

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

**Public Hearing - Case Study 50
(Day 243)**

Level 17, Governor Macquarie Tower
1 Farrer Place, Sydney

On Tuesday, 7 February 2017 at 10am

Before:

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| 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 |

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| Counsel Assisting: | Ms Gail Furness SC |
| | Mr Stephen Free |

1 MS FURNESS: Your Honour and Commissioners, we have
2 Dr Thomas Doyle giving evidence this morning.

3
4 <THOMAS PATRICK MICHAEL DOYLE, sworn: [10.07am]

5
6 <EXAMINATION BY MS FURNESS:

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8 MS FURNESS: Your full name, Dr Doyle?

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10 DR DOYLE: Good morning.

11
12 MS FURNESS: Would you tell us your full name?

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14 DR DOYLE: My full name is Thomas Patrick Michael Doyle.

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16 MS FURNESS: What current work are you doing in the
17 Catholic Church, doctor?

18
19 DR DOYLE: I don't do anything for the institutional
20 Catholic Church. The ministry, if you want to call it
21 that, that I do almost exclusively is in two areas. One is
22 with the victims and survivors, and their families, of
23 sexual abuse. There is a variety of things I do there.
24 I'm also a licensed addictions therapist, so I do some
25 work, not a great deal, with families who have children
26 that are into drugs back in my area.

27
28 MS FURNESS: Thank you. You entered the Dominican
29 novitiate in about 1964?

30
31 DR DOYLE: If you say so, I agree it.

32
33 MS FURNESS: If I say so based on your CV, would you agree
34 with the particulars?

35
36 DR DOYLE: It's probably - I think it is 1964.

37
38 MS FURNESS: Prior to entering that novitiate, did you
39 come from a religious family?

40
41 DR DOYLE: We were practising Catholics, but we weren't
42 churchy, so to speak. My father was a scientist and so
43 there was, I think, a healthy amount of scepticism and
44 realism in the family. We were not what would be
45 considered at that time to be a devout family.

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47 MS FURNESS: What attracted you to the Dominicans?

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DR DOYLE: At that time, by the way, I just want to say that the priesthood, back in the 1960s, was an honourable profession and it was one that a lot of us thought about. It had not been subjected to any significant criticism, at least that most of us knew about.

So I was attracted to the Dominicans because I was sort of thinking about becoming a priest and I had met some and I was very impressed with two things about them: one, they were very much down to earth and normal; and, two, they did a lot of college educational work, research work, and I was interested in that dimension. I wasn't too interested in being a parish priest.

MS FURNESS: You took your vows in 1968?

DR DOYLE: Final vows in 1968.

MS FURNESS: What did you do after that?

DR DOYLE: In a religious order, most of them, you take your vows during the course of your formation, but ordination, if you are going to be a priest, takes place separate from that. You have to have final vows, your solemn vows, in order to be ordained, so I went back and completed - actually, after 1968, I began my theological studies and, at the end of those, I was ordained a priest.

MS FURNESS: And the theological studies you undertook where?

DR DOYLE: I did my theology in Dubuque, Iowa. Our seminary of theology was in Dubuque, Iowa and that's where I did it.

MS FURNESS: You ultimately did a PhD in?

DR DOYLE: In canon law.

MS FURNESS: When was that?

DR DOYLE: I received my doctorate in 1978 from Catholic University of America.

MS FURNESS: As you know, doctor, we'll be dealing with canon law later and you will be joining us later for

1 a discussion on canon law.

2

3 DR DOYLE: Yes, ma'am, I do.

4

5 MS FURNESS: Thank you. You refer to, in 1981, being
6 asked to serve as Secretary-Canonist at the Vatican Embassy
7 in Washington DC.

8

9 DR DOYLE: Yes.

10

11 MS FURNESS: How did that come about?

12

13 DR DOYLE: I at the time was working for the Archdiocese
14 of Chicago as a judge in their ecclesiastical tribunal, and
15 I was called by my superior, the Dominican Provincial, who
16 informed me that I would soon be receiving a telephone call
17 from the Papal Nuncio's office asking me to go out for an
18 interview, and he said, "If they offer you the job, take
19 it." They did and I did.

20

21 MS FURNESS: What was the job?

22

23 DR DOYLE: The job was to work at the Papal Nunciature in
24 Washington DC as a staff canonist, and my main duty was to
25 manage the process whereby candidates for the office of
26 bishop are investigated, whereby dioceses are created,
27 bishops are changed, transferred or retired. I handled all
28 of the administrative dimension of that.

29

30 MS FURNESS: What investigations did you do into potential
31 bishops?

32

33 DR DOYLE: We would get the names of potential bishops.
34 Let's say a bishop wants an auxiliary, an assistant, he
35 would send us three possible names and then we would look
36 in our own lists of candidates that were there, possible
37 candidates, and we would send out questionnaires,
38 confidential questionnaires, to about 20 or 25 people.
39 Some names were provided by the bishop, others that we
40 found, classmates, other people the candidates had worked
41 under. They would all come back. These were very
42 comprehensive questionnaires, several pages long, with
43 maybe 40 or 50 questions.

44

45 At that time, Pope John Paul II was the Pope and there
46 were several key questions that had to be answered
47 affirmatively. One was complete adherence to the Church's

1 doctrine on sexual morality; complete adherence to the
2 Church's doctrine on marriage of priests, women priests and
3 homosexuality. If you didn't pass that, you didn't get any
4 further.

5

6 MS FURNESS: When you say "if you didn't pass that", do
7 you mean if somebody who was answering the survey indicated
8 that the auxiliary priest or potential auxiliary priest
9 didn't meet one or more of those criteria?

10

11 DR DOYLE: That's correct, exactly. And all of this was
12 done in deep secrecy. The recipients were given an
13 envelope that said, "Once you open this you are under the
14 pontifical secret and you cannot reveal the contents to
15 anyone." When they were done, they were to send the
16 envelope - everything we sent them, they had to send it
17 back, so there were no traces. But if they did reveal
18 that - I will just give you an example. One man wrote in
19 that he knew this candidate quite well, and they were
20 sitting in an airport waiting for a plane one day, and he
21 said, "We just got into a discussion and he said 'Don't you
22 think some day the Church is going to give official
23 approval to birth control?'" Well, that ended the
24 candidacy of that particular individual.

25

26 MS FURNESS: Was there any discretion in you as to whether
27 or not, given the other circumstances of the man's
28 candidature, he should still nevertheless be accepted?

29

30 DR DOYLE: The only discretion I had was when I would
31 discuss the results of the questionnaires coming in with
32 the Papal Nuncio. He would want to know how the
33 investigation was going and I would bring up certain issues
34 that had come up in some of the responses and we would
35 discuss them, and if I was able to convince him that there
36 were other factors here that were far more powerful and
37 would make him a really good bishop, other than a few of
38 these things which are just speculative and minor and are
39 not that important --

40

41 MS FURNESS: Was part of the survey to ask whether there
42 were any complaints or anything else adverse known to the
43 potential bishop?

44

45 DR DOYLE: Yes, there were, and if something was mentioned
46 in the area of sexuality, we would generally try to verify
47 it to make sure that it wasn't a disgruntled somebody

1 writing in to do the guy in, and we would have to verify it
2 with the bishop of the diocese that was requesting the
3 auxiliary bishop, for example. If he said, "Well, I didn't
4 know anything about that", and if it was nebulous, we would
5 err on the side of caution and we would terminate that
6 candidacy.

7
8 MS FURNESS: Was this process only for auxiliary bishops?

9
10 DR DOYLE: No, ma'am. The process was for anyone who was
11 going to be consecrated a bishop. It was also done for
12 bishops who were being promoted or changed from one diocese
13 to another. The questions were slightly different if
14 a man, let's say in Canberra, was going to be promoted to
15 Sydney, the questions were somewhat different, but we still
16 had to look at his suitability for what they called higher
17 responsibilities in the Church.

18
19 MS FURNESS: Was the bishop from where the person came
20 required to give something like a certificate of good
21 standing?

22
23 DR DOYLE: Yes. In fact, the bishop who promoted, who put
24 the man's name forward, would also put forward his
25 curriculum vitae as well as a report on his suitability.
26 So that would be - he's voting for this man and this is
27 what we have, and then we would go from there.

28
29 MS FURNESS: That procedure wasn't set down in canon law,
30 was it?

31
32 DR DOYLE: No, it's not. The only thing canon law does is
33 say they have to be investigated and suitable. The
34 guidelines we used were essentially guidelines we had
35 received from the Congregation for Bishops in Rome. They
36 were the ones - after our process was finished, it was all
37 sent to the Congregation, and then they would do another
38 investigation, and if they found something over there that
39 we did not find, or if someone on the Congregation didn't
40 happen to like the particular candidate, it would end
41 there.

42
43 MS FURNESS: From your work internationally, are you able
44 to help us with whether that form of investigation is done
45 elsewhere or was done elsewhere?

46
47 DR DOYLE: Yes, ma'am. That type of investigation is done

1 throughout the world. There are some differences. For
2 most of the world, the process is worked through the
3 Congregation for Bishops.

4
5 MS FURNESS: In Rome?

6
7 DR DOYLE: In Rome. When they finish the process with the
8 candidates and they decide - always three candidates are
9 sent over, what they call a terna. If they decide, "The
10 first candidate is the one we're going to promote and
11 propose to the Pope", the Prefect of the Congregation meets
12 with the Pope once a week and generally he'd say, "I have
13 all these candidates for the office of bishop." And the
14 Pope, under John Paul and under Benedict, would maybe look
15 at a couple of them, sign off on a couple and then he'd
16 give a general approval of all the rest, because there is
17 no way he could have known them all.

18
19 MS FURNESS: The investigation was done locally prior to
20 it going to Rome?

21
22 DR DOYLE: Yes. Everything locally had to be completed,
23 synthesised, analysed and a report completed with the
24 Papal Nuncio's opinion. I would have to prepare why each
25 candidate was suitable for the office of bishop. If the
26 Nuncio liked what I prepared, he would sign off on it. If
27 he wanted changes, I would prepare changes. That went to
28 the Vatican.

29
30 MS FURNESS: So the material that you sent out to,
31 effectively, the referees was sent back to you. What did
32 you do with it?

33
34 DR DOYLE: The material from --

35
36 MS FURNESS: The surveys, the completed surveys.

37
38 DR DOYLE: The surveys. I would go through them and
39 I would --

40
41 MS FURNESS: But physically, where did you put them?

42
43 DR DOYLE: Where did I put them?

44
45 MS FURNESS: Yes.

