that then doesn't  
25 allow, as we were saying just before, the space for people  
26 to explore and to acknowledge what they may be actually  
27 experiencing.

28  
29 THE CHAIR: Doctor, there would be many people in the  
30 community, and I'm sure all the Commissioners have had the  
31 same comment made to them multiple, multiple times, that,  
32 as you I think are recognising, a normal, healthy person  
33 will have sexual thoughts, erotic thoughts, and there would  
34 be many in the community who would say that imposing  
35 celibacy on a normal, healthy human being inevitably  
36 creates the risk that that person won't know how to manage  
37 what is a normal, healthy thought process and their whole  
38 sexual expression will be distorted, and when children, or  
39 indeed others, but when children are available, as they are  
40 or have been, to religious people, you end up with the  
41 distorted personality expressing itself in a totally  
42 criminal way.

43  
44 Now, I summarised it, but that would be a view that  
45 you would, I'm sure, have heard expressed in the community  
46 widely.

1 DR RANSON: Yes.  
2  
3 THE CHAIR: What's the answer to it?  
4  
5 DR RANSON: Well, I would certainly think that it's  
6 accurate if celibacy has been practised in such a way as to  
7 expect somebody to be asexual. There is a way of living  
8 celibately, however, that is not that, that is different.  
9 Celibacy does not foreclose - celibacy, as lived well, and  
10 particularly as a call to relationship, does not certainly  
11 foreclose sexual feeling and sexual thought.  
12  
13 THE CHAIR: But, again, the normal human being in a close  
14 intimate relationship, if the boundaries are appropriate,  
15 will end up in a sexual relationship. That's a common,  
16 healthy expression of the human state.  
17  
18 DR RANSON: Mmm-hmm.  
19  
20 THE CHAIR: What is it that makes a celibate person able  
21 to maintain a healthy personality while denying what  
22 normal, healthy human beings accept?  
23  
24 DR RANSON: Because sexual expression doesn't exhaust the  
25 ways of being intimate, and so it's linked to the way in  
26 which we imagine intimacy.  
27  
28 It would be a disaster if one's life was not open to  
29 the possibility of intimacy, but sexual relationships are  
30 only one form of intimacy. There are many other forms of  
31 intimacy. But if I don't have the sense that there are  
32 other forms of intimacy that are available, if I'm not  
33 entering into those, and therefore if my life is not  
34 committed to it and replete with building up and  
35 cultivating a sense of intimacy in the broader sense of the  
36 term, then the denial of sexual relations will be highly  
37 problematic.  
38  
39 THE CHAIR: Again, can you tell all those who might be  
40 listening or might later read what you have had to say what  
41 is it that one allows for in that space of developing  
42 intimacy that is not sexual that enables the healthy person  
43 to not engage in sexual activity? What are we talking  
44 about?  
45  
46 DR RANSON: There are many different forms of intimacy.  
47 Every encounter holds the possibility of intimacy. To look

1 another person in the eye and to engage another person is  
2 an expression of intimacy. I mean, to work together  
3 closely on a project is an expression of intimacy. To  
4 enter into another's pain with empathy and with presence is  
5 a way of expressing intimacy.  
6

7 Intimacy, as I understand it, is a decision to be  
8 present to another, and there are many different ways of  
9 being present to another. If I am aware of that and  
10 I commit myself to that and develop that as fully as I can,  
11 then I can lead a life of intimacy without actually having  
12 sex. But if I try to live a life that does not have sex  
13 and at the same time does not have intimacy and does not  
14 know the ways by which intimacy can be experienced, then  
15 I've set myself up for a disaster.  
16

17 COMMISSIONER MURRAY: Dr Ranson, you no doubt would have  
18 come across some writings elsewhere in the world, and I'm  
19 going to quote one, Richardson Sipe, who in the examination  
20 for health purposes of many thousands of Catholic religious  
21 and priests --  
22

23 THE CHAIR: Just a minute. I'm sorry, I think we are not  
24 hearing. Can we do something to adjust that?  
25

26 COMMISSIONER MURRAY: I'm sorry. I will repeat that.  
27

28 THE CHAIR: Maybe start again. I think the people at the  
29 back didn't hear anything.  
30

31 COMMISSIONER MURRAY: Yes, I will. Dr Ranson, you would  
32 have no doubt come across some writings elsewhere in the  
33 world, and I'm going to quote one, Richard Sipe, who, in  
34 the examination for health purposes of many thousands of  
35 Catholic religious and priests in America, came to the  
36 conclusion that whilst there were only a minority who  
37 engaged in sexual activity with children, the majority had  
38 engaged in sexual activity with adults, and this created  
39 great conflicts in them, because they had to publicly say  
40 they were celibate and followed the celibate life, whereas  
41 either occasionally or regularly they did not.  
42

43 So how does the Church deal with what he has described  
44 as the reality of sexual activity by those who are both  
45 religious and priests?  
46

47 DR RANSON: I think this is part of the difficulty, and it

1 goes back to what we were talking about earlier in the  
2 sense of the expectation of perfection as somehow being  
3 completely asexual. I think this is one of those  
4 distortions that has crept in to the Church's  
5 understanding, because the fact of the matter is that  
6 people don't become celibate simply through a single  
7 decision.

8  
9 Celibacy, like marriage for that matter, is a journey,  
10 and it's a journey that takes a good many years into which  
11 to mature. Along the way, yes, people will have an  
12 extraordinary range of different experiences in terms of  
13 learning what it means to live in this kind of way. But  
14 where you have a system by which the ideal is expected to  
15 be perfect, and understood in a very particular way, then  
16 people don't have the space with which to grow, basically,  
17 and so their experience becomes cut off from the rest of  
18 their ordinary life and assumes a subterranean dimension  
19 and then represents kind of a shadow side rather than  
20 something that can be --

21  
22 COMMISSIONER MURRAY: Is there a danger in your answer?  
23 If celibacy is easier as people mature in life - in other  
24 words, it is easier for old men - and the Church is run by  
25 old men, and the old men in the Church dictate celibacy to  
26 the younger men - doesn't that carry on the contradiction  
27 and the difficulty that Church people will feel?

28  
29 DR RANSON: It could. My hope is that there are, though,  
30 examples - and I've known them myself - of very healthy  
31 men, young and old, who live life fully and whose lives are  
32 lives of great intimacy and compassion and who can provide  
33 great mentoring.

34  
35 THE CHAIR: I'm sure that's right, doctor, but we  
36 ourselves have had evidence in Melbourne, and all of us  
37 have had other discussions, which suggest that many  
38 religious people don't obey celibacy, at least all the  
39 time. Is that right?

40  
41 DR RANSON: Yes, I think that that is true. But, again,  
42 celibacy here is being thought of as a blanket rule that  
43 you either are or not. What I'm trying to suggest is that  
44 to live a life of intimacy in this way will, of its own  
45 nature, often involve mistakes - not just mistakes but  
46 a growth in different ways, and it is our refusal to accept  
47 that and to talk about that and to provide space with which

1 it can be acknowledged that in fact creates the greatest  
2 difficulty.

3  
4 MS FURNESS: Perhaps, Dr Whelan, we can ask your thoughts  
5 on these matters?

6  
7 DR WHELAN: Yes. Your Honour, I think you have raised an  
8 excellent point. To put it piously, I think the Church has  
9 called more people to celibacy than has God. I think  
10 celibacy is a very, very rare gift. I think it is  
11 a precious gift, and I agree wholeheartedly with David that  
12 it can be lived out very, very well.

13  
14 There are two things - I think the Church's law of  
15 compulsory celibacy is misguided and it should not be in  
16 place. I think it is unjust, actually. And I think there  
17 were a lot of people who came into religious life, say,  
18 coming through the first part of the 20th century, for all  
19 sorts of reasons and not all of them were good, and they  
20 found themselves celibate, as it were, but they weren't  
21 really called to celibacy and they should never have been  
22 there.

23  
24 MS FURNESS: You refer, Dr Whelan, in your paper, which  
25 set out the factors pertinent to the occurrence of sexual  
26 abuse, to a "fear of the body".

27  
28 DR WHELAN: Mmm.

29  
30 MS FURNESS: Is that related to the topic we're  
31 discussing?

32  
33 DR WHELAN: Yes. Indirectly, I would say. St Augustine  
34 has a lot to answer for in this regard, going back to the  
35 4th and 5th centuries. A moment ago, we were talking about  
36 sexual thoughts and so forth. There is a concept that is  
37 current to this day in Catholic moral theology, and it is  
38 called concupiscence. St Thomas Aquinas and Augustine  
39 really introduced this, the idea that with the fall there  
40 came this disordering of our longings and our urgings, but  
41 it is a very fine point and it takes a sophisticated mind  
42 to see that there may be some disordering, but the movement  
43 of the emotions themselves aren't bad.

44  
45 Now, I think what did get into the Catholic psyche was  
46 the thought that the movements themselves are bad - the  
47 sexual inclination or the sexual thought and so forth.

1 I think there is a massive distrust of things bodily.

2

3 One of the major heresies in the early part of the  
4 Church was called anchoritism, and a lot of that was  
5 influenced by the thinking that St Augustine brought with  
6 him from Manichaeism, "material bad, spirit good", and it  
7 developed into not only "material bad, body bad", "things  
8 of the body are bad and to be sidelined".

9

10 May I refer you to some of my notes, the sample texts?  
11 Is that appropriate at this point?

12

13 MS FURNESS: Certainly.

14

15 DR WHELAN: Do the Commissioners have copies of the sample  
16 texts?

17

18 MS FURNESS: I think the document you are referring to is  
19 behind tab 4 of the hearing tender bundle.

20

21 COMMISSIONER MURRAY: Is that appendix 08?

22

23 DR WHELAN: I'm sorry, Commissioner, it is beyond the  
24 appendices - yes, I am sorry, you're right, it is  
25 appendix 8.

26

27 COMMISSIONER MURRAY: Thank you.

28

29 MS FURNESS: Tab 4 of exhibit 50-003, the precis bundle.

30

31 DR WHELAN: I draw your attention to sample text 4, to  
32 begin with. St Thomas Aquinas, who was very influential in  
33 the development of Catholic thinking, spoke of "Mulier est  
34 masculus occasionatus". For those of you who don't speak  
35 Latin - and I don't - that's "Woman is a botched male". He  
36 was following Aristotle there, of course, so we can blame  
37 the Greeks for this, if you like, but it was part of our  
38 thinking and it was a reason why women should not get  
39 involved in politics or serious intellectual endeavour. It  
40 was a male-dominated world.

41

42 I would also draw your attention to text number 3.  
43 This is a very immature St John Chrysostom, but it is in  
44 his corpus of works, and whilst it would never have been  
45 taken terribly seriously, I think it is indicative of an  
46 extreme. The anchoritism that I spoke about before is  
47 about - it gets to the point where all pleasure is bad. So

1 just reading a little bit - I won't read it all -  
2 St John Chrysostom writes:

3  
4 *What are we to think of an exhortation to*  
5 *the monastic life that has recourse to*  
6 *arguments like to this --*

7  
8 now, this is Bouyer writing --

9  
10 *in order to turn an infatuated man away*  
11 *from a woman?*

12  
13 And Chrysostom writes:

14  
15 *Physical beauty is nothing other than*  
16 *phlegm, blood, humour, bile - in other*  
17 *words, the juice of decomposing*  
18 *elements ...*

19  
20 I won't read the rest of it. I don't think it is  
21 necessary. But it's that kind of thinking.

22  
23 While we are with those sample texts, I would draw  
24 your attention to the very first one, The Moral Theologian.  
25 This was a standard text coming into the 1960s,  
26 Gerald Kelly SJ, and relates to what I said before about  
27 concupiscence, mixing up the inclination with the actual  
28 feeling. Inclination is disordered, but the actual feeling  
29 is not, and Gerald Kelly, giving guidance on moral  
30 theology, says:

31  
32 *Every directly venereal action is against*  
33 *the law of God, and a serious sin of*  
34 *impurity.*

35  
36 Strictly speaking, all sins in the sexual realm were mortal  
37 sins.

38  
39 MS FURNESS: You say "were", in the past tense. Is it the  
40 case that these views, perhaps albeit differently  
41 expressed, are present in the Church today?

42  
43 DR WHELAN: That's hard to say. I hope they are not as  
44 widely spread. They were standard then. I don't think  
45 they are standard now. I certainly would not be dealing  
46 with people along those guidelines.

47

1 MS FURNESS: What you said earlier in relation to celibacy  
2 was, I think, that mandatory celibacy is the issue rather  
3 than celibacy; is that right?  
4

5 DR WHELAN: Mandatory celibacy plus - mandatory celibacy  
6 didn't apply in religious congregations. People took their  
7 vows. I'm not sure how much good training they are got.  
8 I'm not sure how thoughtful, how critical, how aware they  
9 were of sexuality or the implications. But I think  
10 mandatory celibacy is a huge issue for the Catholic Church  
11 and we have to deal with it.  
12

13 THE CHAIR: Dr Ranson?  
14

15 DR RANSON: I think the best expression of it is what  
16 I picked up from a Columban priest, Lovett, who once said  
17 that the Church is not saying to its priests, "You have to  
18 be celibate." It could never, he says, rightly justify  
19 that. What the Church, by its practice, is currently  
20 saying is only those who have first discerned the gift of  
21 celibacy should present themselves as candidates for  
22 priesthood.  
23

24 This is quite confronting because in the work that  
25 I was doing in the 1990s, I would say to the participants,  
26 "If you weren't becoming a priest, would you still be  
27 celibate?" And of course that forced the issue. Most of  
28 them would say "No". Yet, if they hadn't discerned that  
29 their call in life was to celibacy, they were in fact  
30 setting themselves up for lives of quiet desperation and  
31 conflict.  
32

33 MS FURNESS: Are you saying that that desperation and  
34 conflict, combined with other factors that perhaps we have  
35 not discussed, gave rise to the inclination, availability,  
36 tendency, propensity to abuse children?  
37

38 DR RANSON: Not in itself, but, yes, put in terms  
39 particularly as we were talking about right at the  
40 beginning, when it coalesces with the distortions of other  
41 spheres, particularly distortions in the social sphere,  
42 then yes, it's evident.  
43

44 THE CHAIR: Doctor, did many of those seminarians, when  
45 confronted by your analysis, leave?  
46

47 DR RANSON: I don't think any of them left because of my

1 provocation.

2

3 THE CHAIR: Then are we to assume that having not  
4 discerned celibacy for themselves, the Church still has  
5 people who are in conflict and could be dysfunctional?

6

7 DR RANSON: Oh, yes, absolutely. As long as there is not  
8 a thorough discernment on that question, and where that  
9 discernment is not brought to the fore, then men are set  
10 for lives of conflict.

11

12 THE CHAIR: Well, if that's true, the Church has  
13 a continuing problem of some order, does it not?

14

15 DR RANSON: Either it has to put to the fore much more  
16 clearly and much more transparently that only those who  
17 have first discerned the call to celibacy should present or  
18 it needs to examine its practice.

19

20 THE CHAIR: But I'm thinking about those - you are talking  
21 about the 1990s - who are still in active service, who face  
22 the conflicts that you speak of.

23

24 DR RANSON: Oh, yes, one can't deny that there are people  
25 who are currently exercising ministry for whom this is  
26 a continuing struggle.

27

28 JUSTICE COATE: And what is being done about that, to your  
29 knowledge, Dr Ranson?

30

31 DR RANSON: I think we do talk about the issues much more.  
32 I think the literature and the processes in formation now,  
33 even more so than when I was working, 20 years ago, do seek  
34 to talk these things through much more openly and  
35 transparently. I think the resources that are available to  
36 us are much more developed than in the past in terms of  
37 psychological accompaniment and spiritual direction and so  
38 forth.

39

40 Although we have a long way to go yet, I think we are  
41 a lot further developed in terms of ongoing supervision and  
42 mentoring, although there is a lot more that has to happen  
43 there. But they are present in a way that may not have,  
44 I think, been in the past. But of course the numbers are  
45 very small today in comparison to the past.

46

47 THE CHAIR: I think Justice Coate may have been interested

1 to know what is the Church doing about those whom you were  
2 talking to in the 1990s, who have these conflicts and are  
3 still in active priesthood? What is being done about those  
4 people?

5  
6 DR RANSON: I couldn't speak - in the sense that they are  
7 from such diverse contexts. So what is being - I mean, the  
8 men that I was working with were from many different  
9 dioceses, many different religious congregations. I'm not  
10 privy to what each of those dioceses or religious  
11 congregations is doing in terms of care. Nonetheless, as  
12 a matter of principle, the challenge is still there, that  
13 each diocese and each religious congregation has  
14 a responsibility to provide structures and processes of  
15 ongoing formation and accompaniment and ministerial  
16 supervision.

17  
18 THE CHAIR: I think it is Dr Whelan - we will come to  
19 this, I have no doubt, but you talk about a lack of, as it  
20 were, performance review --

21  
22 DR WHELAN: Yes.

23  
24 THE CHAIR: -- which is a conventional management tool in  
25 any large organisation. That's an ongoing lack, as  
26 I understand your comments.

27  
28 DR WHELAN: Indeed.

29  
30 THE CHAIR: It tends to speak also, of course, Dr Ranson,  
31 to the problems that you are talking about. Lacking  
32 performance review means lacking any effective scrutiny of  
33 the way people are operating.

34  
35 DR RANSON: Yes. This is a key feature, in fact.  
36 Priestly ministry is the only caring profession that I'm  
37 aware of that doesn't require annual accreditation, that  
38 is, that it doesn't require, by its very practice, both  
39 ongoing supervision and registration.

40  
41 THE CHAIR: There are, of course, matters that we, the  
42 Royal Commission, and our community need to bear in mind.  
43 The Church has a very significant role in the community for  
44 a great many Australian people, but what you are starting  
45 to talk about now, of course, reveals structural issues in  
46 a circumstance where society, through a variety of means of  
47 course, supports and indeed encourages the Church to have

1 access to children - for their education, supervision and  
2 spiritual development. Society, I assume you accept, has  
3 a real interest in understanding what is happening in the  
4 Church and doing what it can to ensure the Church deals  
5 with those issues when they arise. Do you both --

6  
7 DR WHELAN: Absolutely.

8  
9 DR RANSON: Yes, that's without question.

10  
11 THE CHAIR: Many in the Church, though, wouldn't hold that  
12 view; would I be right?

13  
14 DR WHELAN: The question of supervision I think is  
15 relevant here. I was talking to Bishop Geoffrey Robinson  
16 recently, and he said that those who need it don't and  
17 those who don't do, and it is probably a fair yardstick.  
18 I receive supervision by a lady who is a layperson. I must  
19 say, I've only just started this year to receive that  
20 supervision, but I think it is important that we get it,  
21 and from outside the clerical world, too, preferably.

22  
23 COMMISSIONER MURRAY: One of our later witnesses,  
24 Ms Crotty, I think her name is --

25  
26 DR WHELAN: Eveline Crotty.

27  
28 COMMISSIONER MURRAY: Yes. She refers to supervision as  
29 consultative supervision, which is a far more advanced form  
30 of supervision. Supervision is often thought of as  
31 oversight, but consultative supervision is an interactive  
32 process which helps the person mature and confront  
33 problems.

34  
35 DR WHELAN: Yes.

36  
37 COMMISSIONER MURRAY: When you are discussing supervision  
38 with us, is it that latter --

39  
40 DR WHELAN: Consultative. That's one of the issues,  
41 Commissioner, because some of the clergy say, "I don't want  
42 anyone looking over my shoulder telling me what to do.  
43 I've been eight years in the seminary." Perhaps we need  
44 a different word than "supervisor" and "supervision", but  
45 you have put your finger on the issue there.

46  
47 DR RANSON: I think it raises the issue also that the

1 continuing difficulty lies for priestly ministry, in  
2 particular, in the overemphasis on initial formation.  
3 That's a topic of a panel in itself, but I am certainly of  
4 the mind that long years of so-called initial formation are  
5 not productive, that in fact they create dynamisms that are  
6 counterproductive to healthy lives.

7  
8 Far better to consider shorter terms of initial  
9 formation but much more developed structures and processes  
10 of ongoing formation, because you simply cannot learn about  
11 life in a cocoon. It's only in the exercise of one's  
12 ministry and in dealing with actual situations that present  
13 themselves that you can have the possibility of growing.  
14 But it's not just about being confronted with a whole  
15 diverse range of pastoral situations; it's having the  
16 structures and the processes to reflect on those so that  
17 you do learn from them and don't just carry on from one to  
18 another.

19  
20 I think there is a huge lack in this area of ongoing  
21 formation, and that should be not only intensive as one  
22 commences ministry, but it should also be a factor  
23 throughout the whole of one's ministry, right through.

24  
25 DR WHELAN: I agree 100 per cent with what David is saying  
26 and I would add one other thing: I think we should  
27 change - how can I say this? Get rid of seminaries.  
28 Seminaries are like boarding schools and I don't think they  
29 are healthy environments for maturation to take place. Let  
30 the would-be ordained minister live in the community, and  
31 a lot of the formation would go on in that context, as it  
32 were, de facto.

33  
34 THE CHAIR: What happens in the other branches of  
35 Christianity in Australia? With the Anglicans, for  
36 example, do we know how priests are educated and trained in  
37 that context?

38  
39 DR WHELAN: I don't know.

40  
41 THE CHAIR: We will find out in due course, but there is  
42 room for everyone to learn from each other, isn't there?

43  
44 DR WHELAN: Indeed, indeed.

45  
46 MS FURNESS: Dr Whelan, just turning from formation for  
47 the moment to the governance and perhaps structure of the

1 Church, in the material you have provided the  
2 Royal Commission, you refer to there being insufficient  
3 checks and balances with a consequent lack of  
4 accountability, transparency and professionalism.

5  
6 DR WHELAN: Yes.

7  
8 MS FURNESS: Can you tell us about that?

9  
10 DR WHELAN: Would this be the moment to refer to  
11 appendix A, Constantinianism? Excuse me for going back  
12 into history, the 4th and 5th centuries, but I think a lot  
13 of the issues that we are dealing with now actually have  
14 their roots there.

15  
16 JUSTICE COATE: We are just searching for appendix A.

17  
18 DR WHELAN: Appendix 1, I am sorry. It is called  
19 Constantinianism. The Christian community, until the  
20 beginning of the 4th century, was a persecuted minority.  
21 In 313 Constantine, the Emperor, had his Edict of Milan  
22 published. It was an edict of toleration, ironically.  
23 I say "ironically" because it gave Christians access to the  
24 empire, and by the end of that century, by 380,  
25 Christianity, under the name of Catholic, incidentally,  
26 used in the Greek world "universal", was the religion of  
27 the empire, and you didn't get preferment unless you were  
28 a Catholic. This was in the 4th century.

29  
30 I think - and I am confident in saying this - that  
31 there was a shift to self understanding by the Christian  
32 community then. It moved away from a community of pilgrims  
33 to an empire understanding, and bishops took one step up  
34 and they became judges and civil leaders, and so forth, and  
35 began to own property. Many more priests were ordained,  
36 and I think we're still suffering from the Constantine  
37 syndrome.

38  
39 I draw your attention to - is it going to take up too  
40 much time, Ms Furness, if I read some of Jean Leclercq's  
41 analysis of it? It might be a bit long.

42  
43 MS FURNESS: Perhaps you could just point the references  
44 to us.

45  
46 DR WHELAN: On page 3 - Jean Leclercq was probably the  
47 pre-eminent mediaevalist in the Catholic tradition in the

1 last century, and he gives an outline on pages 3 and 4 of  
2 how things changed after the edict of Milan, after the  
3 state religion was declared in 380.  
4

5 So by the end of the 5th century, you had a very  
6 different entity to the one that entered the 4th century.  
7 Just a few things - looking at the middle of page 3, under  
8 those two headings, "1. Laymen no longer enjoyed the same  
9 facilities for acquiring culture as did the clerics",  
10 whereas they had before that time; "2. The political and  
11 social structures which had been in force were replaced by  
12 episcopal authority". Then the text that follows:  
13

14 *This meant that new structures were*  
15 *progressively built up: there was constant*  
16 *strife between the laity - in the person of*  
17 *the princes - and the clerics; the laity*  
18 *strove to gain more and more control over*  
19 *them. But at the beginning of the middle*  
20 *ages it was the clergy - that is to say,*  
21 *mainly the bishops who were sometimes more*  
22 *numerous than the priests - which was*  
23 *invested with secular functions.*  
24

25 And so it goes. I think our understanding of governance  
26 and I think so much of the Catholic culture is empire  
27 shaped, not pilgrim community shaped, and it makes a huge  
28 difference.  
29

30 With an empire, you have arrived. You have the answer  
31 in defence that is the big thing, and denial. In the Roman  
32 empire, "bella figura" was everything. You have to appear  
33 good. Notwithstanding the fact that most groups of human  
34 beings will gather around and initially deny to protect the  
35 system, I think it became a very powerful thing within the  
36 Catholic Church on the basis of protecting the empire. We  
37 didn't want it to fall down.  
38

39 MS FURNESS: Perhaps if we can relate that back to current  
40 days, and in relation to causal factors for child sexual  
41 abuse, what aspects of that form of governance do you think  
42 have contributed?  
43

44 DR WHELAN: I think that shifting of the - the bishops  
45 were very close to the community, and they were the ones  
46 who celebrated the eucharist with the community, and then  
47 that all changed quite radically and there was a spreading

1 out and a distancing. This man Leclercq talks about, over  
2 on page 4, the exhortation of the clergy and the  
3 clericalisation of the Church, and the laity became  
4 non-entities. You quoted earlier on today, Ms Furness,  
5 about the two orders of people in the Church.  
6

7 Now, I don't think that's a cause of sexual abuse, but  
8 it seems to me that it sets up a culture, a possibility of  
9 people who have that proclivity, who are in conflict, who  
10 are looking for consolation, compensation, whatever, to do  
11 things, because community as such has been fragmented and  
12 the cleric is given a high - an idealised status.  
13

14 MS FURNESS: Is there some lack of accountability which is  
15 inevitable in the structure that you have described with  
16 the bishop having significant power and the laity having  
17 little relevance?  
18

19 DR WHELAN: Yes, yes.  
20

21 MS FURNESS: How would that accountability look, were it  
22 to be in place?  
23

24 DR WHELAN: One thing we could do is have more  
25 transparency about the appointment of bishops and the  
26 involvement of the lay faithful in that process and have it  
27 quite openly enacted.  
28

29 I think we could have more women involved at all  
30 levels of decision making and ministry within the Catholic  
31 Church. I think we could have the lay faithful more  
32 involved in the formation of those who are being ordained  
33 so that you get a sense of community and greater  
34 involvement of people, rather than like silos of authority  
35 and you don't know what's happening, actually.  
36

37 MS FURNESS: You would both be aware that Dr Keenan has  
38 spoken about power and powerlessness in relation to the men  
39 that were part of her survey and that, on the one hand,  
40 they experienced the power of clericalism and their power  
41 in the community, and, on the other hand, they experienced  
42 the powerlessness of being beneath the bishop and not part  
43 of any internal structure of decision making. Is that the  
44 way you see it?  
45

46 DR WHELAN: Yes, yes. I think that's the truth of it.  
47 Ironically, when the clerical system works, it tends to be

1 very good, but there are too many openings and  
2 potentialities for corruption, for misappropriation of  
3 power, for incompetence, for laziness, et cetera, and  
4 I don't think it's a good system.

5  
6 THE CHAIR: You mentioned the exalted position of the  
7 priest or religious. The Commissioners are very much  
8 aware, from the many people we've spoken to, about the  
9 dangers that that exaltation of the status of the priest  
10 will have in the perception of the family as to the  
11 capacity to trust the police. We hear over and over again  
12 about a family trusting and the priest being the abuser who  
13 was commonly there for Sunday lunch or put children to bed  
14 or took children away on camps. It is a repeating story.

15  
16 Insofar as that is an element of clericalism, which  
17 I understand you would both be saying, it explains  
18 opportunity, but it doesn't explain why the priest or  
19 religious takes advantage of the opportunity. Much has  
20 been written about clericalism and the problems of  
21 clericalism in relation to the topic we're talking about,  
22 but it does beg that further question: why does the priest  
23 or religious take the opportunity?

24  
25 DR WHELAN: I think there is always a confluence of  
26 factors, your Honour. I know one family where two members  
27 of the family became male religious: one turned out to be  
28 a terrible paedophile and the other turned out to be a fine  
29 religious. They grew up in the same family and went  
30 through the same novitiate, the same religious order.  
31 I don't know how to explain that.

32  
33 Again, I think we look for a confluence of factors,  
34 not just one thing. I don't think there is any cause;  
35 I think there are many.

36  
37 When I was framing the question about this for myself  
38 15 years ago, I put it this way: are there any or might  
39 there be any factors in the system that could have aided  
40 and abetted the incidence of sexual abuse and/or the bad  
41 way we handled it? And I still stick with that way of  
42 thinking about it - factors that might have aided and  
43 abetted.

44  
45 I've been with children so many times. I have never  
46 offended. I've never been inclined to. When I heard in my  
47 latter years that priests were doing that, I thought,

1 "What's the matter? Why would they do that?" The  
2 confluence of factors didn't happen with me. It happened  
3 with others, sadly.

4  
5 THE CHAIR: Tragically.

6  
7 DR WHELAN: Tragically for the victims.

8  
9 MS FURNESS: Perhaps, Dr Whelan, if we can come back to  
10 the six factors that you have referred to in your material.  
11 The first is Constantinianism, which you have referred to  
12 as insufficient checks and balances, and the like, and that  
13 relates to what you have just told us about the lack of  
14 involvement and the laity and women and the way in which  
15 bishops are selected.

16  
17 DR WHELAN: Yes.

18  
19 MS FURNESS: Are there any other aspects of that factor  
20 you want to speak about?

21  
22 DR WHELAN: I think it generates a whole culture.  
23 I actually think culture is a major issue here. Changing  
24 culture is an immensely difficult thing because, again,  
25 there are so many factors involved.

26  
27 Can I just run you through the questions I asked  
28 myself when I was writing this piece, Reflection One:  
29 Constantinianism. I refer to page 5 and page 6. These  
30 questions have puzzled me, though I've asked them somewhat  
31 rhetorically, because I think I know some reasonable  
32 responses. Question 1:

33  
34 *Why has the Church repeatedly persecuted*  
35 *and oppressed Jews, tortured and executed*  
36 *"heretics" and why did it fight the brutal*  
37 *wars we know as "The Crusades"?*

38  
39 I can find nothing in the person and teaching of Jesus or  
40 the gospels that could in any way promote that, suggest  
41 that or justify that. I take that back to the empire model  
42 of Church.

43  
44 *Why is there not more transparency and*  
45 *accountability in Church governance?*

46  
47 I think we're protecting power and the system, and we don't

1 want to share it.

2

3 MS FURNESS: Isn't that the answer to 1 as well?

4

5 DR WHELAN: Look, I don't know. Number 1 horrifies me and  
6 I feel absolutely aghast at it. I happen to have a great  
7 grandfather who was Jewish, and I just find that all just  
8 inexplicable. Inexplicable.

9

10 MS FURNESS: So in relation to those and, I suggest, the  
11 other listed questions, the answer goes to the way in which  
12 the Church has been structured and governed in order to  
13 protect, ultimately, its reputation and those who hold the  
14 power in the Church?

15

16 DR WHELAN: I think so.

17

18 THE CHAIR: How do you change that, doctor?

19

20 DR WHELAN: I hope the Commission might have some wisdom  
21 for us.

22

23 MS FURNESS: Would you like to share your wisdom?

24

25 DR WHELAN: Something that keeps coming back to me -  
26 I will be 70 in a few months. I've been a priest for  
27 nearly 45 years and I'm placing more and more emphasis on  
28 human presence.

29

30 Look, when I think about what might come out of the  
31 Commission and I think of the changed rules and regulations  
32 and policies and procedures manuals and guidelines,  
33 et cetera, that we've already got in place, actually, and  
34 the lovely handbooks about formation, I don't trust it, to  
35 be perfectly honest.

36

37 I really think, deeply embedded, if we don't get to  
38 this cultural issue, if we still go on thinking of  
39 ourselves in terms of empire - and I think that culture is  
40 still alive and well - if we can't make the transition to  
41 being a community of pilgrims, none of those guidelines or  
42 rules are going to make a whole lot of difference. They  
43 will make some difference for a while, but I think human  
44 presence, human beings who have been changed. I must say  
45 that following this Commission has helped to change me, and  
46 I thank God for it. And my own experience of dealing with  
47 victims and survivors has changed me.

1  
2 I hope nobody minds: I don't pay a lot of - I have to  
3 be careful what I say here. I don't give a lot of emphasis  
4 any more to doctrines and rules. It's people and  
5 relationships. Doctrines and rules are absolutely  
6 essential. I don't want to fall into the category of  
7 heresy, and I do have a responsible position and I take  
8 that very seriously. But it is people and it is  
9 relationships and when we relate, when we engage the world  
10 at that level - you know, a simple example. People come to  
11 celebrate weddings. They say, "Well, I was married before  
12 and it hasn't been dissolved", or, "I don't really want to  
13 get married in the Catholic Church, but we're just  
14 exploring it."

15  
16 My first response is, "Let's sit down and talk about  
17 it. It's your wedding. Let's see what we can do." And  
18 I tell you, every single time, we've worked something out  
19 within the law. It's about people and it's about  
20 relationships.

21  
22 THE CHAIR: Dr Ranson?

23  
24 DR RANSON: I'd agree about the primacy of persons and  
25 relationships. I think one of the difficulties that we  
26 face is that though we've been talking about the Church as  
27 a universal reality - and it is - it is, in fact, far more  
28 complex than that because at its root, the structure of the  
29 Church is a community of communities.

30  
31 Now, yes, there is an overarching framework that  
32 ensures that those communities remain affiliated and an  
33 allegiance to one another, but the Church is a myriad of  
34 differing communities. Indeed, what we call the Catholic  
35 Church is made up of 23 different churches, each with their  
36 own history and practice, legislation, authority, and,  
37 indeed, even the way the bishops are selected varies from  
38 church to church. Even the way bishops are selected in the  
39 Latin rite varies from country to country.

40  
41 So it all underscores that we are dealing with myriad  
42 communities, each with their own history, each with their  
43 own personality, each with their own strengths and their  
44 own weaknesses. We can't just place an expectation on the  
45 Church as some abstract universal entity to make all the  
46 changes.

1           One of the fascinating things about the statistics  
2 that you shared this morning, Ms Furness, is the huge  
3 discrepancy between dioceses and religious orders. Now,  
4 that in itself says something very significant, because it  
5 shows that with two dioceses, for example, side by side, in  
6 one diocese there is a high prevalence of abuse, and in the  
7 diocese beside it there is not. Why the difference?  
8

9           In one religious congregation, there is 40 per cent;  
10 in another, 0.2 per cent.

11  
12 MS FURNESS:    One is male and one is female, doctor.  
13

14 DR RANSON:    I may not have used the right example, but  
15 even with the male congregations there is a huge  
16 difference. The point that I'm trying to make here is that  
17 the factors that contribute to abuse are localised within  
18 particular communities. Yes, we can talk about Church  
19 structures as a whole and, yes, I certainly argue that the  
20 more open, inclusive, transparent and accountable those  
21 structures are, the healthier the whole organisation.  
22

23           But it is going to be absolutely incumbent on each  
24 community that is a constituent of the thing that we call  
25 Church to ask itself: why has abuse occurred in our own  
26 community? What are the factors pertinent to our own  
27 particularity that have occasioned abuse? And it's not  
28 until every single community within the Church asks that  
29 hard question for itself that change will actually occur.  
30

31           If we just place an expectation that the Church as  
32 a whole should change, it's not going to happen, in the  
33 sense that, yes, time and evolution will, I'm sure, bring  
34 about certain changes in structures and practices and so  
35 forth, as has been evident for 2,000 years; it has been  
36 a long, steady evolution according to culture and according  
37 to circumstance, but it is absolutely incumbent on every  
38 constituent community of the thing that we call Church to  
39 enter into a process of self-examination.  
40

41 MS FURNESS:    But from what you are saying, Dr Ranson, and  
42 you also, Dr Whelan, the changes that you are talking about  
43 are changes that could come about without recourse to the  
44 Vatican; is that right?  
45

46 DR RANSON:    Absolutely - well --  
47

1 DR WHELAN: Yes, yes, indeed.

2

3 DR RANSON: It doesn't need the Vatican to bring about  
4 change in the Marists. It doesn't need a change in the  
5 Vatican to bring about change in the Christian Brothers.

6

7 To a large extent, even though, as I say, they are  
8 within a wider framework of allegiance and affiliation,  
9 they have an autonomy. The way in which bishops are  
10 selected in Australia is not going to make any change  
11 whatsoever in the Christian Brothers.

12

13 THE CHAIR: Does it require the Vatican to change the way  
14 priests are formed? Does it require the Vatican to change  
15 the way priests are managed?

16

17 DR WHELAN: I am going to say something and then qualify  
18 it. I would like to see much more leadership on this  
19 question. Pope Francis is trying to do that, and it is  
20 very significant the amount of push-back he is getting. So  
21 it's not just a matter of the Vatican or the leadership.  
22 He is getting push-back from within the curia, obviously.

23

24 As a Roman Catholic priest, I think, well, my job -  
25 I will do the best I can by being present as I can, and  
26 I am here today. I would much rather be somewhere else.  
27 But, you know, I will do the bit I can. And I agree with  
28 David: you can't come in with some magic bullet or any  
29 kind of program that is going to put it all together. We  
30 are not BHP, thank God.

31

32 THE CHAIR: Some of the things we're talking about, of  
33 course, are the way the Church structures and organises and  
34 manages its affairs. There will be some in the Catholic  
35 community who will say that's no business of the  
36 Royal Commission's.

37

38 DR WHELAN: It is.

39

40 THE CHAIR: Can you tell us why you say it is?

41

42 DR WHELAN: At the beginning of the Second Vatican Council  
43 in 1962, a debate happened about - there was an initial  
44 move, "We have to look inward. We'll get the Church back  
45 on track, and we will all go about our business."  
46 Cardinal Suenens from Belgium said, "No, there is the  
47 Church and what is going on inside it, but the Church is in

1 the world." That was the time when Pope John started to  
2 talk about, "People of goodwill, I talk to you all." We  
3 are part of the world. We engage with the world. We want  
4 to contribute to the world. And the world has every right  
5 to challenge us. And I welcome - I think of the role of  
6 the Royal Commission in prophetic terms, to be perfectly  
7 honest.

8  
9 THE CHAIR: Dr Ranson?

10  
11 DR RANSON: Yes, I would agree. The Church stands before  
12 the Commission to learn. Part of the clerical mindset is  
13 that it doesn't have anything to learn from outside of  
14 itself, and so the Church must engage in a conversation  
15 such as to learn from the Commission. To not to would be  
16 just disastrous.

17  
18 The Church must have the humility to say, "Teach us  
19 what we need to learn." I am convinced of that. So, with  
20 Michael, I welcomed the Commission and I think it is one of  
21 the most important moments in the entire history of the  
22 Church in Australia. There is no doubt about that.

23  
24 The question for the Commission, I think, is in terms  
25 of its recommendations, what are realistic and what are  
26 feasible. Although I think the dialogue between Church and  
27 Commission is actually essential and my hope is that there  
28 is learning and change as a result, because of the  
29 extraordinary constellation which is this thing we call the  
30 Church that is so multifaceted across the world, the Church  
31 is not going to change as an entire organisation simply  
32 because of the Commission.

33  
34 My own thinking is that the Commission, in fact, needs  
35 to be a catalyst for a continuing inquiry within the Church  
36 of Australia itself. So we should never think that it's  
37 all over when the Commission has finished its  
38 deliberations. That's, for us I think, the very beginning.

39  
40 In 1997 I wrote, in terms of that seventh point of the  
41 Australian Catholic Bishops, a pastoral letter that sought  
42 to initiate a research project on the factors. That  
43 research project would have no credibility unless there was  
44 a national inquiry within the Church about the Church that  
45 was as open and inclusive and transparent as it could be,  
46 in similar ways as inquiries had been undertaken on a range  
47 of issues in the 1980s, on such issues as employment, the

1 economy and so forth. But the Church itself needed to  
2 undertake that, and so my own sense is that the Commission  
3 doesn't obviate the need for the Church to continue its  
4 inquiry.

5  
6 The reason why this is important is because it is only  
7 in such a sustained inquiry that the Church itself assumes  
8 responsibility for, at every level of its life and amongst  
9 all the myriad communities that constitute its identity,  
10 that a conversation can emerge, and a conversation that can  
11 bring about change, because it's only through the process  
12 of sustained and systemic conversation at every level and  
13 through every community that constitutes the identity of  
14 the Church that it becomes aware that things need to change  
15 and where and how, and then I think there is an ownership  
16 of the change.

17  
18 My sense is that the Commission needs to have  
19 a realistic expectation about what change it can bring  
20 about. It's not going to change the theology of the  
21 Church. It's not going to change the structure of the  
22 universal Church. It's beyond the ambit of the Commission  
23 to do that. But that doesn't mean to say that the  
24 Commission can't make a very significant contribution to  
25 the process of change, and, as I say, if it acts as  
26 a catalyst for a sustained and systemic inquiry within the  
27 Church of Australia post the Commission, then it has  
28 achieved an enormous amount.

29  
30 JUSTICE COATE: Following on from that, Dr Ranson, to you,  
31 Dr Whelan, you spoke to us about - I think these were your  
32 words - the push-back inside the curia. Are you able to  
33 assist us to understand the essence of what that thinking  
34 is and the nature of the thought processes?

35  
36 DR WHELAN: Probably not, but may I tell you a story from  
37 a book that a friend of mine has written about himself?  
38 His name is Rembert Weakland. He was the Archbishop of  
39 Milwaukee. He became the Archbishop in 1977. He had been  
40 a monk, and he says himself the transition to being  
41 Archbishop was quite traumatic for him and he felt  
42 desperately lonely. He met a man, a 30-year-old man, and  
43 had a brief affair with this man as Archbishop of  
44 Milwaukee. That was in 1979.

45  
46 He wrote the man a letter very soon after that and  
47 apologised and was very remorseful and said he needed to

1           discontinue the relationship. The man hung on to the  
2           letter and several times tried to extort significant  
3           amounts of money from Rembert while he was Archbishop.  
4           Then in the late 1990s he sought a resolution of it, and  
5           Rembert's lawyers went to Montreal and met with this man's  
6           lawyers and they came to a settlement of \$450,000, which  
7           was paid out of the Milwaukee Building Fund. Rembert said  
8           he was at arm's length from that.

9  
10           However, in 2002 the young man then released the  
11           letter to the media, and the point of my story is this:  
12           Rembert, on the morning he knew that it was all breaking,  
13           got in touch with the Apostolic Nuncio in Washington DC -  
14           and I will just read the brief comment. I am quoting from  
15           the book, his autobiography, which is entitled "A Pilgrim  
16           in a Pilgrim Church":

17  
18                   *Looking at my watch and realising that*  
19                   *Washington DC was an hour ahead of*  
20                   *Milwaukee, I immediately phoned Archbishop*  
21                   *Gabriel Montalvo, Apostolic Nuncio and the*  
22                   *Pope's representative in the United States,*  
23                   *to inform him of the broadcast that was*  
24                   *about to break the news. "Of course", he*  
25                   *said, "you are going to deny it".*

26  
27           That is a culture which I do not understand, but I gather  
28           the impression it is endemic to the curia - obviously not  
29           every curial official. I guess, and I don't know, that it  
30           has something to do with this empire model where we have  
31           our power and we must hold firm against anything or anyone  
32           that wants to undermine it. It is abominable.

33  
34           MS FURNESS: Doctors, you know that the Truth, Justice and  
35           Healing Council represents all archdioceses and orders,  
36           more or less, and effectively the current leadership of the  
37           Church. I think each of you have seen their submission to  
38           the Royal Commission?

39  
40           DR WHELAN: Yes.

41  
42           MS FURNESS: Are there any comments either of you wish to  
43           make on the approach being taken by the Church now in  
44           relation to these issues?

45  
46           DR RANSON: Well, as I've shared with the Council, I think  
47           the document is descriptive in its character. I think it's

1 very important never to confuse rhetoric with reality, and  
2 this is particularly the case in the description of how  
3 formation, clerical formation, is undertaken - and we'll  
4 obviously come back to this in another panel.  
5

6 I would suggest that the experience of formation  
7 within Australian seminaries and houses of formation is  
8 much more varied than presented in the report. That is,  
9 the practice is not uniform, and therefore the statement is  
10 optimistic in terms of processes and structures in that  
11 area.

12  
13 MS FURNESS: You mean the statement as to what the current  
14 position is in relation to formation is optimistic?

15  
16  
17 DR RANSON: Yes, I think it presents a picture that is  
18 more varied in practice.  
19

20 MS FURNESS: So the various seminaries and the like around  
21 Australia who have a process of formation have different  
22 approaches that don't all match the view expressed in that  
23 submission; is that what you are saying?  
24

25 DR RANSON: I think they are all accountable to a similar  
26 framework. This is the framework that is called the  
27 Ratio Studiorum, which is as it were the curriculum which  
28 is set out for seminaries. That is a document that is  
29 basically agreed to at the Australian Catholic Bishops  
30 Conference, ratified by Rome.  
31

32 But the implementation of that, the way that that is  
33 enacted and fleshed, varies, and it varies according to  
34 capacities of staff and the leadership of those houses and  
35 seminaries. So the picture is more varied than --  
36

37 MS FURNESS: We might take that issue up with you and the  
38 other panel members later, Dr Ranson.  
39

40 Dr Whelan did you have any comment you wished to make?  
41

42 DR WHELAN: I was very conscious, when I was reading it,  
43 Ms Furness, that they are somewhat hamstrung. To me, it  
44 was a bit light. I would have been a little bit more  
45 hard-hitting, but then I don't have to take responsibility  
46 for this. I think the hamstrung character comes from this:  
47 a bishop in his diocese has authority that no other bishop

1 can encroach upon. And this is the sort of thing that  
2 I think needs to be looked at. Canon law tells me, as  
3 parish priest - this is the English translation, I can't  
4 give you the Latin: "When you take possession of your  
5 parish" - it's not my parish; the bishop doesn't own the  
6 diocese. But I think it is part of this empire kind of  
7 thinking. That has to change, and I think that  
8 hamstringing makes it difficult for anyone to make  
9 a clear-cut, hard-hitting statement until or unless that  
10 kind of culture and thinking is dealt with.

11  
12 MS FURNESS: What do you do when you get a bad bishop.

13  
14 DR WHELAN: You live around them, really. It is a test of  
15 endurance. I'm thinking of - mmm, yes.

16  
17 MS FURNESS: You are thinking of someone you know or knew?

18  
19 DR WHELAN: No, I don't wish to take that any further.

20  
21 MS FURNESS: Dr Ranson, did you have anything further you  
22 wished to say?

23  
24 DR RANSON: Sorry, Ms Furness, on that question or more  
25 generally?

26  
27 MS FURNESS: On that question.

28  
29 DR RANSON: Of a bad bishop?

30  
31 MS FURNESS: By all means answer the question: what do  
32 you do when you have a bad bishop?

33  
34 DR RANSON: Well, again it comes back to the recognition  
35 of what community one has responsibility for. Even  
36 a diocese, of course, is a community of communities, and  
37 so, yes, the leadership of a diocese has enormous  
38 influence, and though the law may be framed in a particular  
39 way, a bishop has extraordinary capacity to apply that law  
40 and that framework and that structure according to the  
41 strengths of his own leadership. So a person who has  
42 a leadership that is inclusive and accountable can create  
43 a very different culture within his diocese than the bishop  
44 who is of the diocese beside him who might have a very  
45 different capacity for leadership and not be able to create  
46 such a culture.