46
47 DR DOYLE: Every candidate had his own file. The whole

1 bottom floor of the Nunciature was a huge archive and it
2 had files down there going back to the time of
3 Pope John XXIII. Everything before that had been taken to
4 Rome. So we put them there, and if the candidate never got
5 anywhere, if he was never promoted or if it wasn't the
6 right time, the files remained there.

7
8 MS FURNESS: Were the files covered by the pontifical
9 secret?

10
11 DR DOYLE: Yes, ma'am.

12
13 MS FURNESS: Did the files go to Rome?

14
15 DR DOYLE: Eventually they would go to Rome, generally
16 whenever Rome decided they wanted the files from that
17 particular Nunciature to go to Rome.

18
19 MS FURNESS: That was the work you were doing in 1985 when
20 you began that position?

21
22 DR DOYLE: I began there in 1981 and I was doing that
23 throughout. But the way it worked was that the staff
24 members did whatever the Nuncio wanted us to do. For
25 example, somebody would send him a book in the mail, and he
26 would give me the book and say, "Read the book and give me
27 a little report." "Okay."

28
29 MS FURNESS: When was it that you first came into touch
30 with victims or survivors of clergy sexual abuse?

31
32 DR DOYLE: My first contact with actual survivors was in
33 1985. That was not my first contact with the problem at
34 the Nunciature, but my first contact with survivors was in
35 Louisiana in 1985.

36
37 MS FURNESS: What was your contact with the Nuncio in
38 relation to sexual abuse of children?

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40 DR DOYLE: My first contact with the issue at the
41 Nunciature involved two bishops. We were notified, in one
42 instance by law enforcement, that a bishop had been picked
43 up, a retired bishop, with a couple teenage boys, and
44 rather than go any further, the law enforcement agency
45 brought it to the Papal ambassador, who in turn called the
46 sitting bishop in the diocese where this retired bishop was
47 living, and he went and saw him and talked to him and

1 called us back and said, "Everything's fine", except that
2 it wasn't fine because, a few months later, the same bishop
3 got caught again, and this time the law enforcement agency
4 said, "We'll cover this time, but there had better not be
5 a third because then we're going to have to do something
6 official."

7
8 Well, there was a third, and then not long after the
9 third time happened, the bishop died of a heart attack.

10
11 The second instance involved a letter that we had
12 received relative to the appointment of a bishop in
13 a diocese in Pennsylvania. The Diocese of Harrisburg had
14 come open, and the same thing probably happens here in the
15 Church among priests - there are always rumours going all
16 over who the next bishop is going to be.

17
18 Well, there were a lot of rumours about who the bishop
19 was going to be, and we received a letter from a man in
20 Long Island, who said, "I'm a former priest. I'm laicised.
21 I'm legally married, and my wife's nephew was sexually
22 abused by one of the men who is being talked about to be
23 the Bishop of Harrisburg. If he in fact is appointed
24 Bishop of Harrisburg, I am going to go public with this
25 information."

26
27 The Papal Nuncio asked me if I would arrange to have
28 an investigation done. This was my very first contact with
29 more than just pushing papers. So we found a priest in the
30 Washington DC area that I had known for years, who was
31 a very fine man. He drove up to visit the family and
32 talked to the young man and talked to the family. He came
33 back and he came into my office and he was going to give me
34 his report. His report was fairly short. I looked at him
35 and I said, "Bernie, what do you think?" He said, "I think
36 he did it", and that was the end of that. I informed the
37 Papal Nuncio, and the man was in fact under consideration,
38 but that ended that.

39
40 MS FURNESS: Was there any talk about going to the police?

41
42 DR DOYLE: No, none whatsoever.

43
44 MS FURNESS: Was that something that was done in those
45 days?

46
47 DR DOYLE: The event had happened maybe - I don't know how

1 many years before this. I never got much information as to
2 where it happened or when it happened, but I will have to
3 be honest and tell you that at that time, in the Papal
4 ambassador's office, going to the police, unless they
5 brought the case to us, was not even on the table. That
6 was not discussed.

7
8 MS FURNESS: Why not?

9
10 DR DOYLE: I think it was not discussed because to go to
11 the police would (a) acknowledge the reality of what had
12 happened and (b) cause embarrassment for the institution,
13 and the buzzword for that is "scandal", which means
14 embarrassment for the hierarchy, embarrassment for the
15 institutional Church.

16
17 MS FURNESS: So that was the beginning of your involvement
18 with this issue in Washington?

19
20 DR DOYLE: That was my first encounter. Both of those
21 things happened in 1982. But my real involvement, that
22 when it happened I knew that this was not going to end,
23 involved the case of a priest from the Diocese of
24 Lafayette, Louisiana. Louisiana is one of the southern
25 states, very south, and this priest had been reported and
26 pulled offline by the bishop because he had sexually abused
27 a lot - he was a true paedophile. All of his victims were
28 prepubescent little boys.

29
30 He had been doing this, we later discovered, since
31 before ordination. But after ordination, which was in
32 1972, his first assault of a young boy after ordination
33 took place in the kitchen of the rectory where he was
34 assigned probably within three weeks of his ordination. He
35 had been reported to the bishop maybe, I think, five or
36 six times, and each time he was moved to another area.

37
38 What finally brought it to a head was the father of
39 one of the victims in one of the rural parishes he was at
40 took a shotgun and went to the home of one of his friends
41 and said, "I'm going over to take care of
42 Monsignor So-and-so. Do you want to come along?", and he
43 was fully intent on shooting this man, the pastor.

44
45 That word got back to the diocese and they decided,
46 "Maybe we should do something." So they pulled
47 Father Gotay offline and sent him to a place called the

1 House of Affirmation. At that point, the diocese entered
2 into - they were approached - they knew. There were,
3 I believe, nine families that had been after them
4 constantly. They entered into an agreement with these
5 nine families that involved total confidentiality on their
6 part and a payment of approximately \$300,000 per family on
7 the part of the diocese. Now, this was the first time that
8 I know of that something like that happened.

9
10 MS FURNESS: That was an awful lot of money then.

11
12 DR DOYLE: It was a lot of money at that time, but there
13 was a lot at stake at that time and they realised it.

14
15 One of the families, however - let me backtrack. When
16 that happened, the Vicar General of the diocese wrote
17 a letter to the Papal Nuncio and he explained, "We have
18 entered into an agreement with these families because this
19 priest had done inappropriate things with their children,
20 and it's all taken care of. Don't worry about a thing."

21
22 So the Papal Nuncio read the letter at our staff
23 meeting, gave it to me and said, "Prepare a response and
24 put it in a file", which I dutifully did. Two days later,
25 we received another letter from the same Vicar General, who
26 said, in a sense, "Never mind, because one of the families
27 has pulled out of the agreement. They have engaged the
28 services of a very brilliant, a very aggressive
29 anti-Catholic lawyer." The man was an anti-Catholic lawyer
30 because he had been excommunicated by a former bishop for
31 representing divorced people in divorce cases.

32
33 So he was with this family and they were going to sue
34 the diocese. They named in the suit the diocese, the
35 bishop, the Vicar General, the priest, the pastor, the
36 Papal Nuncio and the Pope. When that happened, of course,
37 it was public knowledge all of a sudden. The district
38 attorney in the area, which would be, I think, the
39 equivalent of a Crown attorney here maybe, realised that
40 these events were, many of them - all of them, within
41 statute of limitations and he had to file criminal charges
42 against the priest. That's when the media got involved.

43
44 The media - unlike in the past where anything
45 involving a priest of this nature was buried at the bottom
46 of column 6 on the women's page, this time it was
47 different. It was on the front page, with pictures, and it

1 went viral. There was a picture of this priest in his gaol
2 cell that was in Newsweek magazine, so it was worldwide.
3 That actually began - that's how I got started.
4

5 I was in charge of handling the case, preparing
6 documentation, keeping my boss informed as to what was
7 going on, because the Nuncio was blown away. He didn't
8 know what this was - he knew what it was about, but he was
9 just stunned when he found out that these people were going
10 to sue the Catholic Church and that the media was pointing
11 at the bishops and blaming them.
12

13 MS FURNESS: What were your riding instructions when you
14 were handling the case?
15

16 DR DOYLE: My instructions were simply to prepare
17 information for the letters that had to be signed by the
18 Apostolic Nuncio to the bishop and the diocese. One of the
19 things I did was I realised that they needed some
20 professional help dealing with the accused priest, so
21 I connected the bishop up with a man named Father Michael
22 Peterson, who was also a psychiatrist, who had founded
23 a place called St Luke Institute, which was and still is
24 a health care facility for priests dealing with substance
25 abuse issues and psychosexual issues.
26

27 Peterson went and interviewed the man, tested him and
28 wanted to find out what was going on. He said, "We've got
29 to bring him up to my place and give him a full battery of
30 tests for about a week, and then he's got to go back into
31 a lock-down situation." In fact, by then, they had him in
32 gaol.
33

34 MS FURNESS: Were his faculties taken from him?
35

36 DR DOYLE: His faculties were taken from him. To my
37 knowledge, he has not yet been officially laicised.
38

39 MS FURNESS: Do you know why not?
40

41 DR DOYLE: I don't know.
42

43 MS FURNESS: He was ultimately convicted and gaoled?
44

45 DR DOYLE: He was ultimately convicted. He was sentenced
46 to 20 years and he got out after 10. He moved to a small
47 house in East Texas, next door to a woman who had

1 a three-year-old son, and he was picked up for sexually
2 abusing the three-year-old son and thrown in gaol. He was
3 in gaol for about a year, but the woman didn't want to go
4 forward because she didn't want to get on the stand and she
5 didn't want her child exposed.

6
7 So he got out of gaol for a while. Then he was picked
8 up again for failure to report because he was on a sexual
9 registry. To my knowledge, now, he has two types of cancer
10 and he is living alone in a small house near Houston,
11 Texas.

12
13 MS FURNESS: Did the Church continue to support him
14 financially after he got out of gaol the first time?

15
16 DR DOYLE: I think they did for a while.

17
18 MS FURNESS: Did they take any responsibility for
19 supervising him?

20
21 DR DOYLE: No.

22
23 MS FURNESS: Is that something the Church does now?

24
25 DR DOYLE: Well, they say they do, but the supervision,
26 from my experience - now, let me just backtrack and say
27 I have been involved directly with this issue for 33 years.
28 I've been involved in actual cases in a number of ways
29 throughout the United States and in several other
30 countries, so I've seen the promises that, "Father will be
31 under strict supervision. He will have three men who will
32 be his support team." Sometimes that is actually done.
33 I know of a few cases where it actually is done the right
34 way. But for the most part, oftentimes you find that the
35 men on the support team don't even know they're there, and
36 this all comes out when the man reoffends. So in general,
37 I think you cannot presume that the supervision will be
38 done in a competent, effective manner.

39
40 MS FURNESS: Just coming back to the role of the Nuncio,
41 was his role in relation to liaising in some way with Rome
42 or was it more of a local role?

43
44 DR DOYLE: His role was liaising with Rome. He functioned
45 as a regular ambassador. He had really no actual authority
46 in his office, only what might have been given to him, so
47 it was mostly liaising with Rome, which he did

1 significantly as we went through this.

2

3 I was tasked to prepare a report that he would sign
4 and send to the Pope in February 1985.

5

6 MS FURNESS: Just let me stop you there for a moment. So
7 you understood the purpose of your work was to inform the
8 Nuncio, who in turn would inform Rome?

9

10 DR DOYLE: My job - that's exactly right. Inform the
11 Nuncio; liaise with the dioceses; see what they were doing;
12 and keep a file, a record, of everything.

13

14 MS FURNESS: When you say "liaise with the dioceses", did
15 it involve any oversight or any discretion as to
16 recommendations you might make to them?

17

18 DR DOYLE: What I did was connect them with this
19 Father Peterson, and he was making recommendations as to
20 what they were going to do, the disposition of the priest.

21

22 But another factor came into play in very early
23 January 1985. The attorney who the diocese had hired to
24 defend the priest on the criminal charges called
25 Father Peterson, the psychiatrist, whom he had been
26 liaising with, and he said, "I need to talk to this guy,
27 Doyle, at the Vatican Embassy. It is very important."

28

29 So he flew up from Louisiana and on a freezing January
30 morning sat down with me in my office. I had never met him
31 before. He was very direct, and he always called me by my
32 last name, never "Father", never "Tom". Now he calls me
33 "Tom" once in a while. But he said, "Doyle, I want to tell
34 you something" - I'm going to pretty much quote him. He
35 said, "We've got this one guy, Gotay, down there under
36 wraps, but the diocese is hiding about six others that are
37 still roaming around and preying on children. Now, I'm
38 worried about that for two reasons: One, I have three kids
39 at home; and, two, I'm not going to be able to construct
40 a decent defence if this is going on and the jury finds out
41 about it."

42

43 What he wanted to do with Gotay, the priest, was work
44 out a deal with the court whereby he would be in custody,
45 he would be locked down, but at a special confinement
46 centre in southern Maryland that dealt only with sexual
47 offenders where they were actually studied by the Sexual

1 Disorders Clinic at Johns Hopkins University. That's what
2 he wanted to have done. He wasn't trying to get him off
3 the hook, because everybody knew the guy did it.

4

5 MS FURNESS: But why did he come to you? What power did
6 you have in that area?

7

8 DR DOYLE: He knew I worked for the Vatican Embassy and he
9 wanted me to go to my boss, the Papal Nuncio, and tell him
10 that this was going on, that these other men were down
11 there and that they knew about them, the Church knew about
12 them. So I did.

13

14 The Papal Nuncio, in the little meeting we had -
15 Father Peterson, the psychiatrist, was in on the meeting.
16 It all happened within 24 hours. We told him what the
17 information was that we had, and he called the bishop up
18 and he called the Archbishop of New Orleans and said,
19 "I want the two of you up here within five days to meet
20 with Father Doyle and Father Peterson to sort this out."

21

22 So the two of them came up with their lawyers, and we
23 confronted them with the fact that we knew about these
24 people. They didn't know how we knew, and we told them,
25 "It doesn't matter how we know. We know. Something needs
26 to be done right now." The deal was that they would go
27 back and inform - the bishop said they would take them
28 offline; they would pull them in.

29

30 We were too busy dealing with the one case to get --

31

32 MS FURNESS: The bishop said that they would take them
33 offline - that is, the six or so priests they knew about?

34

35 DR DOYLE: Yes, the ones they knew about, that we informed
36 them about. The bishop and the Vicar General knew about
37 all of them - that they would take them out of ministry and
38 put them on hold somewhere while they sorted out what they
39 were going to do.

40

41 Keep in mind, this was 1985. Up to that point, this
42 had been going on all over the place, all over the United
43 States, but it was done in a deeply secretive manner.
44 Nobody found out. These men were transferred somewhere
45 else under the cloak of secrecy, and if they were
46 discovered again, they were transferred again.

47

1 MS FURNESS: So you prepared a report in 1985?

2

3 DR DOYLE: Yes. I suggested to the Papal Nuncio that we
4 ask the Holy See to allow us to send a bishop down there to
5 sort this out, to make an investigation, to find out what's
6 going on, because I've only given you a little bit of the
7 chaos that was going on. I mean, there were prominent
8 laypeople involved trying to defend the Church. They were
9 threatening to burn down the newspaper and the TV stations
10 because they were publicising this. It was a mess.

11

12 So he agreed, but he said, "We have to get the
13 permission of the Pope, and that could take a while, so
14 we'll short-circuit this." He said, "You prepare me
15 a report in detail and we will get it to the Pope as
16 quickly as we can." So I did about a 42-page or
17 44-page detailed graphic report, names, dates, places, what
18 the guy actually did, from the reports from the
19 psychologists. The Nuncio signed it without making
20 a single change.

21

22 MS FURNESS: This is the one fellow now you are talking
23 about?

24

25 DR DOYLE: The one man. But we also mentioned that there
26 were six others down there floating around and that we
27 also, by January, had heard information from two other
28 dioceses where it was bubbling to the surface because of
29 the publicity. So all of that went in there, in other
30 words, basically saying, "There are credible reports of
31 priests sexually abusing children right now, February 1985,
32 from at least four dioceses in this country."

33

34 The report was sent by courier to the Cardinal
35 Archbishop of Philadelphia, Cardinal Krol, who took it the
36 next day to the Vatican, when he flew over. He gave it to
37 the Pope and wired back that the Pope did read it, and the
38 appointment of the bishop was made within three days.

39

40 MS FURNESS: So the bishop was appointed from within the
41 United States?

42

43 DR DOYLE: Yes. His name was AJ Quinn. To cut to the
44 chase on him, he turned out to be part of the problem and
45 not part of the solution, because he was trying to figure
46 out how they were going to continue with the cover-up.

47

1 MS FURNESS: How was he chosen?

2

3 DR DOYLE: Pardon, ma'am?

4

5 MS FURNESS: How was he chosen?

6

7 DR DOYLE: I chose him because I had - I was familiar with
8 the bishops, because I would do the process on them, and
9 I chose him for three reasons: first, he came out on the
10 investigation squeaky clean, as we say; he had a doctorate
11 in canon law and he had a civil law degree; and he also was
12 a licensed pilot.

13

14 MS FURNESS: That was important?

15

16 DR DOYLE: Well, I just threw that in because I am also.
17 So he looked good on paper. He came in. We briefed him
18 for a day, and then off he went to Louisiana.

19

20 MS FURNESS: How did you find out that he was on the other
21 side, as it were?

22

23 DR DOYLE: I found out when he came to me and tried to
24 minimise what was going on and he was telling me that,
25 "They're doing the right thing down there. The bishop has
26 it under control", and I knew he didn't because the lawyer
27 that is representing this guy is calling me every day with
28 reports.

29

30 Now, this is a culture down there. They're Cajuns.
31 They're all related to each other. So this guy is getting
32 all this information from his cousins and his aunts and
33 uncles about what's really happening. One of them worked
34 in the Chancery Office, so she was making copies of
35 documents and shooting them over to him and he would send
36 them up to me. It was a crazy drama, but it was real. So
37 all this was going on. Whenever I would get this
38 information, I would feed it to my boss.

39

40 Well, in the process, we received another report from
41 an attorney down there, who said, "I'm representing
42 Mrs So-and-so and I want you to know that we're going to
43 file a suit because Father Albert" - I forget his last
44 name - "had sexually abused all five daughters in her
45 family, and she wants you to know that she's not going to
46 the bishop or to the Church. She's going directly to the
47 court." This was 1985.

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So what they did with him - they told him to pack his bags and go to Holland because we don't have an extradition treaty with Holland. You can't make this stuff up. It sounds bizarre, I know. It may sound somewhat humorous, and I have to admit that one of the only ways I could cope with this through the years is find some humour. Otherwise I would have gone totally mad.

MS FURNESS: So the work you were involved in broadened after these events?

DR DOYLE: Yes. It broadened fairly quickly because of the publicity. What we learned was that the secular papers were now putting this in a prominent place. It was on TV in the secular papers. It wasn't being covered up.

So in many instances, families where parents had heard these things from their children, where their children would try to explain what Father had done, where they didn't believe them or didn't want to make a report - they were coming forward. I believe it was by June of that year we thought we had a huge number of reports, and it was about 42. Some would report directly to us. Some would report to a bishop, who then would call us and want to know what to do.

MS FURNESS: It seems unusual, doctor, that the Papal Nuncio's office, and you in particular, attracted all of these reports.

DR DOYLE: Unlike probably other embassies, in the United States people write to the Papal Nuncio for a lot of things. If the priest on Sunday doesn't say the right kind of sermon or does something a little off kilter, they write to the Papal Nuncio.

MS FURNESS: Is it because there was the perception that, indeed, the Papal Nuncio had a supervisory role over bishops and priests in the States?

DR DOYLE: I think the perception was that it would get to the Pope. Many people thought that the Pope would be interested in their report. Not everybody reported to the Nunciature. Many of these came from other bishops, who would then report in. It attracted a tremendous amount of interest from the American bishops because of the

1 publicity. They were all talking about it; they were all
2 worried about it.

3
4 MS FURNESS: They would have been worried from an asset
5 protection point of view, wouldn't they?
6

7 DR DOYLE: That played into it significantly. Many of
8 them, I must say, that I talked to - because they knew
9 I was the canonist there, so they called me for a lot of
10 things, and that was one of them - said, "We've heard that
11 this existed, but we don't know what to do." The ones that
12 did know what to do - namely, cover it up and move them
13 from one place to another - didn't call to ask.
14

15 I also found out at that time that some of the
16 bishops, in my opinion, sincerely wanted to do the right
17 thing. The blockage in the United States didn't come from
18 the body of bishops. And remember, we have approximately
19 350 bishops in the United States. It came from the
20 National Conference of Catholic Bishops General
21 Secretariat, their administrative body at the top. They
22 are the ones that didn't want anything to happen, and so
23 they did the blocking.
24

25 MS FURNESS: So you had, I think you said, 43 or 44 or
26 42 reports?
27

28 DR DOYLE: That's right.
29

30 MS FURNESS: You thought that was large at the time?
31

32 DR DOYLE: At the time, we thought it was large.
33

34 MS FURNESS: Did they continue to come to you?
35

36 DR DOYLE: They did continue to be - we continued to be
37 made aware because sometimes the people - we would find out
38 about it through the media, sometimes through other
39 bishops. Sometimes other priests would write, that kind of
40 thing. It was a different - there were a number of them.
41 We weren't dealing with individual cases.
42

43 What my two colleagues and I did, though, as a result
44 of this - I mean, I was spending a significant amount of
45 time every day on this. We decided that we would like to
46 prepare some sort of a manual for the bishops so that they
47 would have something to look at because this was new for us

1 and it was probably new for them. So we did. In preparing
2 this, because I was dealing with bishops all the time,
3 I consulted with several ones that I trusted and that
4 I knew and that I liked.