1           But even if there is a diocese where there is a person  
2 who struggles with the capacity for leadership in a  
3 positive and constructive way, of course the diocese  
4 doesn't exhaust the experience of Church in that setting.  
5 And so as a parish priest, I have responsibility for  
6 a community within that diocese and can exercise my own  
7 leadership and creativity within that community and enable  
8 that community to be fully alive.

9  
10           This is both the strength of the Catholic  
11 manifestation and its liability, I suppose, that because it  
12 doesn't just simply all devolve into the one structure, it  
13 is a structure of multiple structures, and if one structure  
14 isn't working, for whatever reason, that doesn't mean to  
15 say that the other subsidiary structures don't work or  
16 can't work or can't develop, and that's the strength of the  
17 situation.

18  
19 THE CHAIR:   The picture you both paint - I'm sure you are  
20 conscious of it - is of a Church, speaking of the Church in  
21 Australia, that has much to reflect on and changes to make.

22  
23 DR WHELAN:   Indeed.

24  
25 THE CHAIR:   Is that the view of both of you?

26  
27 DR RANSON:   Yes.

28  
29 THE CHAIR:   I appreciate the role that you both have and  
30 very much appreciate, as I will say to others, your coming  
31 forward to talk with us. It is very important. But for  
32 those listening, are we to assume that the problems you are  
33 talking about with us are not appreciated by many of the  
34 senior leaders in the Church in Australia? I'm looking,  
35 then, of course, at the bishops and the archbishops. From  
36 your perspectives, where you sit in the Church, what is  
37 your sense of whether or not the Church has within it  
38 leaders who are prepared to drive change?

39  
40 DR WHELAN:   I know a number of the bishops and they are  
41 fine men, and individually they will talk much as I've been  
42 talking, but again, it's this silo effect: "this diocese",  
43 "that diocese". I wonder how many of our bishops have  
44 supervision: what we were talking about earlier on for  
45 clergy I think ought to apply. The checks and balances  
46 around there.

1           Let me declare my hand: the last thing in the world  
2 I would want would be to be a bishop, and I say that in  
3 absolute seriousness. I think it's almost an impossible  
4 job in today's world, because you have people like me  
5 criticising you and all the kinds of problems and you don't  
6 know what is in your filing cabinet and all that sort of  
7 stuff. But we have to tackle it. We have to tackle it.  
8 There has to be some kind of joint process whereby that  
9 happens. We can't just leave these men isolated out there  
10 thinking, "I wish I could do something about it."

11  
12 THE CHAIR: Dr Ranson?

13  
14 DR RANSON: I think it's a vital question. I am not  
15 convinced that we as a Church, through our leadership, have  
16 admitted the problem. That is, we know that there are  
17 complaints. We have sought to deal with those complaints.  
18 But we have not, as a Church, stood and said what needs to  
19 change within ourselves. This is essential, I think.  
20 Because apology is not enough and I think people are tired  
21 of hearing apologies. Apologies fall hollow unless, at the  
22 same time, the Church can say, "We have done great wrong.  
23 We are in the wrong. There is something wrong in us and we  
24 need to change what is wrong." And the test of this  
25 I think will be to the extent that we as a Church can stand  
26 in front of those who have been abused in such horrific  
27 ways and say to them, "You become our teachers. You teach  
28 us, through your pain, what we need to do."

29  
30           Until we have that humility to go to those who have  
31 been abused and learn from them and allow them to indicate  
32 to us what must change, then we haven't admitted the extent  
33 of the problem.

34  
35 MS FURNESS: Dr Whelan?

36  
37 DR WHELAN: I'm just thinking to myself that the most  
38 powerful apology we can make is to change. What has been  
39 done - the hurt, the terrible pain - it is. We can  
40 apologise, but words are not enough. The best gift we can  
41 give those who have been hurt is to move down the track  
42 that David is saying whereby we become a different kind of  
43 organisation with a different culture, a more relational  
44 culture.

45  
46 MS FURNESS: There has been reference by others who are to  
47 give evidence about the involvement of laity, including

1 women, in synods that could or should be run by the Church.  
2 Is that a concept that either of you are in favour of, to  
3 make the Church more inclusive?  
4

5 DR WHELAN: Absolutely.  
6

7 THE CHAIR: What has to happen to have a synod?  
8

9 DR WHELAN: A bishop has to call it, I suppose.  
10

11 DR RANSON: Well, there are synods and there are  
12 plenaries. Each bishop can call a synod within his own  
13 diocese. That is within the exercise of his own  
14 leadership. The Australian Catholic Bishops have proposed  
15 to Rome, as you know, that there be a plenary in 2020 for  
16 the whole Church of Australia.  
17

18 This will be, for the Church in Australia, the test of  
19 its commitment or otherwise, because whether or not the  
20 voice of those who have been abused and who have been hurt  
21 so tragically is included and represented, not only at the  
22 plenary itself but in the process leading up to the  
23 plenary, will determine whether we have learnt the lessons  
24 or otherwise. There is no alternative going forward: the  
25 voice of those who have been hurt has to be at the very  
26 centre of how we imagine the future.  
27

28 MS FURNESS: Thank you. Your Honours, I have nothing  
29 further.  
30

31 COMMISSIONER FITZGERALD: I have a couple of questions and  
32 they are related to the issues that you have raised.  
33

34 One is in relation just to simple transparency. No  
35 problem really can be addressed unless the problem is  
36 acknowledged, and you have indicated that. But is it not  
37 true that the Church itself has really not embraced  
38 transparency in any meaningful way, both in terms of the  
39 problem or, in fact, to its own people. I mean, is there  
40 an example of a diocese that has actually published data,  
41 information, about sexual abuse within the diocese, how it  
42 was handled and the outcomes of it? And isn't it the case  
43 that in many of the issues that we're talking about the  
44 failure to allow both its own people and the world at large  
45 to look in, to be engaged in a conversation which starts  
46 with an articulation of what the issues are, is still  
47 a major issue for the Catholic Church in Australia, that it

1 talks the language, but when you actually look at it there  
2 is almost no transparency in relation to the fundamental  
3 issues that we have been talking about, other than those  
4 that have been exposed by external agencies such as the  
5 Royal Commission.  
6

7 DR WHELAN: Absolutely and David and I would not be  
8 sitting here if it hadn't been for the courage of victims  
9 and the persistence of the courts and the journalists who  
10 brought this Commission into being. We would have done  
11 something to tidy it up but we would not have got to the  
12 truth of it.  
13

14 COMMISSIONER FITZGERALD: If that is so, what is it that  
15 the Church is so fearful of about transparency? In a world  
16 in which other organisations, agencies and some governments  
17 understand that transparency is the essential ingredient,  
18 the first starting point for genuine change, what is it  
19 that the Australian Church so fears by telling both the  
20 world and indeed its own congregation or members about its  
21 internal workings, both problems and in fact the solutions  
22 or the actions to it?  
23

24 DR WHELAN: I'm tempted to say loss of power, and I think  
25 that is a factor - fear of. But I think it is more complex  
26 than that, actually. There would be, "What is going to  
27 happen if we do this? What will they think of us? Where  
28 will it all lead to?" But I think that is the direction we  
29 have to go, Commissioner. I don't think there is any other  
30 option. It is a cultural thing. It is a mindset.  
31

32 COMMISSIONER FITZGERALD: Let me deal with the conundrum:  
33 The Catholic Church is engaged in education, human  
34 services, social services and health care. In that part of  
35 the Church, often lay led, but nevertheless still under the  
36 control of the bishops, we have embraced all of those -  
37 accountability, professionalism, educated workforces and in  
38 fact transparency, either required by external agencies or  
39 even because it is simply regarded as good practice. Yet  
40 the other side of the Church learns none of that from  
41 itself. Why is it that this is one of the few  
42 organisations in the world where on one side it embraces  
43 all of those things which would be regarded as positive and  
44 effective ways of running an organisation, but across the  
45 aisle, on the next side, it embraces almost none of those?  
46 What is it that allows this dichotomy within the one Church  
47 to continue to exist? And it is relevant in relation to

1 both the prevention of and responding to child sexual  
2 abuse.

3  
4 DR RANSON: I think it is linked somehow to the question  
5 of the personalisation of authority. That is, in the  
6 Catholic framework, authority rests in persons, rather than  
7 in a collegial sense. And so the place of the bishop as  
8 the person of authority within the diocese means then that  
9 that authority pertains to him and him alone, and so there  
10 is a strength in that, but there is also a liability in  
11 that, which means then that the levels of accountability in  
12 that sphere are not as great as they may otherwise be.

13  
14 Nonetheless, having said that, that's true for  
15 a diocese, but in a religious congregation a provincial  
16 superior doesn't have the same status as a bishop. It  
17 works very differently and the governance is much more  
18 collegial. In fact, in religious congregations it operates  
19 through the Provincial Council, which is elected,  
20 et cetera, et cetera. But I take your point.

21  
22 THE CHAIR: What you are rather suggesting, I think - and  
23 Commissioner Fitzgerald's question was framed, I think, to  
24 lead you in this direction, not that he realised it - is  
25 that the priests and the brothers, those who are ordained,  
26 hold power unto themselves, whereas the other parts of the  
27 Church have accepted and, indeed, as  
28 Commissioner Fitzgerald points out, are run by lay people  
29 in large part and, as a consequence, the dynamic, the  
30 culture that is operating, is a different dynamic.

31  
32 DR RANSON: That's right, that's why it is absolutely  
33 incumbent that diocesan governance, even with the authority  
34 of the bishop, works for practices and structures and  
35 processes that are as inclusive as possible. To the extent  
36 that they are as inclusive as possible, that they draw in  
37 the expertise of men and women at the highest levels of  
38 decision making, the diocese will be healthy. To the  
39 extent that they don't, the diocese will be unhealthy. And  
40 so this is where leadership is so essential.

41  
42 You can have the same framework, as in the same  
43 structure: with two very different leaders, the culture is  
44 very different.

45  
46 COMMISSIONER FITZGERALD: But in this case the cultural  
47 differences can lead to effects upon others. It's not in

1       itself enough to say that they are different. Where, in  
2       one diocese or one particular Church authority, one has  
3       good practices, universally accepted, the risk of harm to  
4       others is reduced, we would hope. In another, the risk is  
5       in fact naturally going to be increased. So what are the  
6       levers or the mechanisms by which, in the Australian  
7       Church, we actually start to recognise the need across the  
8       Church, in all of the dioceses and the Catholic  
9       authorities, for accountability, for transparency, for  
10      professionalisation, for safeguarding, beyond that which is  
11      just simply people's predilection?  
12

13           I acknowledge that the Council will detail that later  
14      in this hearing, but what is it that will actually create  
15      that raising of the bar, if you want to use that term,  
16      across all of the Church authorities in Australia?  
17

18      DR RANSON:   My hope would be that this very process of the  
19      Commission raises the bar because it raises awareness.  
20      I think that those factors - I mean, to publicly name those  
21      factors that contribute either to a healthy culture or an  
22      unhealthy culture presents us with an accountability that  
23      one deviates from, you know, with considerable  
24      responsibility.  
25

26           I think that there are opportunities - I would hope  
27      that the proposed plenary of 2020 is something that might  
28      take this into account. I think the selection of leaders  
29      is clearly also paramount and at every stage there should  
30      be the drive for the appointment of leaders that can create  
31      those inclusive frameworks.  
32

33           Another part of that, too, is that as Michael has  
34      intimated, bishops themselves don't necessarily talk to one  
35      another, and in this, too, even though they come together  
36      in conference, their sharing of life and the responsibility  
37      of the leadership is fairly limited, and so the way in  
38      which bishops themselves develop processes and structures  
39      of fraternity amongst themselves so they can learn from one  
40      another has to be developed. We would go a long way if  
41      they started sharing with each other what was taking place  
42      instead of operating in an isolated silo.  
43

44      THE CHAIR:   Mr Gray, do you have any questions?  
45

46      COMMISSIONER MURRAY:   I have one question before you move  
47      on. Having said that, Dr Ranson, there is the matter of

1 concealment and secrecy - which, by the way, didn't just  
2 apply to the Catholic Church; it applied to both lay  
3 organisations and other faith organisations, but the fact  
4 is both in the Irish report and in our own experience,  
5 almost universally, every community, every diocese did not  
6 report child sex abuse to the authorities, and you have to  
7 assume, therefore, that that is a top-down culture or  
8 instruction or attitude, depending on what sources you go  
9 to for information.

10  
11 Now, that would imply that the only way to change that  
12 would in fact be to go to the top, and that the instruction  
13 is issued from the top, on such a fundamental matter as  
14 reporting child sexual abuse. What is your reaction to  
15 that observation?

16  
17 DR RANSON: I couldn't - I would agree. I think it is  
18 absolutely right. We talk about, in the secular sphere,  
19 organisational integrity. Organisational integrity is  
20 about every layer and about every level of the organisation  
21 working in tandem and according to the same sheet. So even  
22 though I have stressed the importance of each local  
23 community assuming its own responsibility, there is no  
24 doubt that that is going to be inhibited or facilitated by  
25 every level working in the same way. And so change from  
26 the top, working itself through, then, each community  
27 constituent of the Church, is essential.

28  
29 COMMISSIONER MURRAY: You may not be familiar with it but  
30 I will refer you to our case study on the Yeshiva Jewish  
31 structures and organisations. I think that was in 2010.  
32 There the Rabbinical Council finally said to every Rabbi  
33 and every organisation: "We will and must report child  
34 sexual abuse". There was a fundamental shift in that  
35 society of taking accountability for what had to be done.  
36 Would you think that a similar approach is justified in the  
37 Catholic Church?

38  
39 DR WHELAN: I think it has already happened. That's my  
40 understanding. We have received instruction that we must  
41 follow the law of the land, and that comes from Rome.

42  
43 THE CHAIR: Yes, Mr Gray?

44  
45 MR GRAY: Thank you, your Honour. If I may, Commissioners  
46 and doctors, just ask a couple of supplementary questions  
47 on one topic, namely, that of supervision of priests once

1 ordained in the course of their priestly careers.

2

3 I think you have both indicated some agreement with  
4 Commissioner Murray to the effect that what was needed was  
5 not oversight, as such, but a form of consultative  
6 supervision. At one level, I suppose there would be  
7 practical difficulties with respect to oversight as such,  
8 or monitoring, if you like - is that right - in that, for  
9 example, a parish priest in his suburb or rural setting is  
10 not easily susceptible of physical, on-the-spot  
11 supervision. Would that be one aspect of it?

12

13 DR WHELAN: Yes, indeed, it's just the sheer difficulty of  
14 doing that if it was a desirable thing to do. But I'm not  
15 sure that we would be wanting to say to 40-year-old men,  
16 "We're going to watch you, keep an eye on you."

17

18 MR GRAY: The second thing is, at another level, it might  
19 be suggested that a concept that captures some of what is  
20 needed is that of ongoing care for the development and  
21 wellbeing of the priests, whether social or psychological  
22 or emotional or sexual, among other things. Would either  
23 of you have any views on the appropriateness of introducing  
24 the notion of care into this discussion around supervision?

25

26 DR WHELAN: I would have assumed - when  
27 Commissioner Murray raised it, that's certainly, in my  
28 mind, part of the interaction that I expect. So that if  
29 I'm starting to look and sound like I'm overworked or  
30 really not coping, my supervisor is going to say to me,  
31 "Michael, what's going on? Do you really think you are  
32 coping?", or whatever. So that would be an element of  
33 care.

34

35 But I think there's also a complementary point that  
36 David has raised a number of times, the ongoing formation:  
37 in our congregation, every 10 years you must take  
38 a sabbatical - take time out, do more courses, ongoing  
39 formation. So I think it is probably, again,  
40 a multifaceted thing. I think introducing the notion of  
41 care is very good.

42

43 MR GRAY: Dr Ranson, anything to add to that?

44

45 DR RANSON: I think consultative supervision is absolutely  
46 essential in a caring profession. In any profession of  
47 care, consultative supervision is simply essential.

1  
2           There are different ways of undertaking consultative  
3 supervision, and peer supervision is one such form. That's  
4 virtually unknowable, I think, within the Catholic  
5 experience of priestly life, that there would be  
6 a facilitated peer supervision.

7  
8           So whether it's a personal consultative supervision,  
9 whether it's facilitated peer supervision, supervision is  
10 essential, because it is about a profession of care. So it  
11 is extraordinary, as I've mentioned before, that it is  
12 virtually non-existent or simply at the discretion of an  
13 individual priest. As has been mentioned, those who  
14 normally undertake supervision are probably not those who  
15 immediately need it, and those who do need it don't take  
16 it.

17  
18           In terms of ongoing formation, yes, I think most  
19 religious congregations and dioceses and so forth already  
20 have policies in respect to sabbaticals and long service  
21 leave and so forth, but I think we need something far more  
22 radical than those occasional or incidental experiences.  
23 Ongoing formation means that something is happening that is  
24 built into the very fabric of one's life, where one is  
25 being continuously formed.

26  
27           I have written several books. The book that has sold  
28 less numbers is the book on priesthood addressed to priests  
29 for priests, and the publisher says, "Well, that's not  
30 surprising, because priests never read a book." That's an  
31 extraordinary indictment. So how do we get clergy to read  
32 and to broaden their horizons through that reading? That's  
33 part of ongoing formation that in fact doesn't require  
34 a structure, it requires a fundamental shift in their  
35 thinking about their personal responsibility for ongoing  
36 formation.

37  
38           So it's a vexed question but I think it is again  
39 incumbent on each bishop of each diocese to work with their  
40 clergy to really open up in a very transparent way what is  
41 required in that context for the care and supervision of  
42 their clergy.

43  
44 THE CHAIR: You may know that the Commission has raised  
45 the question of managing a diocese in other hearings, to  
46 which the response is often, "Well, we do that." Now,  
47 I notice your faces. It is a bit of a give-away. But is

1 the Church attempting to do that at all in any diocese that  
2 you know of?

3

4 DR RANSON: Oh, I think there are various attempts.  
5 I think it would be varied across all the dioceses. Some  
6 would be doing it somewhat more than others. I think that  
7 some dioceses would be better than others in providing  
8 opportunities. But what we are talking about here, as  
9 I say, is not just about opportunities that are incidental.  
10 It's trying to inculcate a culture of formation and that's  
11 a much more difficult and systemic challenge, I think.

12

13 I know that some have begun to think, rightly, in  
14 terms of a points system, as would be the case in any  
15 caring profession, that so many points must be accrued each  
16 year for ongoing exercise of ministry. Although that has  
17 been talked about, I know of no diocese that has actually  
18 implemented that. But until we move to those practices of  
19 people's annual registration, as it were, in order to be  
20 able to exercise their ministry, the culture won't change.

21

22 THE CHAIR: And Dr Whelan you commented that only in the  
23 last 12 months have you embraced it for yourself  
24 personally.

25

26 DR WHELAN: Yes, certainly, Commissioner.

27

28 THE CHAIR: One gets the impression, therefore, that this  
29 isn't something that is done very much.

30

31 DR WHELAN: Correct, very sadly. Again, there is a whole  
32 cultural thing here: when you have done eight years in the  
33 seminary you don't need to know anything more. You have  
34 the grace of state. You can do anything you are asked to  
35 do. It is arrogantly, sadly, untrue. It leads to a lot of  
36 conflict and difficulty.

37

38 Discipleship is the notion of never stop learning, and  
39 that is not part of our clerical mindset, sadly.

40

41 THE CHAIR: I assume that what you are talking about also  
42 is that the mechanisms aren't there to identify priests, or  
43 religious, perhaps, who are having problems and having  
44 difficulties, and to identify them early and deal with  
45 them.

46

47 DR WHELAN: Not formal mechanisms. I think that is

1 fair comment. It is more random.

2

3 Also, I add to that, I'm not sure there would be many  
4 clergy who would go to their brother priest and say, "Are  
5 you okay?" "Mind your own business" - you know?

6

7 THE CHAIR: If you structure that in, of course, it has to  
8 happen.

9

10 DR WHELAN: Structure it in.

11

12 MR GRAY: Thank you, your Honour.

13

14 THE CHAIR: Thank you. Yes, Ms Furness?

15

16 MS FURNESS: Your Honour, I have nothing further for the  
17 witnesses. However, I wish to tender the hearing's tender  
18 bundle, which comes in three volumes.

19

20 THE CHAIR: Those three volumes together will be exhibit  
21 50-004.

22

23 **EXHIBIT #50-004 HEARING TENDER BUNDLE**

24

25 THE CHAIR: Do we see these two doctors again?

26

27 MS FURNESS: We certainly do, in different capacities:  
28 one is in relation to formation; and supervision.

29

30 THE CHAIR: So we'll get to talk to you again later in the  
31 hearing, but thank you for your contribution today and we  
32 look forward to talking to you again.

33

34 We will adjourn until 10 o'clock.

35

36 **<THE WITNESSES WITHDREW**

37

38 **AT 4.05PM THE COMMISSION WAS ADJOURNED TO TUESDAY,**  
39 **7 FEBRUARY 2017 AT 10AM**

40

41

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<b>#</b>	<b>19</b> [2] - 24742:16, 24742:18	<b>2009</b> [2] - 24706:43, 24740:12	<b>4</b>	<b>9</b>
#50-001 [1] - 24702:29 #50-002 [1] - 24732:34 #50-003 [1] - 24736:13 #50-004 [1] - 24789:23	<b>1906</b> [1] - 24720:2 <b>1919</b> [1] - 24705:27 <b>1945</b> [1] - 24735:8 <b>1950</b> [9] - 24699:23, 24699:27, 24701:3, 24701:22, 24701:28, 24701:40, 24702:15, 24714:24, 24714:30 <b>1950s</b> [1] - 24705:36 <b>1959</b> [1] - 24705:29 <b>1960s</b> [4] - 24720:19, 24723:29, 24735:11, 24759:25 <b>1962</b> [1] - 24773:43 <b>1970s</b> [2] - 24723:22, 24741:47 <b>1972</b> [2] - 24733:26, 24735:35 <b>1977</b> [1] - 24775:39 <b>1978</b> [1] - 24742:12 <b>1979</b> [2] - 24742:37, 24775:44 <b>1980</b> [4] - 24699:31, 24700:12, 24742:38, 24742:44 <b>1980s</b> [4] - 24723:22, 24743:37, 24744:33, 24774:47 <b>1983</b> [1] - 24720:43 <b>1990s</b> [10] - 24729:10, 24743:37, 24744:7, 24744:33, 24744:47, 24748:42, 24760:25, 24761:21, 24762:2, 24776:4 <b>1992</b> [7] - 24742:39, 24742:43, 24743:45, 24744:41, 24744:47, 24747:39 <b>1996</b> [2] - 24748:7, 24748:15 <b>1997</b> [3] - 24748:2, 24748:27, 24774:40 <b>1998</b> [5] - 24740:10, 24742:40, 24743:46, 24744:9, 24744:18 <b>19th</b> [1] - 24749:24	<b>2010</b> [10] - 24699:23, 24699:27, 24701:3, 24701:22, 24701:28, 24701:40, 24702:15, 24714:31, 24724:10, 24785:31 <b>2013</b> [4] - 24702:37, 24703:11, 24712:19, 24718:12 <b>2014</b> [4] - 24703:12, 24703:15, 24703:24, 24717:7 <b>2015</b> [6] - 24699:31, 24700:13, 24707:20, 24717:19, 24739:27, 24744:24 <b>2016</b> [7] - 24697:20, 24704:16, 24709:13, 24709:21, 24709:25, 24709:47, 24710:9 <b>2017</b> [2] - 24695:27, 24789:39 <b>2020</b> [2] - 24781:15, 24784:27 <b>20th</b> [1] - 24740:27, 24740:36, 24740:45, 24741:6, 24741:19, 24741:20, 24741:23, 24741:32, 24741:38, 24752:29, 24757:18 <b>21.5</b> [1] - 24702:2 <b>21.9</b> [1] - 24702:18 <b>22</b> [4] - 24700:20, 24702:19, 24703:15, 24709:25 <b>23</b> [2] - 24702:43, 24771:35 <b>24</b> [1] - 24746:45 <b>242</b> [1] - 24695:20 <b>261</b> [1] - 24703:2 <b>27</b> [2] - 24707:47, 24710:9 <b>28</b> [1] - 24699:31 <b>29</b> [1] - 24700:40	<b>4</b> [5] - 24758:19, 24758:29, 24758:31, 24766:1, 24767:2 <b>4,444</b> [1] - 24700:13 <b>4.05PM</b> [1] - 24789:38 <b>40</b> [1] - 24772:9 <b>40-year-old</b> [1] - 24786:15 <b>40.4</b> [1] - 24702:20 <b>44</b> [1] - 24703:44 <b>45</b> [1] - 24770:27 <b>4th</b> [5] - 24757:35, 24765:12, 24765:20, 24765:28, 24766:6	<b>90</b> [1] - 24700:43 <b>93</b> [1] - 24700:14 <b>96</b> [1] - 24700:40 <b>97</b> [1] - 24700:22
<b>\$</b>				<b>A</b>
\$450,000 [1] - 24776:6				<b>abandoned</b> [2] - 24724:15, 24724:20 <b>Abbey</b> [2] - 24742:25, 24742:39 <b>abetted</b> [2] - 24768:40, 24768:43 <b>able</b> [9] - 24710:4, 24733:45, 24734:39, 24736:9, 24745:19, 24754:20, 24775:32, 24778:45, 24788:20 <b>abominable</b> [1] - 24776:32 <b>absence</b> [3] - 24709:2, 24722:32, 24727:25 <b>absolute</b> [1] - 24780:3 <b>absolutely</b> [12] - 24761:7, 24763:7, 24770:6, 24771:5, 24772:23, 24772:37, 24772:46, 24781:5, 24782:7, 24783:32, 24785:18, 24786:45 <b>abstract</b> [2] - 24737:22, 24771:45 <b>abstractly</b> [1] - 24734:26 <b>abuse</b> [126] - 24696:24, 24696:26, 24696:29, 24696:32, 24697:21, 24697:23, 24697:26, 24698:2, 24698:15, 24698:36, 24699:19, 24699:33, 24699:36, 24699:42, 24700:4, 24700:9, 24700:14, 24700:21, 24700:25, 24700:27, 24700:31, 24703:20, 24705:18, 24706:18, 24706:45, 24707:14, 24707:18, 24707:43, 24708:14, 24708:16, 24708:39, 24709:44, 24710:12, 24710:31, 24713:18, 24713:23, 24713:26, 24713:32, 24713:36, 24714:13, 24714:25, 24714:27, 24714:32, 24714:37, 24715:1, 24715:9, 24715:12, 24715:15, 24716:23, 24717:6, 24717:17, 24717:23, 24717:28, 24718:17, 24718:33, 24718:38, 24718:44, 24719:22, 24719:24, 24721:40, 24722:43, 24723:12, 24723:20,
<b>0</b>				
<b>0.2</b> [1] - 24772:10 <b>0.3</b> [1] - 24702:9 <b>0.6</b> [1] - 24702:9 <b>08</b> [1] - 24758:21				
<b>1</b>				
<b>1</b> [9] - 24695:24, 24699:30, 24701:3, 24703:24, 24765:18, 24766:8, 24769:32, 24770:3, 24770:5 <b>1,000</b> [2] - 24700:15, 24741:17 <b>1,265</b> [1] - 24714:31 <b>1,880</b> [2] - 24700:31, 24700:38 <b>1.30</b> [1] - 24732:41 <b>1.35pm</b> [2] - 24733:7, 24733:9 <b>1.8%</b> [1] - 24727:4 <b>10</b> [5] - 24699:20, 24700:25, 24700:44, 24786:37, 24789:34 <b>100</b> [1] - 24764:25 <b>10AM</b> [1] - 24789:39 <b>10am</b> [1] - 24695:27 <b>11</b> [1] - 24700:26 <b>11.7</b> [1] - 24701:29 <b>116</b> [1] - 24696:42 <b>11th</b> [1] - 24742:28 <b>12</b> [4] - 24737:40, 24743:1, 24743:8, 24788:23 <b>128,000</b> [1] - 24707:30 <b>12th</b> [1] - 24742:28 <b>13</b> [1] - 24702:37 <b>13.7</b> [1] - 24701:43 <b>13.8</b> [1] - 24702:16 <b>13.9</b> [2] - 24701:31, 24701:45 <b>14</b> [1] - 24703:13 <b>14,671</b> [1] - 24703:5 <b>14.1</b> [1] - 24701:32 <b>14.7</b> [1] - 24701:34 <b>15</b> [2] - 24703:35, 24768:38 <b>15.1</b> [1] - 24701:35 <b>17</b> [2] - 24695:23, 24736:38 <b>17.2</b> [1] - 24701:47 <b>18th</b> [1] - 24741:6				
	<b>2</b>	<b>3</b>	<b>6</b>	
<b>2</b> [2] - 24710:19, 24766:10 <b>2,000</b> [1] - 24772:35 <b>2,400</b> [1] - 24704:16 <b>2.1</b> [1] - 24701:24 <b>2.4</b> [1] - 24701:23 <b>2.5%</b> [1] - 24727:4 <b>20</b> [4] - 24717:43, 24735:9, 24742:18, 24761:33 <b>20.4</b> [1] - 24702:17 <b>2000</b> [3] - 24735:18, 24744:18, 24744:20 <b>2000s</b> [1] - 24704:41 <b>2001</b> [1] - 24744:21 <b>2002</b> [1] - 24776:10		<b>3</b> [5] - 24735:32, 24758:42, 24765:46, 24766:1, 24766:7 <b>30</b> [1] - 24700:39 <b>30-year-old</b> [1] - 24775:42 <b>309</b> [1] - 24707:41 <b>31</b> [1] - 24701:3 <b>313</b> [1] - 24765:21 <b>32</b> [1] - 24700:39 <b>33</b> [1] - 24700:28 <b>37</b> [3] - 24697:25, 24708:2, 24713:17 <b>380</b> [2] - 24765:24, 24766:3 <b>386,268</b> [1] - 24702:47	<b>6</b> [3] - 24695:27, 24710:40, 24769:29 <b>60</b> [1] - 24697:20 <b>66</b> [1] - 24708:2 <b>669</b> [1] - 24702:41 <b>7</b> <b>7</b> [3] - 24701:18, 24737:40, 24789:39 <b>7.9</b> [1] - 24701:15 <b>70</b> [1] - 24770:26 <b>707</b> [1] - 24703:6 <b>75</b> [4] - 24699:23, 24700:46, 24701:13, 24707:47 <b>78</b> [1] - 24700:19 <b>8</b> <b>8</b> [2] - 24701:41, 24758:25 <b>80</b> [1] - 24708:34 <b>84</b> [1] - 24702:44 <b>8pm</b> [1] - 24710:40	

<p>24723:26, 24724:12, 24724:28, 24724:30, 24724:33, 24725:3, 24725:18, 24725:29, 24726:6, 24726:12, 24726:14, 24726:27, 24726:34, 24728:3, 24728:8, 24728:10, 24728:14, 24728:16, 24728:29, 24728:31, 24728:36, 24729:11, 24729:20, 24730:3, 24730:9, 24730:10, 24730:40, 24730:45, 24731:11, 24731:16, 24731:25, 24731:47, 24732:18, 24732:26, 24744:28, 24747:44, 24748:30, 24748:31, 24748:46, 24749:4, 24749:6, 24749:9, 24749:16, 24749:19, 24750:19, 24751:26, 24757:26, 24760:36, 24766:41, 24767:7, 24768:40, 24772:6, 24772:17, 24772:25, 24772:27, 24781:41, 24783:2, 24785:6, 24785:14</p> <p><b>ABUSE</b> [2] - 24695:15, 24702:31</p> <p><b>abuse"</b> [1] - 24785:34</p> <p><b>abused</b> [20] - 24704:17, 24714:4, 24714:43, 24715:5, 24717:24, 24721:15, 24722:2, 24726:31, 24726:38, 24727:14, 24727:46, 24728:2, 24728:9, 24729:6, 24729:26, 24731:1, 24731:45, 24780:26, 24780:31, 24781:20</p> <p><b>abuser</b> [1] - 24768:12</p> <p><b>abusers</b> [2] - 24714:45, 24715:21</p> <p><b>abusive</b> [2] - 24726:39, 24729:22</p> <p><b>Academy</b> [3] - 24721:27, 24735:3, 24735:8</p> <p><b>accept</b> [3] - 24754:22, 24756:46, 24763:2</p> <p><b>accepted</b> [7] - 24699:46, 24710:13, 24714:17, 24716:7, 24728:11, 24783:27, 24784:3</p> <p><b>accepting</b> [1] - 24718:18</p> <p><b>access</b> [8] - 24726:12, 24726:33, 24730:30, 24730:38, 24730:41, 24730:44, 24763:1, 24765:23</p> <p><b>accidental</b> [1] - 24748:43</p> <p><b>accidentally</b> [1] - 24744:32</p> <p><b>accommodate</b> [2] - 24710:40, 24732:38</p>	<p><b>accompaniment</b> [4] - 24743:38, 24744:35, 24761:37, 24762:15</p> <p><b>accordance</b> [1] - 24714:46</p> <p><b>according</b> [5] - 24772:36, 24777:33, 24778:40, 24785:21</p> <p><b>account</b> [4] - 24697:7, 24709:19, 24752:8, 24784:28</p> <p><b>accountability</b> [14] - 24708:42, 24716:46, 24722:37, 24722:43, 24723:4, 24765:4, 24767:14, 24767:21, 24769:45, 24782:37, 24783:11, 24784:9, 24784:22, 24785:35</p> <p><b>accountable</b> [5] - 24712:31, 24716:45, 24772:20, 24777:25, 24778:42</p> <p><b>accounting</b> [1] - 24715:3</p> <p><b>accounts</b> [3] - 24697:8, 24705:23, 24706:29</p> <p><b>accreditation</b> [1] - 24762:37</p> <p><b>accrued</b> [1] - 24788:15</p> <p><b>accuracy</b> [1] - 24699:4</p> <p><b>accurate</b> [1] - 24754:6</p> <p><b>accurately</b> [1] - 24700:8</p> <p><b>accused</b> [5] - 24703:20, 24705:6, 24708:1, 24726:5, 24726:26</p> <p><b>achieved</b> [1] - 24775:28</p> <p><b>achieving</b> [1] - 24718:43</p> <p><b>acknowledge</b> [5] - 24713:8, 24713:17, 24725:15, 24753:26, 24784:13</p> <p><b>acknowledged</b> [4] - 24714:38, 24752:22, 24757:1, 24781:36</p> <p><b>acknowledgment</b> [1] - 24718:15</p> <p><b>acquiring</b> [1] - 24766:9</p> <p><b>acre</b> [1] - 24743:16</p> <p><b>acres</b> [1] - 24743:13</p> <p><b>act</b> [3] - 24740:2, 24750:43, 24750:46</p> <p><b>acted</b> [1] - 24725:37</p> <p><b>action</b> [4] - 24703:23, 24706:13, 24712:32, 24759:32</p> <p><b>actions</b> [4] - 24718:37, 24726:40, 24732:7, 24782:22</p> <p><b>active</b> [4] - 24720:27, 24742:41, 24761:21, 24762:3</p> <p><b>actively</b> [1] - 24718:27</p> <p><b>activities</b> [3] - 24705:10, 24716:38, 24743:10</p> <p><b>activity</b> [6] - 24722:16, 24725:7, 24754:43, 24755:37, 24755:38, 24755:44</p>	<p><b>acts</b> [2] - 24697:42, 24775:25</p> <p><b>actual</b> [4] - 24745:22, 24759:27, 24759:28, 24764:12</p> <p><b>add</b> [4] - 24738:32, 24764:26, 24786:43, 24789:3</p> <p><b>addition</b> [3] - 24708:30, 24710:35, 24731:43</p> <p><b>additional</b> [1] - 24732:17</p> <p><b>address</b> [6] - 24713:5, 24716:23, 24718:28, 24745:33, 24746:18, 24748:29</p> <p><b>addressed</b> [7] - 24698:45, 24704:10, 24709:26, 24711:26, 24749:18, 24781:35, 24787:28</p> <p><b>Adelaide</b> [3] - 24701:20, 24701:23, 24705:7</p> <p><b>adept</b> [1] - 24752:31</p> <p><b>adequately</b> [1] - 24710:21</p> <p><b>adjourn</b> [1] - 24789:34</p> <p><b>ADJOURNED</b> [1] - 24789:38</p> <p><b>adjournment</b> [5] - 24719:9, 24719:10, 24719:15, 24732:38, 24732:47</p> <p><b>ADJOURNMENT</b> [2] - 24719:17, 24733:2</p> <p><b>adjust</b> [1] - 24755:24</p> <p><b>adjustments</b> [1] - 24717:5</p> <p><b>administration</b> [1] - 24723:25</p> <p><b>admirable</b> [1] - 24718:29</p> <p><b>admire</b> [1] - 24713:14</p> <p><b>admission</b> [1] - 24725:47</p> <p><b>admissions</b> [1] - 24714:19</p> <p><b>admitted</b> [2] - 24780:16, 24780:32</p> <p><b>adopted</b> [2] - 24710:44, 24717:35</p> <p><b>adopting</b> [1] - 24729:36</p> <p><b>adoption</b> [1] - 24717:16</p> <p><b>adult</b> [1] - 24729:41</p> <p><b>adulthood</b> [1] - 24728:12</p> <p><b>adults</b> [3] - 24706:37, 24735:22, 24755:38</p> <p><b>advanced</b> [1] - 24763:29</p> <p><b>advantage</b> [1] - 24768:19</p> <p><b>adversarial</b> [1] - 24705:3</p> <p><b>adverse</b> [2] - 24704:34, 24706:1</p> <p><b>advised</b> [2] - 24710:19, 24714:15</p> <p><b>advisory</b> [1] - 24716:7</p> <p><b>advocate</b> [1] - 24699:38</p> <p><b>advocates</b> [1] - 24706:8</p> <p><b>aetiology</b> [1] - 24732:3</p> <p><b>affair</b> [1] - 24775:43</p> <p><b>affairs</b> [1] - 24773:34</p> <p><b>affected</b> [4] - 24696:27, 24708:15, 24709:43, 24710:32</p> <p><b>affiliated</b> [1] - 24771:32</p>	<p><b>affiliation</b> [2] - 24747:2, 24773:8</p> <p><b>affirming</b> [1] - 24723:46</p> <p><b>afforded</b> [1] - 24720:23</p> <p><b>afternoon</b> [3] - 24710:26, 24733:5, 24734:25</p> <p><b>age</b> [2] - 24700:24, 24709:1</p> <p><b>agencies</b> [4] - 24744:4, 24782:4, 24782:16, 24782:38</p> <p><b>agency</b> [1] - 24708:5</p> <p><b>ages</b> [1] - 24766:20</p> <p><b>aghast</b> [1] - 24770:6</p> <p><b>aging</b> [1] - 24716:2</p> <p><b>agitated</b> [1] - 24706:8</p> <p><b>ago</b> [5] - 24710:3, 24710:17, 24757:35, 24761:33, 24768:38</p> <p><b>agree</b> [6] - 24757:11, 24764:25, 24771:24, 24773:27, 24774:11, 24785:17</p> <p><b>agreed</b> [2] - 24698:32, 24777:29</p> <p><b>agreement</b> [1] - 24786:3</p> <p><b>ahead</b> [3] - 24715:23, 24718:20, 24776:19</p> <p><b>aide</b> [1] - 24746:27</p> <p><b>aided</b> [2] - 24768:39, 24768:42</p> <p><b>aisle</b> [1] - 24782:45</p> <p><b>albeit</b> [1] - 24759:40</p> <p><b>alcoholism</b> [1] - 24727:4</p> <p><b>alignment</b> [2] - 24749:30, 24749:35</p> <p><b>alive</b> [3] - 24749:37, 24770:40, 24779:8</p> <p><b>Allan</b> [1] - 24735:13</p> <p><b>allegation</b> [1] - 24700:3</p> <p><b>allegations</b> [4] - 24696:24, 24706:30, 24707:43, 24714:19</p> <p><b>alleged</b> [38] - 24699:32, 24700:2, 24700:7, 24700:13, 24700:25, 24700:27, 24700:30, 24700:32, 24700:33, 24700:38, 24700:43, 24701:11, 24701:16, 24701:17, 24701:18, 24701:22, 24701:29, 24701:30, 24701:32, 24701:33, 24701:35, 24701:36, 24701:40, 24701:42, 24701:44, 24701:46, 24702:1, 24702:3, 24702:8, 24702:15, 24702:16, 24702:17, 24702:19, 24702:20, 24702:21, 24707:13, 24707:17, 24707:34</p> <p><b>allegiance</b> [2] - 24771:33, 24773:8</p> <p><b>allocated</b> [2] - 24711:43, 24712:4</p>	<p><b>allocation</b> [1] - 24708:4</p> <p><b>allow</b> [5] - 24711:29, 24720:15, 24753:25, 24780:31, 24781:44</p> <p><b>allows</b> [2] - 24754:41, 24782:46</p> <p><b>almost</b> [6] - 24712:29, 24731:27, 24780:3, 24782:2, 24782:45, 24785:5</p> <p><b>alone</b> [2] - 24730:42, 24783:9</p> <p><b>alongside</b> [2] - 24715:10, 24748:6</p> <p><b>alternative</b> [3] - 24720:21, 24730:18, 24781:24</p> <p><b>alternatives</b> [1] - 24751:36</p> <p><b>AM</b> [2] - 24695:33, 24695:36</p> <p><b>amazed</b> [1] - 24753:13</p> <p><b>ambit</b> [1] - 24775:22</p> <p><b>ambivalent</b> [1] - 24721:23</p> <p><b>amended</b> [1] - 24698:31</p> <p><b>America</b> [1] - 24755:35</p> <p><b>amount</b> [3] - 24698:18, 24773:20, 24775:28</p> <p><b>amounts</b> [1] - 24776:3</p> <p><b>Amundsen</b> [1] - 24696:4</p> <p><b>analysed</b> [1] - 24701:7</p> <p><b>analysis</b> [6] - 24699:11, 24702:24, 24729:28, 24730:13, 24760:45, 24765:41</p> <p><b>analysts</b> [3] - 24698:24, 24698:44, 24699:4</p> <p><b>anchoritism</b> [2] - 24758:4, 24758:46</p> <p><b>ancient</b> [1] - 24742:26</p> <p><b>AND</b> [2] - 24702:29, 24736:13</p> <p><b>Andrew</b> [1] - 24695:38</p> <p><b>anger</b> [3] - 24727:12, 24727:18, 24727:21</p> <p><b>Anglicans</b> [1] - 24764:35</p> <p><b>Ann</b> [1] - 24695:34</p> <p><b>announcement</b> [1] - 24697:30</p> <p><b>announcing</b> [1] - 24704:37</p> <p><b>annual</b> [2] - 24762:37, 24788:19</p> <p><b>another's</b> [1] - 24755:4</p> <p><b>answer</b> [9] - 24721:14, 24722:10, 24754:3, 24756:22, 24757:34, 24766:30, 24770:3, 24770:11, 24778:31</p> <p><b>AO</b> [1] - 24695:35</p> <p><b>apart</b> [3] - 24738:7, 24740:8, 24748:47</p> <p><b>APM</b> [1] - 24695:35</p> <p><b>apologies</b> [2] - 24780:21</p> <p><b>apologise</b> [1] - 24780:40</p> <p><b>apologised</b> [1] - 24775:47</p> <p><b>apology</b> [4] - 24718:17, 24718:18, 24780:20, 24780:38</p>
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<p><b>Apostolate</b> [1] - 24701:44  <b>apostolic</b> [3] - 24719:41, 24741:8, 24741:15  <b>Apostolic</b> [2] - 24776:13, 24776:21  <b>appalling</b> [1] - 24714:4  <b>apparent</b> [5] - 24729:28, 24747:45, 24748:42, 24748:45, 24749:14  <b>appear</b> [6] - 24696:3, 24696:9, 24703:4, 24710:14, 24717:44, 24766:32  <b>appearance</b> [1] - 24697:39  <b>appearances</b> [1] - 24696:7  <b>appearing</b> [1] - 24696:13  <b>appendices</b> [1] - 24758:24  <b>appendix</b> [5] - 24758:21, 24758:25, 24765:11, 24765:16, 24765:18  <b>applied</b> [2] - 24697:4, 24785:2  <b>applies</b> [1] - 24704:31  <b>apply</b> [7] - 24716:37, 24733:42, 24733:45, 24760:6, 24778:39, 24779:45, 24785:2  <b>appointed</b> [3] - 24698:5, 24739:28, 24744:14  <b>appointment</b> [4] - 24739:26, 24744:16, 24767:25, 24784:30  <b>appreciate</b> [4] - 24698:18, 24748:7, 24779:29, 24779:30  <b>appreciated</b> [1] - 24779:33  <b>appreciation</b> [1] - 24712:42  <b>approach</b> [9] - 24715:47, 24721:20, 24732:10, 24732:13, 24734:2, 24735:12, 24735:15, 24776:43, 24785:36  <b>approached</b> [1] - 24709:23  <b>approaches</b> [3] - 24708:31, 24710:44, 24777:22  <b>appropriate</b> [9] - 24697:4, 24697:13, 24697:16, 24703:25, 24703:27, 24716:21, 24739:36, 24754:14, 24758:11  <b>appropriately</b> [1] - 24725:19  <b>appropriateness</b> [1] - 24786:23  <b>April</b> [2] - 24703:15, 24748:15  <b>Aquinas</b> [5] - 24721:27, 24735:3, 24735:8, 24757:38, 24758:32  <b>Archbishop</b> [15] - 24711:10, 24721:23, 24721:24, 24721:42, 24724:9, 24724:10,</p>	<p>24724:14, 24724:24, 24775:38, 24775:39, 24775:41, 24775:43, 24776:3, 24776:20  <b>archbishops</b> [3] - 24711:20, 24716:17, 24779:35  <b>Archdiocese</b> [11] - 24701:20, 24701:23, 24704:30, 24704:40, 24705:11, 24706:43, 24706:45, 24742:8, 24742:9, 24742:14, 24744:13  <b>archdiocese</b> [1] - 24704:46  <b>archdiocese's</b> [1] - 24704:43  <b>archdioceses</b> [8] - 24697:33, 24697:42, 24698:9, 24699:24, 24701:1, 24701:26, 24702:43, 24776:35  <b>Archdioceses</b> [1] - 24705:7  <b>area</b> [3] - 24721:16, 24764:20, 24777:11  <b>areas</b> [2] - 24697:16, 24750:18  <b>argue</b> [1] - 24772:19  <b>arguments</b> [1] - 24759:6  <b>arise</b> [2] - 24749:41, 24763:5  <b>Aristotle</b> [1] - 24758:36  <b>arm's</b> [1] - 24776:8  <b>arrangement</b> [1] - 24712:11  <b>arrangements</b> [1] - 24697:40  <b>arrived</b> [1] - 24766:30  <b>arrogantly</b> [1] - 24788:35  <b>articulate</b> [1] - 24749:6  <b>articulation</b> [1] - 24781:46  <b>asexual</b> [2] - 24754:7, 24756:3  <b>aspect</b> [2] - 24747:18, 24786:11  <b>aspects</b> [12] - 24698:39, 24712:29, 24716:37, 24719:27, 24723:1, 24726:36, 24731:9, 24731:22, 24732:15, 24732:16, 24766:41, 24769:19  <b>asserts</b> [1] - 24723:14  <b>assets</b> [1] - 24707:2  <b>assist</b> [6] - 24703:18, 24739:34, 24744:1, 24745:11, 24746:15, 24775:33  <b>assistance</b> [4] - 24698:13, 24698:18, 24698:37, 24711:32  <b>Assisting</b> [3] - 24695:42, 24716:27, 24718:46  <b>Assisting's</b> [1] - 24714:13  <b>associated</b> [1] - 24733:25</p>	<p><b>association</b> [1] - 24742:6  <b>assume</b> [6] - 24721:37, 24761:3, 24763:2, 24779:32, 24785:7, 24788:41  <b>assumed</b> [2] - 24704:12, 24786:26  <b>assumes</b> [2] - 24756:18, 24775:7  <b>assuming</b> [2] - 24734:17, 24785:23  <b>assumption</b> [2] - 24726:13, 24726:25  <b>assumptions</b> [1] - 24726:4  <b>AT</b> [2] - 24789:38, 24789:39  <b>Atkinson</b> [1] - 24695:35  <b>atrocities</b> [1] - 24706:7  <b>attachments</b> [1] - 24729:41  <b>attempt</b> [2] - 24747:8, 24747:10  <b>attempting</b> [2] - 24725:22, 24788:1  <b>attempts</b> [3] - 24725:6, 24727:22, 24788:4  <b>attended</b> [1] - 24736:20  <b>attendees</b> [2] - 24697:25, 24704:17  <b>attending</b> [2] - 24697:20, 24727:43  <b>attention</b> [4] - 24758:31, 24758:42, 24759:24, 24765:39  <b>attitude</b> [2] - 24713:4, 24785:8  <b>attraction</b> [2] - 24742:3, 24742:7  <b>attractive</b> [1] - 24721:44  <b>atypical</b> [1] - 24730:24  <b>audit</b> [3] - 24716:31, 24716:40, 24716:44  <b>August</b> [1] - 24709:35  <b>Augustine</b> [3] - 24757:33, 24757:38, 24758:5  <b>Australia</b> [46] - 24696:22, 24696:27, 24696:28, 24696:30, 24696:33, 24697:32, 24697:34, 24697:41, 24697:42, 24697:47, 24699:19, 24699:23, 24701:2, 24701:15, 24702:39, 24703:3, 24705:20, 24705:24, 24706:12, 24710:32, 24711:6, 24711:20, 24712:22, 24712:30, 24715:21, 24717:12, 24717:33, 24717:41, 24717:42, 24723:45, 24739:8, 24744:42, 24744:46, 24745:1, 24764:35, 24773:10, 24774:22, 24774:36, 24775:27, 24777:21, 24779:21,</p>	<p>24779:34, 24781:16, 24781:18, 24781:47, 24784:16  <b>Australia's</b> [1] - 24705:43  <b>Australian</b> [21] - 24697:31, 24697:40, 24702:45, 24703:10, 24703:17, 24703:19, 24703:29, 24707:42, 24723:38, 24740:11, 24748:8, 24748:14, 24748:21, 24748:25, 24762:44, 24774:41, 24777:7, 24777:29, 24781:14, 24782:19, 24784:6  <b>authentic</b> [1] - 24752:13  <b>authoritarian</b> [1] - 24721:6  <b>authorities</b> [27] - 24696:12, 24696:22, 24696:30, 24697:47, 24698:2, 24698:8, 24698:14, 24698:21, 24698:29, 24698:38, 24699:1, 24699:18, 24699:24, 24700:14, 24700:47, 24701:10, 24701:13, 24702:42, 24703:36, 24707:33, 24708:31, 24711:5, 24713:4, 24784:9, 24784:16, 24785:6  <b>authority</b> [26] - 24698:6, 24698:33, 24698:35, 24698:42, 24699:26, 24699:30, 24699:45, 24699:47, 24707:16, 24707:24, 24707:28, 24718:35, 24720:12, 24720:36, 24720:37, 24730:34, 24731:19, 24767:34, 24771:36, 24777:47, 24783:5, 24783:6, 24783:8, 24783:9, 24783:33, 24784:2  <b>authority"</b> [1] - 24766:12  <b>authority</b> [1] - 24729:34  <b>autobiography</b> [1] - 24776:15  <b>autocratic</b> [1] - 24723:10  <b>autonomy</b> [4] - 24722:36, 24727:25, 24747:2, 24773:9  <b>availability</b> [2] - 24697:10, 24760:35  <b>available</b> [7] - 24704:9, 24710:26, 24726:28, 24741:28, 24753:39, 24754:32, 24761:35  <b>avalanche</b> [1] - 24748:10  <b>average</b> [2] - 24700:24, 24700:27  <b>avoid</b> [2] - 24703:31, 24705:2  <b>avoidance</b> [1] - 24706:47  <b>avoided</b> [1] - 24729:40  <b>avoiding</b> [2] - 24729:37,</p>	<p>24729:38  <b>aware</b> [8] - 24736:31, 24745:34, 24755:9, 24760:8, 24762:37, 24767:37, 24768:8, 24775:14  <b>awareness</b> [2] - 24731:39, 24784:19  <b>awry</b> [1] - 24749:41</p> <hr/> <p style="text-align: center;"><b>B</b></p> <hr/> <p><b>backed</b> [1] - 24718:25  <b>background</b> [1] - 24740:43  <b>backwards</b> [1] - 24733:21  <b>bad</b> [17] - 24728:45, 24734:17, 24737:13, 24737:16, 24737:18, 24738:36, 24757:43, 24757:46, 24758:6, 24758:7, 24758:8, 24758:47, 24768:40, 24778:12, 24778:29, 24778:32  <b>balance</b> [1] - 24699:13  <b>balances</b> [3] - 24765:3, 24769:12, 24779:45  <b>balancing</b> [1] - 24720:27  <b>Ballarat</b> [4] - 24705:8, 24705:39, 24705:46, 24706:1  <b>Ballina</b> [1] - 24736:43  <b>bar</b> [2] - 24784:15, 24784:19  <b>Baroness</b> [2] - 24709:38, 24709:41  <b>based</b> [6] - 24697:19, 24707:25, 24708:41, 24713:16, 24715:32, 24730:13  <b>basic</b> [2] - 24727:36, 24740:45  <b>basis</b> [3] - 24729:13, 24749:45, 24766:36  <b>Bay</b> [2] - 24721:22, 24739:22  <b>bear</b> [1] - 24762:42  <b>beauty</b> [1] - 24759:15  <b>became</b> [13] - 24731:33, 24731:34, 24734:29, 24737:25, 24741:37, 24742:32, 24748:42, 24749:14, 24765:34, 24766:35, 24767:3, 24768:27, 24775:39  <b>become</b> [18] - 24718:12, 24726:10, 24728:24, 24733:42, 24736:46, 24737:6, 24737:7, 24741:12, 24742:8, 24742:30, 24742:33, 24745:34, 24748:9, 24748:18, 24748:44, 24756:6, 24780:27, 24780:42  <b>becomes</b> [5] - 24727:29,</p>
--	--	--	---	---

24731:12, 24731:17,  
24756:17, 24775:14  
**becoming** [5] - 24736:32,  
24742:13, 24747:21,  
24747:45, 24760:26  
**bed** [1] - 24768:13  
**beef** [1] - 24743:17  
**beg** [1] - 24768:22  
**began** [6] - 24741:22,  
24742:44, 24748:2,  
24749:6, 24752:29,  
24765:35  
**begin** [3] - 24738:23,  
24741:31, 24758:32  
**beginning** [6] - 24735:17,  
24760:40, 24765:20,  
24766:19, 24773:42,  
24774:38  
**begins** [2] - 24746:6,  
24750:26  
**begun** [2] - 24725:17,  
24788:13  
**behalf** [3] - 24699:38,  
24712:17, 24724:32  
**behave** [1] - 24746:8  
**behaves** [1] - 24734:27  
**behaviour** [5] - 24746:6,  
24747:6, 24750:26,  
24750:35  
**behaviours** [7] -  
24706:24, 24729:22,  
24746:9, 24746:11,  
24750:40, 24751:2,  
24751:42  
**behind** [1] - 24758:19  
**beings** [4] - 24734:40,  
24754:22, 24766:34,  
24770:44  
**Belgium** [1] - 24773:46  
**beliefs** [1] - 24715:33  
**believes** [2] - 24723:9,  
24724:19  
**bella** [1] - 24766:32  
**beneath** [1] - 24767:42  
**Benedict** [1] - 24742:27  
**Benedictine** [2] - 24702:2,  
24743:24  
**benefit** [1] - 24710:23  
**Bernard** [1] - 24710:2  
**beside** [2] - 24772:7,  
24778:44  
**best** [5] - 24715:3,  
24732:23, 24760:15,  
24773:25, 24780:40  
**better** [7] - 24717:35,  
24717:46, 24718:1,  
24726:19, 24736:5,  
24764:8, 24788:7  
**Between** [1] - 24740:16  
**between** [18] - 24699:6,  
24699:23, 24699:27,  
24699:30, 24700:12,  
24700:27, 24701:3,  
24701:22, 24714:18,  
24724:26, 24724:29,  
24731:29, 24734:31,  
24740:22, 24752:6,

24766:16, 24772:3,  
24774:26  
**beyond** [3] - 24758:23,  
24775:22, 24784:10  
**BHP** [1] - 24773:30  
**Biddle** [1] - 24735:28  
**big** [1] - 24766:31  
**bile** [1] - 24759:16  
**bishop** [20] - 24719:35,  
24720:38, 24739:34,  
24767:16, 24767:42,  
24777:47, 24778:5,  
24778:12, 24778:29,  
24778:32, 24778:39,  
24778:43, 24780:2,  
24781:9, 24781:12,  
24783:7, 24783:16,  
24783:34, 24787:39  
**Bishop** [2] - 24706:1,  
24763:15  
**Bishops** [8] - 24697:31,  
24697:41, 24702:45,  
24748:8, 24748:15,  
24774:41, 24777:29,  
24781:14  
**bishops** [23] - 24708:41,  
24711:15, 24716:17,  
24716:32, 24716:40,  
24716:46, 24718:14,  
24718:27, 24722:36,  
24765:33, 24766:21,  
24766:44, 24767:25,  
24769:15, 24771:37,  
24771:38, 24773:9,  
24779:35, 24779:40,  
24779:43, 24782:36,  
24784:34, 24784:38  
**bit** [7] - 24750:25,  
24759:1, 24765:41,  
24773:27, 24777:44,  
24787:47  
**blame** [2] - 24731:44,  
24758:36  
**blanket** [1] - 24756:42  
**blood** [1] - 24759:16  
**blunt** [1] - 24746:25  
**board** [1] - 24716:34  
**boarding** [1] - 24764:28  
**Bob** [1] - 24695:35  
**bodily** [1] - 24758:1  
**body** [10] - 24699:45,  
24716:7, 24716:29,  
24720:11, 24724:15,  
24725:9, 24725:31,  
24753:3, 24758:7,  
24758:8  
**body"** [1] - 24757:26  
**book** [6] - 24734:34,  
24775:37, 24776:15,  
24787:27, 24787:28,  
24787:30  
**books** [1] - 24787:27  
**borne** [2] - 24713:33,  
24726:28  
**Bosco** [3] - 24702:1,  
24702:18, 24723:45  
**botched** [1] - 24758:35

**bought** [1] - 24738:10  
**boundaries** [2] -  
24732:21, 24754:14  
**Bouyer** [1] - 24759:8  
**boy** [1] - 24742:3  
**boys** [2] - 24700:26,  
24725:18  
**branches** [1] - 24764:34  
**breaching** [1] - 24732:21  
**break** [1] - 24776:24  
**breakdown** [1] - 24731:41  
**breaking** [2] - 24729:32,  
24776:12  
**brief** [2] - 24775:43,  
24776:14  
**briefing** [1] - 24748:25  
**briefly** [1] - 24719:27  
**bring** [8] - 24697:5,  
24725:20, 24745:46,  
24772:33, 24773:3,  
24773:5, 24775:11,  
24775:19  
**Brisbane** [3] - 24702:7,  
24721:24, 24724:10  
**broad** [1] - 24730:22  
**broadcast** [1] - 24776:23  
**broaden** [1] - 24787:32  
**broader** [3] - 24715:8,  
24715:46, 24754:35  
**broadly** [1] - 24715:31  
**Broken** [2] - 24721:22,  
24739:22  
**brother** [7] - 24698:4,  
24700:22, 24701:4,  
24701:9, 24702:5,  
24702:13, 24789:4  
**Brothers** [14] - 24701:47,  
24702:16, 24702:17,  
24702:19, 24702:20,  
24702:21, 24705:16,  
24705:17, 24705:25,  
24705:26, 24705:28,  
24705:31, 24773:5,  
24773:11  
**brothers** [7] - 24699:21,  
24700:39, 24702:14,  
24714:27, 24719:31,  
24719:46, 24783:25  
**Brothers'** [1] - 24705:47  
**brought** [5] - 24715:46,  
24744:3, 24758:5,  
24761:9, 24782:10  
**brutal** [1] - 24769:36  
**building** [1] - 24754:34  
**Building** [1] - 24776:7  
**built** [3] - 24717:36,  
24766:15, 24787:24  
**bullet** [1] - 24773:28  
**bundle** [7] - 24735:32,  
24735:40, 24735:41,  
24758:19, 24758:29,  
24789:18  
**BUNDLE** [1] - 24789:23  
**bundle"** [1] - 24735:40  
**Burnie** [1] - 24737:34  
**business** [3] - 24773:35,  
24773:45, 24789:5

**buy** [1] - 24738:8  
**BY** [1] - 24733:11  
  
**C**  
  
**cabinet** [1] - 24780:6  
**calculation** [1] - 24701:8  
**cameras** [1] - 24732:38  
**camp** [1] - 24768:14  
**Canada** [1] - 24727:44  
**Canberra** [3] - 24705:8,  
24705:21, 24724:10  
**candidates** [3] - 24708:22,  
24725:42, 24760:21  
**cane** [2] - 24738:15,  
24738:34  
**cannot** [4] - 24700:34,  
24723:28, 24724:40,  
24764:10  
**canon** [1] - 24778:2  
**Canon** [2] - 24708:21,  
24723:25  
**canonical** [1] - 24703:32  
**canvassed** [3] - 24711:24,  
24722:23, 24723:35  
**capacities** [2] - 24777:34,  
24789:27  
**capacity** [6] - 24722:10,  
24724:11, 24768:11,  
24778:39, 24778:45,  
24779:2  
**Capital** [1] - 24707:42  
**Cappo** [1] - 24748:16  
**captures** [1] - 24786:19  
**Cardinal** [3] - 24709:36,  
24749:24, 24773:46  
**care** [10] - 24718:2,  
24762:11, 24782:34,  
24786:20, 24786:24,  
24786:33, 24786:41,  
24786:47, 24787:10,  
24787:41  
**cared** [1] - 24714:35  
**careers** [1] - 24786:1  
**careful** [2] - 24723:47,  
24771:3  
**carefully** [1] - 24696:45  
**carers** [1] - 24714:37  
**caring** [4] - 24712:47,  
24762:36, 24786:46,  
24788:15  
**carried** [1] - 24702:36  
**carries** [1] - 24713:31  
**carry** [4] - 24752:42,  
24752:44, 24756:26,  
24764:17  
**carrying** [1] - 24738:20  
**case** [27] - 24696:30,  
24696:38, 24697:5,  
24697:12, 24703:2,  
24703:17, 24703:23,  
24703:41, 24703:47,  
24704:13, 24704:19,  
24705:2, 24705:9,  
24706:3, 24706:10,  
24713:42, 24715:40,

24728:5, 24732:22,  
24732:24, 24746:35,  
24759:40, 24777:2,  
24781:42, 24783:46,  
24785:30, 24788:14  
**Case** [4] - 24695:19,  
24696:5, 24703:13,  
24703:44  
**cases** [11] - 24704:2,  
24704:8, 24705:33,  
24706:44, 24707:22,  
24708:2, 24708:7,  
24708:8, 24713:40,  
24718:21, 24728:46  
**catalyst** [2] - 24774:35,  
24775:26  
**categories** [2] - 24720:6,  
24720:10  
**category** [1] - 24771:6  
**Catholic** [185] - 24696:12,  
24696:22, 24696:26,  
24696:28, 24696:29,  
24696:32, 24697:23,  
24697:26, 24697:27,  
24697:31, 24697:32,  
24697:40, 24697:41,  
24697:47, 24698:2,  
24698:6, 24698:8,  
24698:14, 24698:20,  
24698:29, 24698:33,  
24698:35, 24698:38,  
24698:41, 24698:47,  
24699:18, 24699:20,  
24699:23, 24699:27,  
24699:30, 24699:37,  
24699:42, 24699:45,  
24699:46, 24700:14,  
24700:47, 24701:10,  
24701:13, 24701:44,  
24702:36, 24702:39,  
24702:41, 24702:44,  
24702:45, 24702:46,  
24703:3, 24703:36,  
24703:37, 24704:1,  
24704:17, 24704:19,  
24704:27, 24705:6,  
24705:10, 24705:12,  
24706:21, 24706:38,  
24706:43, 24707:6,  
24707:7, 24707:9,  
24707:11, 24707:14,  
24707:16, 24707:20,  
24707:22, 24707:24,  
24707:25, 24707:31,  
24707:33, 24707:40,  
24707:44, 24708:15,  
24708:18, 24708:20,  
24708:31, 24708:35,  
24708:37, 24709:44,  
24710:12, 24710:31,  
24711:5, 24711:6,  
24711:7, 24711:12,  
24712:20, 24713:10,  
24713:19, 24713:23,  
24713:44, 24714:4,  
24714:31, 24715:16,  
24715:20, 24715:30,  
24716:26, 24716:30,

<p>24716:38, 24718:13, 24718:35, 24719:30, 24719:40, 24719:44, 24720:35, 24721:17, 24721:30, 24722:2, 24722:19, 24723:12, 24723:20, 24723:27, 24723:38, 24724:12, 24725:3, 24725:29, 24725:30, 24725:37, 24726:14, 24726:17, 24726:32, 24727:28, 24727:41, 24729:9, 24730:9, 24730:18, 24730:23, 24731:5, 24731:6, 24731:9, 24731:11, 24731:16, 24731:26, 24731:37, 24732:21, 24733:17, 24733:34, 24736:40, 24739:20, 24739:21, 24740:11, 24740:23, 24740:37, 24740:38, 24741:7, 24742:4, 24744:20, 24744:22, 24748:8, 24748:15, 24748:16, 24748:21, 24748:25, 24749:10, 24751:27, 24751:42, 24752:17, 24753:6, 24755:20, 24755:35, 24757:37, 24757:45, 24758:33, 24760:10, 24765:25, 24765:28, 24765:47, 24766:26, 24766:36, 24767:30, 24771:13, 24771:34, 24773:24, 24773:34, 24774:41, 24777:29, 24779:10, 24781:14, 24781:47, 24782:33, 24783:6, 24784:8, 24785:2, 24785:37, 24787:4</p> <p><b>Catholics</b> [6] - 24714:5, 24715:27, 24715:31, 24715:34, 24719:37, 24723:8</p> <p><b>causal</b> [4] - 24723:11, 24724:26, 24748:3, 24766:40</p> <p><b>causally</b> [1] - 24751:25</p> <p><b>caused</b> [1] - 24713:42</p> <p><b>causes</b> [1] - 24713:32</p> <p><b>celebrate</b> [1] - 24771:11</p> <p><b>celebrated</b> [2] - 24752:22, 24766:46</p> <p><b>celibacy</b> [41] - 24708:21, 24709:4, 24721:33, 24721:42, 24724:19, 24725:27, 24744:39, 24745:33, 24745:35, 24745:36, 24745:38, 24747:19, 24747:20, 24747:25, 24747:30, 24747:31, 24747:33, 24753:35, 24754:6, 24754:9, 24756:9,</p>	<p>24756:23, 24756:25, 24756:38, 24756:42, 24757:9, 24757:10, 24757:15, 24757:21, 24760:1, 24760:2, 24760:3, 24760:5, 24760:10, 24760:21, 24760:29, 24761:4, 24761:17</p> <p><b>Celibacy</b> [1] - 24725:1</p> <p><b>celibate</b> [12] - 24721:38, 24724:27, 24729:32, 24744:38, 24745:13, 24754:20, 24755:40, 24756:6, 24757:20, 24760:18, 24760:27</p> <p><b>celibately</b> [2] - 24753:9, 24754:8</p> <p><b>celibates</b> [1] - 24753:10</p> <p><b>cent</b> [37] - 24697:20, 24697:25, 24700:19, 24700:20, 24700:22, 24700:39, 24700:40, 24700:41, 24700:43, 24700:44, 24701:15, 24701:16, 24701:18, 24701:23, 24701:24, 24701:29, 24701:31, 24701:32, 24701:34, 24701:35, 24701:41, 24701:43, 24701:45, 24701:47, 24702:2, 24702:9, 24702:16, 24702:17, 24702:18, 24702:19, 24702:20, 24713:17, 24764:25, 24772:9, 24772:10</p> <p><b>centralised</b> [2] - 24722:38, 24723:2</p> <p><b>centre</b> [3] - 24713:46, 24727:44, 24781:26</p> <p><b>centuries</b> [4] - 24740:47, 24741:22, 24757:35, 24765:12</p> <p><b>century</b> [21] - 24740:27, 24740:36, 24740:45, 24741:6, 24741:19, 24741:20, 24741:23, 24741:32, 24741:38, 24742:28, 24749:24, 24752:29, 24757:18, 24765:20, 24765:24, 24765:28, 24766:1, 24766:5, 24766:6</p> <p><b>century"</b> [1] - 24723:28</p> <p><b>certain</b> [3] - 24750:14, 24752:28, 24772:34</p> <p><b>certainly</b> [12] - 24708:40, 24719:12, 24745:19, 24754:5, 24754:10, 24758:13, 24759:45, 24764:3, 24772:19, 24786:27, 24788:26, 24789:27</p> <p><b>certificate</b> [1] - 24733:25</p> <p><b>cetera</b> [5] - 24735:22, 24768:3, 24770:33, 24783:20</p>	<p><b>chair</b> [2] - 24703:8, 24703:15</p> <p><b>Chair</b> [5] - 24695:33, 24707:41, 24709:35, 24711:10, 24748:21</p> <p><b>CHAIR</b> [67] - 24696:1, 24696:7, 24696:15, 24702:27, 24712:7, 24712:13, 24719:2, 24719:9, 24719:14, 24732:32, 24732:43, 24732:47, 24735:39, 24735:46, 24736:8, 24736:18, 24740:31, 24741:3, 24741:43, 24745:28, 24746:31, 24753:29, 24754:3, 24754:13, 24754:20, 24754:39, 24755:23, 24755:28, 24756:35, 24760:13, 24760:44, 24761:3, 24761:12, 24761:20, 24761:47, 24762:18, 24762:24, 24762:30, 24762:41, 24763:11, 24764:34, 24764:41, 24768:6, 24769:5, 24770:18, 24771:22, 24773:13, 24773:32, 24773:40, 24774:9, 24779:19, 24779:25, 24779:29, 24780:12, 24781:7, 24783:22, 24784:44, 24785:43, 24787:44, 24788:22, 24788:28, 24788:41, 24789:7, 24789:14, 24789:20, 24789:25, 24789:30</p> <p><b>Chair's</b> [1] - 24709:39</p> <p><b>challenge</b> [4] - 24712:36, 24762:12, 24774:5, 24788:11</p> <p><b>chance</b> [1] - 24713:26</p> <p><b>Chanel's</b> [1] - 24736:22</p> <p><b>change</b> [37] - 24716:8, 24716:28, 24716:46, 24716:47, 24724:4, 24741:45, 24752:36, 24764:27, 24770:18, 24770:45, 24772:29, 24772:32, 24773:4, 24773:5, 24773:10, 24773:13, 24773:14, 24774:28, 24774:31, 24775:11, 24775:14, 24775:16, 24775:19, 24775:20, 24775:21, 24775:25, 24778:7, 24779:38, 24780:19, 24780:24, 24780:32, 24780:38, 24782:18, 24785:11, 24785:25, 24788:20</p> <p><b>changed</b> [7] - 24716:4, 24717:42, 24766:2, 24766:47, 24770:31, 24770:44, 24770:47</p>	<p><b>changes</b> [8] - 24716:22, 24717:40, 24735:11, 24771:46, 24772:34, 24772:42, 24772:43, 24779:21</p> <p><b>changing</b> [1] - 24769:23</p> <p><b>chaplain</b> [1] - 24744:16</p> <p><b>chapter</b> [1] - 24734:34</p> <p><b>character</b> [2] - 24776:47, 24777:46</p> <p><b>charge</b> [2] - 24738:8, 24748:17</p> <p><b>charged</b> [1] - 24727:38</p> <p><b>chastity</b> [1] - 24725:33</p> <p><b>check</b> [1] - 24698:43</p> <p><b>checks</b> [3] - 24765:3, 24769:12, 24779:45</p> <p><b>chief</b> [1] - 24721:5</p> <p><b>Chief</b> [1] - 24711:11</p> <p><b>CHILD</b> [2] - 24695:15, 24702:30</p> <p><b>child</b> [64] - 24696:23, 24696:24, 24696:26, 24696:29, 24696:32, 24698:1, 24698:15, 24698:36, 24699:19, 24699:32, 24699:36, 24699:42, 24700:4, 24700:9, 24700:13, 24700:21, 24700:24, 24700:31, 24703:20, 24705:18, 24706:17, 24706:44, 24707:14, 24707:43, 24708:14, 24709:44, 24710:12, 24710:31, 24710:44, 24711:4, 24713:23, 24713:32, 24713:36, 24714:3, 24714:32, 24714:34, 24715:9, 24715:15, 24716:30, 24717:17, 24717:33, 24717:36, 24717:37, 24718:40, 24723:12, 24724:28, 24724:29, 24725:3, 24726:14, 24727:8, 24728:27, 24729:10, 24729:19, 24730:8, 24730:25, 24731:11, 24744:28, 24751:26, 24766:40, 24783:1, 24785:6, 24785:14, 24785:33</p> <p><b>Child</b> [1] - 24710:1</p> <p><b>child-safe</b> [1] - 24696:23</p> <p><b>childhood</b> [10] - 24728:4, 24728:8, 24728:11, 24728:13, 24728:16, 24728:21, 24728:29, 24728:31, 24728:35, 24730:2</p> <p><b>children</b> [29] - 24705:28, 24706:8, 24706:22, 24706:24, 24706:29, 24706:37, 24707:3, 24714:1, 24714:43, 24715:21, 24716:13,</p>	<p>24716:19, 24716:39, 24718:6, 24718:20, 24719:23, 24721:15, 24726:6, 24726:12, 24726:27, 24726:33, 24753:38, 24753:39, 24755:37, 24760:36, 24763:1, 24768:13, 24768:14, 24768:45</p> <p><b>children"</b> [1] - 24712:25</p> <p><b>chord</b> [1] - 24734:35</p> <p><b>chose</b> [1] - 24716:5</p> <p><b>chosen</b> [2] - 24696:45, 24726:32</p> <p><b>Christi</b> [2] - 24741:46, 24742:12</p> <p><b>Christian</b> [13] - 24702:20, 24705:16, 24705:24, 24705:25, 24705:30, 24705:46, 24747:33, 24751:11, 24751:12, 24765:19, 24765:31, 24773:5, 24773:11</p> <p><b>Christianity</b> [2] - 24764:35, 24765:25</p> <p><b>Christians</b> [1] - 24765:23</p> <p><b>Christmas</b> [1] - 24737:35</p> <p><b>Chrysostom</b> [3] - 24758:43, 24759:2, 24759:13</p> <p><b>Church</b> [258] - 24696:12, 24696:22, 24696:26, 24696:28, 24696:29, 24696:32, 24697:47, 24698:2, 24698:6, 24698:8, 24698:14, 24698:20, 24698:29, 24698:33, 24698:35, 24698:38, 24698:41, 24698:47, 24699:18, 24699:20, 24699:23, 24699:30, 24699:37, 24699:42, 24699:45, 24699:46, 24700:14, 24700:47, 24701:10, 24701:13, 24702:36, 24702:39, 24702:42, 24702:44, 24703:3, 24703:36, 24706:12, 24707:1, 24707:6, 24707:7, 24707:9, 24707:11, 24707:14, 24707:16, 24707:20, 24707:22, 24707:24, 24707:25, 24707:27, 24707:31, 24707:33, 24707:44, 24708:31, 24710:12, 24710:31, 24710:46, 24711:5, 24711:39, 24711:40, 24711:45, 24712:20, 24712:22, 24712:25, 24712:27, 24712:31, 24712:35, 24712:42, 24712:45, 24713:4, 24713:10, 24713:23, 24713:38, 24713:43, 24713:45, 24714:9,</p>
---	---	--	---	--

24714:14, 24714:43, 24715:16, 24715:20, 24715:23, 24715:24, 24715:31, 24715:39, 24715:42, 24715:45, 24716:5, 24716:16, 24716:30, 24716:38, 24716:39, 24717:15, 24717:21, 24717:25, 24717:42, 24717:43, 24717:47, 24718:2, 24718:10, 24718:19, 24718:21, 24718:32, 24718:41, 24719:28, 24719:30, 24720:4, 24720:22, 24720:26, 24720:35, 24721:9, 24721:18, 24721:20, 24721:28, 24721:31, 24721:35, 24722:19, 24722:33, 24722:36, 24723:1, 24723:12, 24723:20, 24723:25, 24723:27, 24724:8, 24724:12, 24724:32, 24724:37, 24726:18, 24726:32, 24727:31, 24729:9, 24729:18, 24731:6, 24731:10, 24731:14, 24731:35, 24731:38, 24731:43, 24731:46, 24732:21, 24732:24, 24732:25, 24734:44, 24740:26, 24741:29, 24744:1, 24744:4, 24744:28, 24747:44, 24748:47, 24749:10, 24749:16, 24749:19, 24749:29, 24750:5, 24750:14, 24750:19, 24750:31, 24751:27, 24751:38, 24752:3, 24753:20, 24753:22, 24755:43, 24756:24, 24756:25, 24756:27, 24757:8, 24758:4, 24759:41, 24760:10, 24760:17, 24760:19, 24761:4, 24761:12, 24762:1, 24762:43, 24762:47, 24763:4, 24763:11, 24765:1, 24766:36, 24767:3, 24767:5, 24767:31, 24769:34, 24769:42, 24769:45, 24770:12, 24770:14, 24771:13, 24771:26, 24771:29, 24771:33, 24771:35, 24771:45, 24772:18, 24772:25, 24772:28, 24772:31, 24772:38, 24773:33, 24773:44, 24773:47, 24774:11, 24774:14, 24774:18, 24774:22, 24774:26, 24774:30, 24774:35, 24774:44,

24775:1, 24775:3, 24775:7, 24775:14, 24775:21, 24775:22, 24775:27, 24776:16, 24776:37, 24776:43, 24779:4, 24779:20, 24779:34, 24779:36, 24779:37, 24780:15, 24780:18, 24780:22, 24780:25, 24781:1, 24781:3, 24781:16, 24781:18, 24781:37, 24781:47, 24782:15, 24782:19, 24782:33, 24782:35, 24782:40, 24782:46, 24783:27, 24784:2, 24784:7, 24784:8, 24784:16, 24785:2, 24785:27, 24785:37, 24788:1  
**church** [2] - 24771:38  
**Church's** [19] - 24697:38, 24708:18, 24708:35, 24713:47, 24718:13, 24720:37, 24721:22, 24721:26, 24723:21, 24740:47, 24741:21, 24741:32, 24749:32, 24749:34, 24749:37, 24749:43, 24749:47, 24756:4, 24757:14  
**Church-related** [1] - 24711:40  
**churches** [1] - 24771:35  
**Churches** [1] - 24720:29  
**circumstance** [3] - 24744:30, 24762:46, 24772:37  
**circumstances** [1] - 24713:6  
**Cistercian** [1] - 24743:33  
**Cistercians** [1] - 24742:26  
**cited** [1] - 24720:42  
**civil** [5] - 24699:40, 24704:35, 24704:45, 24705:3, 24765:34  
**civilly** [1] - 24740:2  
**claim** [10] - 24698:36, 24698:44, 24699:35, 24700:3, 24700:9, 24700:19, 24700:28, 24707:12, 24714:32, 24745:18  
**CLAIM** [1] - 24702:30  
**claimant** [1] - 24699:37  
**claimants** [1] - 24700:36  
**claims** [28] - 24696:32, 24698:1, 24698:3, 24698:15, 24698:24, 24698:42, 24699:19, 24699:29, 24699:36, 24700:15, 24700:17, 24700:18, 24700:20, 24700:24, 24700:30, 24700:32, 24701:8, 24705:3, 24705:18, 24711:23, 24713:18,

24714:16, 24714:24, 24714:27, 24715:14, 24717:3, 24717:5, 24717:11  
**classic** [1] - 24751:12  
**classical** [1] - 24751:11  
**Clayton** [1] - 24742:12  
**clear** [1] - 24778:9  
**clear-cut** [1] - 24778:9  
**clearly** [2] - 24761:16, 24784:29  
**Cleary** [1] - 24724:4  
**clergy** [43] - 24711:2, 24711:3, 24719:23, 24719:30, 24719:33, 24719:45, 24721:2, 24722:2, 24723:14, 24725:29, 24725:37, 24726:14, 24726:19, 24726:46, 24727:5, 24727:7, 24727:28, 24727:42, 24727:43, 24728:1, 24728:15, 24729:11, 24730:14, 24730:18, 24730:20, 24730:23, 24730:30, 24730:43, 24731:11, 24731:16, 24731:25, 24731:34, 24731:36, 24732:22, 24763:41, 24766:20, 24767:2, 24779:45, 24787:31, 24787:40, 24787:42, 24789:4  
**cleric** [2] - 24721:11, 24767:12  
**clerical** [20] - 24721:4, 24721:10, 24725:14, 24725:20, 24726:30, 24726:38, 24727:14, 24727:26, 24728:23, 24729:5, 24729:25, 24730:47, 24731:20, 24731:31, 24732:19, 24763:21, 24767:47, 24774:12, 24777:3, 24788:39  
**clericalisation** [1] - 24767:3  
**clericalism** [15] - 24708:21, 24720:41, 24720:44, 24720:47, 24722:42, 24723:3, 24723:42, 24724:17, 24724:29, 24750:35, 24751:44, 24767:40, 24768:16, 24768:20, 24768:21  
**clericalist** [1] - 24723:11  
**clerics** [3] - 24723:27, 24766:9, 24766:17  
**climate** [4] - 24723:21, 24731:10, 24731:15, 24750:3  
**clinical** [1] - 24726:29  
**clinicians** [1] - 24726:42  
**cloak** [2] - 24753:24

**close** [3] - 24742:6, 24754:13, 24766:45  
**closely** [3] - 24726:3, 24748:40, 24755:3  
**closer** [1] - 24712:41  
**clues** [1] - 24726:39  
**coalesces** [1] - 24760:40  
**Coate** [2] - 24695:34, 24761:47  
**COATE** [3] - 24761:28, 24765:16, 24775:30  
**cocoon** [1] - 24764:11  
**coincided** [1] - 24747:45  
**coincidence** [1] - 24747:46  
**Coleridge** [5] - 24711:10, 24721:23, 24721:42, 24724:9, 24724:14  
**colleague** [1] - 24735:27  
**collected** [1] - 24698:47  
**College** [6] - 24737:3, 24739:44, 24740:1, 24740:10, 24741:46, 24742:12  
**college** [3] - 24737:33, 24737:37, 24737:39  
**collegial** [3] - 24720:26, 24783:7, 24783:18  
**Columban** [1] - 24760:16  
**combined** [1] - 24760:34  
**comfortable** [1] - 24747:13  
**coming** [9] - 24703:43, 24715:5, 24717:44, 24719:26, 24746:27, 24757:18, 24759:25, 24770:25, 24779:30  
**commence** [1] - 24711:9  
**commenced** [1] - 24708:47  
**commences** [1] - 24764:22  
**commencing** [1] - 24698:23  
**comment** [5] - 24704:34, 24753:31, 24776:14, 24777:40, 24789:1  
**commented** [3] - 24725:43, 24730:11, 24788:22  
**comments** [2] - 24762:26, 24776:42  
**commercially** [1] - 24743:20  
**COMMISSION** [2] - 24695:14, 24789:38  
**Commission** [106] - 24696:9, 24696:31, 24696:36, 24696:41, 24697:8, 24697:13, 24697:31, 24697:39, 24697:46, 24698:17, 24698:23, 24698:27, 24698:31, 24698:37, 24698:41, 24699:18, 24699:29, 24700:5, 24700:46, 24702:35,

24702:37, 24703:1, 24703:8, 24703:22, 24703:31, 24703:35, 24704:34, 24704:47, 24706:2, 24706:10, 24706:40, 24706:42, 24707:8, 24707:21, 24707:30, 24707:38, 24707:41, 24708:3, 24708:10, 24708:34, 24709:7, 24709:14, 24709:15, 24709:18, 24709:22, 24709:25, 24709:35, 24709:37, 24709:42, 24710:3, 24710:17, 24710:20, 24710:23, 24710:29, 24710:39, 24711:14, 24711:22, 24711:35, 24712:11, 24712:19, 24712:34, 24712:37, 24713:15, 24713:42, 24716:10, 24717:15, 24717:18, 24717:29, 24717:44, 24718:5, 24718:12, 24718:24, 24718:46, 24720:33, 24723:46, 24732:41, 24733:14, 24734:14, 24748:21, 24748:26, 24748:39, 24762:42, 24765:2, 24770:20, 24770:31, 24770:45, 24774:6, 24774:12, 24774:15, 24774:20, 24774:24, 24774:27, 24774:32, 24774:34, 24774:37, 24775:2, 24775:18, 24775:22, 24775:24, 24775:27, 24776:38, 24782:5, 24782:10, 24784:19, 24787:44  
**Commission's** [15] - 24696:20, 24696:47, 24697:28, 24700:7, 24704:4, 24704:45, 24707:35, 24709:9, 24709:28, 24713:16, 24713:18, 24715:36, 24715:40, 24738:43, 24773:36  
**Commissioner** [8] - 24758:23, 24763:41, 24782:29, 24783:23, 24783:28, 24786:4, 24786:27, 24788:26  
**COMMISSIONER** [15] - 24755:17, 24755:26, 24755:31, 24756:22, 24758:21, 24758:27, 24763:23, 24763:28, 24763:37, 24781:31, 24782:14, 24782:32, 24783:46, 24784:46, 24785:29  
**Commissioners** [12] - 24695:34, 24702:23,

<p>24703:18, 24711:44, 24711:47, 24712:15, 24716:15, 24719:6, 24753:30, 24758:15, 24768:7, 24785:45</p> <p><b>commissioning</b> [1] - 24748:11</p> <p><b>commit</b> [1] - 24755:10</p> <p><b>Commitment</b> [1] - 24718:13</p> <p><b>commitment</b> [6] - 24712:20, 24717:45, 24718:37, 24729:32, 24745:46, 24781:19</p> <p><b>committed</b> [4] - 24712:22, 24717:4, 24730:10, 24754:34</p> <p><b>Committee</b> [1] - 24748:18</p> <p><b>committees</b> [1] - 24740:1</p> <p><b>common</b> [3] - 24717:9, 24729:14, 24754:15</p> <p><b>commonly</b> [2] - 24743:30, 24768:13</p> <p><b>Commonwealth</b> [3] - 24704:36, 24704:37, 24717:27</p> <p><b>communication</b> [1] - 24721:26</p> <p><b>communications</b> [1] - 24711:31</p> <p><b>communion</b> [3] - 24750:45, 24751:13, 24751:17</p> <p><b>communities</b> [8] - 24706:32, 24771:29, 24771:32, 24771:34, 24771:42, 24772:18, 24775:9, 24778:36</p> <p><b>community</b> [54] - 24711:7, 24714:6, 24715:9, 24715:30, 24715:32, 24718:36, 24742:22, 24742:24, 24742:25, 24742:33, 24742:35, 24742:38, 24742:40, 24743:23, 24743:30, 24743:33, 24743:34, 24743:46, 24743:47, 24744:15, 24747:30, 24747:31, 24747:34, 24753:30, 24753:34, 24753:45, 24762:42, 24762:43, 24764:30, 24765:19, 24765:32, 24766:27, 24766:45, 24766:46, 24767:11, 24767:33, 24767:41, 24770:41, 24771:29, 24772:24, 24772:26, 24772:28, 24772:38, 24773:35, 24775:13, 24778:35, 24778:36, 24779:6, 24779:7, 24779:8, 24785:5, 24785:23, 24785:26</p> <p><b>Community</b> [1] - 24702:3</p> <p><b>community's</b> [2] -</p>	<p>24714:28, 24743:11</p> <p><b>company</b> [4] - 24711:13, 24716:30, 24716:33, 24716:40</p> <p><b>comparing</b> [1] - 24730:20</p> <p><b>comparison</b> [1] - 24761:45</p> <p><b>compassion</b> [2] - 24718:39, 24756:32</p> <p><b>compassionate</b> [1] - 24717:22</p> <p><b>compensated</b> [1] - 24714:39</p> <p><b>compensation</b> [5] - 24704:41, 24717:6, 24717:22, 24734:39, 24767:10</p> <p><b>complaint</b> [5] - 24700:3, 24708:8, 24710:45, 24711:4, 24714:21</p> <p><b>complaints</b> [7] - 24699:42, 24705:5, 24705:16, 24732:1, 24732:26, 24780:17</p> <p><b>complementary</b> [1] - 24786:35</p> <p><b>complete</b> [1] - 24711:44</p> <p><b>completed</b> [5] - 24698:33, 24698:42, 24703:44, 24711:42, 24737:28</p> <p><b>completely</b> [2] - 24740:21, 24756:3</p> <p><b>completes</b> [1] - 24732:36</p> <p><b>complex</b> [5] - 24721:17, 24730:43, 24749:20, 24771:28, 24782:25</p> <p><b>compliance</b> [1] - 24716:32</p> <p><b>comply</b> [1] - 24716:41</p> <p><b>component</b> [4] - 24745:32, 24746:4, 24746:13, 24747:47</p> <p><b>components</b> [1] - 24745:32</p> <p><b>compounded</b> [2] - 24713:39, 24730:5</p> <p><b>comprehensive</b> [2] - 24697:46, 24718:15</p> <p><b>comprise</b> [1] - 24736:2</p> <p><b>comprises</b> [1] - 24719:30</p> <p><b>comprising</b> [2] - 24711:10, 24720:5</p> <p><b>compromising</b> [1] - 24703:31</p> <p><b>compulsory</b> [1] - 24757:15</p> <p><b>concealment</b> [1] - 24785:1</p> <p><b>conceded</b> [1] - 24721:4</p> <p><b>concept</b> [3] - 24757:36, 24781:2, 24786:19</p> <p><b>concern</b> [2] - 24713:24, 24721:1</p> <p><b>concerning</b> [2] - 24702:38, 24703:38</p> <p><b>concerns</b> [4] - 24698:45, 24705:27, 24705:29, 24726:44</p> <p><b>conclude</b> [1] - 24711:19</p>	<p><b>concluded</b> [1] - 24699:41</p> <p><b>concludes</b> [1] - 24724:30</p> <p><b>conclusion</b> [5] - 24730:15, 24730:21, 24731:2, 24734:36, 24755:36</p> <p><b>concrete</b> [1] - 24748:33</p> <p><b>concupiscence</b> [2] - 24757:38, 24759:27</p> <p><b>condemnation</b> [1] - 24729:17</p> <p><b>conduct</b> [7] - 24703:36, 24704:14, 24704:27, 24704:46, 24705:47, 24707:39, 24744:46</p> <p><b>conducted</b> [9] - 24696:35, 24696:42, 24703:35, 24707:11, 24707:14, 24709:30, 24710:10, 24722:1, 24744:41</p> <p><b>conducting</b> [1] - 24745:16</p> <p><b>Conference</b> [5] - 24697:31, 24697:41, 24702:45, 24720:44, 24777:30</p> <p><b>conference</b> [2] - 24748:16, 24784:36</p> <p><b>confess</b> [1] - 24753:14</p> <p><b>confession</b> [1] - 24708:25</p> <p><b>confessional</b> [1] - 24722:28</p> <p><b>confessor</b> [1] - 24753:13</p> <p><b>confident</b> [1] - 24765:30</p> <p><b>confinement</b> [1] - 24718:44</p> <p><b>confirmed</b> [1] - 24710:13</p> <p><b>conflict</b> [9] - 24734:31, 24738:20, 24747:5, 24760:31, 24760:34, 24761:5, 24761:10, 24767:9, 24788:36</p> <p><b>conflicts</b> [6] - 24734:38, 24736:33, 24736:35, 24755:39, 24761:22, 24762:2</p> <p><b>confluence</b> [3] - 24768:25, 24768:33, 24769:2</p> <p><b>conformity</b> [1] - 24727:16</p> <p><b>confront</b> [2] - 24713:43, 24763:32</p> <p><b>confronted</b> [3] - 24718:34, 24760:45, 24764:14</p> <p><b>confronting</b> [1] - 24760:24</p> <p><b>confronts</b> [1] - 24713:9</p> <p><b>confuse</b> [1] - 24777:1</p> <p><b>Congregation</b> [2] - 24701:42, 24703:21</p> <p><b>congregation</b> [5] - 24762:13, 24772:9, 24782:20, 24783:15, 24786:37</p> <p><b>congregational</b> [1] - 24716:46</p> <p><b>congregations</b> [12] - 24697:33, 24698:10, 24719:44, 24741:9, 24741:15, 24741:16, 24760:6, 24762:9,</p>	<p>24762:11, 24772:15, 24783:18, 24787:19</p> <p><b>conjunction</b> [1] - 24701:7</p> <p><b>connections</b> [1] - 24737:3</p> <p><b>Connors</b> [1] - 24735:13</p> <p><b>conscience</b> [2] - 24722:11, 24728:46</p> <p><b>conscious</b> [4] - 24720:47, 24731:39, 24777:42, 24779:20</p> <p><b>consensus</b> [1] - 24730:22</p> <p><b>consequence</b> [2] - 24751:45, 24783:29</p> <p><b>consequent</b> [3] - 24723:15, 24746:9, 24765:3</p> <p><b>consequently</b> [1] - 24697:26</p> <p><b>consider</b> [5] - 24696:21, 24711:31, 24719:21, 24745:15, 24764:8</p> <p><b>considerable</b> [1] - 24784:23</p> <p><b>consideration</b> [1] - 24743:5</p> <p><b>considerations</b> [1] - 24707:2</p> <p><b>considered</b> [15] - 24704:19, 24704:24, 24704:44, 24705:12, 24705:19, 24705:47, 24706:14, 24710:37, 24710:44, 24726:41, 24727:27, 24730:27, 24743:5, 24753:17, 24753:20</p> <p><b>considers</b> [1] - 24739:36</p> <p><b>consistent</b> [3] - 24704:3, 24706:41, 24717:16</p> <p><b>consolation</b> [2] - 24734:38, 24767:10</p> <p><b>constant</b> [1] - 24766:15</p> <p><b>Constantine</b> [2] - 24765:21, 24765:36</p> <p><b>Constantinianism</b> [4] - 24765:11, 24765:19, 24769:11, 24769:29</p> <p><b>constantly</b> [2] - 24752:38, 24753:13</p> <p><b>constellation</b> [2] - 24751:33, 24774:29</p> <p><b>constituent</b> [3] - 24772:24, 24772:38, 24785:27</p> <p><b>constitute</b> [1] - 24775:9</p> <p><b>constituted</b> [1] - 24749:29</p> <p><b>constitutes</b> [1] - 24775:13</p> <p><b>constraining</b> [1] - 24731:32</p> <p><b>constructed</b> [2] - 24729:30, 24732:5</p> <p><b>constructive</b> [1] - 24779:3</p> <p><b>consultation</b> [2] - 24698:30, 24709:32</p> <p><b>consultative</b> [8] - 24763:29, 24763:31, 24763:40, 24786:5,</p>	<p>24786:45, 24786:47, 24787:2, 24787:8</p> <p><b>Consultors</b> [2] - 24739:45, 24740:2</p> <p><b>contact</b> [1] - 24716:39</p> <p><b>contacted</b> [1] - 24737:33</p> <p><b>containing</b> [2] - 24698:43, 24698:46</p> <p><b>content</b> [1] - 24745:29</p> <p><b>context</b> [11] - 24706:14, 24731:4, 24744:36, 24747:34, 24748:33, 24748:47, 24749:2, 24750:3, 24764:31, 24764:37, 24787:41</p> <p><b>contexts</b> [1] - 24762:7</p> <p><b>contextual</b> [1] - 24730:26</p> <p><b>continent</b> [1] - 24749:25</p> <p><b>continually</b> [1] - 24725:21</p> <p><b>continue</b> [4] - 24706:37, 24752:37, 24775:3, 24782:47</p> <p><b>continues</b> [1] - 24746:19</p> <p><b>continuing</b> [4] - 24761:13, 24761:26, 24764:1, 24774:35</p> <p><b>continuously</b> [1] - 24787:25</p> <p><b>contradiction</b> [3] - 24746:47, 24747:4, 24756:26</p> <p><b>contrary</b> [1] - 24722:3</p> <p><b>contribute</b> [9] - 24717:46, 24729:18, 24731:15, 24732:17, 24748:20, 24749:4, 24772:17, 24774:4, 24784:21</p> <p><b>contributed</b> [11] - 24696:25, 24708:14, 24708:39, 24709:43, 24710:30, 24719:22, 24721:18, 24721:39, 24725:2, 24730:37, 24766:42</p> <p><b>contributing</b> [3] - 24722:38, 24723:6, 24749:1</p> <p><b>contribution</b> [3] - 24749:13, 24775:24, 24789:31</p> <p><b>control</b> [5] - 24725:6, 24725:23, 24727:32, 24766:18, 24782:36</p> <p><b>controlled</b> [1] - 24727:12</p> <p><b>controlling</b> [1] - 24722:12</p> <p><b>conundrum</b> [1] - 24782:32</p> <p><b>conventional</b> [1] - 24762:24</p> <p><b>conversation</b> [5] - 24774:14, 24775:10, 24775:12, 24781:45</p> <p><b>convicted</b> [3] - 24705:6, 24706:7, 24714:20</p> <p><b>conviction</b> [1] - 24747:32</p> <p><b>convinced</b> [2] - 24774:19, 24780:15</p> <p><b>cooperation</b> [1] -</p>
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24698:20  
**coordinate** [1] - 24697:38  
**copies** [1] - 24758:15  
**coping** [2] - 24786:30, 24786:32  
**Corpus** [2] - 24741:46, 24742:12  
**corpus** [1] - 24758:44  
**correct** [4] - 24710:21, 24734:19, 24735:37, 24788:31  
**corrected** [3] - 24751:30, 24751:35, 24751:40  
**corrective** [1] - 24749:42  
**correspondence** [1] - 24709:28  
**corrodes** [1] - 24714:28  
**corruption** [2] - 24715:24, 24768:2  
**Council** [46] - 24696:11, 24697:35, 24697:37, 24697:42, 24698:13, 24698:20, 24698:27, 24698:30, 24698:32, 24698:37, 24698:46, 24699:3, 24700:5, 24705:27, 24705:34, 24709:15, 24709:21, 24709:26, 24709:33, 24711:11, 24711:30, 24711:33, 24711:45, 24712:2, 24712:10, 24712:18, 24712:30, 24716:6, 24717:7, 24717:15, 24718:11, 24720:19, 24720:32, 24720:36, 24720:43, 24724:25, 24740:3, 24740:4, 24773:42, 24776:35, 24776:46, 24783:19, 24784:13, 24785:32  
**Council's** [1] - 24715:29  
**Counsel** [4] - 24695:42, 24714:12, 24716:27, 24718:46  
**counsel** [1] - 24743:40  
**counselling** [2] - 24722:6, 24727:1  
**counterproductive** [1] - 24764:6  
**country** [2] - 24771:39  
**couple** [3] - 24710:17, 24781:31, 24785:46  
**courage** [2] - 24713:14, 24782:8  
**course** [20] - 24707:31, 24709:9, 24747:43, 24751:10, 24751:31, 24758:36, 24760:27, 24761:44, 24762:30, 24762:41, 24762:45, 24762:47, 24764:41, 24773:33, 24776:24, 24778:36, 24779:3, 24779:35, 24786:1, 24789:7