5
6 MS FURNESS: Not Bishop Quinn, I take it?

7
8 DR DOYLE: No, Quinn I didn't. I consulted with a man who
9 was a friend of mine - two men who were friends of mine at
10 the time, whom I knew before they were bishops. One was
11 Cardinal Law - he was a bishop at the time - and the other
12 was Bishop Tony Bevilacqua, who eventually became the
13 Archbishop of Philadelphia. They said, "Set this thing up
14 in a question and answer format." So we did. It had
15 sections on civil law, criminal law, insurance, pastoral
16 care, canon law and the medical part. It had attached to
17 it several articles that Father Peterson had selected on
18 what paedophilia is, its incurability, the effect on the
19 victims and the kinds of treatment modalities that are
20 used. This came out to be a grand total of about
21 140 pages.

22
23 We finished it up. It was like a free-will offering,
24 I guess, if you'd call it that. My boss, the Nuncio, was
25 very much in favour of the endeavour. All we wanted to do
26 was give it to the National Conference of Bishops and ask
27 them to circulate it among the bishops so they would have
28 something to use.

29
30 MS FURNESS: Did you get the approval of Rome to prepare
31 it and then circulate it?

32
33 DR DOYLE: No, I got the approval of the Papal Nuncio.
34 That's all we needed. It was not an official document; it
35 was a pastoral aide, as they called it.

36
37 Well, the National Conference of Bishops didn't want
38 it. They made both public and private statements that
39 everything in it they were aware of; they knew everything
40 that was in it, and so they didn't want to - they didn't
41 see any need to have it.

42
43 In any event, the three of us were very disappointed.
44 We had meetings, a couple of meetings, with some
45 high-ranking bishops to discuss disseminating this and
46 where to go from there, and that all stopped because we
47 were told, "It's not going anywhere, so you may as well

1 forget about it."
2

3 But at our expense, we did have copies made of that
4 document and sent to every bishop in the United States, and
5 we did that on December 8, 1985. Some of them used it.
6 Some just put it in the trash, I guess. I don't know.
7

8 MS FURNESS: Was it around this time that you started
9 dealing with victims and their families?
10

11 DR DOYLE: Yes, it was. There weren't too many, but
12 I met - up to that time, dealing with it was a serious -
13 I knew it was a serious problem, but the victims were
14 pieces of paper that I read. I read the descriptions, and
15 they were pretty disturbing.
16

17 But then I met a 10-year-old boy with his family, and
18 when I looked into his face - I still see it - it was
19 empty. That moment changed my life. The parents were
20 simple, good, decent people who could not comprehend why
21 they were being treated the way they were by the Church.
22 They couldn't understand why this man had been shifted from
23 one place to another to another and nothing was done.
24

25 I had no answers - I couldn't. But that was the first
26 of - I can't count the number of victims I've met. The
27 youngest was that boy, who was, I think, 10 or 11 at the
28 time. The oldest was a woman who at the time was 91, who
29 had waited until she was 88 or 89 to disclose what had
30 happened to her when she was 12. What prompted her to
31 disclose was when her own daughter, at the age of 60,
32 disclosed what had happened to her. The woman told me that
33 because of what had happened to her, she never was able -
34 she had had three husbands - to have a decent relationship.
35 She said, "I could never get rid of the anger or the shame
36 or the guilt, and now because of what happened to my
37 daughter, and it's out in the public, I feel I can talk
38 about this."
39

40 MS FURNESS: So if she was 91 when you spoke to her, the
41 abuse happened in the late 1800s, early 1900s?
42

43 DR DOYLE: This woman's abuse happened - well, I met her
44 when I was stationed in Germany, so this would have been
45 2001 or 2002. I don't remember exactly when it happened,
46 but I did listen to her for the longest time, and she just
47 unloaded. I didn't want to question, discuss, parse it.

1 Just listening was painful enough for both of us.

2

3 MS FURNESS: In what capacity were you talking to these
4 people?

5

6 DR DOYLE: I was talking to them only in the capacity of
7 someone who was interested in helping them. I had no
8 official mandate from anyone. I felt that I was an active
9 priest at the time, that that's what I should be doing, is
10 reaching out as a pastor.

11

12 MS FURNESS: From that time on, you spoke to thousands of
13 survivors and their families?

14

15 DR DOYLE: Yes. I still have contact. But since then,
16 I've met them individually, in groups, contacted by phone.
17 Many of them don't want to tell me who they are or didn't
18 want to tell me who they were, but they wanted to talk.
19 I was the only priest in the United States who was
20 prominent, who was known to have stood up to the system,
21 which is why I was exited out of the embassy in 1986.

22

23 MS FURNESS: When you say you were "exited", you were
24 sacked?

25

26 DR DOYLE: I was sacked. They do it in a very gentle
27 fashion.

28

29 MS FURNESS: I'm sure they do.

30

31 DR DOYLE: I was told that my room, my office and my
32 bedroom, was going to be needed by another man who was
33 coming. Well, I figured that out pretty quickly. I wasn't
34 born yesterday, so - yes.

35

36 MS FURNESS: Had you achieved a public profile by that
37 time?

38

39 DR DOYLE: I didn't - I was never looking for anything
40 like that. I did achieve somewhat of a profile because
41 when this document that we had prepared - when the media
42 got a hold of it, my name was on it. So they were calling
43 me and they were calling the other two, the lawyer and the
44 priest psychiatrist.

45

46 MS FURNESS: But you prepared that report with the
47 approval of the Nuncio?

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DR DOYLE: That's right.

MS FURNESS: Was he the one who sacked you?

DR DOYLE: I think they decided that there was too much heat and too much attention being given to this issue and that it would be better to let it sort of - I was told several times, "We don't air our dirty laundry. We take care of our problems in-house." I didn't want to do that.

MS FURNESS: Who is the "they" you are referring to?

DR DOYLE: The other members of the staff. The Nuncio told me that if I wanted to have a career, I had best change my interests elsewhere than that particular problem.

MS FURNESS: Where did you go after you were exited?

DR DOYLE: I went to work for the military, what at that time was called the military vicariate - the diocese for the military in the United States. I was with them for about three years, but in 1986 I enlisted in the United States Air Force.

MS FURNESS: Did you do some work there in relation to people with addiction?

DR DOYLE: Yes, I was a chaplain, and after I was certified as an addictions therapist, which was in 2000, then I did addiction work as well.

I will say, if it's okay, I'm a recovering alcoholic. I have 25 years of sobriety. I was trained as a therapist and am licensed and I'm approved, I guess. That work, or that reality, was something I've exchanged and shared with a lot of the victims, and it has helped me more than anything to have a rapport with some of these people.

MS FURNESS: What did you learn, doctor, after talking to those thousands of people over the years? What did you learn from them?

DR DOYLE: From the victims, a couple of things - many things, but there is unanimity about one, which is the profound spiritual damage that is done to victims who are from devout Catholic families and who are sexually violated

1 by a Catholic priest. I will say that one of the massive
2 holes in the Roman Catholic Church's approach to this
3 issue, still today, is a failure to completely comprehend
4 the depth of the spiritual damage that is done to the
5 victims, to their families, especially their parents, to
6 their friends and to the community itself. There seems to
7 be no ability to even ask the proper questions.

8
9 I have never seen anything coming out of the Holy See
10 dealing with the spiritual damage. All I've seen is, "Get
11 them to go back to church", which is nuts. That's crazy.
12 But I've not seen anything anywhere. I've seen a lot of
13 people, both priests and religious, who have tried to
14 figure out how to deal with this, in bringing aid and
15 comfort and support to the victims. But as an institution,
16 I have seen nothing.

17
18 MS FURNESS: You are on the Pontifical Commission; is that
19 right?

20
21 DR DOYLE: Well, I'm not on the Pontifical Commission.
22 That would be too much for the traffic to bear, to be
23 honest with you. I was asked to be a consultant by two of
24 the survivors who are on the Commission. They told me when
25 they brought it to the attention of the full Commission,
26 which at the time was 17 people, including four clerics,
27 there were a lot of raised eyebrows but that the Cardinal
28 supported it, and so they voted me in unanimously. So I've
29 met with some of them and I have sent them information and
30 communicated --

31
32 MS FURNESS: This is the Pontifical Commission for the
33 Protection of Minors?

34
35 DR DOYLE: That's right.

36
37 MS FURNESS: You were approached to be a consultant to it?

38
39 DR DOYLE: That's right.

40
41 MS FURNESS: And it had to be agreed by, presumably, the
42 majority of the Commission for you to be a consultant?

43
44 DR DOYLE: That's correct.

45
46 MS FURNESS: When was this?

47

1 DR DOYLE: I think it took place about two and a half
2 years ago, three years ago, perhaps. It was not long after
3 they started up and got organised.
4

5 MS FURNESS: What were you to do as a consultant?
6

7 DR DOYLE: Well, the first thing I did, I met with
8 a number of them in London, and they said, "We're going to
9 give you two days, and all we want to hear is everything
10 you know about this", which I did.
11

12 MS FURNESS: Only in two days?
13

14 DR DOYLE: Only in two days. Well, actually, we went over
15 two, but I had to pick and choose, obviously, so I gave
16 them what I thought were the key issues that they should
17 know about this.
18

19 The Commission is focused on the care and protection
20 of minors - present and future protection of minors. What
21 I told them, I said, "I'm going to give you the conclusion
22 flat out, right now, before we do our two days." And if
23 it's okay, I will do it here; I will tell you what it is.
24

25 MS FURNESS: Certainly.
26

27 DR DOYLE: I said that the key issue is not the protection
28 of minors today and tomorrow. The issue today for the
29 Church is the pastoral care and the support and the love of
30 the hundreds of thousands of men and women who they have
31 violated spiritually and physically over the years. The
32 victims have to be taken care of.
33

34 If there is one hole in all of the processes, the
35 procedures and the protocols that have been issued from the
36 top down, it is proper care of the victims. Over the
37 number of protocols and reports that I've read, promoted
38 and created by different Church entities, one of the things
39 that I see hardly ever mentioned is something comprehensive
40 about caring for the victims. It is not enough to say,
41 "Give them money to go to psychologists."
42

43 MS FURNESS: What was the response to that?
44

45 DR DOYLE: They agreed. The people that were there, the
46 laypeople, agreed. There were two survivors on the panel,
47 and they said that was the main goal, was to convince the

1 Holy See and convince the panel, the Commission, that this
2 is what is really important. Protecting children certainly
3 is. That is doable. That we can do. We can set up all
4 kinds of protocols. We can make sure they happen. We can
5 fire bishops and priests if they don't make them happen.
6 But what they don't know how to do, and what they didn't
7 know how to do, was face the men and women who have already
8 been harmed and deal with their anger, with their shame,
9 with their guilt, with their disappointment.