**courses** [4] - 24735:10, 24735:20, 24735:22, 24786:38  
**courts** [1] - 24782:9  
**cover** [5] - 24706:34, 24716:38, 24718:16, 24718:34, 24737:20  
**cover-ups** [3] - 24706:34, 24718:16, 24718:34  
**covered** [1] - 24697:14  
**covering** [2] - 24713:40, 24740:14  
**create** [6] - 24746:38, 24764:5, 24778:42, 24778:45, 24784:14, 24784:30  
**created** [2] - 24711:13, 24755:38  
**creates** [5] - 24753:3, 24753:4, 24753:23, 24753:36, 24757:1  
**creating** [1] - 24731:10  
**creativity** [1] - 24779:7  
**credibility** [2] - 24714:26, 24774:43  
**crept** [1] - 24756:4  
**crime** [1] - 24724:34  
**crimes** [3] - 24706:36, 24718:16, 24718:34  
**criminal** [2] - 24704:2, 24753:42  
**criteria** [1] - 24697:4  
**critical** [1] - 24760:8  
**criticising** [1] - 24780:5  
**Crotty** [2] - 24763:24, 24763:26  
**Crusades** [1] - 24769:37  
**cultivating** [1] - 24754:35  
**cultural** [6] - 24710:30, 24735:20, 24770:38, 24782:30, 24783:46, 24788:32  
**culture** [35] - 24716:3, 24717:37, 24718:32, 24718:40, 24723:14, 24723:15, 24723:29, 24723:41, 24724:21, 24731:20, 24731:31, 24731:43, 24749:4, 24750:4, 24766:9, 24766:26, 24767:8, 24769:22, 24769:23, 24769:24, 24770:39, 24772:36, 24776:27, 24778:10, 24778:43, 24778:46, 24780:43, 24780:44, 24783:30, 24783:43, 24784:21, 24784:22, 24785:7, 24788:10, 24788:20  
**curia** [3] - 24773:22, 24775:32, 24776:28  
**curial** [1] - 24776:29  
**current** [14] - 24696:21, 24698:3, 24704:2, 24708:30, 24711:23, 24724:8, 24724:9,

24724:37, 24739:18, 24752:27, 24757:37, 24766:39, 24776:36, 24777:13  
**currents** [1] - 24750:47  
**curriculum** [1] - 24777:27  
**curse** [1] - 24750:34  
**cut** [2] - 24756:17, 24778:9  
**CV** [1] - 24735:31  
**CVs** [1] - 24736:2

**D**

**dairy** [2] - 24743:11, 24743:18  
**damage** [2] - 24713:31, 24713:39  
**damaged** [1] - 24717:47  
**DAMIEN** [1] - 24733:9  
**Damien** [1] - 24733:16  
**danger** [1] - 24756:22  
**dangerous** [1] - 24752:19  
**dangers** [1] - 24768:9  
**data** [30] - 24696:31, 24697:47, 24698:14, 24698:23, 24698:24, 24698:35, 24698:43, 24698:44, 24698:47, 24699:4, 24699:10, 24699:13, 24699:16, 24699:29, 24701:8, 24702:24, 24711:22, 24711:32, 24714:15, 24714:18, 24714:30, 24714:34, 24714:42, 24715:3, 24715:10, 24715:11, 24715:13, 24715:18, 24781:40  
**date** [2] - 24699:32, 24700:27  
**David** [9] - 24739:16, 24748:16, 24748:17, 24757:11, 24764:25, 24773:28, 24780:42, 24782:7, 24786:36  
**DAVID** [1] - 24733:7  
**days** [7] - 24717:14, 24717:25, 24719:7, 24719:21, 24732:37, 24735:28, 24766:40  
**DC** [2] - 24776:13, 24776:19  
**de** [2] - 24729:21, 24764:32  
**De** [1] - 24702:16  
**Deacon** [1] - 24710:2  
**deacon** [2] - 24710:2, 24719:35  
**deal** [13] - 24711:30, 24714:44, 24714:45, 24725:19, 24744:2, 24745:45, 24747:41, 24753:8, 24755:43, 24760:11, 24780:17, 24782:32, 24788:44

**dealing** [8] - 24706:13, 24706:23, 24706:44, 24759:45, 24764:12, 24765:13, 24770:46, 24771:41  
**dealings** [1] - 24705:5  
**deals** [1] - 24763:4  
**dealt** [5] - 24704:28, 24706:35, 24713:23, 24722:27, 24778:10  
**debate** [1] - 24773:43  
**decades** [2] - 24714:14, 24714:30  
**deceased** [1] - 24706:1  
**December** [2] - 24701:3, 24709:25  
**decision** [10] - 24704:4, 24705:35, 24722:32, 24742:41, 24743:46, 24755:7, 24756:7, 24767:30, 24767:43, 24783:38  
**decisions** [1] - 24726:40  
**declare** [1] - 24780:1  
**declared** [1] - 24766:3  
**declined** [3] - 24709:39, 24710:4, 24710:5  
**declining** [1] - 24716:2  
**decomposing** [1] - 24759:17  
**dedicated** [1] - 24734:10  
**deed** [1] - 24717:10  
**deep** [1] - 24742:5  
**deeply** [4] - 24713:43, 24745:12, 24745:25, 24770:37  
**defence** [1] - 24766:31  
**deference** [1] - 24723:15  
**defined** [1] - 24747:21  
**definition** [2] - 24707:25, 24720:42  
**degree** [1] - 24740:9  
**degrees** [1] - 24720:8  
**deliberations** [1] - 24774:38  
**demands** [1] - 24722:9  
**denial** [4] - 24745:37, 24747:20, 24754:36, 24766:31  
**denies** [1] - 24722:10  
**deny** [4] - 24725:23, 24761:24, 24766:34, 24776:25  
**denying** [1] - 24754:21  
**dependent** [1] - 24749:47  
**depressingly** [1] - 24706:29  
**depression** [2] - 24726:43, 24727:2  
**describe** [5] - 24700:2, 24734:21, 24736:27, 24750:22, 24752:1  
**described** [6] - 24723:17, 24723:28, 24727:39, 24751:4, 24755:43, 24767:15  
**describes** [3] - 24700:8,

24723:10, 24724:17  
**describing** [1] - 24752:24  
**description** [1] - 24777:2  
**descriptive** [1] - 24776:47  
**design** [2] - 24698:24, 24698:28  
**designed** [1] - 24705:1  
**desirable** [1] - 24786:14  
**desire** [6] - 24725:6, 24725:9, 24725:23, 24725:32, 24753:3, 24753:9  
**despair** [1] - 24745:41  
**desperately** [1] - 24775:42  
**desperation** [2] - 24760:30, 24760:33  
**destroyed** [2] - 24706:34, 24734:7  
**destructive** [1] - 24737:24  
**detail** [2] - 24734:43, 24784:13  
**details** [2] - 24698:44, 24715:14  
**determination** [1] - 24715:22  
**determine** [2] - 24717:22, 24781:23  
**determined** [3] - 24700:34, 24707:23, 24734:9  
**determines** [1] - 24746:8  
**devastating** [1] - 24718:44  
**develop** [6] - 24734:38, 24746:13, 24746:28, 24755:10, 24779:16, 24784:38  
**developed** [7] - 24730:1, 24744:34, 24758:7, 24761:36, 24761:41, 24764:9, 24784:40  
**developing** [2] - 24703:18, 24754:41  
**development** [4] - 24720:34, 24758:33, 24763:2, 24786:20  
**deviates** [1] - 24784:23  
**devolve** [1] - 24779:12  
**dialectic** [3] - 24740:22, 24740:24, 24741:37  
**dialogue** [1] - 24774:26  
**dichotomy** [2] - 24741:27, 24782:46  
**dictate** [1] - 24756:25  
**died** [1] - 24708:1  
**difference** [8] - 24710:41, 24745:20, 24752:6, 24766:28, 24770:42, 24770:43, 24772:7, 24772:16  
**differences** [2] - 24724:36, 24783:47  
**different** [4] - 24715:30, 24715:39, 24720:8, 24728:30, 24739:41, 24740:21, 24740:39, 24743:47, 24746:11, 24746:23, 24746:33,

24746:34, 24746:35,  
24746:39, 24746:45,  
24750:45, 24750:46,  
24751:19, 24751:31,  
24754:8, 24754:46,  
24755:8, 24756:12,  
24756:46, 24762:8,  
24762:9, 24763:44,  
24766:6, 24771:35,  
24777:21, 24778:43,  
24778:45, 24780:42,  
24780:43, 24783:30,  
24783:43, 24783:44,  
24784:1, 24787:2,  
24789:27  
**differently** [2] - 24759:40,  
24783:17  
**differing** [1] - 24771:34  
**difficult** [4] - 24723:4,  
24769:24, 24778:8,  
24788:11  
**difficulties** [7] - 24746:1,  
24751:34, 24753:3,  
24753:4, 24771:25,  
24786:7, 24788:44  
**difficulty** [8] - 24726:43,  
24747:3, 24755:47,  
24756:27, 24757:2,  
24764:1, 24786:13,  
24788:36  
**Dillon** [1] - 24696:5  
**dimension** [1] - 24756:18  
**dimensions** [2] - 24732:2,  
24750:9  
**Diocesan** [1] - 24740:4  
**diocesan** [5] - 24701:15,  
24705:46, 24737:7,  
24740:1, 24783:33  
**diocese** [37] - 24704:21,  
24704:32, 24705:40,  
24705:42, 24705:43,  
24706:6, 24706:9,  
24720:39, 24739:34,  
24739:35, 24740:3,  
24762:13, 24772:6,  
24772:7, 24777:47,  
24778:6, 24778:36,  
24778:37, 24778:43,  
24778:44, 24779:1,  
24779:3, 24779:6,  
24779:42, 24781:13,  
24781:40, 24781:41,  
24783:8, 24783:15,  
24783:38, 24783:39,  
24784:2, 24785:5,  
24787:39, 24787:45,  
24788:1, 24788:17  
**Diocese** [12] - 24701:30,  
24701:31, 24701:33,  
24701:34, 24701:36,  
24705:11, 24705:39,  
24706:5, 24706:15,  
24706:19, 24721:22,  
24739:22  
**diocese**" [1] - 24779:43  
**Dioceses** [1] - 24705:8  
**dioceses** [21] - 24697:33,

24697:42, 24698:9,  
24699:25, 24701:1,  
24701:26, 24702:43,  
24711:23, 24711:33,  
24717:4, 24717:12,  
24717:33, 24717:41,  
24762:9, 24762:10,  
24772:3, 24772:5,  
24784:8, 24787:19,  
24788:5, 24788:7  
**direct** [3] - 24718:5,  
24724:26, 24751:45  
**directing** [1] - 24720:13  
**direction** [3] - 24761:37,  
24782:28, 24783:24  
**directly** [2] - 24711:39,  
24759:32  
**Director** [2] - 24710:1,  
24735:2  
**director** [1] - 24721:27  
**directorship** [1] - 24735:6  
**disability** [1] - 24706:22  
**disaster** [2] - 24754:28,  
24755:15  
**disastrous** [1] - 24774:16  
**disavowed** [1] - 24725:9  
**discerned** [5] - 24726:8,  
24760:20, 24760:28,  
24761:4, 24761:17  
**discernment** [3] -  
24742:37, 24761:8,  
24761:9  
**discipleship** [1] -  
24788:38  
**disciplinarian** [1] -  
24738:36  
**disciplinary** [1] - 24706:13  
**discipline** [3] - 24721:43,  
24738:9, 24738:11  
**disclose** [1] - 24747:12  
**disclosing** [1] - 24747:13  
**disclosure** [1] - 24729:47  
**discontinue** [1] - 24776:1  
**discourse** [1] - 24732:5  
**discovered** [1] - 24734:13  
**discovering** [1] -  
24734:32  
**discrepancy** [1] - 24772:3  
**discretion** [2] - 24724:21,  
24787:12  
**discussed** [4] - 24712:4,  
24722:39, 24728:17,  
24760:35  
**discussing** [3] - 24751:27,  
24757:31, 24763:37  
**discussion** [4] - 24699:6,  
24717:46, 24719:26,  
24786:24  
**discussions** [1] -  
24756:37  
**disgust** [1] - 24715:35  
**disordered** [2] - 24726:21,  
24759:28  
**disordering** [2] -  
24757:40, 24757:42  
**displeasing** [2] -  
24729:33, 24729:46

**disposition** [1] - 24725:46  
**dissent** [1] - 24723:21  
**dissolved** [2] - 24741:22,  
24771:12  
**distancing** [1] - 24767:1  
**distinct** [3] - 24701:46,  
24720:9, 24741:15  
**distinguish** [2] -  
24714:16, 24714:18  
**distorted** [2] - 24753:38,  
24753:41  
**distortion** [4] - 24750:11,  
24750:12, 24750:13,  
24750:15  
**distortions** [6] - 24750:10,  
24750:17, 24750:22,  
24756:4, 24760:40,  
24760:41  
**distrust** [1] - 24758:1  
**distrustful** [1] - 24712:46  
**disturbing** [1] - 24715:13  
**diverse** [2] - 24762:7,  
24764:15  
**divided** [1] - 24745:31  
**divine** [1] - 24751:16  
**Divinity** [1] - 24740:10  
**docile** [1] - 24720:16  
**doctor** [9] - 24734:17,  
24734:42, 24736:20,  
24747:37, 24753:29,  
24756:35, 24760:44,  
24770:18, 24772:12  
**doctoral** [2] - 24734:30,  
24752:32  
**doctorate** [1] - 24740:24  
**Doctorate** [1] - 24733:22  
**doctors** [3] - 24776:34,  
24785:46, 24789:25  
**Doctrine** [1] - 24703:22  
**doctrines** [2] - 24771:4,  
24771:5  
**document** [4] - 24702:27,  
24758:18, 24776:47,  
24777:28  
**documented** [1] -  
24704:25  
**documents** [23] -  
24697:11, 24702:38,  
24702:47, 24703:8,  
24703:10, 24703:11,  
24703:12, 24703:15,  
24703:16, 24703:29,  
24703:33, 24704:9,  
24706:33, 24707:8,  
24707:10, 24707:22,  
24707:30, 24707:32,  
24707:40, 24735:47,  
24736:2, 24736:4,  
24736:11  
**DOCUMENTS** [1] -  
24736:13  
**Documents**" [1] -  
24735:42  
**dominance** [1] - 24751:35  
**dominant** [1] - 24715:42  
**dominated** [4] - 24723:11,  
24741:5, 24741:21,

24758:40  
**dominates** [2] - 24749:40,  
24749:42  
**Dominican** [3] - 24701:20,  
24701:24, 24723:24  
**Don** [3] - 24702:1,  
24702:18, 24723:45  
**done** [16] - 24696:38,  
24699:4, 24707:38,  
24710:22, 24713:27,  
24718:5, 24718:30,  
24733:46, 24761:28,  
24762:3, 24780:22,  
24780:39, 24782:10,  
24785:35, 24788:29,  
24788:32  
**Dorothy** [1] - 24742:32  
**dot** [1] - 24736:3  
**doubt** [7] - 24711:14,  
24714:23, 24755:17,  
24755:32, 24762:19,  
24764:22, 24785:24  
**down** [7] - 24722:38,  
24737:14, 24738:10,  
24766:37, 24771:16,  
24780:41, 24785:7  
**Doyle** [1] - 24723:24  
**dozens** [1] - 24711:35  
**Dr** [55] - 24710:9,  
24710:16, 24710:37,  
24720:20, 24721:21,  
24721:27, 24721:36,  
24722:1, 24722:5,  
24722:25, 24722:41,  
24722:46, 24723:17,  
24723:19, 24724:4,  
24724:40, 24725:43,  
24728:41, 24729:1,  
24730:11, 24732:29,  
24733:4, 24733:13,  
24733:19, 24735:31,  
24739:13, 24739:18,  
24748:38, 24748:40,  
24755:17, 24755:31,  
24757:4, 24757:24,  
24760:13, 24761:29,  
24762:18, 24762:30,  
24764:46, 24767:37,  
24769:9, 24771:22,  
24772:41, 24772:42,  
24774:9, 24775:30,  
24775:31, 24777:38,  
24777:40, 24778:21,  
24780:12, 24780:35,  
24784:47, 24786:43,  
24788:22  
**DR** [163] - 24732:34,  
24733:16, 24733:21,  
24733:31, 24733:38,  
24734:1, 24734:19,  
24734:24, 24734:47,  
24735:4, 24735:8,  
24735:26, 24735:37,  
24736:22, 24736:26,  
24736:38, 24736:43,  
24737:2, 24737:13,  
24737:18, 24737:31,  
24737:39, 24737:45,

24738:5, 24738:15,  
24738:19, 24738:27,  
24738:32, 24738:41,  
24739:2, 24739:8,  
24739:16, 24739:20,  
24739:26, 24739:33,  
24739:40, 24739:47,  
24740:8, 24740:16,  
24740:21, 24740:35,  
24741:5, 24742:2,  
24742:18, 24742:46,  
24743:3, 24743:10,  
24743:16, 24743:23,  
24743:33, 24744:9,  
24744:13, 24744:30,  
24745:11, 24745:18,  
24745:31, 24746:33,  
24747:43, 24748:6,  
24748:37, 24749:13,  
24750:25, 24751:9,  
24751:29, 24752:5,  
24752:27, 24753:22,  
24754:1, 24754:5,  
24754:18, 24754:24,  
24754:46, 24755:47,  
24756:29, 24756:41,  
24757:7, 24757:28,  
24757:33, 24758:15,  
24758:23, 24758:31,  
24759:43, 24760:5,  
24760:15, 24760:38,  
24760:47, 24761:7,  
24761:15, 24761:24,  
24761:31, 24762:6,  
24762:22, 24762:28,  
24762:35, 24763:7,  
24763:9, 24763:14,  
24763:26, 24763:35,  
24763:40, 24763:47,  
24764:25, 24764:39,  
24764:44, 24765:6,  
24765:10, 24765:18,  
24765:46, 24766:44,  
24767:19, 24767:24,  
24767:46, 24768:25,  
24769:7, 24769:17,  
24769:22, 24770:5,  
24770:16, 24770:20,  
24770:25, 24771:24,  
24772:14, 24772:46,  
24773:1, 24773:3,  
24773:17, 24773:38,  
24773:42, 24774:11,  
24775:36, 24776:40,  
24776:46, 24777:17,  
24777:25, 24777:42,  
24778:14, 24778:19,  
24778:24, 24778:29,  
24778:34, 24779:23,  
24779:27, 24779:40,  
24780:14, 24780:37,  
24781:5, 24781:9,  
24781:11, 24782:7,  
24782:24, 24783:4,  
24783:32, 24784:18,  
24785:17, 24785:39,  
24786:13, 24786:26,  
24786:45, 24788:4,

<p>24788:26, 24788:31, 24788:47, 24789:10  <b>dramatic</b> [1] - 24716:45  <b>draw</b> [5] - 24758:31, 24758:42, 24759:23, 24765:39, 24783:36  <b>drawn</b> [1] - 24743:47  <b>dream</b> [1] - 24720:25  <b>drive</b> [2] - 24779:38, 24784:30  <b>driving</b> [1] - 24746:41  <b>Dublin</b> [4] - 24706:43, 24706:45, 24710:14, 24710:39  <b>due</b> [3] - 24716:2, 24720:33, 24764:41  <b>Duggan</b> [1] - 24696:10  <b>Duquesne</b> [2] - 24733:23, 24734:3  <b>during</b> [12] - 24703:12, 24707:10, 24707:20, 24707:31, 24709:1, 24709:9, 24710:28, 24711:1, 24715:36, 24730:6, 24737:46, 24737:47  <b>duties</b> [1] - 24731:47  <b>duty</b> [1] - 24720:14  <b>dynamic</b> [2] - 24783:29, 24783:30  <b>dynamism</b> [1] - 24750:37  <b>dynamisms</b> [1] - 24764:5  <b>dysfunctional</b> [3] - 24723:9, 24749:11, 24761:5</p>	<p>24722:26, 24723:29, 24723:30, 24747:38, 24779:42, 24786:4  <b>effective</b> [4] - 24744:44, 24747:16, 24762:32, 24782:44  <b>effectively</b> [5] - 24697:3, 24739:38, 24743:20, 24744:14, 24776:36  <b>effects</b> [1] - 24783:47  <b>effort</b> [1] - 24717:37  <b>eight</b> [3] - 24733:24, 24763:43, 24788:32  <b>either</b> [12] - 24721:37, 24740:28, 24749:2, 24749:3, 24755:41, 24756:43, 24761:15, 24776:42, 24781:2, 24782:38, 24784:21, 24786:22  <b>elected</b> [1] - 24783:19  <b>element</b> [2] - 24768:16, 24786:32  <b>elements</b> [5] - 24721:17, 24749:11, 24749:37, 24750:8, 24759:18  <b>elsewhere</b> [4] - 24696:46, 24704:10, 24755:18, 24755:32  <b>embed</b> [1] - 24717:37  <b>embedded</b> [3] - 24718:40, 24742:34, 24770:37  <b>embrace</b> [1] - 24751:22  <b>embraced</b> [3] - 24781:37, 24782:36, 24788:23  <b>embraces</b> [2] - 24782:42, 24782:45  <b>emerge</b> [3] - 24741:31, 24751:34, 24775:10  <b>emerged</b> [2] - 24705:1, 24708:42  <b>emerges</b> [1] - 24750:36  <b>emerging</b> [1] - 24733:40  <b>eminent</b> [1] - 24765:47  <b>emotional</b> [12] - 24722:21, 24726:41, 24726:44, 24727:9, 24727:38, 24727:40, 24729:42, 24729:43, 24729:46, 24746:14, 24746:29, 24786:22  <b>emotionally</b> [1] - 24725:24  <b>emotions</b> [1] - 24757:43  <b>empathy</b> [1] - 24755:4  <b>Emperor</b> [1] - 24765:21  <b>emphasis</b> [2] - 24770:27, 24771:3  <b>emphases</b> [2] - 24724:31, 24725:32  <b>empire</b> [11] - 24765:24, 24765:27, 24765:33, 24766:26, 24766:30, 24766:32, 24766:36, 24769:41, 24770:39, 24776:30, 24778:6  <b>empirical</b> [1] - 24729:13  <b>employed</b> [2] - 24698:5,</p>	<p>24711:39  <b>employment</b> [1] - 24774:47  <b>enable</b> [1] - 24779:7  <b>enabled</b> [2] - 24701:8, 24718:33  <b>enables</b> [1] - 24754:42  <b>enabling</b> [2] - 24715:1, 24731:31  <b>enacted</b> [2] - 24767:27, 24777:33  <b>encounter</b> [1] - 24754:47  <b>encourage</b> [1] - 24712:38  <b>encourages</b> [1] - 24762:47  <b>encroach</b> [1] - 24778:1  <b>end</b> [15] - 24697:20, 24699:14, 24704:16, 24720:12, 24720:14, 24736:8, 24737:32, 24744:23, 24744:33, 24744:47, 24750:15, 24753:40, 24754:15, 24765:24, 24766:5  <b>endeavour</b> [1] - 24758:39  <b>endemic</b> [1] - 24776:28  <b>endorse</b> [1] - 24748:37  <b>endurance</b> [1] - 24778:15  <b>engage</b> [5] - 24754:43, 24755:1, 24771:9, 24774:3, 24774:14  <b>engaged</b> [10] - 24698:24, 24698:27, 24699:3, 24712:40, 24743:26, 24743:37, 24755:37, 24755:38, 24781:45, 24782:33  <b>engagement</b> [2] - 24741:35, 24741:41  <b>English</b> [2] - 24734:4, 24778:3  <b>English-speaking</b> [1] - 24734:4  <b>enjoyed</b> [1] - 24766:8  <b>Enneagram</b> [1] - 24735:13  <b>enormous</b> [3] - 24734:31, 24775:28, 24778:37  <b>ensue</b> [2] - 24746:11, 24749:43  <b>ensure</b> [6] - 24697:3, 24697:13, 24699:3, 24712:25, 24718:6, 24763:4  <b>ensures</b> [1] - 24771:32  <b>ensuring</b> [1] - 24716:12  <b>entail</b> [1] - 24735:6  <b>enter</b> [2] - 24755:4, 24772:39  <b>entered</b> [6] - 24698:35, 24717:10, 24721:46, 24736:38, 24741:13, 24766:6  <b>entering</b> [4] - 24709:2, 24751:19, 24752:31, 24754:33  <b>entire</b> [3] - 24740:38, 24774:21, 24774:31</p>	<p><b>entirely</b> [3] - 24734:13, 24750:45, 24753:15  <b>entities</b> [2] - 24705:12, 24767:4  <b>entitled</b> [1] - 24776:15  <b>entitlement</b> [1] - 24722:42  <b>entity</b> [2] - 24766:6, 24771:45  <b>entrusted</b> [1] - 24718:1  <b>entry</b> [3] - 24714:34, 24726:9, 24726:20  <b>environments</b> [1] - 24764:29  <b>eparchies</b> [1] - 24697:44  <b>epidemic</b> [1] - 24751:26  <b>episcopal</b> [1] - 24766:12  <b>epitome</b> [1] - 24741:11  <b>equality</b> [1] - 24720:23  <b>equally</b> [1] - 24747:3  <b>era</b> [1] - 24715:43  <b>eradicated</b> [1] - 24749:18  <b>erotic</b> [3] - 24725:32, 24753:3, 24753:33  <b>especially</b> [2] - 24727:29, 24750:44  <b>essence</b> [2] - 24729:40, 24775:33  <b>essential</b> [9] - 24771:6, 24774:27, 24780:19, 24782:17, 24783:40, 24785:27, 24786:46, 24786:47, 24787:10  <b>essentially</b> [4] - 24720:4, 24729:10, 24735:24, 24741:26  <b>est</b> [1] - 24758:33  <b>establish</b> [1] - 24707:15  <b>established</b> [4] - 24697:34, 24697:37, 24717:28, 24724:26  <b>establishment</b> [2] - 24711:12, 24716:28  <b>et</b> [5] - 24735:22, 24768:3, 24770:33, 24783:20  <b>ethic</b> [3] - 24725:30, 24725:33, 24753:2  <b>ethics</b> [1] - 24723:41  <b>eucharist</b> [1] - 24766:46  <b>Eveline</b> [1] - 24763:26  <b>events</b> [1] - 24696:38  <b>eventually</b> [1] - 24742:14  <b>EVIDENCE</b> [1] - 24732:34  <b>evidence</b> [40] - 24703:2, 24703:5, 24704:9, 24704:42, 24706:2, 24706:23, 24707:39, 24708:7, 24709:11, 24709:31, 24709:38, 24709:40, 24710:5, 24710:10, 24710:14, 24710:16, 24710:23, 24710:29, 24710:38, 24710:43, 24711:2, 24711:15, 24711:21, 24718:4, 24719:21, 24720:20, 24721:13, 24722:31, 24722:35,</p>	<p>24723:1, 24724:5, 24724:9, 24724:36, 24731:42, 24732:30, 24732:37, 24733:5, 24741:39, 24756:36, 24780:47  <b>evident</b> [3] - 24734:29, 24760:42, 24772:35  <b>evil</b> [1] - 24724:18  <b>evocation</b> [1] - 24753:16  <b>evolution</b> [2] - 24772:33, 24772:36  <b>ex</b> [1] - 24739:47  <b>exaltation</b> [1] - 24768:9  <b>exalted</b> [1] - 24768:6  <b>examination</b> [4] - 24712:29, 24755:19, 24755:34, 24772:39  <b>EXAMINATION</b> [1] - 24733:11  <b>examine</b> [4] - 24697:18, 24711:34, 24730:35, 24761:18  <b>examined</b> [7] - 24696:44, 24705:15, 24706:5, 24706:19, 24711:7, 24726:3, 24740:24  <b>example</b> [12] - 24704:20, 24722:19, 24747:1, 24752:30, 24752:33, 24752:38, 24764:36, 24771:10, 24772:5, 24772:14, 24781:40, 24786:9  <b>examples</b> [1] - 24756:30  <b>excellent</b> [1] - 24757:8  <b>exception</b> [1] - 24697:44  <b>excerpts</b> [2] - 24724:41, 24724:42  <b>exclusive</b> [1] - 24751:39  <b>exclusively</b> [4] - 24719:45, 24719:46, 24750:38, 24751:20  <b>excuse</b> [2] - 24728:12, 24765:11  <b>executed</b> [1] - 24769:35  <b>executive</b> [1] - 24739:33  <b>Executive</b> [2] - 24710:1, 24711:11  <b>exercise</b> [6] - 24748:31, 24764:11, 24779:6, 24781:13, 24788:16, 24788:20  <b>exercising</b> [1] - 24761:25  <b>exhaust</b> [2] - 24754:24, 24779:4  <b>exhibit</b> [5] - 24702:27, 24732:32, 24736:11, 24758:29, 24789:20  <b>EXHIBIT</b> [4] - 24702:29, 24732:34, 24736:13, 24789:23  <b>exhibits</b> [2] - 24703:6, 24736:9  <b>exhortation</b> [2] - 24759:4, 24767:2  <b>exist</b> [1] - 24782:47</p>
<b>E</b>				
<p><b>early</b> [3] - 24717:14, 24758:3, 24788:44  <b>earth</b> [1] - 24751:6  <b>ease</b> [1] - 24728:46  <b>easier</b> [2] - 24756:23, 24756:24  <b>easily</b> [2] - 24747:6, 24786:10  <b>eastern</b> [1] - 24697:44  <b>easy</b> [1] - 24713:11  <b>ecclesial</b> [2] - 24740:26, 24741:25  <b>ecclesiastical</b> [1] - 24731:18  <b>echo</b> [1] - 24752:5  <b>economy</b> [1] - 24775:1  <b>Edict</b> [1] - 24765:21  <b>edict</b> [2] - 24765:22, 24766:2  <b>educated</b> [2] - 24764:36, 24782:37  <b>Education</b> [4] - 24702:46, 24705:10, 24711:6, 24748:16  <b>education</b> [4] - 24715:44, 24723:40, 24763:1, 24782:33  <b>effect</b> [7] - 24714:47,</p>				

**existent** [1] - 24787:12  
**expect** [2] - 24754:7, 24786:28  
**expectation** [6] - 24752:7, 24752:18, 24756:2, 24771:44, 24772:31, 24775:19  
**expected** [6] - 24722:6, 24723:1, 24723:19, 24723:26, 24723:45, 24756:14  
**experience** [34] - 24706:26, 24721:16, 24726:29, 24728:13, 24734:4, 24734:5, 24736:24, 24736:26, 24736:27, 24736:28, 24737:10, 24741:22, 24741:40, 24742:35, 24744:26, 24745:23, 24745:26, 24746:19, 24746:21, 24747:11, 24750:18, 24751:21, 24751:22, 24752:11, 24752:31, 24752:40, 24756:17, 24770:46, 24777:6, 24779:4, 24785:4, 24787:5  
**experienced** [7] - 24728:3, 24728:16, 24728:29, 24728:31, 24755:14, 24767:40, 24767:41  
**experiences** [10] - 24706:38, 24712:42, 24713:34, 24728:17, 24728:36, 24730:3, 24730:5, 24746:24, 24756:12, 24787:22  
**experiencing** [4] - 24746:16, 24747:15, 24753:5, 24753:27  
**experiential** [1] - 24735:12  
**expertise** [1] - 24783:37  
**experts** [1] - 24699:7  
**explain** [6] - 24730:17, 24737:35, 24740:19, 24748:35, 24768:18, 24768:31  
**explained** [1] - 24735:19  
**explains** [2] - 24720:32, 24768:17  
**exploratory** [1] - 24735:12  
**explore** [3] - 24713:26, 24724:36, 24753:26  
**explored** [2] - 24730:19, 24748:34  
**exploring** [2] - 24745:45, 24771:14  
**exposed** [1] - 24782:4  
**expressed** [8] - 24712:46, 24722:3, 24724:14, 24724:37, 24741:14, 24753:45, 24759:41, 24777:22  
**expressing** [3] - 24726:44, 24753:41, 24755:5  
**expression** [9] - 24725:24,

24751:17, 24751:44, 24753:38, 24754:16, 24754:24, 24755:2, 24755:3, 24760:15  
**extensively** [1] - 24717:11  
**extent** [15] - 24696:31, 24698:1, 24703:19, 24708:13, 24711:22, 24714:13, 24715:9, 24730:8, 24745:39, 24745:41, 24773:7, 24780:25, 24780:32, 24783:35, 24783:39  
**external** [2] - 24782:4, 24782:38  
**extort** [1] - 24776:2  
**extraordinary** [5] - 24756:12, 24774:29, 24778:39, 24787:11, 24787:31  
**extreme** [1] - 24758:46  
**eye** [2] - 24755:1, 24786:16

## F

**fabric** [1] - 24787:24  
**face** [3] - 24716:4, 24761:21, 24771:26  
**faced** [1] - 24713:6  
**faces** [1] - 24787:47  
**facilitated** [3] - 24785:24, 24787:6, 24787:9  
**facilities** [1] - 24766:9  
**fact** [33] - 24713:36, 24713:38, 24716:5, 24731:39, 24732:8, 24742:3, 24742:23, 24745:40, 24747:20, 24748:37, 24750:35, 24750:37, 24751:1, 24751:18, 24751:41, 24752:8, 24752:9, 24756:5, 24757:1, 24760:29, 24762:35, 24764:5, 24766:33, 24771:27, 24774:34, 24781:39, 24782:21, 24782:38, 24783:18, 24784:5, 24785:3, 24785:12, 24787:33  
**facto** [2] - 24729:21, 24764:32  
**factor** [16] - 24708:38, 24708:44, 24721:21, 24721:34, 24721:43, 24722:38, 24723:11, 24724:30, 24749:15, 24749:16, 24749:17, 24749:41, 24749:42, 24764:22, 24769:19, 24782:25  
**factors** [35] - 24696:25, 24696:27, 24697:7, 24708:27, 24709:42, 24710:30, 24719:22, 24722:44, 24723:6,

24724:6, 24729:1, 24730:26, 24746:41, 24748:4, 24749:1, 24749:3, 24749:5, 24749:7, 24749:29, 24757:25, 24760:34, 24766:40, 24768:26, 24768:33, 24768:39, 24768:42, 24769:2, 24769:10, 24769:25, 24772:17, 24772:26, 24774:42, 24784:20, 24784:21  
**facts** [2] - 24696:37, 24729:19  
**faculties** [1] - 24745:5  
**faculty** [2] - 24744:21, 24744:22  
**fail** [1] - 24732:12  
**failed** [5] - 24714:44, 24714:45, 24731:46, 24732:25  
**failings** [1] - 24730:10  
**failure** [4] - 24715:20, 24724:33, 24752:2, 24781:44  
**failures** [1] - 24714:8  
**fair** [3] - 24717:22, 24763:17, 24789:1  
**fairly** [1] - 24784:37  
**Faith** [1] - 24703:22  
**faith** [2] - 24697:19, 24785:3  
**faith-based** [1] - 24697:19  
**faithful** [5] - 24708:42, 24714:5, 24720:9, 24767:26, 24767:31  
**fall** [4] - 24757:39, 24766:37, 24771:6, 24780:21  
**familiar** [1] - 24785:29  
**families** [1] - 24729:47  
**family** [9] - 24714:37, 24736:47, 24742:4, 24748:32, 24768:10, 24768:12, 24768:26, 24768:27, 24768:29  
**famous** [1] - 24714:2  
**fantasies** [1] - 24746:33  
**far** [6] - 24716:28, 24749:20, 24763:29, 24764:8, 24771:27, 24787:21  
**far-reaching** [1] - 24716:28  
**farm** [2] - 24743:11, 24743:18  
**Farrell** [1] - 24703:45  
**Farrer** [1] - 24695:24  
**fascinating** [2] - 24740:32, 24772:1  
**Father** [3] - 24723:24, 24735:13, 24748:16  
**father** [1] - 24751:19  
**Fathers** [4] - 24701:45, 24721:29, 24737:4, 24739:5

**favour** [1] - 24781:2  
**favoured** [1] - 24726:16  
**fear** [11] - 24721:30, 24729:28, 24729:31, 24729:32, 24729:42, 24729:45, 24746:19, 24753:24, 24757:26, 24782:25  
**fearful** [1] - 24782:15  
**fears** [1] - 24782:19  
**feasible** [1] - 24774:26  
**feature** [2] - 24743:35, 24762:35  
**featured** [2] - 24705:9, 24708:38  
**features** [4] - 24731:14, 24746:41, 24749:29, 24749:31  
**February** [4] - 24695:27, 24699:31, 24700:13, 24710:19  
**FEBRUARY** [1] - 24789:39  
**feedback** [1] - 24712:44  
**fell** [1] - 24744:31  
**felt** [2] - 24714:37, 24775:41  
**female** [6] - 24700:20, 24700:44, 24702:44, 24706:17, 24751:9, 24772:12  
**few** [7] - 24716:21, 24719:7, 24720:42, 24732:37, 24766:7, 24770:26, 24782:41  
**field** [4] - 24713:9, 24734:3, 24735:18, 24740:21  
**fight** [1] - 24769:36  
**figura** [1] - 24766:32  
**filing** [1] - 24780:6  
**final** [4] - 24698:32, 24704:23, 24704:25, 24707:35  
**finally** [1] - 24785:32  
**Finance** [1] - 24740:4  
**findings** [3] - 24706:2, 24706:9, 24706:40  
**fine** [3] - 24757:41, 24768:28, 24779:41  
**finger** [1] - 24763:45  
**finished** [1] - 24774:37  
**firm** [2] - 24747:32, 24776:31  
**first** [24] - 24702:37, 24710:28, 24712:18, 24712:24, 24713:11, 24718:14, 24723:28, 24735:9, 24737:29, 24737:31, 24741:17, 24742:7, 24745:18, 24745:32, 24745:40, 24746:3, 24757:18, 24759:24, 24760:20, 24761:17, 24769:11, 24771:16, 24782:18  
**Fitzgerald** [2] - 24695:36, 24783:28

**FITZGERALD** [4] - 24781:31, 24782:14, 24782:32, 24783:46  
**Fitzgerald's** [1] - 24783:23  
**five** [6] - 24701:26, 24701:38, 24702:12, 24711:19, 24728:8, 24728:37  
**flawed** [2] - 24729:12, 24752:44  
**fleshed** [1] - 24777:33  
**flock** [2] - 24720:7, 24720:16  
**flow** [2] - 24746:10, 24750:40  
**focus** [6] - 24705:39, 24713:46, 24715:40, 24731:44, 24732:3, 24733:38  
**focuses** [3] - 24722:12, 24732:11, 24732:14  
**focusing** [1] - 24703:2  
**follow** [2] - 24720:16, 24785:41  
**followed** [3] - 24711:16, 24749:25, 24755:40  
**following** [10] - 24698:29, 24699:44, 24701:26, 24701:38, 24702:12, 24708:13, 24719:21, 24758:36, 24770:45, 24775:30  
**follows** [1] - 24766:12  
**force** [2] - 24747:12, 24766:11  
**forced** [1] - 24760:27  
**forces** [6] - 24731:29, 24746:40, 24749:31, 24749:33, 24749:39, 24750:1  
**fore** [4] - 24740:40, 24740:42, 24761:9, 24761:15  
**foreclose** [2] - 24754:9, 24754:11  
**forensic** [1] - 24696:38  
**forget** [2] - 24713:30, 24714:36  
**forgiveness** [3] - 24722:22, 24724:21, 24728:44  
**form** [9] - 24726:47, 24745:47, 24746:19, 24752:38, 24754:30, 24763:29, 24766:41, 24786:5, 24787:3  
**formal** [1] - 24788:47  
**formation** [38] - 24708:22, 24709:1, 24711:2, 24723:33, 24724:31, 24725:42, 24730:6, 24731:20, 24734:9, 24737:28, 24744:39, 24744:46, 24745:2, 24761:32, 24762:15, 24764:2, 24764:4, 24764:9, 24764:10,

24764:21, 24764:31,  
24764:46, 24767:32,  
24770:34, 24777:3,  
24777:6, 24777:7,  
24777:14, 24777:21,  
24786:36, 24786:39,  
24787:18, 24787:23,  
24787:33, 24787:36,  
24788:10, 24789:28  
**formed** [2] - 24773:14,  
24787:25  
**former** [3] - 24698:4,  
24705:47, 24708:46  
**forms** [3] - 24754:30,  
24754:32, 24754:46  
**forth** [9] - 24735:13,  
24757:36, 24757:47,  
24761:38, 24765:34,  
24772:35, 24775:1,  
24787:19, 24787:21  
**forum** [1] - 24710:20  
**forward** [9] - 24697:5,  
24712:13, 24713:11,  
24713:31, 24715:5,  
24715:6, 24779:31,  
24781:24, 24789:32  
**founded** [1] - 24735:8  
**four** [15] - 24696:41,  
24705:23, 24712:27,  
24715:19, 24715:34,  
24715:41, 24716:22,  
24717:3, 24717:32,  
24717:43, 24718:24,  
24734:30, 24736:29,  
24736:30, 24738:22  
**four-year** [1] - 24734:30  
**fragmented** [1] - 24767:11  
**frame** [1] - 24751:27  
**framed** [2] - 24778:38,  
24783:23  
**framework** [10] -  
24745:25, 24750:28,  
24751:21, 24771:31,  
24773:8, 24777:26,  
24778:40, 24783:6,  
24783:42  
**frameworks** [1] -  
24784:31  
**framing** [1] - 24768:37  
**Francis** [1] - 24773:19  
**fraternity** [1] - 24784:39  
**Free** [1] - 24695:43  
**free** [3] - 24696:4,  
24712:37, 24734:40  
**freedom** [1] - 24723:5  
**frequency** [1] - 24729:17  
**frequently** [2] - 24705:40,  
24720:42  
**Friars** [1] - 24701:20  
**friars** [1] - 24701:24  
**Friedrich** [1] - 24749:25  
**friend** [2] - 24696:4,  
24775:37  
**friends** [4] - 24696:10,  
24714:37, 24737:4,  
24742:4  
**friendship** [1] - 24722:22