10
11 There is a major fear - and this is what I've learned
12 over the years - to sit down, if you are a Church leader,
13 across the table from some of these people, because they
14 are going to have a lot to say, and there is a fear of
15 dealing with the anger and the frustration that goes with
16 it.

17
18 MS FURNESS: Have you seen any change as a result of that
19 advice you gave?

20
21 DR DOYLE: On the part of the Commission?

22
23 MS FURNESS: On the part of Rome or the Commission.

24
25 DR DOYLE: Well, I'm not sure if anything happened because
26 of the advice I gave. I gave them a tonne of information,
27 including copies of documentaries that had been made over
28 the past few years, the ones about sexual abuse. I gave
29 them books, all of them, to read so that they would have
30 a real - some of these people that were on it, all they
31 knew was what little bit they might have read in the paper.
32 They had no clue what this was really all about.

33
34 One of the women on the Commission had been the Polish
35 Ambassador to the Holy See - she thought her job there was
36 to kind of make the Vatican look good to the Polish people.
37 When some victims approached her to want to talk to her,
38 she refused to see them. So there's something wrong with
39 that picture.

40
41 So I don't know if they took my advice. I do know
42 that in the time they have been in existence, I think the
43 most productive thing they have done was convince the Pope
44 to create a law that made it against the law for bishops to
45 be complicit or negligent in covering up those who sexually
46 abuse children. Whether that will ever be applied in the
47 canonical system is one question, but where it is very

1 helpful is in the civil courts, because now there is an
2 official statement that, "What we have been saying all
3 along is wrong. Now the Pope says it's wrong, namely,
4 covering up and lying and being complicit with abusive
5 bishops, enabling it to happen."
6

7 MS FURNESS: There was talk of a tribunal in relation to
8 bishops?
9

10 DR DOYLE: That got scuttled. At first, you know, I would
11 say in the first half hour, that sounded like a good idea,
12 but actually all it was was another layer of bureaucracy
13 that would allow them to prolong any accountability even
14 further. And nobody - there was no - they just said,
15 "There's going to be a tribunal", but there were no norms,
16 no explanation, nothing, nothing about it. So it sunk.
17

18 MS FURNESS: There is something that is set up,
19 presumably, in its place?
20

21 DR DOYLE: Nothing was set up in its place because the
22 Pope doesn't need a tribunal to fire a bishop. All he
23 needs is for somebody to give him the information. And he
24 has done it. This Pope has done it. He has done what
25 hasn't been done in history. He has actually laicised
26 three or four bishops and made them go through the
27 canonical process.
28

29 MS FURNESS: The structure I thought that was established
30 after the tribunal was, as you say, scuttled was related to
31 misconducting priests, wasn't it?
32

33 DR DOYLE: The structure that they developed was basically
34 dealing with - the Holy See changed some of the laws
35 dealing with the priests, the offending priests, but across
36 the board, the main focus has to be on why they did what
37 they did and why they were allowed to do what they did and
38 why they were allowed to continue to do what they did.
39

40 You mentioned Janis Joplin yesterday. The John Jay
41 study - if I can divert into that just for a second?
42

43 MS FURNESS: Yes, certainly.
44

45 DR DOYLE: When that came out, the second version of it -
46 the first one was valuable; it was somewhat like what you
47 produced yesterday, statistics. The second one was titled

1 Causes and Contexts, and the hope was that this one was
2 going to get into why this has happened.

3
4 I was asked to go meet with them for three days, which
5 I did. I gave them the best pitch I could as to the
6 foundational structural problems that influence how and why
7 bishops and other superiors do what they do in relation to
8 sexual abuse.

9
10 When the report came out, they dealt not at all with
11 the structural issues or reasons. They dealt with, I would
12 say, relational issues, circumstantial issues in the
13 sociocultural environment. They said that a lot of these
14 abuse reports came from the 1960s and 1970s, so it must
15 have been, you know, the acid rock and the sexual
16 revolution. So if you listened to Janis Joplin, you went
17 out and violated a kid.

18
19 But then our questions - my colleagues and I said they
20 missed a major, major source of data, which is the data
21 that comes from the court actions. Now, what do you do
22 about all the priests that violated the kids in the 1940s
23 and the 1950s? Are you going to nail Benny Goodman?
24 Seriously. I mean, that's how shallow that report was, and
25 it was roundly criticised.

26
27 MS FURNESS: Why was that report so shallow in that
28 respect, do you think?

29
30 DR DOYLE: Because the bishops didn't want them to get
31 into it. They were telling them what to look at. They
32 were reporting in every six weeks. They didn't have
33 freedom to do what they wanted to do. They were
34 sociologists, so they would have needed theologians and
35 canon lawyers to help them really look at the structure of
36 the Church, the meaning, and sociologists that were experts
37 in the clerical culture. But they didn't have any.
38 John Jay College is a college for criminal justice.

39
40 MS FURNESS: Just coming back to the 1960s, it has been
41 said by a number of Church leaders that that, as you say,
42 was the catalyst for a lot of sexual abuse. From the work
43 you have done, particularly on the history, that's just not
44 the case, is it?

45
46 DR DOYLE: Absolutely not. I think that's an excuse.
47 It's not a reason. It's a way to deflect from the core

1 issue.

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58

Two other gentleman and I published a book, and you mentioned one the other day, one of the gentlemen up here, Richard Sipe, who is probably the world's foremost authority on clerical celibacy. Anyway, we published a book in 2006 called Sex, Priests and Secret Codes. That was based on a huge report that I had done on prior notice. I thought I would take a look at prior notice up to the maybe 1940s or 1950s, but I used my skills - I specialised in medieval law, so I used my skills and I just kept digging, and the bottom of the hole I dug into went back as far as 309 AD.

Since that time, I've done considerable research, as has Kieran Tapsell, who will also be on deck later, into this issue to trace the Church's own documentation. The paper trail, so to speak, is from official documents from the Catholic Church, and the first one we could find dates from the year approximately 98 AD. It was a teaching document called the Didache, or the teaching of the twelve apostles, which was found in the late - mid-19th century as a scroll somewhere. Anyway, it was a document that was used by the infant church, which was not an organised church at all; it was people gathering in homes.

But they had a moral code, and the second chapter said two things: one, "Men shall not engage in sex with young boys"; and, two, "Nobody shall engage in illicit sex with anybody else", mainly males. Now, there were no clerics at the time. There was the leader of the community, who was probably at that time called a bishop. I'm not sure if the concept of priesthood came into it then or not. Anyway, the point was that in the Graeco-Roman culture that allowed that type of behaviour, they were saying, "You cannot do this." So that was 98.

309 was the first actual Council of Catholic Bishops in southern Spain that enacted laws. They were called canons. The reason canon law is called "canon law" is from a Greek word "kanon" - it begins with what we call a "K" - which means a rule or a straight line. They enacted 81 canons at this meeting, and the majority of them dealt with sexual issues, including making it a canon, against the canon law, to engage in sex with minor boys, and those who did engage in sex with minor boys were denied communion even on their death bed.

1
2 There was another canon that said that clerics,
3 including priests and bishops and deacons - or deacons,
4 priests and bishops - were forbidden to have illicit sex
5 with women or boys, and, if they did, they were denied
6 communion on their death bed. Pretty severe.

7
8 From that time, I've searched out and isolated
9 documentation from various sources consistently and
10 continually down to the present day.

11
12 During periods of Church history, sexual abuse of
13 minors was not cloaked in deep secrecy. It was known.
14 There were periods in the late middle ages and in the
15 middle middle ages when the Church authorities collaborated
16 with the secular authorities. They would defrock a priest
17 and then turn him over to the secular authorities, who
18 would apply whatever the secular penalty was.

19
20 There were also, in my discoveries, penalties imposed
21 by the Church itself, very, very harsh - imprisoning monks
22 or priests in Church prisons, putting them on bread and
23 water, beating them, shaving their heads, making them walk
24 around in sack cloth and ashes, things like that. Pretty
25 gruesome stuff.

26
27 But what it did show was that someone understood the
28 seriousness of males violating young boys. They would not
29 have reacted in such a violent way to the perpetrators had
30 it not been a very serious crime. So there is a lot of
31 documentation indicating that this was publicly known.

32
33 I think the cloak of secrecy went down in the late
34 1900s and it began with a number of decrees from Rome that
35 any consideration of these cases had to be covered in deep,
36 deep secrecy. That secrecy remained, both officially and
37 culturally, until the mid-1980s.

38
39 MS FURNESS: Has it changed?

40
41 DR DOYLE: It has changed somewhat. There has been
42 significant change because bodies like yourselves, the
43 courts, the media and the victims have forced the change.
44 They have forced the institutional church to do the right
45 thing, whether they like to do it or not.

46
47 Now, there is no inconsistency there, unfortunately,

1 but there are protocols that they have to report offenders
2 to civil authorities. There has been a tremendous amount
3 of push-back against that by a lot of the people in the
4 Vatican. Nevertheless, it is a major topic of conversation
5 and something that has been, simply put, legislated: you
6 have to do this.

7
8 MS FURNESS: When you say there are protocols that they
9 have to report offenders to civil authorities, is that only
10 where there is a law, a secular law, in the jurisdiction
11 requiring them to do that?

12
13 DR DOYLE: No. I think the latest Vatican document, which
14 goes back to 2010, said that they have to report it to
15 civil authorities, I think. I can double-check it. When
16 we get to canon law, I will talk about that. But the
17 Vatican - when the Irish bishops sent their protocol over
18 and when the Americans sent theirs over, both of them said
19 "mandatory reporting to civil authorities" and they were
20 sent back for correction, and they were sent back because
21 their primary concern was the priests, due process for the
22 accused priests, and they did not want that included in
23 those protocols.