**friendships** [3] - 24709:3,  
24729:39, 24747:34  
**front** [1] - 24780:26  
**FULL** [1] - 24732:34  
**full** [8] - 24710:25,  
24724:43, 24732:29,  
24733:14, 24733:16,  
24735:24, 24739:14,  
24747:22  
**full-time** [1] - 24735:24  
**fully** [5] - 24737:20,  
24752:22, 24755:10,  
24756:31, 24779:8  
**functioning** [1] - 24726:37  
**functions** [1] - 24766:23  
**Fund** [1] - 24776:7  
**fundamental** [5] -  
24714:3, 24782:2,  
24785:13, 24785:34,  
24787:34  
**fundamentalist** [1] -  
24722:26  
**fundamentally** [1] -  
24729:12  
**funded** [1] - 24717:27  
**Furness** [10] - 24695:42,  
24696:1, 24696:16,  
24719:2, 24765:40,  
24767:4, 24772:2,  
24777:43, 24778:24,  
24789:14  
**FURNESS** [113] - 24696:3,  
24696:18, 24702:33,  
24719:4, 24719:12,  
24719:19, 24732:36,  
24732:45, 24733:4,  
24733:11, 24733:13,  
24733:19, 24733:28,  
24733:36, 24733:45,  
24734:16, 24734:21,  
24734:42, 24735:2,  
24735:6, 24735:24,  
24735:31, 24735:44,  
24736:2, 24736:15,  
24736:20, 24736:24,  
24736:35, 24736:40,  
24736:46, 24737:10,  
24737:16, 24737:28,  
24737:37, 24737:42,  
24738:3, 24738:13,  
24738:17, 24738:25,  
24738:30, 24738:39,  
24738:47, 24739:5,  
24739:10, 24739:18,  
24739:24, 24739:31,  
24739:38, 24739:44,  
24740:6, 24740:14,  
24740:19, 24741:45,  
24742:16, 24742:43,  
24743:1, 24743:8,  
24743:13, 24743:20,  
24743:29, 24744:7,  
24744:11, 24744:26,  
24745:9, 24745:15,  
24747:37, 24748:2,  
24748:29, 24749:9,  
24750:21, 24751:4,

24751:24, 24752:1,  
24752:24, 24753:20,  
24757:4, 24757:24,  
24757:30, 24758:13,  
24758:18, 24758:29,  
24759:39, 24760:1,  
24760:33, 24764:46,  
24765:8, 24765:43,  
24766:39, 24767:14,  
24767:21, 24767:37,  
24769:9, 24769:19,  
24770:3, 24770:10,  
24770:23, 24772:12,  
24772:41, 24776:34,  
24776:42, 24777:13,  
24777:20, 24777:37,  
24778:12, 24778:17,  
24778:21, 24778:27,  
24778:31, 24780:35,  
24780:46, 24781:28,  
24789:16, 24789:27  
**future** [7] - 24703:27,  
24708:30, 24712:25,  
24716:11, 24718:1,  
24744:15, 24781:26

## G

**Gabriel** [1] - 24776:21  
**Gail** [1] - 24695:42  
**gain** [8] - 24703:22,  
24712:41, 24713:1,  
24716:18, 24725:47,  
24726:11, 24726:33,  
24766:18  
**gained** [1] - 24733:22  
**gaps** [1] - 24724:16  
**gather** [3] - 24698:1,  
24766:34, 24776:27  
**gathered** [1] - 24699:16  
**gauged** [1] - 24718:37  
**gender** [1] - 24700:18  
**General** [6] - 24721:21,  
24739:21, 24739:27,  
24739:31, 24739:33,  
24739:47  
**general** [3] - 24712:44,  
24728:27, 24731:8  
**generally** [5] - 24709:31,  
24711:23, 24734:39,  
24752:36, 24778:25  
**generated** [1] - 24703:6  
**generates** [1] - 24769:22  
**genuine** [1] - 24782:18  
**Geoffrey** [1] - 24763:15  
**Gerald** [2] - 24759:26,  
24759:29  
**Gerard** [3] - 24703:9,  
24705:42, 24739:16  
**GERARD** [1] - 24733:7  
**Gerry** [2] - 24710:37,  
24722:46  
**gift** [4] - 24757:10,  
24757:11, 24760:20,  
24780:40  
**girls** [2] - 24700:26,  
24725:18  
**give-away** [1] - 24787:47  
**given** [16] - 24697:19,  
24698:46, 24704:42,  
24705:23, 24711:45,  
24713:2, 24730:30,  
24732:40, 24735:11,  
24736:4, 24738:41,  
24742:20, 24743:17,  
24744:16, 24752:21,  
24767:12  
**goals** [1] - 24718:43  
**God** [35] - 24702:21,  
24720:22, 24720:37,  
24722:29, 24722:32,  
24738:44, 24741:40,  
24750:14, 24750:29,  
24750:30, 24750:37,  
24750:38, 24750:43,  
24750:45, 24751:5,  
24751:6, 24751:7,  
24751:9, 24751:10,  
24751:11, 24751:12,  
24751:13, 24751:18,  
24751:22, 24751:25,  
24751:29, 24751:30,  
24751:33, 24751:39,  
24751:41, 24751:46,  
24757:9, 24759:33,  
24770:46, 24773:30  
**God's** [1] - 24750:44  
**goodwill** [2] - 24738:35,  
24774:2  
**gospel** [1] - 24715:24  
**gospels** [1] - 24769:40  
**Goulburn** [1] - 24724:11  
**governance** [15] -  
24708:19, 24708:36,  
24710:29, 24715:43,  
24716:34, 24723:2,  
24723:10, 24731:30,  
24739:35, 24764:47,  
24766:25, 24766:41,  
24769:45, 24783:17,  
24783:33  
**governed** [1] - 24770:12  
**government** [2] -  
24715:12, 24739:34  
**Government** [1] -  
24704:36  
**governments** [1] -  
24782:16  
**Governor** [1] - 24695:23  
**grace** [2] - 24721:9,  
24788:34  
**graceful** [1] - 24734:39  
**grades** [1] - 24719:35  
**gradually** [1] - 24734:29  
**grandfather** [1] - 24770:7  
**grateful** [2] - 24698:17,  
24713:14  
**gratitude** [1] - 24712:47  
**Gray** [4] - 24696:7,  
24712:7, 24784:44,  
24785:43  
**GRAY** [6] - 24696:9,  
24712:9, 24785:45,  
24786:18, 24786:43,

24789:12  
**great** [10] - 24734:34,  
24745:43, 24745:47,  
24755:39, 24756:32,  
24756:33, 24762:44,  
24770:6, 24780:22,  
24783:12  
**greater** [1] - 24767:33  
**greatest** [1] - 24757:1  
**Greek** [1] - 24765:26  
**Greeks** [1] - 24758:37  
**grew** [2] - 24742:2,  
24768:29  
**grossly** [1] - 24714:9  
**group** [2] - 24730:25,  
24746:36  
**groups** [4] - 24697:9,  
24712:41, 24727:43,  
24766:33  
**grow** [1] - 24756:16  
**growing** [2] - 24742:6,  
24764:13  
**growth** [1] - 24756:46  
**guess** [1] - 24776:29  
**guesthouse** [3] -  
24743:34, 24743:36,  
24744:34  
**guests** [1] - 24743:36  
**guidance** [1] - 24759:29  
**guided** [1] - 24738:42  
**guidelines** [4] - 24717:8,  
24759:46, 24770:32,  
24770:41  
**guiding** [1] - 24727:33

## H

**half** [5] - 24700:26,  
24711:37, 24738:22,  
24744:41  
**hamstringing** [1] -  
24778:8  
**hamstrung** [2] - 24777:43,  
24777:46  
**hand** [4] - 24743:25,  
24767:39, 24767:41,  
24780:1  
**handbooks** [1] - 24770:34  
**handled** [2] - 24768:41,  
24781:42  
**handling** [5] - 24705:5,  
24710:45, 24711:4,  
24731:47, 24732:26  
**hands** [3] - 24714:35,  
24727:30, 24736:6  
**hang** [1] - 24715:27  
**happy** [2] - 24736:28,  
24738:22  
**hard** [5] - 24712:30,  
24759:43, 24772:29,  
24777:45, 24778:9  
**hard-hitting** [2] -  
24777:45, 24778:9  
**harm** [1] - 24784:3  
**harrowing** [1] - 24705:25  
**head** [1] - 24718:34

**head-on** [1] - 24718:34  
**headaches** [1] - 24737:19  
**headings** [1] - 24766:8  
**heads** [1] - 24715:27  
**Healing** [16] - 24696:11, 24697:35, 24698:13, 24699:39, 24700:5, 24704:31, 24709:14, 24712:10, 24712:18, 24716:6, 24717:7, 24717:9, 24718:11, 24720:32, 24724:25, 24776:35  
**health** [5] - 24715:44, 24749:47, 24755:20, 24755:34, 24782:34  
**healthier** [1] - 24772:21  
**healthiest** [1] - 24750:6  
**healthy** [16] - 24750:1, 24750:2, 24750:3, 24753:32, 24753:35, 24753:37, 24754:16, 24754:21, 24754:22, 24754:42, 24756:30, 24764:6, 24764:29, 24783:38, 24784:21  
**hear** [7] - 24707:38, 24710:29, 24711:14, 24711:36, 24716:15, 24755:29, 24768:11  
**heard** [11] - 24703:1, 24706:23, 24706:27, 24711:16, 24714:12, 24715:18, 24715:33, 24715:36, 24718:45, 24753:45, 24768:46  
**Hearing** [1] - 24695:19  
**hearing** [34] - 24696:13, 24696:20, 24696:36, 24696:44, 24699:14, 24703:4, 24703:13, 24703:43, 24704:5, 24704:24, 24706:23, 24707:32, 24708:12, 24709:10, 24709:13, 24709:16, 24709:30, 24710:4, 24710:10, 24710:28, 24711:1, 24711:9, 24711:19, 24711:29, 24711:42, 24712:4, 24712:23, 24716:15, 24755:24, 24758:19, 24780:21, 24784:14, 24789:31  
**HEARING** [1] - 24789:23  
**hearing's** [1] - 24789:17  
**hearings** [17] - 24696:35, 24696:42, 24697:15, 24697:18, 24697:28, 24697:39, 24703:35, 24703:38, 24704:27, 24704:32, 24705:13, 24706:26, 24707:10, 24707:39, 24715:36, 24719:7, 24787:45  
**Heart** [1] - 24702:7  
**heartfelt** [1] - 24717:45

**heavily** [2] - 24708:38, 24722:12  
**held** [5] - 24707:27, 24714:10, 24716:45, 24720:19, 24745:43  
**Helen** [1] - 24695:37  
**help** [10] - 24712:37, 24723:46, 24727:6, 24727:9, 24734:9, 24735:29, 24740:32, 24740:33, 24745:22, 24745:58  
**helped** [1] - 24770:45  
**helpful** [2] - 24715:10, 24745:35  
**helping** [1] - 24734:11  
**helps** [1] - 24763:32  
**Henry** [2] - 24746:45, 24749:24  
**heresies** [1] - 24758:3  
**heresy** [1] - 24771:7  
**heretics** [1] - 24769:36  
**hidden** [1] - 24722:16  
**hierarchical** [4] - 24720:35, 24721:7, 24722:7, 24731:19  
**hierarchy** [6] - 24708:41, 24719:24, 24720:8, 24729:18, 24731:27, 24731:35  
**High** [1] - 24736:43  
**high** [5] - 24714:10, 24714:26, 24737:39, 24767:12, 24772:6  
**highest** [4] - 24701:27, 24701:39, 24702:13, 24783:37  
**highlighted** [2] - 24697:12, 24718:28  
**highly** [4] - 24722:38, 24735:10, 24750:27, 24754:36  
**Hill** [2] - 24721:28, 24734:44  
**himself** [4] - 24721:11, 24751:18, 24775:37, 24775:40  
**historic** [1] - 24714:8  
**historical** [1] - 24720:34  
**historically** [2] - 24752:25, 24752:47  
**histories** [2] - 24713:22, 24728:37  
**history** [13] - 24713:19, 24718:44, 24728:7, 24728:21, 24730:37, 24740:38, 24740:39, 24752:11, 24752:28, 24765:12, 24771:36, 24771:42, 24774:21  
**hitting** [2] - 24777:45, 24778:9  
**hmm** [1] - 24754:18  
**Hobart** [3] - 24742:9, 24742:14  
**hold** [9] - 24697:15, 24704:5, 24712:31,

24735:2, 24740:11, 24763:11, 24770:13, 24776:31, 24783:26  
**holders** [1] - 24704:44  
**holding** [2] - 24713:37, 24747:4  
**holds** [1] - 24754:47  
**holidays** [1] - 24737:47  
**holiness** [10] - 24721:9, 24740:40, 24741:7, 24741:11, 24741:21, 24741:27, 24741:33, 24741:32, 24741:33  
**Hollins** [2] - 24709:38, 24709:41  
**hollow** [1] - 24780:21  
**Holy** [8] - 24703:16, 24703:21, 24703:24, 24703:26, 24719:34, 24719:35, 24719:38, 24739:21  
**holy** [1] - 24741:12  
**homophobic** [1] - 24729:17  
**homosexuality** [2] - 24729:7, 24729:12  
**honest** [2] - 24770:35, 24774:7  
**Honour** [20] - 24696:3, 24696:18, 24702:23, 24702:33, 24712:9, 24719:4, 24719:6, 24719:19, 24732:29, 24732:36, 24732:40, 24732:45, 24733:4, 24735:31, 24735:44, 24757:7, 24768:26, 24785:45, 24789:12, 24789:16  
**Honour's** [1] - 24736:6  
**Honours** [2] - 24740:9, 24781:28  
**hope** [9] - 24752:42, 24756:29, 24759:43, 24770:20, 24771:2, 24774:27, 24784:4, 24784:18, 24784:26  
**hoped** [2] - 24703:22, 24711:42  
**horizons** [1] - 24787:32  
**Horney** [1] - 24734:35  
**horrific** [1] - 24780:26  
**horrifies** [1] - 24770:5  
**Hospital** [1] - 24744:17  
**hospitality** [2] - 24742:22, 24743:34  
**hospitals** [1] - 24718:7  
**hostility** [1] - 24727:12  
**hour** [1] - 24776:19  
**houses** [4] - 24744:45, 24745:2, 24777:7, 24777:34  
**huge** [5] - 24760:10, 24764:20, 24766:27, 24772:2, 24772:15  
**human** [15] - 24722:13, 24729:20, 24732:17,

24734:40, 24750:14, 24752:31, 24753:35, 24754:13, 24754:16, 24754:22, 24766:33, 24770:28, 24770:43, 24770:44, 24782:33  
**humility** [2] - 24774:18, 24780:30  
**humour** [1] - 24759:16  
**hung** [1] - 24776:1  
**hurt** [5] - 24752:42, 24780:39, 24780:41, 24781:20, 24781:25  
**hypocrisy** [1] - 24714:8  
**hypothesis** [1] - 24749:39  
**Hügel** [3] - 24749:26, 24749:28, 24749:35

**I**

**idea** [2] - 24745:29, 24757:39  
**ideal** [7] - 24714:17, 24745:23, 24752:6, 24752:8, 24752:9, 24753:6, 24756:14  
**idealisation** [1] - 24733:33  
**idealised** [3] - 24733:39, 24734:11, 24767:12  
**idealising** [1] - 24734:7  
**ideals** [4] - 24737:22, 24742:21, 24742:30  
**identification** [1] - 24721:8  
**identified** [17] - 24700:32, 24700:33, 24700:35, 24700:38, 24708:32, 24708:44, 24709:23, 24709:27, 24726:46, 24727:7, 24735:40, 24741:10, 24746:45, 24747:5, 24749:30, 24749:32, 24750:34  
**identify** [7] - 24697:4, 24715:31, 24740:41, 24747:8, 24750:10, 24788:42, 24788:44  
**identities** [1] - 24700:35  
**identity** [6] - 24727:3, 24730:32, 24732:19, 24732:22, 24775:9, 24775:13  
**ignorance** [2] - 24724:31, 24727:35  
**ignorant** [1] - 24727:45  
**ignored** [1] - 24706:30  
**Il** [2] - 24720:21, 24720:26  
**ill** [1] - 24721:37  
**image** [4] - 24714:25, 24722:31, 24733:39, 24751:7  
**imagery** [2] - 24751:5, 24751:25  
**images** [1] - 24734:11  
**imagination** [9] - 24745:42, 24745:46,

24746:4, 24746:5, 24746:7, 24750:27, 24750:36, 24751:12, 24753:23  
**imaginative** [1] - 24750:28  
**imagine** [12] - 24745:33, 24746:7, 24746:8, 24746:10, 24750:29, 24750:30, 24750:32, 24750:43, 24750:45, 24754:26, 24781:26  
**imagined** [2] - 24742:7, 24750:38  
**imagining** [6] - 24745:35, 24745:36, 24745:38, 24745:47, 24751:10  
**immature** [1] - 24758:43  
**immediately** [2] - 24776:20, 24787:15  
**immensely** [1] - 24769:24  
**impact** [1] - 24714:39  
**implementation** [1] - 24777:32  
**implemented** [2] - 24718:6, 24788:18  
**implicated** [1] - 24727:19  
**implication** [1] - 24726:13  
**implications** [1] - 24760:9  
**imply** [1] - 24785:11  
**importance** [1] - 24785:22  
**important** [22] - 24711:43, 24715:38, 24718:36, 24725:36, 24726:24, 24726:42, 24726:45, 24728:10, 24728:15, 24728:25, 24730:35, 24730:39, 24731:28, 24742:30, 24742:34, 24747:47, 24751:31, 24763:20, 24774:21, 24775:6, 24777:1, 24779:31  
**importantly** [1] - 24716:11  
**imposed** [1] - 24699:31  
**imposing** [1] - 24753:34  
**impossible** [2] - 24727:23, 24780:3  
**impression** [3] - 24742:5, 24776:28, 24788:28  
**improved** [1] - 24717:34  
**impure** [1] - 24753:17  
**impurity** [1] - 24759:34  
**inadequacies** [1] - 24723:33  
**inadequate** [3] - 24709:3, 24724:31, 24750:36  
**incidence** [2] - 24721:40, 24768:40  
**incident** [1] - 24748:32  
**incidental** [2] - 24787:22, 24788:9  
**incidentally** [1] - 24765:25  
**incidents** [2] - 24699:32, 24700:13  
**inclination** [5] - 24724:27, 24757:47, 24759:27, 24759:28, 24760:35

**inclinations** [1] - 24726:8  
**inclined** [1] - 24768:46  
**include** [3] - 24698:8, 24702:42, 24731:17  
**included** [6] - 24697:7, 24703:16, 24708:12, 24712:19, 24718:18, 24781:21  
**includes** [3] - 24698:3, 24699:36, 24725:1  
**including** [16] - 24696:24, 24699:7, 24699:24, 24699:40, 24700:47, 24703:3, 24707:2, 24708:19, 24708:26, 24708:36, 24713:39, 24716:16, 24722:36, 24723:2, 24740:1, 24780:47  
**inclusive** [7] - 24772:20, 24774:45, 24778:42, 24781:3, 24783:35, 24783:36, 24784:31  
**income** [2] - 24743:23, 24743:27  
**incompetence** [1] - 24768:3  
**increased** [1] - 24784:5  
**increasing** [1] - 24747:45  
**inculcate** [1] - 24788:10  
**incumbent** [4] - 24772:23, 24772:37, 24783:33, 24787:39  
**indeed** [14] - 24729:16, 24748:38, 24753:39, 24762:28, 24762:47, 24764:44, 24771:34, 24771:37, 24773:1, 24779:23, 24782:20, 24783:27, 24786:13  
**indefensible** [1] - 24714:33  
**independence** [1] - 24704:33  
**independent** [5] - 24698:24, 24698:44, 24699:4, 24716:29, 24717:17  
**independently** [1] - 24717:22  
**indicate** [1] - 24780:31  
**indicated** [7] - 24698:9, 24700:46, 24704:36, 24716:26, 24724:40, 24781:36, 24786:3  
**indicative** [2] - 24715:14, 24758:45  
**indictment** [2] - 24714:42, 24787:31  
**indirectly** [1] - 24757:33  
**individual** [12] - 24696:37, 24697:5, 24700:6, 24708:20, 24708:26, 24708:37, 24722:11, 24726:15, 24729:1, 24730:16, 24731:40, 24787:13

**individually** [2] - 24712:40, 24779:41  
**individuals** [9] - 24709:23, 24725:46, 24726:21, 24730:10, 24731:44, 24732:6, 24732:11, 24747:14, 24750:2  
**inevitable** [2] - 24731:27, 24767:15  
**inevitably** [2] - 24713:32, 24753:35  
**inexplicable** [2] - 24770:8  
**infatuated** [1] - 24759:10  
**infiltrate** [1] - 24726:2  
**influence** [2] - 24720:29, 24778:38  
**influenced** [4] - 24731:23, 24746:44, 24749:22, 24758:5  
**influential** [1] - 24758:32  
**inform** [3] - 24709:8, 24709:15, 24776:23  
**INFORMATION** [1] - 24736:13  
**information** [12] - 24698:1, 24699:16, 24700:17, 24700:30, 24701:5, 24701:7, 24703:26, 24708:4, 24735:41, 24736:3, 24781:41, 24785:9  
**informed** [1] - 24710:2  
**ingredient** [1] - 24782:17  
**inhibit** [1] - 24749:5  
**inhibited** [2] - 24749:2, 24785:24  
**initial** [5] - 24729:45, 24764:2, 24764:4, 24764:8, 24773:43  
**initiate** [1] - 24774:42  
**initiative** [1] - 24737:46  
**initiatives** [1] - 24718:6  
**innocence** [1] - 24723:6  
**inquire** [1] - 24696:37  
**inquiries** [1] - 24774:46  
**inquiry** [7] - 24706:9, 24713:46, 24774:35, 24774:44, 24775:4, 24775:7, 24775:26  
**inside** [2] - 24773:47, 24775:32  
**insofar** [1] - 24768:16  
**instance** [1] - 24713:11  
**instances** [1] - 24727:17  
**instead** [1] - 24784:42  
**institute** [1] - 24733:31  
**Institute** [2] - 24744:20, 24744:23  
**institutes** [5] - 24716:17, 24719:41, 24719:43, 24719:45, 24741:9  
**institution** [16] - 24697:14, 24697:26, 24704:1, 24704:13, 24704:18, 24706:21, 24710:7, 24713:10, 24713:19, 24715:32, 24717:24,

24730:34, 24730:35, 24731:22, 24732:20, 24748:33  
**institutional** [12] - 24696:27, 24697:11, 24708:15, 24708:40, 24710:32, 24730:31, 24731:9, 24731:14, 24732:2, 24732:15, 24732:27, 24749:36  
**INSTITUTIONAL** [1] - 24695:14  
**institutions** [39] - 24696:26, 24696:28, 24696:42, 24696:46, 24697:9, 24697:15, 24697:19, 24697:22, 24697:23, 24697:27, 24700:15, 24702:36, 24703:37, 24703:38, 24704:18, 24704:20, 24704:23, 24704:28, 24705:24, 24706:38, 24707:6, 24707:40, 24707:44, 24708:15, 24708:21, 24708:38, 24709:44, 24710:32, 24713:22, 24714:14, 24715:11, 24715:12, 24716:12, 24717:27, 24717:47, 24725:4, 24730:9  
**instructed** [1] - 24696:4  
**instruction** [3] - 24785:8, 24785:12, 24785:40  
**instructions** [1] - 24704:42  
**instrument** [3] - 24727:30, 24738:9, 24738:11  
**insufficient** [4] - 24708:7, 24730:16, 24765:2, 24769:12  
**Insurance** [9] - 24702:44, 24707:7, 24707:9, 24707:12, 24707:14, 24707:21, 24707:23, 24707:26, 24707:31  
**insured** [3] - 24707:6, 24707:12, 24707:16  
**insurers** [1] - 24704:44  
**intact** [1] - 24749:32  
**integrated** [1] - 24745:21  
**integration** [1] - 24733:32  
**integrity** [3] - 24703:32, 24785:19  
**intellectual** [3] - 24735:10, 24744:28, 24758:39  
**intelligence** [1] - 24708:6  
**intense** [2] - 24712:28, 24736:33  
**intensive** [3] - 24749:30, 24749:35, 24764:21  
**intent** [2] - 24714:47, 24736:31  
**intention** [2] - 24742:13, 24747:13  
**intentions** [1] - 24744:31

**interaction** [1] - 24786:28  
**interactive** [1] - 24763:31  
**interest** [5] - 24732:24, 24740:22, 24744:27, 24744:28, 24763:3  
**interested** [3] - 24741:37, 24748:19, 24761:47  
**interests** [4] - 24715:8, 24715:23, 24718:19, 24721:1  
**internal** [2] - 24767:43, 24782:21  
**interpret** [1] - 24746:16  
**interpretations** [2] - 24730:19, 24751:34  
**interpreted** [1] - 24715:19  
**interrelationship** [1] - 24731:28  
**intersect** [1] - 24750:18  
**intersected** [1] - 24706:13  
**intersection** [2] - 24721:17, 24749:10  
**intimacy** [28] - 24709:2, 24722:21, 24726:40, 24729:40, 24729:42, 24747:19, 24747:20, 24747:21, 24747:22, 24747:23, 24754:26, 24754:29, 24754:30, 24754:31, 24754:32, 24754:35, 24754:42, 24754:46, 24754:47, 24755:2, 24755:3, 24755:5, 24755:7, 24755:11, 24755:13, 24755:14, 24756:32, 24756:44  
**intimate** [3] - 24747:21, 24754:14, 24754:25  
**intimated** [1] - 24784:34  
**INTO** [1] - 24695:14  
**introduced** [3] - 24717:33, 24748:20, 24757:39  
**introducing** [2] - 24786:23, 24786:40  
**introduction** [4] - 24711:27, 24719:7, 24732:36, 24748:29  
**invested** [1] - 24766:23  
**investigated** [2] - 24706:31, 24708:1  
**investigating** [1] - 24717:25  
**investigation** [4] - 24699:44, 24707:11, 24714:17, 24714:20  
**Investigation** [1] - 24706:42  
**investigations** [4] - 24704:3, 24707:8, 24707:15, 24707:26  
**investment** [1] - 24748:45  
**invitation** [3] - 24709:39, 24710:13, 24744:36  
**invite** [1] - 24746:20  
**invited** [5] - 24709:36, 24710:9, 24737:22,

24744:20, 24744:45  
**involve** [1] - 24756:45  
**involved** [12] - 24698:18, 24699:7, 24710:22, 24712:34, 24714:8, 24729:35, 24743:42, 24744:47, 24758:39, 24767:29, 24767:32, 24769:25  
**involvement** [5] - 24741:34, 24767:26, 24767:34, 24769:14, 24780:47  
**involvements** [1] - 24744:4  
**involving** [3] - 24703:17, 24707:40, 24707:43  
**inward** [1] - 24773:44  
**Ireland** [1] - 24710:44  
**Irish** [3] - 24706:42, 24722:47, 24785:4  
**ironically** [3] - 24765:22, 24765:23, 24767:47  
**isolated** [3] - 24748:31, 24780:9, 24784:42  
**isolation** [2] - 24722:21, 24745:41  
**issue** [15] - 24716:23, 24729:4, 24729:11, 24730:43, 24732:27, 24753:7, 24760:2, 24760:10, 24760:27, 24763:45, 24763:47, 24769:23, 24770:38, 24777:37, 24781:47  
**issued** [3] - 24702:37, 24702:41, 24785:13  
**issues** [35] - 24697:12, 24704:10, 24708:11, 24708:13, 24708:18, 24708:19, 24708:35, 24708:37, 24708:40, 24709:16, 24709:27, 24710:11, 24711:6, 24711:21, 24711:30, 24711:34, 24711:36, 24711:45, 24712:3, 24718:28, 24727:3, 24727:44, 24739:42, 24761:31, 24762:45, 24763:5, 24763:40, 24765:13, 24774:47, 24776:44, 24781:32, 24781:43, 24781:46, 24782:3  
**it"** [1] - 24776:25  
**itself** [24] - 24713:40, 24713:45, 24716:8, 24717:25, 24721:34, 24721:43, 24730:36, 24747:6, 24752:22, 24753:41, 24760:38, 24764:3, 24772:4, 24772:25, 24772:29, 24774:14, 24774:36, 24775:1, 24775:7, 24781:22, 24781:37,

<p>24782:41, 24784:1, 24785:26</p> <p style="text-align: center;"><b>J</b></p>	<p>24776:34 <b>justified</b> [1] - 24785:36 <b>justify</b> [2] - 24760:18, 24769:41</p>	<p><b>laity</b> [8] - 24719:31, 24719:37, 24766:16, 24766:17, 24767:3, 24767:16, 24769:14, 24780:47 <b>land</b> [1] - 24785:41 <b>language</b> [1] - 24782:1 <b>large</b> [8] - 24696:45, 24697:8, 24714:15, 24743:13, 24762:25, 24773:7, 24781:44, 24783:29 <b>largely</b> [1] - 24722:28 <b>last</b> [10] - 24696:41, 24708:10, 24709:35, 24716:28, 24717:32, 24717:42, 24717:43, 24766:1, 24780:1, 24788:23 <b>lasting</b> [1] - 24717:28 <b>late</b> [8] - 24704:41, 24705:36, 24717:19, 24741:47, 24743:36, 24744:7, 24752:29, 24776:4 <b>Latin</b> [3] - 24758:35, 24771:39, 24778:4 <b>latter</b> [2] - 24763:38, 24768:47 <b>Law</b> [3] - 24708:21, 24723:25, 24724:3 <b>law</b> [9] - 24714:46, 24717:9, 24757:14, 24759:33, 24771:19, 24778:2, 24778:38, 24778:39, 24785:41 <b>lawyers</b> [4] - 24704:43, 24705:30, 24776:5, 24776:6 <b>lay</b> [13] - 24715:45, 24716:6, 24716:34, 24719:46, 24719:47, 24741:24, 24741:26, 24753:11, 24767:26, 24767:31, 24782:35, 24783:28, 24785:2 <b>lay-led</b> [1] - 24716:6 <b>layer</b> [1] - 24785:20 <b>layman</b> [1] - 24706:18 <b>laymen</b> [1] - 24766:8 <b>laypeople</b> [2] - 24700:40, 24716:4 <b>layperson</b> [1] - 24763:18 <b>laypersons</b> [2] - 24719:42, 24720:23 <b>laziness</b> [1] - 24768:3 <b>lead</b> [8] - 24744:37, 24745:13, 24745:47, 24746:1, 24755:11, 24782:28, 24783:24, 24783:47 <b>leader</b> [1] - 24718:25 <b>leaders</b> [26] - 24712:21, 24713:38, 24714:44, 24715:22, 24716:16, 24716:17, 24716:32, 24716:41, 24716:45,</p>	<p>24716:47, 24717:44, 24718:15, 24718:27, 24723:35, 24724:32, 24724:37, 24727:31, 24731:46, 24732:25, 24734:3, 24765:34, 24779:34, 24779:38, 24783:43, 24784:28, 24784:30 <b>leadership</b> [29] - 24708:20, 24708:37, 24708:43, 24712:21, 24712:31, 24712:35, 24713:25, 24716:5, 24718:10, 24721:7, 24724:1, 24724:8, 24726:17, 24727:33, 24731:37, 24773:18, 24773:21, 24776:36, 24777:34, 24778:37, 24778:41, 24778:42, 24778:45, 24779:2, 24779:7, 24780:15, 24781:14, 24783:40, 24784:37 <b>leading</b> [1] - 24781:22 <b>leads</b> [1] - 24788:35 <b>learn</b> [10] - 24746:20, 24764:10, 24764:17, 24764:42, 24774:12, 24774:13, 24774:15, 24774:19, 24780:31, 24784:39 <b>learned</b> [3] - 24696:10, 24729:45, 24733:46 <b>learning</b> [3] - 24756:13, 24774:28, 24788:38 <b>learns</b> [1] - 24782:40 <b>learnt</b> [1] - 24781:23 <b>least</b> [3] - 24706:45, 24744:37, 24756:38 <b>leave</b> [7] - 24738:22, 24742:37, 24743:46, 24744:14, 24760:45, 24780:9, 24787:21 <b>Leclercq</b> [2] - 24765:46, 24767:1 <b>Leclercq's</b> [1] - 24765:40 <b>led</b> [9] - 24715:45, 24716:6, 24718:33, 24720:15, 24724:32, 24725:7, 24739:3, 24744:27, 24782:35 <b>left</b> [5] - 24708:47, 24741:12, 24744:7, 24744:23, 24760:47 <b>legacy</b> [1] - 24717:28 <b>legalistic</b> [1] - 24722:26 <b>legislation</b> [1] - 24771:36 <b>length</b> [1] - 24776:8 <b>less</b> [3] - 24711:42, 24776:36, 24787:28 <b>lessen</b> [1] - 24723:41 <b>lessons</b> [1] - 24781:23 <b>letter</b> [6] - 24724:11, 24748:14, 24774:41, 24775:46, 24776:2,</p>	<p>24776:11 <b>Level</b> [1] - 24695:23 <b>level</b> [9] - 24738:27, 24738:28, 24771:10, 24775:8, 24775:12, 24785:20, 24785:25, 24786:6, 24786:18 <b>levels</b> [6] - 24715:13, 24715:43, 24717:38, 24767:30, 24783:11, 24783:37 <b>levers</b> [1] - 24784:6 <b>liability</b> [2] - 24779:11, 24783:10 <b>liaising</b> [1] - 24707:20 <b>lie</b> [1] - 24744:16 <b>lies</b> [1] - 24764:1 <b>life</b> [51] - 24708:23, 24715:42, 24716:3, 24719:41, 24721:38, 24724:19, 24724:27, 24725:20, 24725:43, 24727:22, 24727:26, 24730:6, 24734:1, 24734:7, 24735:9, 24738:28, 24741:8, 24741:13, 24741:14, 24741:28, 24741:29, 24743:24, 24743:35, 24743:41, 24745:13, 24747:22, 24749:17, 24749:28, 24749:43, 24750:46, 24751:14, 24752:13, 24752:18, 24752:30, 24754:28, 24754:33, 24755:11, 24755:12, 24755:40, 24756:18, 24756:23, 24756:31, 24756:44, 24757:19, 24759:5, 24760:29, 24764:11, 24775:8, 24784:36, 24787:5, 24787:24 <b>lifetime</b> [1] - 24727:21 <b>light</b> [2] - 24738:43, 24777:44 <b>likely</b> [2] - 24721:13, 24721:34 <b>likewise</b> [1] - 24714:26 <b>limbo</b> [1] - 24713:3 <b>limitation</b> [1] - 24699:31 <b>limited</b> [1] - 24784:37 <b>Limited</b> [4] - 24702:45, 24707:7, 24711:13, 24716:31 <b>limiting</b> [1] - 24722:13 <b>limits</b> [1] - 24696:47 <b>lines</b> [1] - 24735:18 <b>link</b> [1] - 24724:29 <b>linked</b> [3] - 24729:10, 24754:25, 24783:4 <b>Lismore</b> [1] - 24701:31 <b>list</b> [1] - 24709:21 <b>listed</b> [1] - 24770:11 <b>listen</b> [3] - 24734:5, 24746:15, 24747:11 <b>listening</b> [3] - 24712:23,</p>
<p><b>Janis</b> [1] - 24723:30 <b>January</b> [4] - 24699:30, 24700:12, 24701:3, 24703:11 <b>Jay</b> [1] - 24728:34 <b>Jean</b> [3] - 24742:32, 24765:40, 24765:46 <b>Jennifer</b> [1] - 24695:34 <b>Jesuit</b> [7] - 24710:38, 24722:46, 24722:47, 24737:6, 24744:36, 24744:42, 24746:37 <b>Jesus</b> [4] - 24710:38, 24751:18, 24751:22, 24769:39 <b>Jewish</b> [2] - 24770:7, 24785:30 <b>Jews</b> [1] - 24769:35 <b>job</b> [5] - 24735:24, 24735:27, 24738:17, 24773:24, 24780:4 <b>John</b> [8] - 24702:21, 24703:9, 24703:45, 24728:34, 24749:24, 24758:43, 24759:2, 24774:1 <b>John's</b> [1] - 24737:3 <b>Johnstone</b> [2] - 24723:8, 24723:9 <b>join</b> [1] - 24744:21 <b>joined</b> [2] - 24742:12, 24742:38 <b>joint</b> [1] - 24780:8 <b>jointly</b> [1] - 24697:34 <b>Joplin</b> [1] - 24723:30 <b>Joseph</b> [2] - 24702:6, 24703:45 <b>journalists</b> [1] - 24782:9 <b>journey</b> [4] - 24752:14, 24752:43, 24756:9, 24756:10 <b>judges</b> [1] - 24765:34 <b>juice</b> [1] - 24759:17 <b>July</b> [4] - 24703:10, 24703:24, 24710:9, 24748:27 <b>June</b> [1] - 24708:10 <b>junior</b> [1] - 24738:8 <b>justice</b> [4] - 24707:3, 24710:21, 24718:39, 24729:15 <b>JUSTICE</b> [3] - 24761:28, 24765:16, 24775:30 <b>Justice</b> [16] - 24695:33, 24695:34, 24696:11, 24697:34, 24698:13, 24700:4, 24709:14, 24712:10, 24712:17, 24716:6, 24717:7, 24718:11, 24720:32, 24724:24, 24761:47,</p>	<p style="text-align: center;"><b>K</b></p> <p><b>Karen</b> [1] - 24734:35 <b>keen</b> [1] - 24737:5 <b>Keenan</b> [12] - 24710:9, 24710:16, 24722:1, 24723:17, 24724:40, 24725:43, 24728:41, 24729:1, 24730:11, 24748:38, 24753:1, 24767:37 <b>Keenan's</b> [2] - 24732:29, 24748:40 <b>KEENAN'S</b> [1] - 24732:34 <b>keep</b> [4] - 24732:2, 24732:15, 24749:37, 24786:16 <b>keeps</b> [1] - 24770:25 <b>Kelly</b> [2] - 24759:26, 24759:29 <b>kept</b> [4] - 24705:26, 24706:33, 24749:31, 24749:33 <b>key</b> [7] - 24697:27, 24704:37, 24716:4, 24716:21, 24723:11, 24743:34, 24762:35 <b>kind</b> [18] - 24718:45, 24724:16, 24730:30, 24730:32, 24733:39, 24735:14, 24744:5, 24745:31, 24746:11, 24749:45, 24756:13, 24756:19, 24759:21, 24773:29, 24778:6, 24778:10, 24780:8, 24780:42 <b>kinds</b> [1] - 24780:5 <b>knowledge</b> [8] - 24707:16, 24707:23, 24707:24, 24707:27, 24707:32, 24727:36, 24729:14, 24761:29 <b>known</b> [4] - 24698:10, 24718:12, 24723:27, 24756:30</p>	<p><b>laity</b> [8] - 24719:31, 24719:37, 24766:16, 24766:17, 24767:3, 24767:16, 24769:14, 24780:47 <b>land</b> [1] - 24785:41 <b>language</b> [1] - 24782:1 <b>large</b> [8] - 24696:45, 24697:8, 24714:15, 24743:13, 24762:25, 24773:7, 24781:44, 24783:29 <b>largely</b> [1] - 24722:28 <b>last</b> [10] - 24696:41, 24708:10, 24709:35, 24716:28, 24717:32, 24717:42, 24717:43, 24766:1, 24780:1, 24788:23 <b>lasting</b> [1] - 24717:28 <b>late</b> [8] - 24704:41, 24705:36, 24717:19, 24741:47, 24743:36, 24744:7, 24752:29, 24776:4 <b>Latin</b> [3] - 24758:35, 24771:39, 24778:4 <b>latter</b> [2] - 24763:38, 24768:47 <b>Law</b> [3] - 24708:21, 24723:25, 24724:3 <b>law</b> [9] - 24714:46, 24717:9, 24757:14, 24759:33, 24771:19, 24778:2, 24778:38, 24778:39, 24785:41 <b>lawyers</b> [4] - 24704:43, 24705:30, 24776:5, 24776:6 <b>lay</b> [13] - 24715:45, 24716:6, 24716:34, 24719:46, 24719:47, 24741:24, 24741:26, 24753:11, 24767:26, 24767:31, 24782:35, 24783:28, 24785:2 <b>lay-led</b> [1] - 24716:6 <b>layer</b> [1] - 24785:20 <b>layman</b> [1] - 24706:18 <b>laymen</b> [1] - 24766:8 <b>laypeople</b> [2] - 24700:40, 24716:4 <b>layperson</b> [1] - 24763:18 <b>laypersons</b> [2] - 24719:42, 24720:23 <b>laziness</b> [1] - 24768:3 <b>lead</b> [8] - 24744:37, 24745:13, 24745:47, 24746:1, 24755:11, 24782:28, 24783:24, 24783:47 <b>leader</b> [1] - 24718:25 <b>leaders</b> [26] - 24712:21, 24713:38, 24714:44, 24715:22, 24716:16, 24716:17, 24716:32, 24716:41, 24716:45,</p>	<p>24716:47, 24717:44, 24718:15, 24718:27, 24723:35, 24724:32, 24724:37, 24727:31, 24731:46, 24732:25, 24734:3, 24765:34, 24779:34, 24779:38, 24783:43, 24784:28, 24784:30 <b>leadership</b> [29] - 24708:20, 24708:37, 24708:43, 24712:21, 24712:31, 24712:35, 24713:25, 24716:5, 24718:10, 24721:7, 24724:1, 24724:8, 24726:17, 24727:33, 24731:37, 24773:18, 24773:21, 24776:36, 24777:34, 24778:37, 24778:41, 24778:42, 24778:45, 24779:2, 24779:7, 24780:15, 24781:14, 24783:40, 24784:37 <b>leading</b> [1] - 24781:22 <b>leads</b> [1] - 24788:35 <b>learn</b> [10] - 24746:20, 24764:10, 24764:17, 24764:42, 24774:12, 24774:13, 24774:15, 24774:19, 24780:31, 24784:39 <b>learned</b> [3] - 24696:10, 24729:45, 24733:46 <b>learning</b> [3] - 24756:13, 24774:28, 24788:38 <b>learns</b> [1] - 24782:40 <b>learnt</b> [1] - 24781:23 <b>least</b> [3] - 24706:45, 24744:37, 24756:38 <b>leave</b> [7] - 24738:22, 24742:37, 24743:46, 24744:14, 24760:45, 24780:9, 24787:21 <b>Leclercq</b> [2] - 24765:46, 24767:1 <b>Leclercq's</b> [1] - 24765:40 <b>led</b> [9] - 24715:45, 24716:6, 24718:33, 24720:15, 24724:32, 24725:7, 24739:3, 24744:27, 24782:35 <b>left</b> [5] - 24708:47, 24741:12, 24744:7, 24744:23, 24760:47 <b>legacy</b> [1] - 24717:28 <b>legalistic</b> [1] - 24722:26 <b>legislation</b> [1] - 24771:36 <b>length</b> [1] - 24776:8 <b>less</b> [3] - 24711:42, 24776:36, 24787:28 <b>lessen</b> [1] - 24723:41 <b>lessons</b> [1] - 24781:23 <b>letter</b> [6] - 24724:11, 24748:14, 24774:41, 24775:46, 24776:2,</p>	<p>24776:11 <b>Level</b> [1] - 24695:23 <b>level</b> [9] - 24738:27, 24738:28, 24771:10, 24775:8, 24775:12, 24785:20, 24785:25, 24786:6, 24786:18 <b>levels</b> [6] - 24715:13, 24715:43, 24717:38, 24767:30, 24783:11, 24783:37 <b>levers</b> [1] - 24784:6 <b>liability</b> [2] - 24779:11, 24783:10 <b>liaising</b> [1] - 24707:20 <b>lie</b> [1] - 24744:16 <b>lies</b> [1] - 24764:1 <b>life</b> [51] - 24708:23, 24715:42, 24716:3, 24719:41, 24721:38, 24724:19, 24724:27, 24725:20, 24725:43, 24727:22, 24727:26, 24730:6, 24734:1, 24734:7, 24735:9, 24738:28, 24741:8, 24741:13, 24741:14, 24741:28, 24741:29, 24743:24, 24743:35, 24743:41, 24745:13, 24747:22, 24749:17, 24749:28, 24749:43, 24750:46, 24751:14, 24752:13, 24752:18, 24752:30, 24754:28, 24754:33, 24755:11, 24755:12, 24755:40, 24756:18, 24756:23, 24756:31, 24756:44, 24757:19, 24759:5, 24760:29, 24764:11, 24775:8, 24784:36, 24787:5, 24787:24 <b>lifetime</b> [1] - 24727:21 <b>light</b> [2] - 24738:43, 24777:44 <b>likely</b> [2] - 24721:13, 24721:34 <b>likewise</b> [1] - 24714:26 <b>limbo</b> [1] - 24713:3 <b>limitation</b> [1] - 24699:31 <b>limited</b> [1] - 24784:37 <b>Limited</b> [4] - 24702:45, 24707:7, 24711:13, 24716:31 <b>limiting</b> [1] - 24722:13 <b>limits</b> [1] - 24696:47 <b>lines</b> [1] - 24735:18 <b>link</b> [1] - 24724:29 <b>linked</b> [3] - 24729:10, 24754:25, 24783:4 <b>Lismore</b> [1] - 24701:31 <b>list</b> [1] - 24709:21 <b>listed</b> [1] - 24770:11 <b>listen</b> [3] - 24734:5, 24746:15, 24747:11 <b>listening</b> [3] - 24712:23,</p>
<p style="text-align: center;"><b>L</b></p> <p><b>labour</b> [1] - 24743:25 <b>lack</b> [15] - 24704:33, 24708:42, 24708:43, 24722:21, 24722:37, 24723:5, 24726:40, 24727:36, 24738:33, 24762:19, 24762:25, 24764:20, 24765:3, 24767:14, 24769:13 <b>lacking</b> [2] - 24762:31, 24762:32 <b>lady</b> [1] - 24763:18</p>	<p style="text-align: center;"><b>L</b></p> <p><b>labour</b> [1] - 24743:25 <b>lack</b> [15] - 24704:33, 24708:42, 24708:43, 24722:21, 24722:37, 24723:5, 24726:40, 24727:36, 24738:33, 24762:19, 24762:25, 24764:20, 24765:3, 24767:14, 24769:13 <b>lacking</b> [2] - 24762:31, 24762:32 <b>lady</b> [1] - 24763:18</p>	<p><b>laity</b> [8] - 24719:31, 24719:37, 24766:16, 24766:17, 24767:3, 24767:16, 24769:14, 24780:47 <b>land</b> [1] - 24785:41 <b>language</b> [1] - 24782:1 <b>large</b> [8] - 24696:45, 24697:8, 24714:15, 24743:13, 24762:25, 24773:7, 24781:44, 24783:29 <b>largely</b> [1] - 24722:28 <b>last</b> [10] - 24696:41, 24708:10, 24709:35, 24716:28, 24717:32, 24717:42, 24717:43, 24766:1, 24780:1, 24788:23 <b>lasting</b> [1] - 24717:28 <b>late</b> [8] - 24704:41, 24705:36, 24717:19, 24741:47, 24743:36, 24744:7, 24752:29, 24776:4 <b>Latin</b> [3] - 24758:35, 24771:39, 24778:4 <b>latter</b> [2] - 24763:38, 24768:47 <b>Law</b> [3] - 24708:21, 24723:25, 24724:3 <b>law</b> [9] - 24714:46, 24717:9, 24757:14, 24759:33, 24771:19, 24778:2, 24778:38, 24778:39, 24785:41 <b>lawyers</b> [4] - 24704:43, 24705:30, 24776:5, 24776:6 <b>lay</b> [13] - 24715:45, 24716:6, 24716:34, 24719:46, 24719:47, 24741:24, 24741:26, 24753:11, 24767:26, 24767:31, 24782:35, 24783:28, 24785:2 <b>lay-led</b> [1] - 24716:6 <b>layer</b> [1] - 24785:20 <b>layman</b> [1] - 24706:18 <b>laymen</b> [1] - 24766:8 <b>laypeople</b> [2] - 24700:40, 24716:4 <b>layperson</b> [1] - 24763:18 <b>laypersons</b> [2] - 24719:42, 24720:23 <b>laziness</b> [1] - 24768:3 <b>lead</b> [8] - 24744:37, 24745:13, 24745:47, 24746:1, 24755:11, 24782:28, 24783:24, 24783:47 <b>leader</b> [1] - 24718:25 <b>leaders</b> [26] - 24712:21, 24713:38, 24714:44, 24715:22, 24716:16, 24716:17, 24716:32, 24716:41, 24716:45,</p>	<p>24716:47, 24717:44, 24718:15, 24718:27, 24723:35, 24724:32, 24724:37, 24727:31, 24731:46, 24732:25, 24734:3, 24765:34, 24779:34, 24779:38, 24783:43, 24784:28, 24784:30 <b>leadership</b> [29] - 24708:20, 24708:37, 24708:43, 24712:21, 24712:31, 24712:35, 24713:25, 24716:5, 24718:10, 24721:7, 24724:1, 24724:8, 24726:17, 24727:33, 247</p>	

<p>24754:40, 24779:32  <b>literacy</b> [2] - 24746:15, 24746:29  <b>literature</b> [7] - 24728:27, 24729:25, 24730:13, 24730:23, 24731:8, 24735:22, 24761:32  <b>litigation</b> [3] - 24704:35, 24704:40, 24704:45  <b>live</b> [12] - 24724:27, 24725:24, 24727:23, 24737:24, 24752:13, 24753:8, 24755:12, 24756:13, 24756:31, 24756:44, 24764:30, 24778:14  <b>lived</b> [4] - 24743:27, 24752:18, 24754:9, 24757:12  <b>lives</b> [14] - 24714:40, 24725:8, 24725:16, 24725:25, 24731:4, 24731:33, 24743:25, 24745:40, 24752:7, 24756:31, 24756:32, 24760:30, 24761:10, 24764:6  <b>living</b> [5] - 24724:18, 24725:34, 24727:22, 24742:27, 24754:7  <b>local</b> [2] - 24720:29, 24785:22  <b>localised</b> [1] - 24772:17  <b>located</b> [2] - 24697:15, 24704:21  <b>loneliness</b> [2] - 24726:41, 24729:43  <b>lonely</b> [3] - 24725:24, 24737:8, 24775:42  <b>longings</b> [1] - 24757:40  <b>longstanding</b> [1] - 24742:7  <b>look</b> [14] - 24713:43, 24734:1, 24736:33, 24747:18, 24754:47, 24767:21, 24768:33, 24770:5, 24770:30, 24773:44, 24781:45, 24782:1, 24786:29, 24789:32  <b>looked</b> [2] - 24733:31, 24778:2  <b>looking</b> [7] - 24726:39, 24746:4, 24763:42, 24766:7, 24767:10, 24776:18, 24779:34  <b>looks</b> [1] - 24740:37  <b>lose</b> [1] - 24710:23  <b>loss</b> [2] - 24713:31, 24782:24  <b>losses</b> [2] - 24725:17, 24725:19  <b>lost</b> [1] - 24738:21  <b>love</b> [2] - 24750:46, 24751:14  <b>loved</b> [1] - 24738:19  <b>lovely</b> [1] - 24770:34</p>	<p><b>Lovett</b> [1] - 24760:16  <b>loving</b> [1] - 24722:14  <b>lowest</b> [2] - 24701:21, 24702:7  <b>lunch</b> [1] - 24768:13  <b>LUNCHEON</b> [1] - 24733:2</p> <p style="text-align: center;"><b>M</b></p> <p><b>Macquarie</b> [1] - 24695:23  <b>magic</b> [1] - 24773:28  <b>magnitude</b> [1] - 24713:10  <b>main</b> [1] - 24711:16  <b>maintain</b> [1] - 24754:21  <b>maintenance</b> [1] - 24706:46  <b>Maitland</b> [2] - 24705:8, 24706:5  <b>Maitland-Newcastle</b> [2] - 24705:8, 24706:5  <b>Major</b> [1] - 24720:44  <b>major</b> [6] - 24697:43, 24712:18, 24713:46, 24758:3, 24769:23, 24781:47  <b>majority</b> [2] - 24709:6, 24755:37  <b>male</b> [15] - 24700:19, 24700:22, 24700:43, 24702:43, 24705:15, 24711:16, 24723:11, 24732:19, 24751:6, 24751:9, 24751:18, 24758:40, 24768:27, 24772:12, 24772:15  <b>male"</b> [1] - 24758:35  <b>male-dominated</b> [2] - 24723:11, 24758:40  <b>man</b> [9] - 24728:8, 24759:10, 24767:1, 24775:42, 24775:43, 24775:46, 24776:1, 24776:10  <b>man's</b> [1] - 24776:5  <b>manage</b> [1] - 24753:36  <b>managed</b> [3] - 24743:11, 24743:17, 24773:15  <b>management</b> [5] - 24710:45, 24711:5, 24715:47, 24724:5, 24762:24  <b>manages</b> [1] - 24773:34  <b>managing</b> [1] - 24787:45  <b>mandatory</b> [5] - 24721:33, 24760:2, 24760:5, 24760:10  <b>Mandatory</b> [1] - 24725:1  <b>Manichaeism</b> [1] - 24758:6  <b>manifest</b> [2] - 24742:33, 24747:6  <b>manifestation</b> [1] - 24779:11  <b>manifestations</b> [1] - 24721:5  <b>manner</b> [5] - 24696:38,</p>	<p>24704:25, 24706:12, 24732:4, 24752:2  <b>manuals</b> [1] - 24770:32  <b>March</b> [1] - 24702:37  <b>Marie</b> [5] - 24710:9, 24722:1, 24735:28, 24748:38, 24753:1  <b>Marist</b> [9] - 24701:45, 24701:47, 24702:17, 24705:17, 24721:29, 24736:32, 24736:47, 24737:4, 24739:5  <b>Marists</b> [1] - 24773:4  <b>marriage</b> [1] - 24756:9  <b>married</b> [2] - 24771:11, 24771:13  <b>Mary</b> [4] - 24701:46, 24733:17, 24735:35, 24737:6  <b>masculine</b> [1] - 24751:17  <b>masculus</b> [1] - 24758:34  <b>massive</b> [2] - 24715:20, 24758:1  <b>Masters</b> [2] - 24733:23, 24740:9  <b>match</b> [1] - 24777:22  <b>material</b> [8] - 24707:35, 24710:6, 24734:12, 24737:20, 24758:6, 24758:7, 24765:1, 24769:10  <b>matrices</b> [1] - 24749:11  <b>matrix</b> [1] - 24750:22  <b>matter</b> [8] - 24708:4, 24756:5, 24756:9, 24762:12, 24769:1, 24773:21, 24784:47, 24785:13  <b>matters</b> [20] - 24696:33, 24696:44, 24697:4, 24702:38, 24703:39, 24704:47, 24705:37, 24707:47, 24708:2, 24708:12, 24709:27, 24711:40, 24721:20, 24721:35, 24724:21, 24727:36, 24727:45, 24757:5, 24762:41  <b>maturation</b> [2] - 24752:15, 24764:29  <b>mature</b> [3] - 24756:11, 24756:23, 24763:32  <b>Maureen</b> [1] - 24724:4  <b>McClellan</b> [1] - 24695:33  <b>mean</b> [10] - 24734:17, 24751:11, 24752:39, 24755:2, 24762:7, 24775:23, 24777:13, 24779:14, 24781:39, 24784:20  <b>meaningful</b> [1] - 24781:38  <b>means</b> [12] - 24708:2, 24719:33, 24719:37, 24722:14, 24752:19, 24756:13, 24762:32, 24762:46, 24778:31, 24783:8, 24783:11,</p>	<p>24787:23  <b>meant</b> [2] - 24745:12, 24766:14  <b>measure</b> [2] - 24718:36, 24718:43  <b>mechanisms</b> [3] - 24784:6, 24788:42, 24788:47  <b>media</b> [1] - 24776:11  <b>mediaevalist</b> [1] - 24765:47  <b>meet</b> [1] - 24715:29  <b>meeting</b> [2] - 24738:6, 24738:7  <b>Melbourne</b> [10] - 24699:39, 24704:31, 24705:7, 24705:11, 24740:10, 24742:25, 24744:13, 24744:17, 24748:17, 24756:36  <b>member</b> [9] - 24709:36, 24710:37, 24721:29, 24724:24, 24733:17, 24739:47, 24740:3, 24742:40, 24744:22  <b>members</b> [24] - 24699:22, 24699:24, 24699:26, 24700:22, 24700:47, 24701:2, 24701:4, 24701:9, 24701:14, 24701:27, 24701:39, 24702:6, 24702:8, 24702:13, 24719:30, 24719:40, 24720:13, 24722:9, 24722:10, 24722:13, 24724:38, 24768:26, 24777:38, 24782:20  <b>membership</b> [1] - 24719:44  <b>memory</b> [2] - 24745:31, 24748:14  <b>Men</b> [1] - 24720:45  <b>men</b> [41] - 24719:33, 24719:34, 24721:44, 24725:21, 24726:10, 24726:17, 24726:26, 24726:30, 24726:38, 24727:14, 24727:20, 24728:23, 24728:37, 24728:43, 24729:5, 24729:25, 24729:34, 24729:39, 24729:40, 24729:44, 24730:1, 24730:3, 24730:43, 24730:47, 24731:33, 24731:34, 24731:35, 24731:45, 24737:8, 24756:24, 24756:25, 24756:26, 24756:31, 24761:9, 24762:8, 24767:38, 24779:41, 24780:9, 24783:37, 24786:15  <b>men's</b> [1] - 24729:29  <b>mental</b> [1] - 24708:26  <b>mention</b> [1] - 24716:21</p>	<p><b>mentioned</b> [5] - 24718:10, 24744:32, 24768:6, 24787:11, 24787:13  <b>mentored</b> [1] - 24738:42  <b>mentoring</b> [3] - 24738:34, 24756:33, 24761:42  <b>Mercy</b> [2] - 24702:7, 24711:17  <b>merely</b> [2] - 24732:10, 24732:14  <b>merity</b> [1] - 24696:5  <b>Merton</b> [1] - 24742:31  <b>met</b> [4] - 24714:2, 24748:15, 24775:42, 24776:5  <b>metropolitan</b> [1] - 24711:20  <b>Metropolitan</b> [2] - 24721:24, 24724:9  <b>MICHAEL</b> [1] - 24733:9  <b>Michael</b> [7] - 24733:16, 24745:24, 24752:5, 24752:32, 24774:20, 24784:33, 24786:31  <b>Michelle</b> [1] - 24722:5  <b>mid-1990s</b> [1] - 24706:46  <b>middle</b> [4] - 24739:27, 24742:23, 24766:7, 24766:19  <b>midst</b> [1] - 24741:41  <b>might</b> [22] - 24718:20, 24719:14, 24726:24, 24726:26, 24732:40, 24736:4, 24740:19, 24744:16, 24747:21, 24747:22, 24753:5, 24754:39, 24754:40, 24765:41, 24768:38, 24768:42, 24770:20, 24770:30, 24777:37, 24778:44, 24784:27, 24786:18  <b>migraine</b> [1] - 24737:19  <b>Milan</b> [2] - 24765:21, 24766:2  <b>Milroy</b> [1] - 24695:37  <b>Milwaukee</b> [4] - 24775:39, 24775:44, 24776:7, 24776:20  <b>mind</b> [6] - 24747:40, 24757:41, 24762:42, 24764:4, 24786:28, 24789:5  <b>minds</b> [1] - 24771:2  <b>mindset</b> [3] - 24774:12, 24782:30, 24788:39  <b>mine</b> [2] - 24745:21, 24775:37  <b>minister</b> [1] - 24764:30  <b>ministered</b> [8] - 24699:22, 24701:2, 24701:10, 24701:14, 24701:21, 24701:28, 24701:40, 24702:14  <b>ministerial</b> [2] - 24721:6, 24762:15  <b>ministers</b> [1] - 24731:5</p>
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**ministries** [1] - 24731:5  
**ministry** [13] - 24723:39, 24742:41, 24743:38, 24744:35, 24761:25, 24762:36, 24764:1, 24764:12, 24764:22, 24764:23, 24767:30, 24788:16, 24788:20  
**minority** [2] - 24755:36, 24765:20  
**minors** [16] - 24722:2, 24725:29, 24725:47, 24726:31, 24726:39, 24727:15, 24727:46, 24728:2, 24728:33, 24729:6, 24729:26, 24730:41, 24730:44, 24731:1, 24731:45, 24732:18  
**Minors** [1] - 24709:37  
**minute** [1] - 24755:23  
**minutes** [3] - 24705:27, 24705:30, 24705:34  
**misappropriation** [1] - 24768:2  
**misbehave** [1] - 24738:45  
**misconduct** [2] - 24746:34, 24747:38  
**misconducting** [1] - 24705:28  
**misguided** [2] - 24715:22, 24757:15  
**misinformation** [1] - 24729:16  
**misperceive** [1] - 24724:33  
**missing** [1] - 24749:40  
**Mission** [1] - 24701:42  
**mistakes** [2] - 24756:45  
**mixing** [1] - 24759:27  
**mixture** [1] - 24719:46  
**mmm-hmm** [1] - 24754:18  
**model** [5] - 24723:2, 24725:34, 24737:21, 24769:41, 24776:30  
**modern** [1] - 24715:43  
**Moloney** [1] - 24723:44  
**moment** [3] - 24757:35, 24764:47, 24765:10  
**moments** [1] - 24774:21  
**monarchical** [2] - 24750:38, 24750:43  
**monarchically** [1] - 24750:44  
**monastery** [4] - 24743:31, 24743:35, 24743:39, 24743:43  
**monastery's** [2] - 24743:36, 24744:34  
**monastic** [7] - 24741:16, 24742:24, 24742:26, 24742:38, 24743:4, 24744:15, 24759:5  
**Monday** [1] - 24695:27  
**money** [1] - 24776:3  
**monitoring** [1] - 24786:8  
**monk** [3] - 24743:25,

24743:41, 24775:40  
**Montalvo** [1] - 24776:21  
**months** [5] - 24699:7, 24703:43, 24737:32, 24770:26, 24788:23  
**Montreal** [1] - 24776:5  
**Moral** [1] - 24759:24  
**moral** [5] - 24723:21, 24724:33, 24725:10, 24757:37, 24759:29  
**morally** [1] - 24753:15  
**mores** [1] - 24729:15  
**morning** [4] - 24710:25, 24718:45, 24772:2, 24776:12  
**mortal** [1] - 24759:36  
**most** [2] - 24703:41, 24704:18, 24705:44, 24711:38, 24712:28, 24714:34, 24715:23, 24715:40, 24716:27, 24717:16, 24720:30, 24722:35, 24738:27, 24739:36, 24743:16, 24752:41, 24760:27, 24766:33, 24774:21, 24780:37, 24787:18  
**mostly** [2] - 24736:28, 24736:31  
**move** [5] - 24735:39, 24773:44, 24780:41, 24784:46, 24788:18  
**moved** [4] - 24706:31, 24706:32, 24735:12, 24765:32  
**movement** [1] - 24757:42  
**movements** [3] - 24740:27, 24741:25, 24757:46  
**MR** [7] - 24696:9, 24712:9, 24712:15, 24785:45, 24786:18, 24786:43, 24789:12  
**MS** [113] - 24696:3, 24696:18, 24702:33, 24719:4, 24719:12, 24719:19, 24732:36, 24732:45, 24733:4, 24733:11, 24733:13, 24733:19, 24733:28, 24733:36, 24733:45, 24734:16, 24734:21, 24734:42, 24735:2, 24735:6, 24735:24, 24735:31, 24735:44, 24736:2, 24736:15, 24736:20, 24736:24, 24736:35, 24736:40, 24736:46, 24737:10, 24737:16, 24737:28, 24737:37, 24737:42, 24738:3, 24738:13, 24738:17, 24738:25, 24738:30, 24738:39, 24738:47, 24739:5, 24739:10, 24739:18, 24739:24, 24739:31,

24739:38, 24739:44, 24740:6, 24740:14, 24740:19, 24741:45, 24742:16, 24742:43, 24743:1, 24743:8, 24743:13, 24743:20, 24743:29, 24744:7, 24744:11, 24744:26, 24745:9, 24745:15, 24747:37, 24748:2, 24748:29, 24749:9, 24750:21, 24751:4, 24751:24, 24752:1, 24752:24, 24753:20, 24757:4, 24757:24, 24757:30, 24758:13, 24758:18, 24758:29, 24759:39, 24760:1, 24760:33, 24764:46, 24765:8, 24765:43, 24766:39, 24767:14, 24767:21, 24767:37, 24769:9, 24769:19, 24770:3, 24770:10, 24770:23, 24772:12, 24772:41, 24776:34, 24776:42, 24777:13, 24777:20, 24777:37, 24778:12, 24778:17, 24778:21, 24778:27, 24778:31, 24780:35, 24780:46, 24781:28, 24789:16, 24789:27  
**Mulier** [1] - 24758:33  
**multifaceted** [2] - 24774:30, 24786:40  
**multiple** [3] - 24753:31, 24779:13  
**multitude** [3] - 24720:9, 24720:15, 24720:25  
**Mulvihill** [1] - 24722:5  
**MURRAY** [1] - 24755:17, 24755:26, 24755:31, 24756:22, 24758:21, 24758:27, 24763:23, 24763:28, 24763:37, 24784:46, 24785:29  
**Murray** [5] - 24695:38, 24746:45, 24786:4, 24786:27  
**music** [1] - 24723:30  
**must** [2] - 24713:19, 24717:25, 24718:38, 24718:39, 24718:40, 24727:26, 24730:19, 24730:26, 24731:3, 24746:37, 24748:34, 24763:18, 24770:44, 24774:14, 24774:18, 24776:31, 24780:32, 24785:33, 24785:40, 24786:37, 24788:15  
**myriad** [3] - 24771:33, 24771:41, 24775:9  
**mystical** [4] - 24740:22, 24740:25, 24741:38, 24749:36  
**Mysticism** [2] - 24740:17

**mysticism** [2] - 24740:28, 24740:29

**N**

**naive** [1] - 24736:26  
**naivety** [2] - 24724:32, 24738:35  
**name** [8] - 24733:14, 24733:16, 24739:14, 24739:16, 24763:24, 24765:25, 24775:38, 24784:20  
**Name** [1] - 24739:21  
**named** [6] - 24700:6, 24703:29, 24707:13, 24707:17, 24732:12, 24732:14  
**namely** [1] - 24785:47  
**narratives** [1] - 24729:29  
**national** [4] - 24717:14, 24717:17, 24717:26, 24774:44  
**National** [1] - 24748:18  
**naturally** [1] - 24784:5  
**nature** [7] - 24750:15, 24750:29, 24750:30, 24750:31, 24750:32, 24756:45, 24775:34  
**nearly** [3] - 24697:22, 24734:7, 24770:27  
**necessarily** [1] - 24784:34  
**necessary** [5] - 24696:47, 24711:37, 24719:26, 24720:11, 24759:21  
**need** [25] - 24697:12, 24697:14, 24714:38, 24723:33, 24723:47, 24724:21, 24726:19, 24735:46, 24747:1, 24747:2, 24762:42, 24763:16, 24763:43, 24773:3, 24773:4, 24774:19, 24775:3, 24775:14, 24780:24, 24780:28, 24784:7, 24787:15, 24787:21, 24788:33  
**needed** [6] - 24697:18, 24747:40, 24775:1, 24775:47, 24786:4, 24786:20  
**Needham** [1] - 24696:10  
**needs** [16] - 24711:46, 24712:24, 24718:29, 24724:15, 24724:19, 24732:37, 24739:36, 24746:45, 24746:47, 24747:10, 24749:42, 24761:18, 24774:34, 24775:18, 24778:2, 24780:18  
**Nestor** [1] - 24703:9  
**network** [2] - 24747:34, 24747:35  
**neutral** [1] - 24753:15  
**never** [2] - 24713:8,

24713:45, 24715:6, 24728:11, 24728:14, 24728:17, 24728:45, 24730:45, 24743:35, 24748:31, 24752:9, 24752:14, 24757:21, 24758:44, 24760:18, 24768:45, 24768:46, 24774:36, 24777:1, 24787:30, 24788:38  
**nevertheless** [2] - 24714:23, 24782:35  
**New** [4] - 24702:3, 24705:21, 24706:15, 24734:45  
**new** [1] - 24716:29, 24717:31, 24717:33, 24717:35, 24717:36, 24740:26, 24740:47, 24741:25, 24748:17, 24752:30, 24766:14  
**Newcastle** [2] - 24705:8, 24706:5  
**Newman** [3] - 24749:24, 24749:28, 24749:32  
**news** [1] - 24776:24  
**next** [5] - 24713:25, 24719:7, 24720:42, 24732:37, 24782:45  
**night** [1] - 24710:40  
**nine** [4] - 24712:20, 24728:6, 24748:8, 24748:11  
**nine-point** [3] - 24712:20, 24748:8, 24748:11  
**no** [1] - 24760:28  
**nobody** [1] - 24771:2  
**Nojadera** [1] - 24710:2  
**non** [4] - 24726:46, 24730:20, 24767:4, 24787:12  
**NON** [1] - 24702:30  
**non-clergy** [1] - 24730:20  
**non-entities** [1] - 24767:4  
**non-existent** [1] - 24787:12  
**non-offending** [1] - 24726:46  
**NON-ORDAINED** [1] - 24702:30  
**none** [4] - 24746:36, 24770:41, 24782:40, 24782:45  
**nonetheless** [3] - 24748:44, 24762:11, 24783:14  
**Norcia** [1] - 24702:3  
**normal** [8] - 24726:46, 24730:14, 24731:36, 24753:32, 24753:35, 24753:37, 24754:13, 24754:22  
**normally** [1] - 24787:14  
**not-for-profit** [1] - 24716:33  
**notes** [1] - 24758:10  
**nothing** [5] - 24706:33,

<p>24759:15, 24769:39, 24781:28, 24789:16  <b>notice</b> [2] - 24702:37, 24787:47  <b>notices</b> [2] - 24702:41, 24702:47  <b>notion</b> [4] - 24737:5, 24786:24, 24786:40, 24788:38  <b>notions</b> [1] - 24724:15  <b>notorious</b> [1] - 24705:40  <b>notwithstanding</b> [1] - 24766:33  <b>November</b> [3] - 24709:21, 24716:28, 24717:7  <b>novitiate</b> [2] - 24736:30, 24768:30  <b>number</b> [25] - 24696:45, 24697:8, 24699:21, 24699:25, 24704:2, 24705:15, 24705:17, 24705:19, 24705:41, 24707:33, 24711:15, 24714:18, 24715:4, 24715:13, 24726:4, 24726:42, 24731:8, 24736:15, 24740:1, 24743:13, 24753:13, 24758:42, 24770:5, 24779:40, 24786:36  <b>numbers</b> [6] - 24701:2, 24706:6, 24714:32, 24716:2, 24761:44, 24787:28  <b>numerous</b> [1] - 24766:22  <b>Nuncio</b> [2] - 24776:13, 24776:21</p>	<p>24755:41  <b>occasionatus</b> [1] - 24758:34  <b>occasioned</b> [3] - 24749:2, 24749:16, 24772:27  <b>occasions</b> [1] - 24744:1  <b>occupation</b> [1] - 24733:14  <b>occupy</b> [1] - 24720:7  <b>occur</b> [3] - 24712:5, 24749:4, 24772:29  <b>occurred</b> [6] - 24713:27, 24714:14, 24715:4, 24715:15, 24750:23, 24772:25  <b>occurrence</b> [8] - 24696:25, 24708:14, 24708:39, 24709:43, 24710:31, 24725:2, 24730:8, 24757:25  <b>occurring</b> [1] - 24749:6  <b>occurs</b> [4] - 24748:32, 24748:33, 24749:10, 24750:19  <b>October</b> [1] - 24709:47  <b>OF</b> [3] - 24702:29, 24702:30, 24732:34  <b>offence</b> [1] - 24722:27  <b>offended</b> [1] - 24768:46  <b>offender</b> [2] - 24707:13, 24724:34  <b>offender's</b> [1] - 24707:17  <b>offenders</b> [10] - 24705:41, 24707:34, 24714:19, 24727:8, 24728:24, 24728:28, 24730:20, 24730:21, 24730:24, 24730:25  <b>offending</b> [16] - 24714:1, 24721:18, 24726:46, 24727:5, 24727:7, 24727:19, 24727:28, 24727:41, 24728:12, 24728:19, 24728:33, 24728:37, 24730:14, 24730:17, 24730:28, 24731:3  <b>offer</b> [2] - 24710:5, 24745:19  <b>offered</b> [1] - 24718:16  <b>offering</b> [1] - 24745:6  <b>office</b> [2] - 24704:43, 24722:37  <b>Office's</b> [1] - 24705:10  <b>Officer</b> [1] - 24711:11  <b>officers</b> [2] - 24700:5, 24704:46  <b>Offices</b> [2] - 24702:46, 24717:31  <b>official</b> [3] - 24707:27, 24739:26, 24776:29  <b>officially</b> [1] - 24739:28  <b>officio</b> [1] - 24739:47  <b>often</b> [10] - 24705:43, 24706:36, 24718:18, 24720:41, 24726:18, 24729:4, 24756:45, 24763:30, 24782:35,</p>	<p>24787:46  <b>old</b> [5] - 24736:36, 24756:24, 24756:25, 24756:31  <b>omit</b> [1] - 24724:42  <b>on-the-spot</b> [1] - 24786:10  <b>once</b> [4] - 24715:41, 24744:38, 24760:16, 24785:47  <b>once-off</b> [1] - 24744:38  <b>one</b> [101] - 24703:4, 24703:43, 24706:17, 24710:21, 24714:3, 24715:39, 24717:15, 24717:18, 24718:15, 24718:25, 24718:43, 24720:14, 24720:42, 24721:21, 24722:19, 24726:45, 24728:8, 24728:22, 24731:1, 24734:24, 24735:46, 24736:28, 24736:29, 24738:32, 24740:37, 24740:41, 24741:12, 24741:27, 24743:6, 24743:11, 24743:24, 24744:4, 24744:43, 24745:6, 24745:47, 24746:9, 24746:37, 24746:46, 24746:47, 24747:40, 24749:39, 24749:41, 24750:5, 24751:7, 24751:14, 24751:32, 24751:34, 24751:44, 24752:41, 24752:43, 24753:4, 24754:30, 24754:41, 24755:19, 24755:33, 24756:3, 24758:3, 24759:24, 24761:24, 24763:23, 24763:40, 24764:17, 24764:21, 24764:26, 24765:33, 24766:6, 24767:24, 24767:39, 24768:26, 24768:27, 24768:34, 24771:25, 24771:33, 24772:1, 24772:6, 24772:9, 24772:12, 24774:20, 24778:35, 24779:12, 24779:13, 24781:34, 24782:41, 24782:42, 24782:46, 24784:2, 24784:23, 24784:34, 24784:39, 24784:46, 24785:47, 24786:6, 24786:11, 24787:3, 24787:24, 24788:28, 24789:28  <b>One</b> [1] - 24769:28  <b>one's</b> [5] - 24733:38, 24754:28, 24764:11, 24764:23, 24787:24  <b>one-off</b> [1] - 24744:43  <b>ones</b> [1] - 24766:45  <b>ongoing</b> [20] - 24699:6, 24699:40, 24708:22, 24723:33, 24723:40,</p>	<p>24725:41, 24761:41, 24762:15, 24762:25, 24762:39, 24764:10, 24764:20, 24786:20, 24786:36, 24786:38, 24787:18, 24787:23, 24787:33, 24787:35, 24788:16  <b>ontological</b> [1] - 24734:27  <b>open</b> [4] - 24754:28, 24772:20, 24774:45, 24787:40  <b>opening</b> [4] - 24699:9, 24712:3, 24712:9, 24714:13  <b>openings</b> [1] - 24768:1  <b>openly</b> [3] - 24725:15, 24761:34, 24767:27  <b>operate</b> [1] - 24731:38  <b>operated</b> [2] - 24705:12, 24717:26  <b>operates</b> [1] - 24783:18  <b>operating</b> [5] - 24704:30, 24708:27, 24762:33, 24783:30, 24784:42  <b>operation</b> [4] - 24708:24, 24710:36, 24711:6, 24728:40  <b>operational</b> [1] - 24715:43  <b>operations</b> [1] - 24712:30  <b>operative</b> [1] - 24746:46  <b>opinion</b> [1] - 24709:42  <b>opportunities</b> [5] - 24729:21, 24739:3, 24784:26, 24788:8, 24788:9  <b>opportunity</b> [6] - 24709:15, 24730:39, 24730:42, 24768:18, 24768:19, 24768:23  <b>oppress</b> [1] - 24718:21  <b>oppressed</b> [1] - 24769:35  <b>oppression</b> [1] - 24727:30  <b>optimistic</b> [2] - 24777:10, 24777:14  <b>option</b> [1] - 24782:30  <b>oral</b> [2] - 24709:40, 24710:10  <b>ORDAINED</b> [1] - 24702:30  <b>ordained</b> [14] - 24719:33, 24719:42, 24719:45, 24719:47, 24733:26, 24735:34, 24742:39, 24742:43, 24764:30, 24765:35, 24767:32, 24783:25, 24786:1  <b>order</b> [22] - 24698:43, 24704:22, 24706:17, 24710:22, 24710:38, 24713:33, 24714:45, 24721:29, 24722:46, 24726:11, 24726:20, 24730:47, 24732:38, 24741:12, 24742:26, 24743:21, 24749:43, 24759:10, 24761:13, 24768:30, 24770:12,</p>	<p>24788:19  <b>orders</b> [24] - 24697:43, 24698:9, 24699:21, 24699:22, 24699:25, 24700:21, 24701:1, 24701:4, 24701:38, 24702:5, 24702:12, 24702:43, 24702:44, 24705:15, 24711:17, 24711:33, 24717:4, 24717:12, 24717:32, 24717:41, 24719:43, 24767:5, 24772:3, 24776:35  <b>Orders</b> [3] - 24719:34, 24719:35, 24719:38  <b>ordinary</b> [2] - 24752:10, 24756:18  <b>ordination</b> [3] - 24740:8, 24743:4, 24743:45  <b>organisation</b> [10] - 24722:7, 24722:17, 24726:2, 24762:25, 24772:21, 24774:31, 24780:43, 24782:44, 24785:20, 24785:33  <b>organisational</b> [4] - 24720:38, 24722:5, 24785:19  <b>organisations</b> [7] - 24715:44, 24718:8, 24782:16, 24782:42, 24785:3, 24785:31  <b>organised</b> [2] - 24717:26, 24720:35  <b>organises</b> [1] - 24773:33  <b>orientation</b> [1] - 24727:3  <b>origin</b> [1] - 24729:47  <b>originating</b> [1] - 24751:21  <b>Ormerod</b> [1] - 24723:37  <b>orphanage</b> [1] - 24706:18  <b>orphanages</b> [1] - 24705:19  <b>otherwise</b> [5] - 24699:46, 24731:42, 24781:19, 24781:24, 24783:12  <b>ought</b> [1] - 24779:45  <b>ourselves</b> [6] - 24743:26, 24750:32, 24752:45, 24756:36, 24770:39, 24780:19  <b>outcomes</b> [2] - 24706:36, 24781:42  <b>outline</b> [1] - 24766:1  <b>outlined</b> [1] - 24714:12  <b>outlining</b> [1] - 24711:11  <b>outset</b> [1] - 24712:36  <b>outside</b> [5] - 24731:38, 24742:25, 24743:31, 24763:21, 24774:13  <b>over-controlled</b> [1] - 24727:12  <b>overall</b> [8] - 24697:38, 24701:17, 24701:21, 24701:27, 24701:39, 24702:8, 24702:13, 24728:26</p>
<b>O</b>				
<p><b>o'clock</b> [1] - 24789:34  <b>O'Connor</b> [2] - 24748:20, 24748:24  <b>O'Hanlon</b> [3] - 24710:37, 24720:20, 24722:46  <b>O'Malley</b> [1] - 24709:36  <b>obedience</b> [4] - 24708:41, 24722:9, 24727:24, 24727:29  <b>obey</b> [1] - 24756:38  <b>obfuscation</b> [1] - 24729:19  <b>objectively</b> [1] - 24747:14  <b>objectivism</b> [1] - 24734:26  <b>obligation</b> [1] - 24724:27  <b>observation</b> [2] - 24728:25, 24785:15  <b>obsessed</b> [1] - 24725:8  <b>obsession</b> [1] - 24721:30  <b>obviate</b> [1] - 24775:3  <b>obvious</b> [1] - 24700:34  <b>obviously</b> [4] - 24750:11, 24773:22, 24776:28, 24777:4  <b>occasional</b> [1] - 24787:22  <b>occasionally</b> [1] -</p>				

**overarching** [1] - 24771:31  
**overcome** [2] - 24705:1, 24725:10  
**overemphasis** [1] - 24764:2  
**overflows** [2] - 24750:30, 24750:31  
**overly** [1] - 24750:39  
**oversee** [1] - 24697:38  
**oversight** [3] - 24763:31, 24786:5, 24786:7  
**overworked** [1] - 24786:29  
**own** [42] - 24709:4, 24714:10, 24716:34, 24727:20, 24728:5, 24728:34, 24729:27, 24730:14, 24730:39, 24734:1, 24737:46, 24739:36, 24741:32, 24742:10, 24748:39, 24749:7, 24749:46, 24752:32, 24752:39, 24756:44, 24765:35, 24770:46, 24771:36, 24771:42, 24771:43, 24771:44, 24772:25, 24772:26, 24774:34, 24775:2, 24778:5, 24778:41, 24779:6, 24781:12, 24781:13, 24781:39, 24781:44, 24782:20, 24785:4, 24785:23, 24789:5  
**ownership** [1] - 24775:15

**P**

**paedophile** [3] - 24705:44, 24721:44, 24768:28  
**paedophiles** [1] - 24722:15  
**page** [5] - 24765:46, 24766:7, 24767:2, 24769:29  
**pages** [2] - 24703:5, 24766:1  
**paid** [1] - 24776:7  
**pain** [3] - 24755:4, 24780:28, 24780:39  
**painful** [1] - 24713:25  
**paint** [1] - 24779:19  
**Pallottines** [1] - 24701:43  
**panel** [7] - 24711:10, 24711:19, 24711:26, 24724:37, 24764:3, 24777:4, 24777:38  
**panels** [1] - 24709:31  
**papacy** [1] - 24720:28  
**paper** [5] - 24708:11, 24708:35, 24709:27, 24711:36, 24757:24  
**paradigm** [8] - 24740:41, 24740:42, 24740:46, 24741:1, 24741:5, 24741:7, 24741:11,

24741:16  
**paradigmatic** [1] - 24740:36  
**paradigms** [3] - 24740:39, 24740:41, 24741:3  
**parallels** [1] - 24748:40  
**paramount** [1] - 24784:29  
**parish** [11] - 24704:20, 24721:28, 24734:44, 24735:26, 24739:20, 24739:28, 24778:3, 24778:5, 24779:5, 24786:9  
**Parish** [1] - 24739:21  
**parishes** [2] - 24706:32, 24718:7  
**Parkinson** [1] - 24724:3  
**parliament** [1] - 24703:42  
**part** [37] - 24697:27, 24705:1, 24707:7, 24707:23, 24712:21, 24714:34, 24715:20, 24715:29, 24718:28, 24720:30, 24724:34, 24727:13, 24728:38, 24734:30, 24735:14, 24735:27, 24736:46, 24739:44, 24741:24, 24746:3, 24746:18, 24752:28, 24755:47, 24757:18, 24758:3, 24758:37, 24767:39, 24767:42, 24774:3, 24774:12, 24778:6, 24782:34, 24783:29, 24784:33, 24786:28, 24787:33, 24788:39  
**part-time** [1] - 24735:27  
**participants** [4] - 24728:7, 24729:29, 24745:12, 24760:25  
**participate** [1] - 24710:4  
**participated** [4] - 24703:37, 24711:34, 24725:14, 24727:20  
**participating** [1] - 24698:33  
**participation** [2] - 24716:3, 24720:27  
**particular** [15] - 24696:37, 24697:9, 24703:21, 24709:10, 24713:5, 24721:1, 24729:39, 24733:25, 24749:13, 24751:45, 24756:15, 24764:2, 24772:18, 24778:38, 24784:2  
**particularity** [1] - 24772:27  
**particularly** [15] - 24705:2, 24705:25, 24715:11, 24717:43, 24728:32, 24729:33, 24744:27, 24744:44, 24747:16, 24748:2, 24750:1, 24754:10, 24760:39, 24760:41, 24777:2

**parties** [1] - 24710:22  
**partnership** [2] - 24739:40, 24747:29  
**parts** [1] - 24783:26  
**passion** [1] - 24742:20  
**passivity** [1] - 24727:16  
**past** [19] - 24706:33, 24712:23, 24712:27, 24713:43, 24715:18, 24715:34, 24715:41, 24716:10, 24716:22, 24717:3, 24717:5, 24718:16, 24718:24, 24718:38, 24752:37, 24759:39, 24761:36, 24761:44, 24761:45  
**pastoral** [9] - 24712:47, 24720:10, 24723:39, 24743:30, 24748:14, 24749:32, 24749:36, 24764:15, 24774:41  
**Pastors** [2] - 24720:6, 24720:17  
**pathology** [3] - 24726:15, 24730:16, 24731:40  
**patriarchal** [9] - 24722:31, 24750:39, 24751:5, 24751:7, 24751:12, 24751:20, 24751:25, 24751:29, 24751:39  
**Patrick** [1] - 24724:3  
**Patrick's** [3] - 24721:28, 24734:44, 24737:31  
**patterns** [2] - 24730:2, 24748:34  
**pay** [1] - 24771:2  
**payments** [3] - 24717:5, 24717:8, 24717:11  
**peer** [3] - 24787:3, 24787:6, 24787:9  
**Pellegrini** [3] - 24738:9, 24738:10, 24738:35  
**pending** [1] - 24708:2  
**People** [2] - 24771:10, 24774:2  
**people** [65] - 24700:13, 24700:17, 24700:20, 24700:24, 24700:33, 24700:35, 24708:47, 24712:37, 24715:5, 24720:22, 24728:13, 24734:11, 24735:20, 24735:21, 24742:31, 24743:38, 24743:42, 24745:22, 24745:25, 24745:40, 24745:46, 24746:15, 24746:20, 24746:24, 24746:27, 24746:40, 24747:11, 24747:26, 24752:10, 24752:42, 24753:10, 24753:14, 24753:25, 24753:29, 24753:40, 24755:28, 24756:6, 24756:11, 24756:16, 24756:23, 24756:27, 24756:38, 24757:9,

24757:17, 24759:46, 24760:6, 24761:5, 24761:24, 24762:4, 24762:33, 24762:44, 24767:5, 24767:9, 24767:34, 24768:8, 24771:4, 24771:8, 24771:19, 24780:4, 24780:20, 24781:39, 24781:44, 24783:28  
**people's** [3] - 24752:20, 24784:11, 24788:19  
**per** [37] - 24697:20, 24697:25, 24700:19, 24700:20, 24700:22, 24700:39, 24700:40, 24700:41, 24700:43, 24700:44, 24701:15, 24701:16, 24701:18, 24701:23, 24701:24, 24701:29, 24701:31, 24701:32, 24701:34, 24701:35, 24701:41, 24701:43, 24701:45, 24701:47, 24702:2, 24702:9, 24702:16, 24702:17, 24702:18, 24702:19, 24702:20, 24713:17, 24764:25, 24772:9, 24772:10  
**percentage** [1] - 24697:24  
**perception** [1] - 24768:10  
**perchance** [1] - 24742:23  
**perfect** [1] - 24756:15  
**perfection** [1] - 24756:2  
**perfectly** [3] - 24752:19, 24770:35, 24774:6  
**performance** [3] - 24716:40, 24762:20, 24762:32  
**perhaps** [13] - 24714:46, 24736:15, 24748:35, 24750:21, 24757:4, 24759:40, 24760:34, 24763:43, 24764:47, 24765:43, 24766:39, 24769:9, 24788:43  
**period** [5] - 24701:10, 24701:15, 24701:28, 24701:40, 24702:15  
**permeated** [1] - 24745:41  
**perpetrated** [1] - 24713:36  
**perpetrator** [3] - 24700:2, 24700:8, 24707:13  
**perpetrator's** [1] - 24707:17  
**perpetrators** [34] - 24700:31, 24700:32, 24700:33, 24700:38, 24700:43, 24701:11, 24701:16, 24701:17, 24701:18, 24701:22, 24701:29, 24701:30, 24701:32, 24701:33, 24701:35, 24701:36, 24701:41, 24701:42, 24701:44, 24701:46,

24702:2, 24702:3, 24702:9, 24702:15, 24702:17, 24702:18, 24702:19, 24702:20, 24702:21, 24707:34, 24715:22, 24725:14, 24731:34, 24732:23  
**persecuted** [2] - 24765:20, 24769:34  
**persistence** [1] - 24782:9  
**person** [19] - 24698:5, 24699:43, 24700:3, 24700:8, 24700:18, 24713:30, 24733:41, 24753:32, 24753:36, 24754:20, 24754:42, 24755:1, 24763:32, 24766:16, 24769:39, 24778:41, 24779:1, 24783:8  
**personal** [7] - 24712:41, 24722:12, 24727:25, 24748:31, 24748:45, 24787:8, 24787:35  
**personalisation** [1] - 24783:5  
**personality** [4] - 24752:12, 24753:41, 24754:21, 24771:43  
**personally** [1] - 24788:24  
**personnel** [6] - 24698:3, 24699:20, 24699:37, 24699:43, 24705:6, 24712:46  
**persons** [5] - 24720:6, 24751:14, 24751:16, 24771:24, 24783:6  
**perspective** [2] - 24712:3, 24749:7  
**perspectives** [1] - 24779:36  
**pertains** [1] - 24783:9  
**Perth** [1] - 24705:7  
**pertinent** [2] - 24757:25, 24772:26  
**Peter** [3] - 24695:33, 24723:8, 24736:22  
**PhD** [7] - 24733:28, 24733:29, 24733:31, 24733:46, 24740:11, 24740:14, 24740:16  
**phenomenological** [1] - 24734:2  
**phenomenon** [2] - 24740:27, 24749:19  
**Philosophy** [1] - 24733:22  
**philosophy** [3] - 24733:33, 24735:10, 24736:29  
**phlegm** [1] - 24759:16  
**phoned** [1] - 24776:20  
**physical** [3] - 24729:42, 24759:15, 24786:10  
**physiology** [1] - 24727:37  
**pick** [3] - 24726:20, 24726:25, 24734:25  
**picked** [1] - 24760:16

**picture** [4] - 24716:18, 24777:17, 24777:35, 24779:19  
**piece** [1] - 24769:28  
**Pilgrim** [2] - 24776:15, 24776:16  
**pilgrim** [1] - 24766:27  
**pilgrims** [2] - 24765:32, 24770:41  
**piously** [1] - 24757:8  
**Pirie** [1] - 24701:33  
**Pius** [1] - 24720:2  
**Place** [1] - 24695:24  
**place** [14] - 24713:47, 24715:12, 24716:18, 24717:28, 24735:28, 24745:20, 24757:16, 24764:29, 24767:22, 24770:33, 24771:44, 24772:31, 24783:7, 24784:41  
**placed** [2] - 24723:47, 24734:37  
**placing** [1] - 24770:27  
**plain** [1] - 24697:18  
**plan** [2] - 24748:8, 24748:11  
**play** [2] - 24732:16, 24739:31  
**playing** [1] - 24713:9  
**plays** [1] - 24746:5  
**pleasure** [1] - 24758:47  
**plenaries** [1] - 24781:12  
**plenary** [4] - 24781:15, 24781:22, 24781:23, 24784:27  
**plus** [1] - 24760:5  
**point** [20] - 24712:20, 24715:35, 24726:8, 24726:20, 24731:42, 24732:8, 24748:8, 24748:10, 24748:11, 24757:8, 24757:41, 24758:11, 24758:47, 24765:43, 24772:16, 24774:40, 24776:11, 24782:18, 24783:20, 24786:35  
**pointed** [1] - 24728:35  
**points** [4] - 24736:3, 24783:28, 24788:14, 24788:15  
**police** [2] - 24707:42, 24768:11  
**policies** [6] - 24696:21, 24711:24, 24717:31, 24717:34, 24770:32, 24787:20  
**policy** [2] - 24703:39, 24716:7  
**political** [6] - 24723:25, 24740:23, 24740:25, 24741:38, 24741:41, 24766:10  
**Politics** [2] - 24740:16, 24740:17  
**politics** [3] - 24740:29,

24758:39  
**Pontifical** [2] - 24709:37, 24709:41  
**poor** [2] - 24721:25, 24729:41  
**Pope** [6] - 24708:42, 24720:2, 24720:38, 24720:39, 24773:19, 24774:1  
**Pope's** [1] - 24776:22  
**popular** [2] - 24732:5, 24753:23  
**populated** [1] - 24698:39  
**populist** [1] - 24735:14  
**Port** [1] - 24701:33  
**portion** [1] - 24743:17  
**position** [10] - 24698:5, 24711:46, 24713:45, 24735:2, 24737:29, 24737:31, 24739:24, 24768:6, 24771:7, 24777:14  
**positions** [4] - 24708:43, 24713:37, 24718:35, 24724:1  
**positive** [3] - 24745:38, 24779:3, 24782:43  
**positively** [2] - 24712:36, 24723:46  
**possession** [1] - 24778:4  
**possibilities** [1] - 24746:39  
**possibility** [8] - 24745:43, 24746:1, 24749:5, 24752:44, 24754:29, 24754:47, 24764:13, 24767:8  
**possible** [9] - 24698:19, 24703:25, 24703:32, 24718:7, 24731:12, 24731:17, 24733:40, 24783:35, 24783:36  
**possibly** [1] - 24716:12  
**post** [1] - 24775:27  
**postgraduate** [1] - 24738:23  
**posting** [1] - 24737:33  
**potential** [1] - 24722:43  
**potentialities** [2] - 24731:32, 24768:2  
**power** [22] - 24718:33, 24720:28, 24721:3, 24722:39, 24722:44, 24723:16, 24727:32, 24731:19, 24731:29, 24731:30, 24750:38, 24751:43, 24767:16, 24767:38, 24767:40, 24768:3, 24769:47, 24770:14, 24776:31, 24782:24, 24783:26  
**power"** [1] - 24723:17  
**powerful** [2] - 24766:35, 24780:38  
**powerlessness** [2] - 24767:38, 24767:42  
**powers** [1] - 24731:32