24
25 MS FURNESS: As you say, that issue will be dealt with
26 later. Just coming to the causal factors as you see them,
27 doctor, where would you like to start?

28
29 DR DOYLE: Let me look at my notes just for a second, if
30 I may. It will only take a sec.

31
32 MS FURNESS: Certainly.

33
34 DR DOYLE: The causes. I believe the causes of why men
35 sexually violate children - if they're children, they're
36 paedophiles. That's a psychosexual disorder and that's not
37 my competence to discuss, as you know.

38
39 The majority sexually involve themselves with young
40 adolescent boys or girls. That can come from a variety of
41 issues. But my concern throughout has not been that.
42 I have been concerned about the effect of the clerical
43 culture in - I don't want to use the word "support", but
44 enabling this, but my main concern has been the
45 institutional systemic causes: why this has happened; why
46 it has been covered up; why it has been lied about; why the
47 victims have, in many instances, been turned into the

1 enemy; why, when the victims enter into the civil courts,
2 they are pounded into the ground by the Church's attorneys,
3 in many instances. You had a classic example of that right
4 here in Australia with the John Ellis case.

5
6 It's based on a number of factors, I think, that
7 aren't too complicated to understand. The first is the
8 Church's teaching on the meaning of the institutional
9 Church. By that, I mean the external sociopolitical
10 structures. It's based on the belief that God himself,
11 through Jesus Christ, gave St Peter a blueprint. He said,
12 "I'm founding my Church, and, as the Church teaches in the
13 canon law, it's hierarchical by design."

14
15 Unfortunately, the appeal to the veracity of that is
16 to tradition, because there is nothing in scripture that
17 adequately explains that that statement, "I give to you the
18 kingdom, the keys to loosen and hold", actually was said by
19 Christ. There is nothing in Church history that says Jesus
20 Christ started a church as we know it.

21
22 So the structure itself, over the years, has become
23 sacrosanct because it is believed to be, or taught to be,
24 the sole way to achieve eternal salvation, which is what
25 happens on the other side. I think one of the issues that
26 has to be brought into this, that a lot of psychologists of
27 religion talk about, is the fear of the unknown, which had
28 a lot to do with the foundation of religion in the first
29 place. It all came about - they couldn't understand
30 thunder and lightning, so there must be somebody up there
31 shooting at us. Hence the concept of priesthood came about
32 and the concept of the holy man, the most revered man in
33 the community, who will talk to these powers and give them
34 our sacrifices.

35
36 So the concept of the institutional Church as the
37 official entity through which Catholics receive salvation
38 and the pillars of that Church - the Church is built upon
39 the bishops. It teaches that the bishops are the
40 successors of the twelve apostles, and when they are
41 consecrated, they are told, "You are the successor of the
42 apostles", and so on, "You are the teachers of the Church",
43 et cetera. So every diocese is run by a bishop who is the
44 representative of Christ in his diocese.

45
46 So you have the great reverence toward this structure,
47 and this must be protected at all costs, because if it

1 goes, our way to ensure salvation goes.

2

3 Now, attached to that are all the things to keep that
4 structure going, which are sociocultural deference, respect
5 of the community, and assets, commonly known as the
6 patrimony - that's the money of the Church. So the
7 protection of this entity is of all-encompassing
8 importance. That means the bishops themselves must be
9 protected at all costs and must be protected from
10 embarrassment, from being lowered in the esteem of the
11 community. Because if these things happen, the Church
12 itself, as a way to salvation, will be seriously tainted
13 and lose its ability.

14

15 MS FURNESS: What you have said there, doctor, goes to the
16 response of the institution to the incidents of child
17 sexual assaults being made public.

18

19 DR DOYLE: Exactly. The response - what I've noticed over
20 my years of every other investigation that has been done
21 into this, and by "every other" I mean every other,
22 including some done by Church authorities - one of the main
23 causal factors has been the prioritising of the image, the
24 power, the authority of the institutional Church and the
25 bishops over the welfare of the victims.

26

27 MS FURNESS: So in addition to that being part of the
28 institutional response, how does that affect the fact of
29 clergy and religious sexually abusing children?

30

31 DR DOYLE: That affects the fact of clergy and religious,
32 those who sexually abuse children in this way: when they
33 are reported, we have to keep it secret because if we don't
34 keep it secret it will become known and it will cause an
35 embarrassment. So that was the motivation over the years.

36

37 Now, I find it interesting - I read in the statement
38 from the Truth, Justice and Healing Council yesterday
39 a number of pages explaining about how society wasn't aware
40 of what sexual abuse was back in the 1940s - that whole
41 argument. I've seen that many, many times. My response
42 is: well, if they didn't know how serious it was, if they
43 didn't know it was a problem, why has the Church buried it
44 in mountains of secrecy for so long and banished anybody
45 who brought it forward publicly - if it's not that
46 important, if nobody knew what it was, if it wasn't that
47 serious?

1
2 So it has also affected the victims because once they
3 are encountered with, say, by Church authorities, they are
4 enjoined in any way possible from ever going forward to
5 lawyers, to the media, to making this known. The means
6 that have been used have been soft, trying to convince
7 them, "You wouldn't want to hurt the Church", "You wouldn't
8 want to hurt the bishop". "No, I wouldn't want to". "You
9 are very devout?" "Yes." " Okay, so let's just keep this
10 quiet. We will take care of it" - which has never
11 happened - up to and including, "If you go forward, you
12 will be excommunicated".
13

14 So the point is, the stature, the image, the power is
15 far more important than the welfare of the victim. And in
16 the theology that I believe in, there is no office in the
17 Catholic Church or anywhere else that is so important that
18 it justifies sacrificing the welfare of one innocent child.
19 Period.
20

21 MS FURNESS: How is it that that structure creates an
22 environment or a context which allows, permits, doesn't
23 prevent, religious and priests sexually abusing children?
24

25 DR DOYLE: Let me see if I understand your question: how
26 does that structure create a context whereby it allows men
27 to abuse children?
28

29 MS FURNESS: What you have just said to us, doctor, is one
30 of the factors in how the Church responds and why the
31 Church responds to allegations. What I'm asking you is
32 whether or not those factors also have a role to play in
33 why priests and religious sexually abuse children?
34

35 DR DOYLE: Yes, they do. I believe they do for a number
36 of reasons, but I will give you the ones that I think are
37 the two main ones. That concept of the Church as
38 a sociocultural reality in our life, as being all
39 important, is grounded on the clerical subculture.
40 Yesterday I believe someone talked about clericalism and
41 gave a definition of it. It is a virus that has infected
42 the Church, or any church, whereby it is believed that the
43 churchmen, the priests, the bishops, are in some form or
44 way sacred and above ordinary people, and because of this
45 sacredness, because of their importance, they must be held
46 as more important and protected more.
47

1 So it enabled the priests, many of them, in doing
2 this, because they felt that they would be protected. They
3 used this stature, this belief on the part of people that
4 they were higher beings, oftentimes, to seduce, to groom
5 the victims, to lead them in. The victims didn't know what
6 they were getting into. They had no idea. I can't tell
7 you how many have said, "I thought it was a tremendous
8 honour that he was picking me out, because he's a priest.
9 He's on a pedestal. He's higher than others." And he's on
10 that pedestal because this concept of the institutional
11 Church has built that pedestal for him. So he's up there.
12 And it's easier - the seduction, the grooming takes place
13 and the priest can use that to control the victim, to scare
14 the victim: "Don't you tell anyone about this or God will
15 be angry." Many victims that I've talked to are totally,
16 completely confused through all of this, because they are
17 taught anything sexual is a mortal sin. "Priests don't do
18 sex, priests don't do sin. He did this to me. It must be
19 my fault. Why did he do it?"
20

21 Priests take the place of God - which is another crazy
22 belief that a lot of people have, that he takes the place
23 of God - so "God is doing this to me. What did I do to
24 offend God?" All of this comes from this structure. It
25 doesn't come from the air; it doesn't come down like
26 snowflakes. It comes from that structure and the victims
27 believe that. That concept also is what has protected the
28 disclosure, where parents would be afraid to disclose that
29 their child had been abused because they are intimidated,
30 oftentimes, because: "We don't want to hurt the church.
31 If we hurt the church, if we hurt a priest, it is
32 a heavy-duty sin, a mortal sin. We can't take that
33 chance."
34

35 It has also enabled a lot of judges to look the other
36 way when they had a man in front of them who should have
37 been sent to gaol but was sent home.
38

39 MS FURNESS: You will be aware, doctor, that one topic
40 certainly before this Commission and before other bodies
41 that have considered these issues is whether or not
42 mandatory celibacy may have been a factor in relation to
43 what we now know about the extent of claims in relation to
44 child sexual abuse. What is your view on that?
45

46 DR DOYLE: Without going into it in depth, my view is that
47 it is directly affected. I do agree with those who say

1 it's hard to stretch it that just because a man has assumed
2 mandatory celibacy, because he can't have a sexual outlet
3 with age-appropriate people, he's going to turn to
4 children. I don't agree with that. But I do agree that
5 the grounding for celibacy, the training, the nurturing and
6 the formation for celibacy has prevented men from maturing
7 sexually, emotionally, psychologically in many ways, so
8 that, as one priest psychologist said, what we have out
9 there is the best-educated group of 14-year-olds in the
10 country.

11
12 Unfortunately, the traditional seminary training,
13 which you heard about very eloquently yesterday - that's
14 what it was: intimacy was denigrated. By "intimacy",
15 I mean male/female relationships were of a lower plain.
16 Celibacy, virginity, is higher. We were taught that.

17
18 I never was taught that in the Dominicans but it was
19 the common teaching. So that means, all of a sudden, once
20 you take vows, you are above your parents in God's eyes. A
21 lot of us could never figure that one out. I mean, that
22 was insulting; it is demeaning.

23
24 So I think the formation for celibacy, the attitudes
25 that are used to try to convince the individual - and
26 celibacy also functions as a kind of clerical garb which
27 sets the man apart. And I never fully understood this
28 until one day when I was in Florida at a base I was
29 stationed at, a young lady - I saw her at the chapel, she
30 was an air force member - came in to talk to me and she
31 wanted to become active in the chapel program. We got into
32 this conversation over coffee. She said, "You guys, you
33 priests, you must be really, really powerful and strong",
34 I said, "Why?" "Because you never have sex and you really
35 have to be strong not to do that." I thought about that,
36 and that's the perception, that the power, the difference,
37 the uniqueness is because we give that up - supposedly.