**practical** [1] - 24786:7  
**practice** [8] - 24708:26, 24760:19, 24761:18, 24762:38, 24771:36, 24777:9, 24777:18, 24782:39  
**practices** [7] - 24711:5, 24717:36, 24727:24, 24772:34, 24783:34, 24784:3, 24788:18  
**practised** [1] - 24754:6  
**prayer** [2] - 24742:22, 24743:41  
**pre** [1] - 24765:47  
**pre-eminent** [1] - 24765:47  
**preceding** [1] - 24740:42  
**precious** [1] - 24757:11  
**precis** [11] - 24710:16, 24710:24, 24710:25, 24724:41, 24724:43, 24732:29, 24735:32, 24735:39, 24735:41, 24736:11, 24758:29  
**Precis** [1] - 24735:41  
**PRECIS** [2] - 24732:34, 24736:13  
**precises** [1] - 24736:3  
**predictive** [1] - 24728:23  
**predilection** [1] - 24784:11  
**pre disposition** [2] - 24726:7, 24726:16  
**predominant** [2] - 24751:39, 24752:28  
**predominantly** [1] - 24715:45  
**prefer** [2] - 24731:38, 24731:39  
**preferably** [1] - 24763:21  
**preferment** [1] - 24765:27  
**preferring** [1] - 24709:40  
**prefers** [1] - 24731:44  
**prejudiced** [1] - 24704:6  
**premise** [1] - 24750:26  
**premised** [2] - 24740:35, 24746:6  
**preoccupied** [1] - 24706:45  
**preparation** [1] - 24709:13  
**prepared** [3] - 24709:40, 24721:38, 24779:38  
**presence** [3] - 24755:4, 24770:28, 24770:44  
**present** [12] - 24697:24, 24747:9, 24749:3, 24751:41, 24755:8, 24755:9, 24759:41, 24760:21, 24761:17, 24761:43, 24764:12, 24773:25  
**presented** [3] - 24737:21, 24753:7, 24777:8  
**presents** [2] - 24777:17, 24784:22  
**preservation** [1] - 24707:1  
**President** [1] - 24723:8

**presumably** [1] - 24732:9  
**presumed** [1] - 24725:12  
**presumption** [1] - 24723:5  
**prevailed** [1] - 24706:34  
**prevails** [1] - 24752:25  
**prevalence** [2] - 24723:3, 24772:6  
**prevent** [1] - 24713:27  
**prevention** [1] - 24783:1  
**previous** [1] - 24740:47  
**prey** [1] - 24725:46  
**priest** [60] - 24698:4, 24699:24, 24700:47, 24701:14, 24701:27, 24701:38, 24703:10, 24703:17, 24703:29, 24705:42, 24705:44, 24706:14, 24706:18, 24714:4, 24719:35, 24721:28, 24723:4, 24723:24, 24728:4, 24733:17, 24733:39, 24733:42, 24733:43, 24734:8, 24734:10, 24734:16, 24734:17, 24734:22, 24734:24, 24734:27, 24734:28, 24734:44, 24735:27, 24735:34, 24736:32, 24737:7, 24737:26, 24739:20, 24739:28, 24742:8, 24742:14, 24747:22, 24760:16, 24760:26, 24768:7, 24768:9, 24768:12, 24768:18, 24768:22, 24770:26, 24773:24, 24778:3, 24779:5, 24786:9, 24787:13, 24789:4  
**priesthood** [15] - 24708:23, 24714:26, 24722:41, 24723:16, 24725:31, 24725:42, 24726:1, 24729:35, 24734:26, 24742:3, 24742:7, 24743:4, 24760:22, 24762:3, 24787:28  
**priestly** [8] - 24716:3, 24723:6, 24724:19, 24729:30, 24762:36, 24764:1, 24786:1, 24787:5  
**priests** [59] - 24699:26, 24699:27, 24700:40, 24701:9, 24701:13, 24701:16, 24701:17, 24701:18, 24701:21, 24701:28, 24701:29, 24701:31, 24701:32, 24701:34, 24701:35, 24701:39, 24701:41, 24701:43, 24701:45, 24702:1, 24702:2, 24703:19, 24705:42, 24706:6, 24706:31, 24706:35, 24708:24,

24708:46, 24711:36, 24711:38, 24714:24, 24714:31, 24714:42, 24715:41, 24721:14, 24723:34, 24726:4, 24726:11, 24728:28, 24728:30, 24733:34, 24742:4, 24755:21, 24755:35, 24755:45, 24760:17, 24764:36, 24765:35, 24766:22, 24768:47, 24773:14, 24773:15, 24783:25, 24785:47, 24786:21, 24787:28, 24787:29, 24787:30, 24788:42  
**PRIESTS** [1] - 24702:29  
**Priests** [1] - 24740:3  
**priests'** [1] - 24705:46  
**primacy** [1] - 24771:24  
**primarily** [2] - 24745:11, 24745:37  
**primary** [1] - 24743:11  
**princes** [1] - 24766:17  
**principal** [2] - 24737:34, 24738:6  
**principle** [1] - 24762:12  
**principles** [1] - 24717:36  
**priorities"** [1] - 24707:4  
**privacy** [1] - 24722:27  
**private** [10] - 24696:46, 24697:21, 24697:25, 24704:1, 24704:14, 24704:16, 24704:23, 24707:39, 24713:18, 24748:30  
**privilege** [4] - 24718:33, 24721:2, 24723:3, 24723:16  
**privileged** [1] - 24713:37  
**privy** [1] - 24762:10  
**problem** [16] - 24725:10, 24725:28, 24730:37, 24730:41, 24732:3, 24732:4, 24732:9, 24732:13, 24732:16, 24733:38, 24761:13, 24780:16, 24780:33, 24781:35, 24781:39  
**problematic** [1] - 24754:37  
**problematises** [2] - 24725:31, 24753:2  
**problems** [12] - 24705:1, 24727:10, 24730:4, 24732:17, 24749:40, 24762:31, 24763:33, 24768:20, 24779:32, 24780:5, 24782:21, 24788:43  
**procedures** [5] - 24696:22, 24711:24, 24717:32, 24717:34, 24770:32  
**proceeding** [1] - 24703:32  
**proceedings** [1] - 24699:40

**process** [15] - 24698:45, 24699:40, 24704:31, 24712:37, 24752:14, 24753:37, 24763:32, 24767:26, 24772:39, 24775:11, 24775:25, 24777:21, 24780:8, 24781:22, 24784:18  
**processes** [10] - 24713:1, 24717:35, 24761:32, 24762:14, 24764:9, 24764:16, 24775:34, 24777:10, 24783:35, 24784:38  
**proclamations** [1] - 24729:9  
**proclivity** [2] - 24738:44, 24767:9  
**procreation** [1] - 24722:15  
**produce** [3] - 24702:38, 24722:15, 24724:17  
**produced** [3] - 24702:47, 24707:9, 24729:41  
**product** [1] - 24730:31  
**production** [1] - 24707:21  
**productive** [1] - 24764:5  
**profess** [1] - 24715:25  
**profession** [6] - 24726:32, 24762:36, 24786:46, 24787:10, 24788:15  
**professional** [8] - 24711:3, 24715:46, 24716:37, 24723:40, 24723:41, 24737:45, 24737:47, 24738:41  
**Professional** [5] - 24711:12, 24716:26, 24716:31, 24717:31, 24748:18  
**professionalisation** [1] - 24784:10  
**professionalism** [2] - 24765:4, 24782:37  
**professionals** [1] - 24716:35  
**Professor** [7] - 24695:37, 24709:38, 24723:37, 24723:44, 24724:3  
**profile** [1] - 24727:13  
**profit** [1] - 24716:33  
**profoundly** [1] - 24715:34  
**program** [2] - 24734:30, 24773:29  
**programs** [2] - 24744:46, 24745:20  
**progressively** [1] - 24766:15  
**project** [10] - 24698:12, 24698:19, 24699:16, 24711:32, 24748:12, 24748:22, 24748:26, 24755:3, 24774:42, 24774:43  
**prolific** [1] - 24705:44  
**prolonged** [1] - 24729:43  
**promise** [1] - 24745:43  
**promote** [2] - 24721:1,

24769:40  
**promoting** [1] - 24720:12  
**propensity** [2] - 24707:17, 24760:36  
**proper** [1] - 24723:34  
**properly** [2] - 24706:35, 24711:31  
**property** [4] - 24743:16, 24743:26, 24765:35  
**prophetic** [1] - 24774:6  
**proportion** [7] - 24701:8, 24701:21, 24701:27, 24701:39, 24702:8, 24702:14, 24714:24  
**PROPORTION** [1] - 24702:29  
**proportions** [1] - 24714:27  
**propose** [2] - 24710:24, 24719:6  
**proposed** [6] - 24708:30, 24711:12, 24748:9, 24750:17, 24781:14, 24784:27  
**proposition** [1] - 24723:19  
**prosecutions** [2] - 24704:3, 24707:47  
**protect** [4] - 24715:21, 24721:2, 24766:34, 24770:13  
**protected** [1] - 24714:36  
**protecting** [2] - 24766:36, 24769:47  
**protection** [4] - 24696:23, 24706:47, 24717:34, 24717:37  
**Protection** [2] - 24709:37, 24710:2  
**protocols** [1] - 24734:5  
**protracted** [1] - 24713:2  
**provide** [13] - 24703:25, 24703:33, 24710:6, 24711:27, 24712:3, 24719:6, 24739:5, 24744:37, 24745:24, 24748:25, 24756:32, 24756:47, 24762:14  
**provided** [13] - 24698:14, 24698:37, 24701:4, 24706:21, 24709:21, 24710:16, 24710:25, 24717:6, 24724:42, 24736:5, 24740:25, 24748:30, 24765:1  
**provides** [1] - 24715:3  
**providing** [1] - 24788:7  
**Province** [1] - 24722:47  
**Provincial** [5] - 24705:26, 24722:47, 24723:44, 24737:32, 24783:19  
**provincial** [2] - 24742:11, 24783:15  
**provincials** [1] - 24711:16  
**provocation** [1] - 24761:1  
**psyche** [2] - 24747:3, 24757:45  
**psychiatrist** [1] - 24734:35

**psycho** [1] - 24708:27  
**psycho-sexual** [1] - 24708:27  
**psychological** [9] - 24726:21, 24726:37, 24727:1, 24727:5, 24730:22, 24750:9, 24750:11, 24761:37, 24786:21  
**psychologist** [2] - 24722:6, 24746:44  
**psychology** [3] - 24733:32, 24750:1, 24750:2  
**psychosexual** [1] - 24729:1  
**psychosomatic** [1] - 24737:14  
**Public** [1] - 24695:19  
**public** [22] - 24696:20, 24696:36, 24696:42, 24696:44, 24697:15, 24697:28, 24699:14, 24703:4, 24703:13, 24703:35, 24703:43, 24704:5, 24704:24, 24704:27, 24706:22, 24707:10, 24707:39, 24715:3, 24715:4, 24716:33, 24716:44, 24723:17  
**publicly** [2] - 24755:39, 24784:20  
**published** [11] - 24703:42, 24704:22, 24706:3, 24706:10, 24706:41, 24706:43, 24709:7, 24718:11, 24724:11, 24765:22, 24781:40  
**publisher** [1] - 24787:29  
**punished** [1] - 24706:30  
**purified** [1] - 24724:20  
**purity** [1] - 24725:33  
**purpose** [3] - 24696:21, 24696:36, 24711:12  
**purposes** [4] - 24699:35, 24708:6, 24755:20, 24755:34  
**pursuant** [1] - 24697:40  
**pursuit** [1] - 24734:14  
**push** [3] - 24773:20, 24773:22, 24775:32  
**push-back** [3] - 24773:20, 24773:22, 24775:32  
**put** [19] - 24711:46, 24712:32, 24713:45, 24715:23, 24718:20, 24723:29, 24737:14, 24746:23, 24746:31, 24746:33, 24748:3, 24748:8, 24757:8, 24760:38, 24761:15, 24763:45, 24768:13, 24768:38, 24773:29  
**putting** [2] - 24712:24, 24747:13  
**puzzled** [1] - 24769:30

## Q

**qualifications** [5] - 24723:24, 24733:19, 24733:21, 24740:6, 24740:8  
**qualify** [1] - 24773:17  
**Queensland** [2] - 24705:20, 24706:19  
**questions** [6] - 24769:27, 24769:30, 24770:11, 24781:31, 24784:44, 24785:46  
**quickly** [1] - 24744:44  
**quiet** [2] - 24745:40, 24760:30  
**quite** [7] - 24736:33, 24738:36, 24746:25, 24760:24, 24766:47, 24767:27, 24775:41  
**quote** [5] - 24703:24, 24703:31, 24706:46, 24755:19, 24755:33  
**quoted** [1] - 24767:4  
**quoting** [1] - 24776:14

## R

**Rabbi** [1] - 24785:32  
**Rabbinical** [1] - 24785:32  
**radical** [1] - 24787:22  
**radically** [1] - 24766:47  
**raised** [12] - 24698:45, 24711:21, 24711:30, 24711:34, 24721:21, 24725:45, 24729:4, 24757:7, 24781:32, 24786:27, 24786:36, 24787:44  
**raises** [3] - 24763:47, 24784:19  
**raising** [1] - 24784:15  
**ramification** [1] - 24752:2  
**ramifications** [1] - 24717:1  
**random** [1] - 24789:1  
**range** [13] - 24697:13, 24704:28, 24708:11, 24727:44, 24739:41, 24740:41, 24742:21, 24743:10, 24746:23, 24750:40, 24756:12, 24764:15, 24774:46  
**ranges** [1] - 24712:45  
**rank** [1] - 24720:7  
**Ranson** [21] - 24721:21, 24722:41, 24723:19, 24733:4, 24739:13, 24739:16, 24739:18, 24755:17, 24755:31, 24760:13, 24761:29, 24762:30, 24771:22, 24772:41, 24774:9, 24775:30, 24777:38, 24778:21, 24780:12, 24784:47, 24786:43  
**RANSON** [76] - 24733:7, 24739:16, 24739:20, 24739:26, 24739:33, 24739:40, 24739:47, 24740:8, 24740:16, 24740:21, 24740:35, 24741:5, 24742:2, 24742:18, 24742:46, 24743:3, 24743:10, 24743:16, 24743:23, 24743:33, 24744:9, 24744:13, 24744:30, 24745:11, 24745:18, 24745:31, 24746:33, 24747:43, 24748:6, 24748:37, 24749:13, 24750:25, 24751:9, 24751:29, 24752:5, 24752:27, 24753:22, 24754:1, 24754:5, 24754:18, 24754:24, 24754:46, 24755:47, 24756:29, 24756:41, 24760:15, 24760:38, 24760:47, 24761:7, 24761:15, 24761:24, 24761:31, 24762:6, 24762:35, 24763:9, 24763:47, 24771:24, 24772:14, 24772:46, 24773:3, 24774:11, 24776:46, 24777:17, 24777:25, 24778:24, 24778:29, 24778:34, 24779:27, 24780:14, 24781:11, 24783:4, 24783:32, 24784:18, 24785:17, 24786:45, 24788:4  
**rare** [1] - 24757:10  
**rather** [17] - 24721:34, 24722:14, 24724:20, 24725:20, 24725:38, 24727:32, 24731:41, 24733:39, 24736:5, 24745:23, 24747:22, 24756:19, 24760:2, 24767:34, 24773:26, 24783:6, 24783:22  
**ratified** [1] - 24777:30  
**Ratio** [1] - 24777:27  
**reach** [1] - 24743:1  
**reached** [1] - 24730:21  
**reaching** [1] - 24716:28  
**reaction** [1] - 24785:14  
**read** [11] - 24710:24, 24724:41, 24746:20, 24746:27, 24754:40, 24759:1, 24759:20, 24765:40, 24776:14, 24787:30, 24787:31  
**readiness** [1] - 24713:5  
**reading** [6] - 24724:45, 24742:20, 24742:31, 24759:1, 24777:42, 24787:32  
**real** [1] - 24763:3  
**realise** [1] - 24737:24

**realised** [2] - 24720:30, 24783:24  
**realising** [1] - 24776:18  
**realistic** [2] - 24774:25, 24775:19  
**reality** [13] - 24709:3, 24713:44, 24723:27, 24725:16, 24733:40, 24734:27, 24752:7, 24752:8, 24752:9, 24755:44, 24771:27, 24777:1  
**really** [18] - 24738:33, 24741:10, 24744:30, 24744:31, 24744:35, 24744:47, 24746:3, 24747:10, 24757:21, 24757:39, 24770:37, 24771:12, 24778:14, 24781:35, 24781:37, 24786:30, 24786:31, 24787:40  
**realm** [2] - 24753:5, 24759:36  
**reason** [4] - 24734:2, 24758:38, 24775:6, 24779:14  
**reasonable** [3] - 24721:37, 24721:39, 24769:31  
**reasoned** [1] - 24717:46  
**reasons** [3] - 24720:25, 24726:25, 24757:19  
**recedes** [1] - 24740:42  
**receive** [3] - 24719:34, 24763:18, 24763:19  
**received** [19] - 24697:8, 24698:36, 24699:30, 24700:21, 24703:11, 24705:17, 24707:12, 24707:30, 24708:34, 24708:46, 24709:6, 24709:8, 24709:25, 24711:35, 24712:47, 24719:38, 24726:47, 24744:36, 24785:40  
**receiving** [1] - 24708:5  
**recent** [1] - 24713:5  
**recently** [2] - 24708:10, 24763:16  
**recession** [1] - 24740:46  
**reckoned** [1] - 24713:20  
**recognise** [2] - 24715:6, 24784:7  
**recognised** [2] - 24721:45, 24747:5  
**recognising** [2] - 24752:43, 24753:32  
**recognition** [2] - 24752:34, 24778:34  
**recommendations** [4] - 24704:37, 24704:47, 24716:8, 24774:25  
**recommended** [1] - 24717:18  
**reconciliation** [1] - 24728:44  
**Reconciliation** [2] -

24710:36, 24728:41  
**record** [2] - 24705:36, 24715:4  
**recourse** [2] - 24759:5, 24772:43  
**recurrence** [1] - 24729:22  
**redress** [10] - 24699:38, 24699:39, 24699:41, 24699:43, 24704:30, 24704:35, 24713:1, 24717:14, 24717:17, 24717:26  
**Redress** [1] - 24704:37  
**reduced** [1] - 24784:4  
**refer** [9] - 24719:27, 24736:15, 24752:1, 24757:24, 24758:10, 24765:2, 24765:10, 24769:29, 24785:30  
**reference** [3] - 24704:4, 24704:45, 24780:46  
**references** [2] - 24724:42, 24765:43  
**referral** [1] - 24708:3  
**referrals** [3] - 24707:41, 24707:46, 24708:6  
**referred** [9] - 24702:25, 24703:20, 24705:40, 24705:43, 24707:26, 24707:35, 24747:37, 24769:10, 24769:11  
**referring** [1] - 24758:18  
**refers** [3] - 24719:40, 24724:28, 24763:28  
**reflect** [7] - 24737:11, 24745:12, 24745:22, 24745:25, 24747:14, 24764:16, 24779:21  
**reflecting** [1] - 24748:43  
**Reflection** [1] - 24769:28  
**reflection** [4] - 24716:8, 24736:28, 24742:20, 24744:38  
**reflects** [1] - 24714:43  
**reform** [1] - 24742:28  
**refusal** [1] - 24756:46  
**regard** [2] - 24728:30, 24757:34  
**regarded** [4] - 24731:36, 24752:3, 24782:39, 24782:43  
**regarding** [5] - 24698:38, 24699:19, 24699:21, 24699:25, 24699:29  
**regardless** [3] - 24713:22, 24717:9, 24717:23  
**regional** [2] - 24697:16, 24711:15  
**registration** [2] - 24762:39, 24788:19  
**regrettable** [1] - 24732:13  
**regular** [1] - 24723:39  
**regularly** [1] - 24755:41  
**regulations** [1] - 24770:31  
**reject** [1] - 24723:19  
**relate** [3] - 24744:2, 24766:39, 24771:9

**related** [12] - 24696:33, 24700:4, 24700:15, 24703:36, 24707:11, 24708:20, 24708:37, 24710:11, 24711:40, 24751:26, 24757:30, 24781:32  
**relates** [4] - 24729:6, 24729:27, 24759:26, 24769:13  
**relating** [7] - 24696:31, 24703:16, 24707:32, 24711:22, 24727:2, 24727:15, 24729:37  
**relation** [34] - 24696:5, 24696:23, 24696:42, 24699:32, 24702:5, 24702:38, 24703:9, 24703:29, 24703:47, 24705:19, 24707:13, 24707:22, 24707:33, 24707:43, 24708:5, 24711:27, 24723:12, 24725:41, 24728:40, 24729:1, 24729:5, 24730:8, 24751:4, 24760:1, 24766:40, 24767:38, 24768:21, 24770:10, 24776:44, 24777:14, 24781:34, 24782:2, 24782:47, 24789:28  
**relational** [2] - 24725:33, 24780:43  
**relations** [3] - 24731:19, 24731:30, 24754:36  
**relationship** [13] - 24722:28, 24722:42, 24724:26, 24745:39, 24745:43, 24747:27, 24747:28, 24748:34, 24754:10, 24754:14, 24754:15, 24776:1  
**relationships** [7] - 24729:38, 24747:31, 24754:29, 24771:5, 24771:9, 24771:20, 24771:25  
**release** [1] - 24717:10  
**released** [3] - 24708:11, 24717:8, 24776:10  
**relevance** [1] - 24767:17  
**relevant** [18] - 24696:30, 24697:11, 24699:10, 24699:45, 24699:46, 24702:23, 24705:41, 24707:15, 24707:27, 24708:12, 24708:44, 24709:10, 24709:16, 24721:36, 24722:44, 24734:13, 24763:15, 24782:47  
**religion** [3] - 24697:33, 24765:26, 24766:3  
**RELIGIOUS** [1] - 24702:30  
**Religious** [2] - 24697:32, 24697:41

**religious** [100] - 24697:43, 24698:4, 24698:9, 24699:20, 24699:21, 24699:25, 24700:21, 24700:22, 24700:39, 24700:41, 24701:1, 24701:3, 24701:4, 24701:9, 24701:17, 24701:38, 24702:5, 24702:12, 24702:13, 24702:14, 24702:43, 24702:44, 24705:15, 24706:7, 24706:17, 24706:31, 24706:35, 24708:23, 24708:24, 24708:47, 24711:2, 24711:4, 24711:17, 24711:37, 24711:38, 24714:4, 24714:27, 24714:31, 24714:42, 24715:42, 24716:3, 24716:17, 24716:32, 24716:41, 24717:4, 24717:12, 24717:32, 24717:41, 24718:14, 24718:25, 24718:27, 24719:23, 24719:31, 24719:40, 24719:41, 24719:42, 24719:43, 24719:44, 24721:14, 24721:37, 24723:15, 24725:42, 24726:5, 24726:11, 24726:30, 24727:26, 24728:5, 24728:28, 24729:31, 24733:34, 24741:9, 24741:13, 24741:14, 24741:15, 24744:45, 24745:1, 24753:40, 24755:20, 24755:35, 24755:45, 24756:38, 24757:17, 24760:6, 24762:9, 24762:10, 24762:13, 24768:7, 24768:19, 24768:23, 24768:27, 24768:29, 24768:30, 24772:3, 24772:9, 24783:15, 24783:18, 24787:19, 24788:43  
**rely** [2] - 24709:40, 24716:5  
**remain** [2] - 24713:3, 24771:32  
**remained** [1] - 24742:40  
**remaining** [1] - 24703:42  
**Rembert** [4] - 24775:38, 24776:3, 24776:7, 24776:12  
**Rembert's** [1] - 24776:5  
**remember** [4] - 24738:7, 24738:21, 24746:23, 24746:37  
**remorseful** [1] - 24775:47  
**rendered** [1] - 24731:25  
**renders** [1] - 24753:4  
**Renewal** [1] - 24723:9  
**renunciation** [1] -

24745:37  
**repaired** [1] - 24718:38  
**repairing** [1] - 24712:22  
**repeat** [2] - 24728:24, 24755:26  
**repeatedly** [1] - 24769:34  
**repeating** [1] - 24768:14  
**replaced** [1] - 24766:11  
**replete** [1] - 24754:34  
**REPORT** [1] - 24702:29  
**report** [14] - 24704:1, 24704:23, 24704:25, 24704:34, 24704:45, 24706:42, 24706:44, 24707:36, 24716:31, 24720:44, 24777:8, 24785:4, 24785:6, 24785:33  
**reported** [19] - 24696:46, 24697:21, 24697:23, 24697:25, 24700:19, 24704:14, 24704:17, 24704:20, 24704:23, 24704:35, 24705:30, 24705:31, 24705:34, 24710:11, 24727:13, 24727:18, 24728:1, 24728:7, 24729:24  
**reporting** [1] - 24785:14  
**reports** [8] - 24696:30, 24696:31, 24703:41, 24703:42, 24705:26, 24706:41, 24711:22, 24716:44  
**represent** [4] - 24697:32, 24730:24, 24740:28, 24751:6  
**representative** [3] - 24706:36, 24750:44, 24776:22  
**represented** [6] - 24740:36, 24741:8, 24741:10, 24746:34, 24747:10, 24781:21  
**represents** [3] - 24714:34, 24756:19, 24776:35  
**reputation** [2] - 24707:1, 24770:13  
**request** [2] - 24703:17, 24703:30  
**requested** [3] - 24703:8, 24703:10, 24703:33  
**requested"** [1] - 24703:26  
**requests"** [1] - 24703:27  
**require** [5] - 24762:37, 24762:38, 24773:13, 24773:14, 24787:33  
**required** [3] - 24707:21, 24782:38, 24787:41  
**requirements** [1] - 24710:35  
**requires** [1] - 24787:34  
**research** [22] - 24709:18, 24710:11, 24710:21, 24724:28, 24725:15, 24725:27, 24726:28, 24727:20, 24727:23,

24728:6, 24728:34,  
24728:38, 24728:43,  
24729:14, 24729:27,  
24730:15, 24730:40,  
24748:11, 24748:22,  
24748:26, 24774:42,  
24774:43  
**researchers** [1] -  
24726:43  
**reservation** [1] - 24708:26  
**reserved** [1] - 24741:27  
**residual** [2] - 24746:19,  
24752:38  
**resistance** [1] - 24722:43  
**resolution** [1] - 24776:4  
**resolve** [1] - 24728:45  
**resources** [3] - 24697:1,  
24697:3, 24761:35  
**respect** [4] - 24702:36,  
24749:23, 24786:7,  
24787:20  
**respectable** [1] - 24729:13  
**respectively** [1] -  
24702:10  
**respond** [2] - 24703:26,  
24716:23  
**responded** [1] - 24703:24  
**responding** [2] -  
24696:24, 24783:1  
**Response** [1] - 24699:39  
**response** [21] - 24696:28,  
24697:30, 24697:38,  
24698:30, 24703:11,  
24703:30, 24704:40,  
24704:43, 24706:17,  
24708:16, 24708:35,  
24708:40, 24709:43,  
24710:33, 24711:21,  
24719:23, 24726:18,  
24730:2, 24748:9,  
24771:16, 24787:46  
**RESPONSES** [1] -  
24695:15  
**responses** [9] - 24696:29,  
24697:19, 24705:3,  
24705:16, 24705:18,  
24712:47, 24727:38,  
24731:26, 24769:32  
**responsibility** [10] -  
24713:24, 24762:14,  
24775:8, 24777:45,  
24778:35, 24779:5,  
24784:24, 24784:36,  
24785:23, 24787:35  
**responsible** [3] -  
24704:22, 24732:7,  
24771:7  
**rest** [2] - 24756:17,  
24759:20  
**rests** [4] - 24720:11,  
24720:36, 24720:38,  
24783:6  
**result** [8] - 24702:46,  
24707:46, 24718:5,  
24726:15, 24730:9,  
24743:42, 24744:30,  
24774:28

**resultant** [1] - 24729:34  
**resulted** [1] - 24723:20  
**results** [5] - 24699:9,  
24699:11, 24700:12,  
24702:24, 24711:31  
**resumes** [1] - 24732:41  
**retained** [1] - 24724:22  
**retreat** [1] - 24743:39  
**retrospect** [2] - 24737:24,  
24738:19  
**reveal** [1] - 24713:12  
**revealed** [2] - 24705:27,  
24713:18  
**reveals** [1] - 24762:45  
**revelation** [2] - 24747:46,  
24748:10  
**revelations** [2] - 24715:35,  
24747:44  
**review** [5] - 24696:35,  
24707:40, 24709:16,  
24762:20, 24762:32  
**reviewed** [3] - 24703:1,  
24707:8, 24726:36  
**reviews** [1] - 24717:40  
**revisited** [1] - 24717:11  
**revisiting** [3] - 24717:3,  
24717:5, 24717:8  
**rhetoric** [1] - 24777:1  
**rhetorically** [1] - 24769:31  
**Richard** [1] - 24755:33  
**Richardson** [1] - 24755:19  
**rid** [1] - 24764:27  
**Ridsdale** [2] - 24705:42,  
24705:43  
**rightly** [2] - 24760:18,  
24788:13  
**rigid** [1] - 24708:41  
**rigidly** [1] - 24721:7  
**rigorist** [1] - 24724:15  
**ripples** [1] - 24714:36  
**rise** [6] - 24712:35,  
24725:28, 24741:8,  
24741:23, 24741:25,  
24760:35  
**risk** [7] - 24710:45,  
24711:4, 24713:33,  
24728:32, 24753:36,  
24784:3, 24784:4  
**rite** [2] - 24697:44,  
24771:39  
**Robert** [1] - 24695:36  
**Robinson** [1] - 24763:15  
**Rockhampton** [2] -  
24705:9, 24706:19  
**role** [13] - 24708:19,  
24708:36, 24715:29,  
24715:41, 24722:22,  
24723:3, 24728:35,  
24729:27, 24739:31,  
24746:5, 24762:43,  
24774:5, 24779:29  
**roles** [2] - 24716:4,  
24730:33  
**Roman** [12] - 24722:1,  
24727:28, 24730:17,  
24730:23, 24731:5,  
24731:6, 24731:9,

24732:20, 24733:17,  
24733:33, 24766:31,  
24773:24  
**Rome** [3] - 24777:30,  
24781:15, 24785:41  
**room** [2] - 24746:36,  
24764:42  
**root** [1] - 24771:28  
**roots** [1] - 24765:14  
**ROYAL** [1] - 24695:14  
**Royal** [79] - 24696:20,  
24696:31, 24696:36,  
24696:41, 24696:47,  
24697:8, 24697:13,  
24697:27, 24697:30,  
24697:39, 24697:46,  
24698:17, 24698:23,  
24698:27, 24698:31,  
24698:37, 24698:41,  
24699:17, 24699:29,  
24700:5, 24700:7,  
24700:46, 24702:35,  
24702:37, 24702:47,  
24703:1, 24703:8,  
24703:22, 24703:30,  
24703:35, 24704:4,  
24704:34, 24704:44,  
24704:47, 24706:2,  
24706:9, 24706:40,  
24707:8, 24707:21,  
24707:30, 24707:35,  
24707:38, 24707:41,  
24708:3, 24708:10,  
24708:34, 24709:6,  
24709:8, 24709:14,  
24709:15, 24709:18,  
24709:22, 24709:25,  
24709:27, 24709:35,  
24710:3, 24710:17,  
24710:20, 24710:23,  
24710:28, 24710:39,  
24711:14, 24711:21,  
24711:35, 24712:19,  
24713:42, 24717:14,  
24717:18, 24718:24,  
24720:33, 24723:46,  
24732:41, 24733:14,  
24762:42, 24765:2,  
24773:36, 24774:6,  
24776:38, 24782:5  
**rule** [2] - 24742:27,  
24756:42  
**rules** [4] - 24770:31,  
24770:42, 24771:4,  
24771:5  
**run** [7] - 24705:24,  
24715:44, 24743:20,  
24756:24, 24769:27,  
24781:1, 24783:28  
**running** [1] - 24782:44  
**runs** [1] - 24735:28  
**rural** [1] - 24786:9

**S**

**sabbatical** [1] - 24786:38  
**sabbaticals** [1] - 24787:20

**Sacrament** [4] - 24710:36,  
24719:34, 24719:38,  
24728:40  
**sacrament** [2] - 24708:25,  
24728:43  
**Sacred** [1] - 24702:6  
**sacred** [1] - 24713:47  
**sadly** [4] - 24769:3,  
24788:31, 24788:35,  
24788:39  
**safe** [3] - 24696:23,  
24716:12, 24718:7  
**safeguard** [1] - 24716:18  
**safeguarding** [2] -  
24717:36, 24784:10  
**safer** [1] - 24712:25  
**safety** [5] - 24710:45,  
24711:4, 24716:30,  
24718:40, 24730:32  
**Sale** [1] - 24701:36  
**Salesians** [3] - 24702:1,  
24702:18, 24723:44  
**Salle** [1] - 24702:16  
**sample** [4] - 24758:10,  
24758:15, 24758:31,  
24759:23  
**Sandhurst** [1] - 24701:34  
**saw** [2] - 24709:16,  
24741:6  
**SC** [4] - 24695:42,  
24696:3, 24696:9,  
24696:10  
**scale** [1] - 24715:15  
**scandal** [1] - 24706:47  
**scenarios** [3] - 24746:34,  
24746:39, 24747:9  
**scheme** [5] - 24704:30,  
24704:33, 24717:17,  
24717:21, 24717:26  
**Scheme** [1] - 24704:38  
**scholars** [1] - 24731:24  
**Scholasticate** [1] -  
24736:22  
**scholastics** [2] -  
24744:37, 24744:42  
**School** [1] - 24736:44  
**school** [5] - 24704:20,  
24736:40, 24737:5,  
24737:39, 24738:8  
**schools** [8] - 24705:12,  
24705:20, 24718:7,  
24738:30, 24738:32,  
24739:6, 24752:33,  
24764:28  
**sciences** [1] - 24723:26  
**scientific** [1] - 24729:14  
**scope** [1] - 24696:21  
**screening** [3] - 24708:22,  
24725:41, 24726:19  
**scrutiny** [2] - 24723:47,  
24762:32  
**searching** [1] - 24765:16  
**Second** [2] - 24720:19,  
24773:42  
**second** [9] - 24711:1,  
24742:19, 24742:23,  
24742:34, 24744:41,

24745:42, 24746:13,  
24752:2, 24786:18  
**secondary** [1] - 24714:38  
**secondly** [1] - 24699:41  
**secrecy** [5] - 24706:34,  
24706:47, 24708:25,  
24710:35, 24785:1  
**Secretariat** [1] - 24710:1  
**section** [1] - 24724:47  
**sections** [1] - 24710:24  
**secular** [2] - 24766:23,  
24785:18  
**see** [14] - 24730:36,  
24730:40, 24737:34,  
24740:38, 24740:45,  
24741:19, 24741:23,  
24751:7, 24752:38,  
24757:42, 24767:44,  
24771:17, 24773:18,  
24789:25  
**See** [4] - 24703:16,  
24703:21, 24703:24,  
24703:26  
**seek** [9] - 24727:8,  
24728:44, 24732:10,  
24734:38, 24743:39,  
24743:40, 24761:33  
**seeking** [4] - 24699:38,  
24704:41, 24708:11,  
24747:47  
**seeks** [2] - 24714:9,  
24715:24  
**sees** [2] - 24713:45,  
24745:37  
**selected** [5] - 24709:32,  
24769:15, 24771:37,  
24771:38, 24773:10  
**selection** [3] - 24708:21,  
24725:41, 24784:28  
**self** [2] - 24765:31,  
24772:39  
**self-examination** [1] -  
24772:39  
**sells** [1] - 24738:9  
**seminarian** [2] - 24741:46,  
24747:41  
**seminarians** [3] -  
24726:10, 24734:10,  
24760:44  
**seminaries** [7] - 24744:45,  
24764:27, 24764:28,  
24777:7, 24777:20,  
24777:28, 24777:35  
**seminars** [2] - 24745:7,  
24745:20  
**seminary** [20] - 24721:46,  
24723:40, 24724:16,  
24726:9, 24728:9,  
24730:5, 24731:20,  
24733:24, 24736:20,  
24737:13, 24737:46,  
24742:10, 24742:11,  
24742:13, 24742:38,  
24745:1, 24745:4,  
24745:5, 24763:43,  
24788:33  
**senior** [3] - 24704:43,

24707:27, 24779:34  
**Senior** [3] - 24714:12,  
 24716:27, 24718:46  
**sense** [25] - 24722:42,  
 24741:14, 24741:32,  
 24745:4, 24746:28,  
 24746:29, 24747:35,  
 24750:27, 24751:39,  
 24752:6, 24752:10,  
 24752:11, 24752:12,  
 24753:6, 24754:31,  
 24754:35, 24756:2,  
 24762:6, 24767:33,  
 24772:33, 24775:2,  
 24775:18, 24779:37,  
 24783:7  
**sensible** [1] - 24719:14  
**separate** [1] - 24700:15  
**separately** [1] - 24735:46  
**serious** [3] - 24738:33,  
 24758:39, 24759:33  
**seriously** [2] - 24758:45,  
 24771:8  
**seriousness** [1] - 24780:3  
**served** [1] - 24699:27  
**service** [3] - 24748:26,  
 24761:21, 24787:20  
**services** [8] - 24706:21,  
 24711:7, 24715:45,  
 24716:41, 24718:8,  
 24742:10, 24782:34  
**session** [6] - 24697:21,  
 24697:25, 24704:2,  
 24704:14, 24704:16,  
 24704:24  
**sessions** [3] - 24696:46,  
 24707:39, 24713:18  
**set** [8] - 24716:29,  
 24738:35, 24745:40,  
 24746:9, 24755:15,  
 24757:25, 24761:9,  
 24777:28  
**sets** [3] - 24696:37,  
 24715:32, 24767:8  
**setting** [3] - 24760:30,  
 24779:4, 24786:9  
**settings** [1] - 24715:30  
**settled** [2] - 24699:41,  
 24717:9  
**settlement** [1] - 24776:6  
**seven** [1] - 24702:43  
**seventh** [2] - 24748:10,  
 24774:40  
**several** [5] - 24708:46,  
 24726:36, 24728:1,  
 24776:2, 24787:27  
**severity** [1] - 24714:1  
**sex** [5] - 24721:30,  
 24725:8, 24755:12,  
 24785:6  
**sex-obsessed** [1] -  
 24725:8  
**sexual** [137] - 24696:24,  
 24696:26, 24696:29,  
 24696:32, 24697:21,  
 24697:26, 24698:2,  
 24698:15, 24698:36,

24699:19, 24699:33,  
 24699:36, 24699:42,  
 24700:4, 24700:9,  
 24700:14, 24700:21,  
 24700:25, 24700:31,  
 24703:20, 24705:18,  
 24706:18, 24706:44,  
 24707:14, 24707:43,  
 24708:14, 24708:27,  
 24709:44, 24710:12,  
 24710:31, 24713:23,  
 24713:32, 24713:36,  
 24714:32, 24715:9,  
 24715:15, 24717:17,  
 24718:17, 24719:22,  
 24721:40, 24723:12,  
 24723:20, 24723:21,  
 24723:26, 24724:12,  
 24724:30, 24725:3,  
 24725:6, 24725:7,  
 24725:9, 24725:16,  
 24725:23, 24725:28,  
 24725:30, 24725:32,  
 24726:6, 24726:14,  
 24726:27, 24727:2,  
 24727:3, 24727:6,  
 24727:8, 24727:9,  
 24727:27, 24727:35,  
 24727:39, 24727:45,  
 24728:3, 24728:7,  
 24728:10, 24728:12,  
 24728:14, 24728:16,  
 24728:18, 24728:21,  
 24728:27, 24728:29,  
 24728:31, 24728:33,  
 24728:36, 24729:11,  
 24729:20, 24730:3,  
 24730:8, 24730:17,  
 24730:24, 24730:25,  
 24730:27, 24730:40,  
 24731:3, 24731:11,  
 24731:16, 24731:25,  
 24744:28, 24746:14,  
 24746:19, 24746:33,  
 24746:34, 24747:37,  
 24747:44, 24751:26,  
 24752:40, 24753:1,  
 24753:3, 24753:9,  
 24753:14, 24753:15,  
 24753:16, 24753:33,  
 24753:38, 24754:11,  
 24754:15, 24754:24,  
 24754:29, 24754:36,  
 24754:42, 24754:43,  
 24755:37, 24755:38,  
 24755:44, 24757:25,  
 24757:36, 24757:47,  
 24759:36, 24766:40,  
 24767:7, 24768:40,  
 24781:41, 24783:1,  
 24785:14, 24785:34,  
 24786:22  
**SEXUAL** [2] - 24695:15,  
 24702:30  
**sexualised** [2] - 24706:24,  
 24747:6  
**sexuality** [15] - 24709:4,  
 24721:20, 24721:23,

24721:26, 24721:36,  
 24722:13, 24722:14,  
 24724:16, 24727:37,  
 24729:20, 24731:18,  
 24731:29, 24744:39,  
 24752:40, 24760:9  
**Sexuality** [1] - 24725:1  
**sexually** [19] - 24704:17,  
 24705:28, 24714:3,  
 24721:14, 24722:2,  
 24724:28, 24725:37,  
 24725:47, 24726:31,  
 24726:38, 24727:4,  
 24727:14, 24727:38,  
 24727:41, 24728:2,  
 24729:5, 24729:26,  
 24730:45, 24731:1  
**shadow** [1] - 24756:19  
**shaken** [1] - 24715:35  
**shame** [2] - 24715:27,  
 24753:5  
**shamed** [2] - 24732:12,  
 24732:15  
**shape** [1] - 24732:20  
**shaped** [2] - 24766:27  
**share** [4] - 24713:33,  
 24739:33, 24770:1,  
 24770:23  
**shared** [6] - 24715:32,  
 24748:38, 24752:6,  
 24752:32, 24772:2,  
 24776:46  
**sharing** [2] - 24784:36,  
 24784:41  
**sheer** [1] - 24786:13  
**sheet** [1] - 24785:21  
**Sheila** [1] - 24709:38  
**shift** [6] - 24740:36,  
 24741:19, 24752:29,  
 24765:31, 24785:34,  
 24787:34  
**shifted** [1] - 24752:34  
**shifting** [2] - 24733:38,  
 24766:44  
**shifts** [1] - 24741:33  
**shocking** [2] - 24714:33,  
 24746:25  
**short** [2] - 24719:7,  
 24732:38  
**SHORT** [1] - 24719:17  
**shorter** [1] - 24764:8  
**shortly** [4] - 24699:9,  
 24711:15, 24724:43,  
 24747:39  
**shoulder** [1] - 24763:42  
**shoulds** [1] - 24734:36  
**shown** [1] - 24718:39  
**shows** [1] - 24772:5  
**shyness** [1] - 24727:17  
**side** [6] - 24756:19,  
 24772:5, 24782:40,  
 24782:42, 24782:45  
**sidelined** [1] - 24758:8  
**signed** [1] - 24710:6  
**significance** [1] -  
 24716:47  
**significant** [17] -

24705:17, 24710:11,  
 24716:27, 24717:40,  
 24721:16, 24727:27,  
 24730:27, 24741:19,  
 24744:34, 24748:44,  
 24749:22, 24762:43,  
 24767:16, 24772:4,  
 24773:20, 24775:24,  
 24776:2  
**significantly** [4] -  
 24715:39, 24718:26,  
 24729:18, 24743:37  
**silence** [1] - 24718:21  
**silos** [2] - 24779:42,  
 24784:42  
**silos** [1] - 24767:34  
**similar** [8] - 24706:29,  
 24715:11, 24717:18,  
 24730:21, 24744:46,  
 24774:46, 24777:25,  
 24785:36  
**simple** [6] - 24721:13,  
 24749:14, 24749:15,  
 24749:17, 24771:10,  
 24781:34  
**simplicity** [1] - 24742:22  
**simplify** [1] - 24730:42  
**simply** [13] - 24721:38,  
 24727:8, 24746:20,  
 24746:38, 24748:46,  
 24756:6, 24764:10,  
 24774:31, 24779:12,  
 24782:39, 24784:11,  
 24786:47, 24787:12  
**sin** [4] - 24722:22,  
 24722:25, 24753:6,  
 24759:33  
**sinful** [1] - 24753:17  
**single** [5] - 24749:15,  
 24749:16, 24756:6,  
 24771:18, 24772:28  
**sins** [2] - 24759:36,  
 24759:37  
**Sipe** [2] - 24755:19,  
 24755:33  
**Sister** [1] - 24735:28  
**sister** [4] - 24698:4,  
 24701:4, 24701:9,  
 24702:6  
**sisters** [4] - 24699:22,  
 24700:41, 24719:31,  
 24719:46  
**Sisters** [3] - 24702:6,  
 24702:7, 24711:17  
**sit** [3] - 24710:39,  
 24771:16, 24779:36  
**sitting** [1] - 24782:8  
**situation** [4] - 24749:46,  
 24751:38, 24752:24,  
 24779:17  
**situational** [1] - 24730:26  
**situations** [3] - 24727:39,  
 24764:12, 24764:15  
**six** [4] - 24714:30,  
 24728:6, 24737:32,  
 24769:10  
**size** [1] - 24713:9

**SJ** [3] - 24710:37,  
 24722:46, 24759:26  
**sketched** [1] - 24720:21  
**SM** [1] - 24721:27  
**small** [2] - 24714:15,  
 24761:45  
**smaller** [1] - 24743:17  
**so-called** [1] - 24764:4  
**Social** [2] - 24748:21,  
 24748:25  
**social** [13] - 24711:7,  
 24715:44, 24718:8,  
 24729:15, 24731:43,  
 24748:33, 24750:3,  
 24750:9, 24750:12,  
 24760:41, 24766:11,  
 24782:34, 24786:21  
**societies** [1] - 24719:41  
**society** [7] - 24708:27,  
 24720:5, 24720:13,  
 24762:46, 24763:2,  
 24785:35  
**Society** [5] - 24701:43,  
 24701:45, 24710:38,  
 24733:17, 24735:35  
**sold** [1] - 24787:27  
**solemn** [1] - 24743:6  
**solicitor** [1] - 24699:37  
**solutions** [2] - 24732:10,  
 24782:21  
**someone** [2] - 24714:35,  
 24778:17  
**sometimes** [4] - 24719:43,  
 24725:45, 24728:4,  
 24766:21  
**somewhat** [4] - 24749:22,  
 24769:30, 24777:43,  
 24788:6  
**somewhere** [1] - 24773:26  
**soon** [3] - 24748:15,  
 24749:25, 24775:46  
**sophisticated** [3] -  
 24715:46, 24750:28,  
 24757:41  
**sorry** [6] - 24755:23,  
 24755:26, 24758:23,  
 24758:24, 24765:18,  
 24778:24  
**sort** [3] - 24733:41,  
 24778:1, 24780:6  
**sorts** [3] - 24734:37,  
 24746:31, 24757:19  
**sought** [18] - 24699:29,  
 24699:43, 24700:17,  
 24700:30, 24703:15,  
 24703:30, 24725:21,  
 24727:5, 24737:46,  
 24745:21, 24745:22,  
 24745:24, 24745:33,  
 24746:25, 24753:8,  
 24774:41, 24776:4,  
 24780:17  
**sound** [1] - 24786:29  
**sounds** [1] - 24740:32  
**sources** [2] - 24699:17,  
 24785:8  
**South** [3] - 24705:21,