38
39 But the other part of it that I've seen is to buy into
40 celibacy you have to buy into the Church's traditional,
41 bizarre teaching on human sexuality, which says that it's
42 only good for making other Catholic babies: everything
43 else is a mortal sin and you only do it reluctantly at
44 best.

45
46 So a lot of the individuals, a lot of clerics, have
47 a very stultified comprehension of human sexuality, and

1 that plays in when they are unable to comprehend the damage
2 that the sexual violation of a boy or a girl does to an
3 individual; when they are unable to comprehend the damage
4 that rape does to an adult woman or what happens to
5 a child.

6
7 When the leadership - the bishops - say, "Well, father
8 was passed by two psychiatrists, we're going to let him
9 back in ministry" - when all they can see is that he has
10 passed, they don't comprehend what has happened to those
11 victims, that's never going to go away. It is never going
12 to go away. That's soul murder, and sometimes those
13 murdered souls stay dead.

14
15 MS FURNESS: On that note, your Honour, is that
16 a convenient time?

17
18 THE CHAIR: We will take the morning adjournment.

19
20 **SHORT ADJOURNMENT**

21
22 MS FURNESS: Dr Doyle, before the break you were speaking
23 about celibacy - mandatory celibacy and the way in which
24 that may have had a relationship to what had happened. You
25 referred, I think, to "so-called celibacy". What did you
26 mean by that?

27
28 DR DOYLE: What I meant by that is that the concept of
29 mandatory celibacy is in fact not practised universally and
30 consistently by Catholic priests, probably throughout.
31 It's fairly well known that in many of the Latin American
32 countries, South American countries, African countries,
33 priests have concubines or whatever - I'm trying to look
34 for a respectable term to describe the woman, but they have
35 them and they are accepted in the community and in the
36 society. But the fact is, as one of the gentlemen cited
37 Dr Sipe yesterday, his statistics still are solid and
38 believable, and one of his conclusions is that less than
39 50 per cent, at any given time, of priests are actually
40 practising celibacy. Some involved in long-term, stable
41 relationships; some short-term relationships; and then
42 a certain percentage with children or young adolescents.

43
44 THE CHAIR: Doctor, that somewhat challenges the integrity
45 of the Church's public message?

46
47 DR DOYLE: Yes, it does, and that's exactly what the

1 problem is, sir. There is a hypocritical dimension of that
2 where the Church will say 98.9 per cent of priests are
3 practising celibacy, where the data from surveys, from the
4 courts, from therapists who are actually dealing one-on-one
5 with the priests, says something quite different.
6

7 THE CHAIR: From your experience inside the Church, how
8 does the Church from within, those who are ordained, deal
9 with that contradiction?
10

11 DR DOYLE: How does it deal with it? Sir, it deals with
12 it - when it is confronted with that information, there
13 will be a defensive response, "Well, there is only a few
14 and they really don't understand it and they need help",
15 or, at a local level, let's say a rectory or a presbytery,
16 as I believe you call them here, or monastery, if you know
17 that there are men - sometimes they are just ignored; it's
18 just ignored by the other priests in the house. Sometimes
19 the superior will seek them out and talk to them and tell
20 them to terminate the relationship, but in many instances
21 it's tolerated, it's known, but it's kept secret - somewhat
22 secret.
23

24 The response of the institutional Church from the top
25 down has been defensive and we are continually told that
26 celibacy is of the essence of the priesthood, which it is
27 not, because there are a lot of Catholic priests that are
28 officially married men. All the eastern rites,
29 84 per cent, are married men, and in several countries the
30 Church is accepting former Anglican and other non-Catholic
31 denominations, ministers and priests, re-ordaining them and
32 then they go into ministry, full ministry, with their
33 children and their wives.
34

35 THE CHAIR: Can you explain, in these circumstances, why
36 it is, then, that the Church continues to proclaim celibacy
37 for its priests?
38

39 DR DOYLE: Sir, I can only give you my opinion, which is
40 shared by others. There are a lot of spiritual excuses
41 surrounding celibacy, that if you are celibate, for
42 example, you are totally dedicated to the ministry, you
43 have no distracting issues such as your wife and your
44 children.
45

46 I was a military chaplain for many, many years, and
47 I rubbed shoulders all the time with married Protestant

1 chaplains. I never met one that I thought was in any
2 manner, way, shape or form less dedicated, less unselfish -
3 in fact, most of them were more unselfish than I could ever
4 dream of being. So that argument falls flat, I think.

5
6 The justification is generally given in spiritual
7 terms and it's all based on the teaching of human
8 sexuality, that if you don't have sex you are a better
9 person, a higher person than those who do. Frigidity is
10 a higher calling. That doesn't say much about all the
11 people who aren't that are married, but that's the official
12 teaching.

13
14 So those are some of the defences. But there is
15 another layer that is not openly discussed and that's the
16 fact that the celibacy issue creates a power link between
17 the superiors and the priests, a controlling link that you
18 have there. It also creates a mystique about the priests,
19 as I mentioned earlier, that we have some sort of extra
20 power, something about us because we are able to live in a
21 celibate life, we are set apart, we are over there. So
22 those are some of the issues that come, that surround it.

23
24 Now, historically, one of the reasons that celibacy
25 was a positive issue was because when the priests, the
26 married priests, died, their property would go to their
27 oldest son. So money talks, and if you eliminate the
28 possibility of an oldest son, it will divert to the Church.
29 There is a lot of historical evidence that verifies that.

30
31 COMMISSIONER MURRAY: Going beyond the contradiction and
32 back to the integrity issue, Dr Doyle, celibacy is a vow,
33 is it not?

34
35 DR DOYLE: Celibacy for diocesan priests is a promise.
36 There is a technical difference in canon law. But
37 essentially, the end result is the same: the diocesan
38 priest assumes mandatory celibacy when he is ordained
39 a deacon.

40
41 COMMISSIONER MURRAY: Are you familiar with the "broken
42 windows" concept?

43
44 DR DOYLE: I'm not, I'm sorry. I probably should be if
45 you have mentioned it.

46
47 COMMISSIONER MURRAY: It is an American concept, and

1 Mayor Giuliani gives himself credit for it, but it is the
2 idea that if there is a broken window in a district and you
3 don't repair it, it allows for further broken windows and
4 results in a general breakdown of order and so on and so
5 forth. He said basically to his police force, "Attend to
6 the broken windows and that will help attend to other
7 things."
8

9 The point of that analogy is this: surely, if, by
10 virtue of human nature, priests are unable to contain
11 themselves within the celibacy promise, then breaking that
12 particular promise can induce a lack of observance of other
13 promises?
14

15 DR DOYLE: I think you are correct in that.
16

17 COMMISSIONER MURRAY: And, therefore, that lack of
18 integrity can extend to such things as child sexual abuse
19 or the institutional response to reports of child sexual
20 abuse - in other words, it diminishes all vows?
21

22 DR DOYLE: I think you have phrased that in a way I wish
23 I could, but yes, I would agree with that, that it does
24 diminish.
25

26 I believe the men who are sexually abusing children
27 that are suffering from a psychosexual disorder are under
28 a tremendous burden of compulsion. This much I do know
29 from some of my training. They don't even think about vows
30 or promises when they are compelled to act out. Many of
31 them feel a tremendous amount of guilt and shame after they
32 have acted out.
33

34 It is much like an alcoholic, who is still an
35 alcoholic, a practising alcoholic: he wants to stop
36 drinking - and of this I know what I'm talking about. He
37 wants to stop desperately, but when the situation is there,
38 the compulsion to drink is too great and you cannot stop,
39 and so you do, until something radical happens and there is
40 a complete rebuilding of you, of your person from the
41 inside out into sobriety.
42

43 With this, in many instances, with the men who suffer
44 from a serious psychosexual disorder, there is the
45 compulsive level.
46

47 I heard it described at a lecture I was taken to by

1 a psychiatrist in Baltimore. He was talking about
2 paedophiles and he said that the level of compulsion that
3 the paedophile has to act out sexually - now, by
4 "paedophile" I mean with prepubescent children, not
5 adolescents - the level of compulsion is approximately
6 40 times more than the level of compulsion of a healthy
7 male at the peak of his sexuality. That somewhat explains
8 a little bit of the incredible compulsion of that
9 particular sub-genre of this.

10
11 COMMISSIONER MURRAY: I guess I'm going towards
12 another nuance, if I can, and that is that someone who has
13 broken the vow or the promise of celibacy, when they hear
14 of another priest breaking the vow in a way that affects
15 his attitudes or his relationships with children, a sexual
16 risk to children, says to themselves, "Who am I to condemn
17 that person because I have broken vows myself".
18

19 Now, I don't know if that's part of the priestly
20 mentality, but what is extraordinary about child sexual
21 abuse within the Church is a lack of people coming forward
22 to report it, and I have wondered if that's because they
23 have taken the view, "We are all sinners: we have broken
24 this vow, you have broken that vow, well" - you know?
25

26 DR DOYLE: I can speak to that a little bit. I do know of
27 the fact that very very few priests who have known about
28 this happening in their living circumstances have reported
29 it. Sometimes in the past I know of instances when they
30 have reported it, and this factor that you have brought up,
31 that's never come across my screen, so to speak.
32 Ordinarily, the reason for failure to report is, "I don't
33 want to get involved", or "I know this guy, I don't want to
34 get him in trouble", or something of that nature. I mean,
35 I've seen cases where priests have actually walked in on
36 other priests engaging in sex with young boys or young
37 girls and walked out the door and said nothing.
38

39 So it's more, I think - but the question you ask is
40 a very good question: why have not more men come forward?
41 Part of that has to do with the fact that some of those who
42 have have been told by the bishop, "Keep your mouth shut.
43 Mind your own business. Go back."
44

45 In the 1980s when all of this came out there were some
46 priests who I knew of who preached about it from the
47 pulpit, about the fact that we need to do something about

1 this seriously, and they were told to stand down, not to
2 preach about it. So that's at that level there that did
3 not want that becoming publicly known for the protection of
4 the institution.

5
6 Those priests who have publicly stood up and stood
7 with victims and criticised or spoken out, every one has
8 been penalised in one way or another. Every bishop who has
9 stood up and stood with victims publicly - and there are
10 only three that I know of, out of 4,400 - has been in some
11 way or other penalised or isolated or sidelined, every one,
12 by the Holy See. Because they have gone public with an
13 issue that the system would still prefer to keep unknown
14 and buried in secrecy.

15
16 MS FURNESS: Doctor, you referred earlier to there being
17 a misunderstanding of what the Church really is. Perhaps
18 you could just explain that a bit further.