<p>24706:15, 24734:45  <b>space</b> [5] - 24752:21,  24753:25, 24754:41,  24756:16, 24756:47  <b>spans</b> [1] - 24714:14  <b>speaking</b> [4] - 24715:31,  24734:4, 24759:36,  24779:20  <b>specialist</b> [1] - 24724:5  <b>specific</b> [3] - 24703:27,  24704:13, 24748:34  <b>specifically</b> [1] - 24726:31  <b>spectrum</b> [1] - 24712:45  <b>speech</b> [1] - 24723:5  <b>spent</b> [3] - 24733:24,  24738:27, 24745:45  <b>sphere</b> [6] - 24750:11,  24750:12, 24750:13,  24760:41, 24783:12,  24785:18  <b>spheres</b> [1] - 24760:41  <b>spirit</b> [3] - 24727:31,  24727:32, 24758:6  <b>Spirit</b> [1] - 24737:6  <b>spiritual</b> [10] - 24740:23,  24740:37, 24743:38,  24743:40, 24743:41,  24744:35, 24749:33,  24752:30, 24761:37,  24763:2  <b>spiritualities</b> [1] -  24741:31  <b>spirituality</b> [3] - 24733:32,  24735:19, 24741:24  <b>spoken</b> [2] - 24767:38,  24768:8  <b>spot</b> [1] - 24786:10  <b>spread</b> [1] - 24759:44  <b>spreading</b> [1] - 24766:47  <b>spreadsheet</b> [2] -  24698:42, 24698:46  <b>St</b> [15] - 24702:6,  24702:21, 24721:28,  24734:44, 24736:22,  24737:3, 24737:31,  24742:27, 24744:17,  24757:33, 24757:38,  24758:5, 24758:32,  24758:43, 24759:2  <b>staff</b> [4] - 24697:11,  24717:35, 24745:5,  24777:34  <b>stage</b> [5] - 24737:43,  24742:11, 24747:39,  24748:17, 24784:29  <b>stages</b> [1] - 24740:39  <b>stand</b> [3] - 24751:35,  24751:40, 24780:25  <b>standard</b> [4] - 24714:10,  24759:25, 24759:44,  24759:45  <b>standards</b> [5] - 24696:23,  24716:29, 24716:33,  24716:37, 24716:42  <b>Standards</b> [5] - 24711:13,  24716:26, 24716:31,  24717:31, 24748:18</p>	<p><b>stands</b> [1] - 24774:11  <b>stark</b> [1] - 24713:44  <b>start</b> [5] - 24718:11,  24733:13, 24750:21,  24755:28, 24784:7  <b>started</b> [4] - 24748:44,  24763:19, 24774:1,  24784:41  <b>starting</b> [3] - 24762:44,  24782:18, 24786:29  <b>starts</b> [1] - 24781:45  <b>state</b> [10] - 24704:21,  24721:4, 24721:10,  24726:22, 24741:28,  24741:29, 24743:1,  24754:16, 24766:3,  24788:34  <b>statement</b> [9] - 24710:6,  24712:11, 24712:17,  24712:20, 24718:26,  24718:29, 24777:9,  24777:13, 24778:9  <b>Statement</b> [1] - 24718:13  <b>states</b> [3] - 24697:16,  24707:42, 24720:36  <b>States</b> [4] - 24709:47,  24733:23, 24738:23,  24776:22  <b>statistician</b> [1] - 24699:3  <b>statistics</b> [2] - 24718:45,  24772:1  <b>status</b> [3] - 24767:12,  24768:9, 24783:16  <b>steady</b> [1] - 24772:36  <b>step</b> [1] - 24765:33  <b>Stephen</b> [1] - 24695:43  <b>steps</b> [2] - 24714:44,  24714:47  <b>stick</b> [1] - 24768:41  <b>still</b> [13] - 24718:29,  24752:27, 24760:26,  24761:4, 24761:21,  24762:3, 24762:12,  24765:36, 24768:41,  24770:38, 24770:40,  24781:46, 24782:35  <b>stood</b> [1] - 24780:18  <b>stop</b> [1] - 24788:38  <b>stories</b> [2] - 24712:38,  24713:15  <b>story</b> [3] - 24768:14,  24775:36, 24776:11  <b>strategies</b> [2] - 24729:36,  24729:41  <b>Strathfield</b> [1] - 24744:23  <b>strength</b> [3] - 24779:10,  24779:16, 24783:10  <b>strengths</b> [2] - 24771:43,  24778:41  <b>stressed</b> [1] - 24785:22  <b>stressful</b> [1] - 24713:2  <b>strictly</b> [1] - 24759:36  <b>strife</b> [1] - 24766:16  <b>strong</b> [4] - 24723:5,  24747:1, 24747:2,  24747:3  <b>strongest</b> [1] - 24728:22</p>	<p><b>strove</b> [1] - 24766:18  <b>struck</b> [2] - 24734:34,  24749:19  <b>structural</b> [2] - 24710:29,  24762:45  <b>structure</b> [24] - 24708:18,  24708:36, 24716:34,  24719:27, 24720:38,  24722:35, 24722:39,  24730:36, 24731:18,  24747:29, 24747:30,  24764:47, 24767:15,  24767:43, 24771:28,  24775:21, 24778:40,  24779:12, 24779:13,  24783:43, 24787:34,  24789:7, 24789:10  <b>structure*</b> [1] - 24720:35  <b>structured</b> [2] - 24711:29,  24770:12  <b>structures</b> [17] - 24731:30,  24751:43, 24762:14,  24764:9, 24764:16,  24766:11, 24766:14,  24772:19, 24772:21,  24772:34, 24773:33,  24777:10, 24779:13,  24779:15, 24783:34,  24784:38, 24785:31  <b>struggle</b> [3] - 24752:20,  24752:39, 24761:26  <b>struggles</b> [2] - 24752:40,  24779:2  <b>struggling</b> [1] - 24752:10  <b>studies</b> [14] - 24696:39,  24697:5, 24703:2,  24703:41, 24705:10,  24713:42, 24715:40,  24726:36, 24727:18,  24727:35, 24728:1,  24735:19, 24735:21,  24746:35  <b>Studiorum</b> [1] - 24777:27  <b>Study</b> [4] - 24695:19,  24696:5, 24703:13,  24703:44  <b>study</b> [15] - 24696:30,  24697:12, 24703:47,  24704:13, 24704:19,  24705:2, 24706:3,  24706:10, 24722:1,  24726:45, 24728:34,  24729:30, 24729:44,  24738:23, 24785:30  <b>stuff</b> [1] - 24780:7  <b>stumbling</b> [1] - 24752:12  <b>stuttering</b> [1] - 24752:12  <b>style</b> [2] - 24721:6,  24727:15  <b>subject</b> [13] - 24700:3,  24700:9, 24704:1,  24704:13, 24704:32,  24704:33, 24704:42,  24705:13, 24706:1,  24706:22, 24714:32,  24720:39, 24730:15  <b>SUBJECT</b> [1] - 24702:30</p>	<p><b>sublimate</b> [1] - 24725:22  <b>submission</b> [11] -  24709:26, 24709:40,  24709:45, 24712:19,  24720:33, 24720:43,  24724:28, 24727:22,  24751:44, 24776:37,  24777:23  <b>submissions</b> [7] -  24708:11, 24708:34,  24708:38, 24708:46,  24709:6, 24709:8,  24711:35  <b>submissive</b> [1] - 24729:36  <b>submitted</b> [1] - 24724:25  <b>subordinate</b> [1] - 24707:3  <b>subsequent</b> [2] -  24728:32, 24731:26  <b>subsidiary</b> [1] - 24779:15  <b>substantiated</b> [3] -  24699:44, 24714:16,  24714:20  <b>substantive</b> [1] - 24711:26  <b>subterranean</b> [2] -  24752:21, 24756:18  <b>suburb</b> [1] - 24786:9  <b>success</b> [1] - 24718:43  <b>Suenens</b> [1] - 24773:46  <b>suffer</b> [1] - 24706:37  <b>suffered</b> [3] - 24706:37,  24714:35, 24737:18  <b>suffering</b> [2] - 24713:31,  24765:36  <b>sufficient</b> [1] - 24711:29  <b>suggest</b> [11] - 24723:38,  24730:33, 24732:40,  24745:47, 24747:19,  24752:37, 24756:37,  24756:43, 24769:40,  24770:10, 24777:6  <b>suggested</b> [4] - 24709:22,  24740:28, 24749:9,  24786:19  <b>suggesting</b> [3] -  24745:24, 24746:46,  24783:22  <b>suggests</b> [6] - 24705:33,  24725:27, 24726:3,  24726:18, 24727:24,  24730:40  <b>Sullivan</b> [2] - 24712:10,  24712:13  <b>SULLIVAN</b> [1] - 24712:15  <b>summarised</b> [1] -  24753:44  <b>Sunday</b> [1] - 24768:13  <b>superior</b> [1] - 24783:16  <b>superiority</b> [2] - 24723:14,  24725:11  <b>Superiors</b> [1] - 24720:45  <b>supervision</b> [34] -  24708:24, 24711:3,  24723:34, 24723:39,  24761:41, 24762:16,  24762:39, 24763:1,  24763:14, 24763:18,  24763:20, 24763:28,  24763:29, 24763:30,  24763:31, 24763:37,  24763:44, 24779:44,  24785:47, 24786:6,  24786:11, 24786:24,  24786:45, 24786:47,  24787:3, 24787:6,  24787:8, 24787:9,  24787:14, 24787:41,  24789:28  <b>supervisor</b> [2] - 24763:44,  24786:30  <b>supplementary</b> [2] -  24751:30, 24785:46  <b>support</b> [10] - 24699:11,  24704:36, 24708:23,  24711:3, 24712:41,  24713:1, 24723:34,  24728:26, 24750:5,  24750:37  <b>supported</b> [1] - 24714:39  <b>supports</b> [2] - 24702:24,  24762:47  <b>suppose</b> [5] - 24742:21,  24745:20, 24779:11,  24781:9, 24786:6  <b>supposed</b> [1] - 24734:32  <b>surprising</b> [1] - 24787:30  <b>survey</b> [16] - 24697:47,  24698:12, 24698:25,  24698:28, 24698:31,  24698:32, 24698:38,  24698:39, 24698:42,  24699:10, 24699:17,  24699:35, 24700:17,  24700:30, 24767:39  <b>surveyed</b> [3] - 24699:18,  24700:46, 24701:14  <b>survivor</b> [2] - 24704:41,  24713:9  <b>survivors</b> [16] - 24697:10,  24697:20, 24697:22,  24704:8, 24705:23,  24706:8, 24706:26,  24712:23, 24712:40,  24712:44, 24716:24,  24717:6, 24717:23,  24718:17, 24718:38,  24770:47  <b>susceptible</b> [1] - 24786:10  <b>suspicion</b> [2] - 24753:1,  24753:24  <b>sustained</b> [3] - 24775:7,  24775:12, 24775:26  <b>sworn</b> [2] - 24733:7,  24733:9  <b>Sydney</b> [8] - 24695:24,  24705:7, 24721:28,  24724:4, 24738:6,  24744:21, 24744:23  <b>Sydney's</b> [1] - 24704:40  <b>syndrome</b> [1] - 24765:37  <b>synod</b> [2] - 24781:7,  24781:12  <b>synods</b> [2] - 24781:1,  24781:11  <b>system</b> [8] - 24741:20,</p>
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<p>24756:14, 24766:35, 24767:47, 24768:4, 24768:39, 24769:47, 24788:14  <b>systemic</b> [6] - 24697:12, 24704:9, 24731:41, 24775:12, 24775:26, 24788:11  <b>systems</b> [2] - 24717:37, 24751:43</p>	<p>24707:34, 24709:9, 24709:45, 24710:7  <b>tendering</b> [1] - 24699:10  <b>tends</b> [3] - 24741:26, 24762:30, 24767:47  <b>tense</b> [1] - 24759:39  <b>tension</b> [2] - 24737:19, 24749:37  <b>tensions</b> [2] - 24736:31, 24739:2  <b>term</b> [10] - 24699:35, 24700:2, 24700:6, 24700:10, 24707:24, 24719:40, 24720:41, 24753:6, 24754:36, 24784:15  <b>terms</b> [19] - 24700:12, 24704:4, 24731:40, 24750:39, 24751:7, 24756:12, 24760:38, 24761:36, 24761:41, 24762:11, 24764:8, 24770:39, 24774:6, 24774:24, 24774:40, 24777:10, 24781:38, 24787:18, 24788:14  <b>terrible</b> [2] - 24768:28, 24780:39  <b>terribly</b> [1] - 24758:45  <b>territories</b> [1] - 24697:16  <b>Territory</b> [1] - 24707:42  <b>territory</b> [1] - 24704:21  <b>terror</b> [1] - 24725:8  <b>tertiary</b> [2] - 24738:27, 24738:28  <b>test</b> [3] - 24778:14, 24780:24, 24781:18  <b>text</b> [4] - 24758:31, 24758:42, 24759:25, 24766:12  <b>texts</b> [3] - 24758:10, 24758:16, 24759:23  <b>THE</b> [69] - 24696:1, 24696:7, 24696:15, 24702:27, 24712:7, 24712:13, 24719:2, 24719:9, 24719:14, 24732:32, 24732:43, 24732:47, 24735:39, 24735:46, 24736:8, 24736:18, 24740:31, 24741:3, 24741:43, 24745:28, 24746:31, 24753:29, 24754:3, 24754:13, 24754:20, 24754:39, 24755:23, 24755:28, 24756:35, 24760:13, 24760:44, 24761:3, 24761:12, 24761:20, 24761:47, 24762:18, 24762:24, 24762:30, 24762:41, 24763:11, 24764:34, 24764:41, 24768:6, 24769:5, 24770:18, 24771:22, 24773:13, 24773:32, 24773:40,</p>	<p>24774:9, 24779:19, 24779:25, 24779:29, 24780:12, 24781:7, 24783:22, 24784:44, 24785:43, 24787:44, 24788:22, 24788:28, 24788:41, 24789:7, 24789:14, 24789:20, 24789:25, 24789:30, 24789:36, 24789:38  <b>themes</b> [2] - 24708:43, 24734:25  <b>themselves</b> [18] - 24705:28, 24712:22, 24720:15, 24721:45, 24726:47, 24728:3, 24746:24, 24757:20, 24757:43, 24757:46, 24760:21, 24760:30, 24761:4, 24764:13, 24783:26, 24784:34, 24784:38, 24784:39  <b>Theologian</b> [1] - 24759:24  <b>theologians</b> [1] - 24741:40  <b>theological</b> [11] - 24720:34, 24723:40, 24749:33, 24750:3, 24750:10, 24750:13, 24750:21, 24750:40, 24750:47, 24751:1, 24751:21  <b>Theology</b> [3] - 24723:37, 24724:47, 24740:9  <b>theology</b> [14] - 24721:35, 24722:25, 24722:41, 24723:25, 24725:30, 24729:15, 24731:17, 24733:32, 24735:10, 24736:30, 24750:27, 24757:37, 24759:30, 24775:20  <b>theory</b> [2] - 24726:16, 24751:24  <b>therapy</b> [1] - 24734:30  <b>thereafter</b> [1] - 24747:39  <b>thereby</b> [1] - 24721:10  <b>therefore</b> [6] - 24723:28, 24732:27, 24754:33, 24777:9, 24785:7, 24788:28  <b>thesis</b> [2] - 24733:33, 24740:45  <b>thinking</b> [21] - 24744:43, 24748:39, 24750:17, 24750:37, 24751:1, 24758:5, 24758:33, 24758:38, 24759:21, 24761:20, 24768:42, 24770:38, 24774:34, 24775:33, 24778:7, 24778:10, 24778:15, 24778:17, 24780:10, 24780:37, 24787:35  <b>third</b> [2] - 24711:9, 24747:18  <b>thirds</b> [1] - 24697:22</p>	<p><b>Thomas</b> [3] - 24742:31, 24757:38, 24758:32  <b>Thomistic</b> [1] - 24735:11  <b>thorough</b> [1] - 24761:8  <b>thoughtful</b> [1] - 24760:8  <b>thoughts</b> [5] - 24748:3, 24753:33, 24757:4, 24757:36  <b>thousand</b> [1] - 24743:16  <b>thousand-acre</b> [1] - 24743:16  <b>thousands</b> [2] - 24755:20, 24755:34  <b>three</b> [18] - 24697:44, 24699:17, 24704:32, 24709:30, 24713:25, 24719:34, 24729:44, 24736:29, 24745:32, 24749:11, 24749:30, 24749:33, 24749:36, 24749:47, 24750:4, 24750:18, 24789:18, 24789:20  <b>throughout</b> [2] - 24700:10, 24764:23  <b>tidy</b> [1] - 24782:11  <b>tiered</b> [1] - 24741:20  <b>tired</b> [1] - 24780:20  <b>TITLED</b> [1] - 24702:29  <b>TO</b> [3] - 24695:15, 24702:30, 24789:38  <b>Toby</b> [2] - 24748:20, 24748:24  <b>today</b> [11] - 24714:13, 24716:2, 24716:11, 24741:10, 24748:39, 24752:25, 24759:41, 24761:45, 24767:4, 24773:26, 24789:31  <b>today's</b> [3] - 24713:24, 24715:38, 24780:4  <b>together</b> [9] - 24697:32, 24718:16, 24739:41, 24749:34, 24750:4, 24755:2, 24773:29, 24784:35, 24789:20  <b>toleration</b> [1] - 24765:22  <b>took</b> [8] - 24714:47, 24715:12, 24717:28, 24728:38, 24737:6, 24760:6, 24765:33, 24768:14  <b>tool</b> [1] - 24762:24  <b>Toongabbie</b> [1] - 24736:22  <b>Toowoomba</b> [2] - 24705:9, 24705:11  <b>top</b> [5] - 24722:38, 24785:7, 24785:12, 24785:13, 24785:26  <b>top-down</b> [2] - 24722:38, 24785:7  <b>topic</b> [8] - 24711:26, 24711:27, 24741:45, 24747:39, 24757:30, 24764:3, 24768:21, 24785:47</p>	<p><b>topics</b> [1] - 24704:28  <b>tortured</b> [1] - 24769:35  <b>total</b> [5] - 24699:21, 24699:25, 24700:31, 24711:37, 24722:9  <b>totally</b> [1] - 24753:41  <b>touch</b> [1] - 24776:13  <b>towards</b> [5] - 24720:14, 24727:16, 24727:17, 24744:32, 24744:41  <b>Towards</b> [3] - 24699:39, 24704:31, 24717:9  <b>Tower</b> [1] - 24695:23  <b>track</b> [2] - 24773:45, 24780:41  <b>tradition</b> [10] - 24721:23, 24735:11, 24740:23, 24740:37, 24740:38, 24740:47, 24741:7, 24751:42, 24752:18, 24765:47  <b>traditionally</b> [1] - 24721:3  <b>traditions</b> [1] - 24731:23  <b>tragedy</b> [1] - 24713:40  <b>tragic</b> [1] - 24714:33  <b>tragically</b> [3] - 24769:5, 24769:7, 24781:21  <b>trained</b> [1] - 24764:36  <b>training</b> [14] - 24708:22, 24708:47, 24709:2, 24723:34, 24723:41, 24723:47, 24724:16, 24724:31, 24725:41, 24737:42, 24737:45, 24738:1, 24738:41, 24760:7  <b>transcript</b> [1] - 24703:5  <b>transition</b> [2] - 24770:40, 24775:40  <b>translate</b> [1] - 24751:1  <b>translates</b> [2] - 24751:42, 24751:43  <b>translation</b> [1] - 24778:3  <b>transparency</b> [10] - 24765:4, 24767:25, 24769:44, 24781:34, 24781:38, 24782:2, 24782:15, 24782:17, 24782:38, 24784:9  <b>transparent</b> [3] - 24772:20, 24774:45, 24787:40  <b>transparently</b> [2] - 24761:16, 24761:35  <b>traumatic</b> [1] - 24775:41  <b>traumatisation</b> [1] - 24713:33  <b>treatment</b> [5] - 24717:46, 24727:1, 24727:6, 24727:43, 24728:18  <b>trialled</b> [1] - 24698:29  <b>tried</b> [1] - 24776:2  <b>Trinitarian</b> [1] - 24751:13  <b>triumphalism</b> [1] - 24724:18  <b>true</b> [5] - 24753:10, 24756:41, 24761:12,</p>
<b>T</b>				
<p><b>tab</b> [4] - 24735:32, 24736:15, 24758:19, 24758:29  <b>tabled</b> [2] - 24703:42, 24703:43  <b>tackle</b> [2] - 24780:7  <b>talks</b> [2] - 24767:1, 24782:1  <b>tandem</b> [1] - 24785:21  <b>tangential</b> [1] - 24737:2  <b>tangibly</b> [1] - 24714:39  <b>Tarrawarra</b> [2] - 24742:24, 24742:39  <b>tasked</b> [1] - 24748:22  <b>Tasmania</b> [4] - 24737:34, 24738:3, 24738:5, 24742:2  <b>taught</b> [2] - 24735:9, 24737:4  <b>teach</b> [3] - 24749:46, 24774:18, 24780:27  <b>teacher</b> [3] - 24737:45, 24738:37, 24738:42  <b>teachers</b> [2] - 24739:5, 24780:27  <b>teaching</b> [14] - 24709:2, 24709:3, 24713:47, 24714:2, 24721:26, 24737:5, 24737:37, 24737:39, 24737:42, 24738:17, 24738:25, 24738:28, 24746:26, 24769:39  <b>teachings</b> [5] - 24721:35, 24723:22, 24731:24, 24753:20, 24753:22  <b>technical</b> [1] - 24698:39  <b>template</b> [4] - 24733:41, 24734:24, 24737:21, 24740:25  <b>tempted</b> [1] - 24782:24  <b>ten</b> [1] - 24701:3  <b>tended</b> [1] - 24727:15  <b>tendencies</b> [1] - 24721:44  <b>tendency</b> [2] - 24727:17, 24760:36  <b>TENDER</b> [1] - 24789:23  <b>tender</b> [8] - 24702:23, 24732:29, 24735:31, 24735:46, 24751:22, 24758:19, 24789:17  <b>tendered</b> [7] - 24699:13, 24703:12, 24707:10,</p>	<p>24707:34, 24709:9, 24709:45, 24710:7  <b>tendering</b> [1] - 24699:10  <b>tends</b> [3] - 24741:26, 24762:30, 24767:47  <b>tense</b> [1] - 24759:39  <b>tension</b> [2] - 24737:19, 24749:37  <b>tensions</b> [2] - 24736:31, 24739:2  <b>term</b> [10] - 24699:35, 24700:2, 24700:6, 24700:10, 24707:24, 24719:40, 24720:41, 24753:6, 24754:36, 24784:15  <b>terms</b> [19] - 24700:12, 24704:4, 24731:40, 24750:39, 24751:7, 24756:12, 24760:38, 24761:36, 24761:41, 24762:11, 24764:8, 24770:39, 24774:6, 24774:24, 24774:40, 24777:10, 24781:38, 24787:18, 24788:14  <b>terrible</b> [2] - 24768:28, 24780:39  <b>terribly</b> [1] - 24758:45  <b>territories</b> [1] - 24697:16  <b>Territory</b> [1] - 24707:42  <b>territory</b> [1] - 24704:21  <b>terror</b> [1] - 24725:8  <b>tertiary</b> [2] - 24738:27, 24738:28  <b>test</b> [3] - 24778:14, 24780:24, 24781:18  <b>text</b> [4] - 24758:31, 24758:42, 24759:25, 24766:12  <b>texts</b> [3] - 24758:10, 24758:16, 24759:23  <b>THE</b> [69] - 24696:1, 24696:7, 24696:15, 24702:27, 24712:7, 24712:13, 24719:2, 24719:9, 24719:14, 24732:32, 24732:43, 24732:47, 24735:39, 24735:46, 24736:8, 24736:18, 24740:31, 24741:3, 24741:43, 24745:28, 24746:31, 24753:29, 24754:3, 24754:13, 24754:20, 24754:39, 24755:23, 24755:28, 24756:35, 24760:13, 24760:44, 24761:3, 24761:12, 24761:20, 24761:47, 24762:18, 24762:24, 24762:30, 24762:41, 24763:11, 24764:34, 24764:41, 24768:6, 24769:5, 24770:18, 24771:22, 24773:13, 24773:32, 24773:40,</p>	<p>24774:9, 24779:19, 24779:25, 24779:29, 24780:12, 24781:7, 24783:22, 24784:44, 24785:43, 24787:44, 24788:22, 24788:28, 24788:41, 24789:7, 24789:14, 24789:20, 24789:25, 24789:30, 24789:36, 24789:38  <b>themes</b> [2] - 24708:43, 24734:25  <b>themselves</b> [18] - 24705:28, 24712:22, 24720:15, 24721:45, 24726:47, 24728:3, 24746:24, 24757:20, 24757:43, 24757:46, 24760:21, 24760:30, 24761:4, 24764:13, 24783:26, 24784:34, 24784:38, 24784:39  <b>Theologian</b> [1] - 24759:24  <b>theologians</b> [1] - 24741:40  <b>theological</b> [11] - 24720:34, 24723:40, 24749:33, 24750:3, 24750:10, 24750:13, 24750:21, 24750:40, 24750:47, 24751:1, 24751:21  <b>Theology</b> [3] - 24723:37, 24724:47, 24740:9  <b>theology</b> [14] - 24721:35, 24722:25, 24722:41, 24723:25, 24725:30, 24729:15, 24731:17, 24733:32, 24735:10, 24736:30, 24750:27, 24757:37, 24759:30, 24775:20  <b>theory</b> [2] - 24726:16, 24751:24  <b>therapy</b> [1] - 24734:30  <b>thereafter</b> [1] - 24747:39  <b>thereby</b> [1] - 24721:10  <b>therefore</b> [6] - 24723:28, 24732:27, 24754:33, 24777:9, 24785:7, 24788:28  <b>thesis</b> [2] - 24733:33, 24740:45  <b>thinking</b> [21] - 24744:43, 24748:39, 24750:17, 24750:37, 24751:1, 24758:5, 24758:33, 24758:38, 24759:21, 24761:20, 24768:42, 24770:38, 24774:34, 24775:33, 24778:7, 24778:10, 24778:15, 24778:17, 24780:10, 24780:37, 24787:35  <b>third</b> [2] - 24711:9, 24747:18  <b>thirds</b> [1] - 24697:22</p>	<p><b>Thomas</b> [3] - 24742:31, 24757:38, 24758:32  <b>Thomistic</b> [1] - 24735:11  <b>thorough</b> [1] - 24761:8  <b>thoughtful</b> [1] - 24760:8  <b>thoughts</b> [5] - 24748:3, 24753:33, 24757:4, 24757:36  <b>thousand</b> [1] - 24743:16  <b>thousand-acre</b> [1] - 24743:16  <b>thousands</b> [2] - 24755:20, 24755:34  <b>three</b> [18] - 24697:44, 24699:17, 24704:32, 24709:30, 24713:25, 24719:34, 24729:44, 24736:29, 24745:32, 24749:11, 24749:30, 24749:33, 24749:36, 24749:47, 24750:4, 24750:18, 24789:18, 24789:20  <b>throughout</b> [2] - 24700:10, 24764:23  <b>tidy</b> [1] - 24782:11  <b>tiered</b> [1] - 24741:20  <b>tired</b> [1] - 24780:20  <b>TITLED</b> [1] - 24702:29  <b>TO</b> [3] - 24695:15, 24702:30, 24789:38  <b>Toby</b> [2] - 24748:20, 24748:24  <b>today</b> [11] - 24714:13, 24716:2, 24716:11, 24741:10, 24748:39, 24752:25, 24759:41, 24761:45, 24767:4, 24773:26, 24789:31  <b>today's</b> [3] - 24713:24, 24715:38, 24780:4  <b>together</b> [9] - 24697:32, 24718:16, 24739:41, 24749:34, 24750:4, 24755:2, 24773:29, 24784:35, 24789:20  <b>toleration</b> [1] - 24765:22  <b>took</b> [8] - 24714:47, 24715:12, 24717:28, 24728:38, 24737:6, 24760:6, 24765:33, 24768:14  <b>tool</b> [1] - 24762:24  <b>Toongabbie</b> [1] - 24736:22  <b>Toowoomba</b> [2] - 24705:9, 24705:11  <b>top</b> [5] - 24722:38, 24785:7, 24785:12, 24785:13, 24785:26  <b>top-down</b> [2] - 24722:38, 24785:7  <b>topic</b> [8] - 24711:26, 24711:27, 24741:45, 24747:39, 24757:30, 24764:3, 24768:21, 24785:47</p>	<p><b>topics</b> [1] - 24704:28  <b>tortured</b> [1] - 24769:35  <b>total</b> [5] - 24699:21, 24699:25, 24700:31, 24711:37, 24722:9  <b>totally</b> [1] - 24753:41  <b>touch</b> [1] - 24776:13  <b>towards</b> [5] - 24720:14, 24727:16, 24727:17, 24744:32, 24744:41  <b>Towards</b> [3] - 24699:39, 24704:31, 24717:9  <b>Tower</b> [1] - 24695:23  <b>track</b> [2] - 24773:45, 24780:41  <b>tradition</b> [10] - 24721:23, 24735:11, 24740:23, 24740:37, 24740:38, 24740:47, 24741:7, 24751:42, 24752:18, 24765:47  <b>traditionally</b> [1] - 24721:3  <b>traditions</b> [1] - 24731:23  <b>tragedy</b> [1] - 24713:40  <b>tragic</b> [1] - 24714:33  <b>tragically</b> [3] - 24769:5, 24769:7, 24781:21  <b>trained</b> [1] - 24764:36  <b>training</b> [14] - 24708:22, 24708:47, 24709:2, 24723:34, 24723:41, 24723:47, 24724:16, 24724:31, 24725:41, 24737:42, 24737:45, 24738:1, 24738:41, 24760:7  <b>transcript</b> [1] - 24703:5  <b>transition</b> [2] - 24770:40, 24775:40  <b>translate</b> [1] - 24751:1  <b>translates</b> [2] - 24751:42, 24751:43  <b>translation</b> [1] - 24778:3  <b>transparency</b> [10] - 24765:4, 24767:25, 24769:44, 24781:34, 24781:38, 24782:2, 24782:15, 24782:17, 24782:38, 24784:9  <b>transparent</b> [3] - 24772:20, 24774:45, 24787:40  <b>transparently</b> [2] - 24761:16, 24761:35  <b>traumatic</b> [1] - 24775:41  <b>traumatisation</b> [1] - 24713:33  <b>treatment</b> [5] - 24717:46, 24727:1, 24727:6, 24727:43, 24728:18  <b>trialled</b> [1] - 24698:29  <b>tried</b> [1] - 24776:2  <b>Trinitarian</b> [1] - 24751:13  <b>triumphalism</b> [1] - 24724:18  <b>true</b> [5] - 24753:10, 24756:41, 24761:12,</p>
. 6/02/2017 (242)		26		
Transcript produced by DTI				

24781:37, 24783:14  
**trust** [4] - 24713:37,  
 24714:28, 24768:11,  
 24770:34  
**trustees** [1] - 24740:2  
**trusting** [1] - 24768:12  
**Truth** [13] - 24696:11,  
 24697:34, 24698:13,  
 24700:4, 24709:14,  
 24712:10, 24712:17,  
 24716:6, 24717:7,  
 24718:11, 24720:32,  
 24724:24, 24776:34  
**truth** [4] - 24713:40,  
 24713:43, 24767:46,  
 24782:12  
**try** [13] - 24746:13,  
 24746:15, 24746:16,  
 24746:18, 24746:20,  
 24746:27, 24746:28,  
 24746:40, 24747:8,  
 24747:14, 24749:6,  
 24752:13, 24755:12  
**trying** [8] - 24732:8,  
 24734:8, 24745:11,  
 24746:38, 24756:43,  
 24772:16, 24773:19,  
 24788:10  
**TUESDAY** [1] - 24789:38  
**turn** [3] - 24731:23,  
 24739:13, 24759:10  
**turned** [6] - 24738:3,  
 24738:5, 24738:34,  
 24744:44, 24768:27,  
 24768:28  
**turning** [3] - 24702:35,  
 24745:5, 24764:46  
**two** [17] - 24697:22,  
 24698:29, 24720:5,  
 24730:1, 24741:20,  
 24742:18, 24742:19,  
 24749:22, 24749:40,  
 24749:43, 24757:14,  
 24766:8, 24767:5,  
 24768:26, 24772:5,  
 24783:43, 24789:25  
**two-thirds** [1] - 24697:22  
**two-tiered** [1] - 24741:20  
**type** [2] - 24697:14,  
 24704:19  
**tyrannical** [1] - 24734:36  
**tyrannies** [1] - 24734:37

## U

**ultimate** [2] - 24720:36,  
 24720:37  
**ultimately** [1] - 24770:13  
**unbefitting** [1] - 24714:9  
**unbeknownst** [1] -  
 24734:28  
**unconscious** [2] -  
 24720:47, 24747:5  
**under** [7] - 24717:9,  
 24734:37, 24737:46,  
 24739:2, 24765:25,  
 24766:7, 24782:35

**underdevelopment** [1] -  
 24727:40  
**underestimation** [1] -  
 24724:18  
**underlying** [1] - 24747:9  
**undermine** [1] - 24776:32  
**undermines** [1] -  
 24714:25  
**underneath** [1] - 24746:41  
**underpinnings** [1] -  
 24720:34  
**underscores** [1] -  
 24771:41  
**understandings** [2] -  
 24750:14, 24751:30  
**understood** [6] - 24731:3,  
 24741:12, 24747:32,  
 24747:33, 24749:28,  
 24756:15  
**undertake** [3] - 24743:29,  
 24775:2, 24787:14  
**undertaken** [6] -  
 24697:46, 24698:12,  
 24711:32, 24742:27,  
 24774:46, 24777:3  
**undertaking** [1] - 24787:2  
**unequal** [1] - 24720:4  
**unforgiving** [1] - 24712:29  
**unfortunately** [1] -  
 24724:40  
**unhealthy** [2] - 24783:39,  
 24784:22  
**unhelpful** [1] - 24745:34  
**uniform** [1] - 24777:9  
**unique** [1] - 24731:4  
**United** [4] - 24709:47,  
 24733:23, 24738:23,  
 24776:22  
**universal** [4] - 24765:26,  
 24771:27, 24771:45,  
 24775:22  
**universally** [2] - 24784:3,  
 24785:5  
**universities** [1] - 24735:21  
**university** [1] - 24733:24  
**University** [5] - 24723:38,  
 24724:4, 24733:23,  
 24734:3, 24740:11  
**unjust** [1] - 24757:16  
**unknowable** [1] - 24787:4  
**unknown** [2] - 24700:33,  
 24700:35  
**unless** [5] - 24765:27,  
 24774:43, 24778:9,  
 24780:21, 24781:35  
**unlikely** [1] - 24726:29  
**unnecessarily** [1] -  
 24705:2  
**unqualified** [1] - 24718:17  
**unrealistic** [1] - 24752:18  
**unregulated** [1] -  
 24723:17  
**unrestricted** [1] -  
 24730:44  
**unsuited** [1] - 24721:38  
**unto** [1] - 24783:26  
**untrue** [1] - 24788:35

**up** [34] - 24713:2,  
 24713:40, 24716:34,  
 24726:20, 24726:26,  
 24734:25, 24736:8,  
 24738:3, 24738:5,  
 24738:34, 24742:2,  
 24742:6, 24745:40,  
 24746:23, 24746:31,  
 24746:33, 24747:31,  
 24753:40, 24754:15,  
 24754:34, 24755:15,  
 24759:27, 24760:16,  
 24760:30, 24765:33,  
 24765:39, 24766:15,  
 24767:8, 24768:29,  
 24771:35, 24777:37,  
 24781:22, 24782:11,  
 24787:40  
**upfront** [1] - 24746:26  
**uppermost** [1] - 24740:46  
**ups** [3] - 24706:34,  
 24718:16, 24718:34  
**urgings** [1] - 24757:40  
**US** [1] - 24720:44

## V

**values** [2] - 24715:33,  
 24743:24  
**Vanier** [1] - 24742:32  
**variables** [1] - 24728:23  
**varied** [5] - 24697:24,  
 24777:8, 24777:18,  
 24777:35, 24788:5  
**varies** [4] - 24771:37,  
 24771:39, 24777:33  
**variety** [2] - 24744:1,  
 24762:46  
**various** [5] - 24702:46,  
 24704:47, 24713:39,  
 24777:20, 24788:4  
**Vatican** [14] - 24703:9,  
 24706:13, 24708:19,  
 24708:36, 24720:19,  
 24720:21, 24720:26,  
 24772:44, 24773:3,  
 24773:5, 24773:13,  
 24773:14, 24773:21,  
 24773:42  
**venereal** [1] - 24759:32  
**venture** [1] - 24744:43  
**Verney** [1] - 24696:4  
**version** [1] - 24698:32  
**vertical** [1] - 24723:2  
**vexed** [1] - 24787:38  
**Vicar** [6] - 24721:21,  
 24739:21, 24739:27,  
 24739:31, 24739:33,  
 24739:47  
**victim** [1] - 24708:1  
**victimisation** [1] -  
 24728:21  
**victims** [7] - 24707:3,  
 24713:6, 24714:38,  
 24718:18, 24769:7,  
 24770:47, 24782:8  
**Victoria** [2] - 24705:20,

24741:46  
**videolink** [4] - 24709:39,  
 24710:5, 24710:14,  
 24710:39  
**view** [11] - 24700:6,  
 24700:7, 24721:25,  
 24721:33, 24722:3,  
 24724:14, 24725:7,  
 24753:44, 24763:12,  
 24777:22, 24779:25  
**views** [5] - 24724:36,  
 24734:43, 24739:11,  
 24759:40, 24786:23  
**Vincent's** [1] - 24744:17  
**Vincentians** [1] -  
 24701:41  
**virginity** [1] - 24725:11  
**virtual** [1] - 24721:8  
**virtually** [3] - 24735:28,  
 24787:4, 24787:12  
**visitation** [1] - 24705:26  
**visited** [1] - 24742:24  
**vital** [2] - 24718:32,  
 24780:14  
**vitality** [4] - 24749:32,  
 24749:34, 24749:43,  
 24749:47  
**vocation** [4] - 24729:31,  
 24743:3, 24743:4  
**voice** [2] - 24781:20,  
 24781:25  
**voices** [1] - 24717:16  
**volume** [3] - 24736:6,  
 24736:11, 24736:16  
**VOLUME** [1] - 24736:13  
**volumes** [4] - 24736:9,  
 24736:10, 24789:18,  
 24789:20  
**voluntary** [1] - 24698:5  
**von** [3] - 24749:26,  
 24749:28, 24749:35  
**vowed** [1] - 24725:11  
**vows** [2] - 24743:6,  
 24760:7  
**vulnerability** [2] -  
 24752:3, 24752:20  
**vulnerable** [2] - 24715:24,  
 24752:42

## W

**Wahroonga** [2] -  
 24739:21, 24739:29  
**waiting** [1] - 24708:4  
**Wales** [3] - 24705:21,  
 24706:15, 24734:45  
**wants** [1] - 24776:32  
**wars** [1] - 24769:37  
**wary** [1] - 24712:46  
**WAS** [1] - 24789:38  
**Washington** [2] -  
 24776:13, 24776:19  
**watch** [2] - 24776:18,  
 24786:16  
**ways** [17] - 24713:39,  
 24744:1, 24745:34,

24745:35, 24750:36,  
 24751:1, 24751:10,  
 24751:19, 24751:40,  
 24754:25, 24755:8,  
 24755:14, 24756:46,  
 24774:46, 24780:27,  
 24782:44, 24787:2  
**Weakland** [1] - 24775:38  
**weaknesses** [1] -  
 24771:44  
**weaned** [1] - 24726:1  
**website** [3] - 24709:7,  
 24710:26, 24724:43  
**wedding** [1] - 24771:17  
**weddings** [1] - 24771:11  
**Wednesday** [1] - 24710:40  
**week** [6] - 24710:3,  
 24710:28, 24710:43,  
 24711:1, 24711:9,  
 24720:20  
**weeks** [5] - 24709:30,  
 24710:17, 24713:26,  
 24717:45, 24720:42  
**weight** [1] - 24738:21  
**welcome** [1] - 24774:5  
**welcomed** [1] - 24774:20  
**welcoming** [1] - 24713:4  
**welfare** [2] - 24707:2,  
 24718:8  
**Welfare** [2] - 24748:21,  
 24748:26  
**wellbeing** [1] - 24786:21  
**Western** [2] - 24705:20,  
 24705:24  
**whatsoever** [1] - 24773:11  
**Whelan** [17] - 24721:27,  
 24721:36, 24722:25,  
 24733:4, 24733:13,  
 24733:16, 24733:19,  
 24757:4, 24757:24,  
 24762:18, 24764:46,  
 24769:9, 24772:42,  
 24775:31, 24777:40,  
 24780:35, 24788:22  
**WHELAN** [88] - 24733:9,  
 24733:16, 24733:21,  
 24733:31, 24733:38,  
 24734:1, 24734:19,  
 24734:24, 24734:47,  
 24735:4, 24735:8,  
 24735:26, 24735:37,  
 24736:22, 24736:26,  
 24736:38, 24736:43,  
 24737:2, 24737:13,  
 24737:18, 24737:31,  
 24737:39, 24737:45,  
 24738:5, 24738:15,  
 24738:19, 24738:27,  
 24738:32, 24738:41,  
 24739:2, 24739:8,  
 24757:7, 24757:28,  
 24757:33, 24758:15,  
 24758:23, 24758:31,  
 24759:43, 24760:5,  
 24762:22, 24762:28,  
 24763:7, 24763:14,  
 24763:26, 24763:35,

<p>24763:40, 24764:25, 24764:39, 24764:44, 24765:6, 24765:10, 24765:18, 24765:46, 24766:44, 24767:19, 24767:24, 24767:46, 24768:25, 24769:7, 24769:17, 24769:22, 24770:5, 24770:16, 24770:20, 24770:25, 24773:1, 24773:17, 24773:38, 24773:42, 24775:36, 24776:40, 24777:42, 24778:14, 24778:19, 24779:23, 24779:40, 24780:37, 24781:5, 24781:9, 24782:7, 24782:24, 24785:39, 24786:13, 24786:26, 24788:26, 24788:31, 24788:47, 24789:10</p> <p><b>Whelan's</b> [1] - 24735:31</p> <p><b>whereas</b> [3] - 24755:40, 24766:10, 24783:26</p> <p><b>whereby</b> [2] - 24780:8, 24780:42</p> <p><b>whilst</b> [4] - 24726:24, 24731:36, 24755:36, 24758:44</p> <p><b>whole</b> [20] - 24708:28, 24718:36, 24736:6, 24739:35, 24739:41, 24740:41, 24742:21, 24746:9, 24746:23, 24752:14, 24753:37, 24764:14, 24764:23, 24769:22, 24770:42, 24772:19, 24772:21, 24772:32, 24781:16, 24788:31</p> <p><b>wholeheartedly</b> [1] - 24757:11</p> <p><b>widely</b> [2] - 24753:46, 24759:44</p> <p><b>wider</b> [2] - 24748:47, 24773:8</p> <p><b>willing</b> [1] - 24704:8</p> <p><b>willingness</b> [1] - 24710:13</p> <p><b>willpower</b> [2] - 24733:42, 24737:23</p> <p><b>wisdom</b> [2] - 24770:20, 24770:23</p> <p><b>wish</b> [5] - 24736:46, 24776:42, 24778:19, 24780:10, 24789:17</p> <p><b>wished</b> [3] - 24709:17, 24777:40, 24778:22</p> <p><b>wishes</b> [1] - 24712:2</p> <p><b>withdrawal</b> [1] - 24741:34</p> <p><b>withdrawn</b> [1] - 24708:8</p> <p><b>WITHDREW</b> [1] - 24789:36</p> <p><b>witness</b> [5] - 24709:32, 24720:20, 24736:3, 24736:4, 24736:5</p> <p><b>witnesses</b> [15] - 24696:12,</p>	<p>24697:10, 24703:2, 24703:3, 24709:11, 24709:17, 24709:22, 24709:31, 24711:38, 24721:15, 24721:33, 24722:23, 24722:35, 24763:23, 24789:17</p> <p><b>WITNESSES</b> [1] - 24789:36</p> <p><b>Wollongong</b> [2] - 24701:30, 24706:15</p> <p><b>Woman</b> [1] - 24758:35</p> <p><b>woman</b> [1] - 24759:11</p> <p><b>women</b> [8] - 24708:43, 24722:32, 24729:38, 24758:38, 24767:29, 24769:14, 24781:1, 24783:37</p> <p><b>wonder</b> [1] - 24779:43</p> <p><b>wonderful</b> [1] - 24742:4</p> <p><b>Woodlawn</b> [1] - 24737:3</p> <p><b>Woods</b> [1] - 24696:10</p> <p><b>word</b> [2] - 24712:35, 24763:44</p> <p><b>words</b> [11] - 24712:31, 24712:32, 24718:36, 24724:45, 24725:43, 24747:38, 24752:21, 24756:24, 24759:17, 24775:32, 24780:40</p> <p><b>workforces</b> [1] - 24782:37</p> <p><b>workings</b> [1] - 24782:21</p> <p><b>works</b> [4] - 24758:44, 24767:47, 24783:17, 24783:34</p> <p><b>workshop</b> [1] - 24744:42</p> <p><b>workshops</b> [7] - 24745:6, 24745:9, 24745:16, 24746:4, 24747:16, 24747:18, 24747:41</p> <p><b>world</b> [25] - 24714:18, 24718:14, 24734:4, 24741:13, 24741:34, 24741:35, 24755:18, 24755:33, 24758:40, 24763:21, 24765:26, 24771:9, 24774:1, 24774:3, 24774:4, 24774:30, 24780:1, 24780:4, 24781:44, 24782:15, 24782:20, 24782:42</p> <p><b>worldview</b> [1] - 24721:8</p> <p><b>worse</b> [2] - 24706:30, 24714:46</p> <p><b>worst</b> [1] - 24753:6</p> <p><b>would-be</b> [1] - 24764:30</p> <p><b>writer</b> [2] - 24749:23, 24749:24</p> <p><b>writers</b> [3] - 24741:39, 24742:32, 24749:23</p> <p><b>writes</b> [2] - 24759:2, 24759:13</p> <p><b>writing</b> [4] - 24748:2, 24752:30, 24759:8, 24769:28</p> <p><b>writings</b> [2] - 24755:18,</p>	<p>24755:32</p> <p><b>written</b> [6] - 24709:26, 24720:21, 24748:38, 24768:20, 24775:37, 24787:27</p> <p><b>wrongs</b> [2] - 24712:23, 24718:38</p> <p><b>wrote</b> [2] - 24774:40, 24775:46</p> <hr/> <p style="text-align: center;"><b>Y</b></p> <hr/> <p><b>yardstick</b> [1] - 24763:17</p> <p><b>year</b> [13] - 24708:10, 24709:35, 24710:19, 24716:29, 24734:30, 24735:17, 24736:29, 24737:32, 24742:19, 24742:24, 24742:34, 24763:19, 24788:16</p> <p><b>years</b> [36] - 24696:41, 24700:28, 24712:27, 24715:19, 24715:34, 24715:41, 24716:22, 24717:1, 24717:3, 24717:32, 24717:43, 24718:22, 24718:24, 24733:24, 24735:9, 24736:29, 24736:30, 24737:40, 24737:47, 24738:22, 24741:17, 24742:18, 24742:19, 24743:1, 24743:8, 24756:10, 24761:33, 24763:43, 24764:4, 24768:38, 24768:47, 24770:27, 24772:35, 24786:37, 24788:32</p> <p><b>Yeshiva</b> [1] - 24785:30</p> <p><b>young</b> [6] - 24709:1, 24718:20, 24724:12, 24736:26, 24756:31, 24776:10</p> <p><b>younger</b> [1] - 24756:26</p> <p><b>yourself</b> [2] - 24738:9, 24788:23</p> <p><b>Youth</b> [1] - 24710:1</p>
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