19
20 DR DOYLE: Yes, I will. I will be happy to. Oftentimes
21 we hear the phrase, "Don't do this, don't report it for the
22 good of the Church", or the policeman who arrests a priest
23 says, "I'm going to take him back to the rectory for the
24 good of the Church", or victims are told, "Don't say
25 anything about this for the good of the Church", or the
26 excuse, "We have kept it under, we have hidden it, we've
27 shuffled men around for the good of the Church" - who is
28 "the Church"? That is heresy, because "the Church",
29 according to the official teaching of the Second Vatican
30 Council, is the people of God, all of the people of God,
31 including the victims and their mothers and fathers,
32 including the people who have walked out the door and left.
33 They are officially the people of God.

34
35 The structure which is oftentimes the Church in the
36 minds of way too many people is part of that. That gives
37 structure to the people of God. But that is not the be-all
38 and the end-all of the concept of the Church.

39
40 I have learned over the years of dealing with this
41 that, unfortunately, the belief that we are the Church -
42 namely, we who are in the governmental structure, we who
43 are part of the system are the church - is not true. It is
44 simply not true.

45
46 But that belief, if you believe that deeply - first
47 off, for many of these men that belief guarantees their

1 past, their present and their future, their whole life.

2
3 Second, that belief justifies protecting the Church,
4 "Even though we hate to have to do this, we don't want to
5 sacrifice these victims and so on, but we must protect the
6 Church at all costs." That essentially is what is the
7 justification, the concept that this structure, this
8 institution, this governing structure and the men in it -
9 they are the Church and they must be protected at all
10 costs.

11
12 One thing I didn't mention earlier, and I can briefly
13 say, is that the Catholic Church revolves around the
14 sacraments, the seven ceremonies that are connected with
15 various important parts of your life - communion, baptism,
16 confirmation - and our way to salvation, to the door to the
17 other side, is through the sacraments.

18
19 The sacraments are controlled by the clergy. The
20 average layperson has a passive dependant relationship with
21 the priests because the priest decides if you are going to
22 get married or not; he gives your communion; he hears your
23 confession; he does your confirmation, or the bishop does,
24 et cetera. So the sacraments, which are part of the
25 institution, are the visible symbols or the insurance
26 policy that you have, so to speak, and that's protected by
27 the clerical culture and by the institutional Church. So
28 that does take on a tremendous amount of importance whereby
29 I think it renders it possible to not even see the concept
30 of the Church as people of God, as this wide group out
31 there, and not even consider these children or these young
32 adults, or these older adults from abuse years ago, as as
33 important a person in the Church as the Pope or the
34 Cardinals. That is the doctrine: everybody is equal in
35 the eyes of God. Not down here, but up there they are.

36
37 MS FURNESS: Doctor, from your experience and knowledge
38 are there any suggestions you might make to the
39 Royal Commission as to what changes might be made to affect
40 for the better the institutional response going forward?

41
42 DR DOYLE: Yes. I wouldn't have come over here, I think,
43 if I couldn't offer some suggestions, thank you.

44
45 First, I would like to say I am very honoured to be
46 here, because I believe what you are doing is unique in the
47 world. It is historic. It is going to make a mammoth

1 difference in the long run. You have taken something on
2 that is mind-boggling and you are going into it in a
3 deeper, more enlightened, more courageous manner than any
4 other body that I have had contact with, and I've had
5 contact with a lot of them that are doing analogously the
6 same thing.

7
8 This problem, this sexual abuse, the way we've
9 described it, the way you are seeing it, is not unique to
10 Australia. It is worldwide. And what you do and what you
11 say and what you come up with at the end is going to have
12 an effect around the world. It is hopefully going to have
13 a profound effect in the Vatican and it is another pile of
14 information that is saying what they do not want to hear.

15
16 But this issue is damaging the most vulnerable people
17 in the Church, and I believe the community - you are the
18 people of God - has an obligation to say to the system, to
19 the institution, "This is what we have found. You need to
20 make some changes to make sure this doesn't keep happening,
21 and those changes are structural."

22
23 Now, I'm not so naive to think that the monarchy is
24 going to fall. There has never been a monarchy that we
25 know of that has voluntarily given up its system in favour
26 of democracy. But that's what you are dealing with.

27
28 So somehow or other, to make it clear that the primary
29 importance, the primary concern has to be the victims of
30 sexual abuse or any other kind of abuse that happens at the
31 hands of the clergy, and that the clergy, from the Pope on
32 down, we're all on the same level. It's an equal playing
33 field in the eyes of God, and so we have to take care of
34 each other in the same way.

35
36 I think that what you are doing here - one of the
37 biggest holes, as I mentioned earlier, has been the lack of
38 pastoral care for victims.

39
40 Now, the Church, the broader Church, takes care of the
41 victims. There are men and women, religious women, who are
42 reaching out and helping the victims. There are two
43 gentlemen out here who said that they are here to be aides
44 for the victims.

45
46 But the official system has not sent down a decree
47 from on high on offering pastoral care and how to do it and

1 asking the kinds of questions, "What kinds of pastoral care
2 do they need?"
3

4 For me, it has just been listening - letting them cry,
5 be angry, yell, scream, whatever, get it off, and trying to
6 help the people understand, you know: "You aren't guilty
7 of anything". But there is a whole bag there.
8

9 But that is more important than all the protocols, all
10 the structures, all the policies, all the paperwork, all
11 the talk, talk, talk that has been going on. The action is
12 what is needed. Victims are sick and tired of apologies
13 and explanations, of more promises, of more protocols, of
14 more policies, "We're going to do this, we're going to do
15 that". They want something to happen so that if they make
16 a complaint, why isn't it okay for the bishop to say, "I'm
17 getting in my car and going over to her house and sitting
18 with her family to listen to what happened." That's pretty
19 important and I think that, to me, is the essence of the
20 whole thing.
21

22 So if you want to recommend one thing, it is that
23 there has to be a primary concern on the care of the
24 present victims, the ones who are there, those whose souls
25 have either been damaged beyond repair or who are seriously
26 suffering.
27

28 COMMISSIONER MILROY: Dr Doyle, you said earlier in your
29 evidence that there was an inability to comprehend the
30 damage. Did you want to just elaborate a bit more about
31 why there is this inability to comprehend the damage that
32 clearly you have been able to understand as you have
33 worked?
34

35 DR DOYLE: When I first became involved in this I didn't
36 have a full idea. I knew, just as a normal person, that if
37 an adult male engages in some form of sex with a child or
38 an adolescent, using force, that that is going to be
39 damaging. I didn't know what it was. But I think as we've
40 gone on, the whole concept of human sexuality - where it is
41 put traditionally in the Catholic Church in the realm of
42 morals. It's something the will controls. It is a sin and
43 you get absolution for the sin. If you are the victim, you
44 put it behind you and you move on. The inability I think
45 to understand some of those non-concrete realities of what
46 happens when you are violated sexually, and that stems,
47 I think, from the inability or the lack of awareness as to

1 what human sexuality really is.

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When you have the Vatican saying that homosexual men or women are intrinsically disordered, that says volumes. That says, "We don't really know what we're talking about", when you say that about any human being, that they are internally disordered.

So I think that's the best answer I can give you. I think it is a misunderstanding of human sexuality. It is sometimes an unwillingness to really want to learn how bad this is, because if we learn how bad this is, it's not going to make us look very good in the long run. So we would rather, you know, look the other way.

I have heard ad nauseam people say, "They told me to get over it, put it behind me and move on", and as we say in AA, you don't expect a man who has had his legs cut off, for them to grow back, and you don't expect a person who has been violated that way to ever go back to the complete way they were before.

MS FURNESS: Thank you, Dr Doyle. I have nothing further.

THE CHAIR: Mr Gray?

MR GRAY: No, I have no questions, your Honour.

THE CHAIR: No questions? Dr Doyle --

MS FURNESS: Cannot be excused, unfortunately for Dr Doyle. Dr Doyle will be joining us later.

THE CHAIR: We want you to stay, Dr Doyle.

DR DOYLE: I would be glad to. I just want to make sure that my gratitude on behalf of my colleagues and the people I represent in the States, unofficially, is heard by you, how grateful we are for what you are doing for us but especially what you are doing for those who have been violated, who will never come forward but know that somebody cares enough about them to go through all of this. That is important. Thank you.

THE CHAIR: Thank you, Dr Doyle, and we very much appreciate your coming.

1 He can't be excused, but what do I do with him?

2

3 MS FURNESS: Dr Doyle, you may leave the witness box.

4

5 THE WITNESS: Thank you. I don't want to go out in the
6 rain, so I will stay here.

7

8 MS FURNESS: Do stay.

9

10 <THE WITNESS WITHDREW

11

12 MS FURNESS: Your Honour, there is a panel to be convened.
13 It will take a little amount of time. Perhaps we might
14 take an early luncheon adjournment.

15

16 THE CHAIR: We will take the luncheon adjournment now and
17 resume at 1.30.

18

19 LUNCHEON ADJOURNMENT

20

21 MS FURNESS: Your Honour, we have three witnesses to be
22 sworn in.

23

24 <FRANCIS JAMES MOLONEY, sworn: [1.34pm]

25

26 <NEIL JAMES ORMEROD, sworn: [1.34pm]

27

28 <MICHELLE KATHLEEN MULVIHILL, affirmed: [1.34pm]

29

30 <EXAMINATION BY MS FURNESS:

31

32 MS FURNESS: Starting with you, Dr Mulvihill, could you
33 tell the Royal Commission your full name?

34

35 DR MULVIHILL: Yes, Michelle Kathleen Mulvihill.

36

37 MS FURNESS: And, doctor, what is your current occupation?

38

39 DR MULVIHILL: At present I'm the managing director and
40 owner of a group called The Corpsych Australia, which is
41 a psychology company, organisational psychologists
42 consulting to not-for-profit organisations, corporations,
43 businesses, health care sectors and, in some recent times
44 too, a variety of churches around issues relating to child
45 sexual assault.

46

47 MS FURNESS: How long has your company been operating?

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DR MULVIHILL: In 1986 we began. Some time ago.

MS FURNESS: And your qualifications?

DR MULVIHILL: Yes, I have a Bachelor of Arts in Psychology and a Graduate Diploma of Psychology, a Master of Arts in Counselling, a Master of Arts in Interdisciplinary Studies, Women's Studies, a Master of Education in Adult Education, and my PhD from the University of Technology in Sydney was around uncovering emotion in adult learning; how do we as adults learn with the aid of emotion rather than severing emotion?

MS FURNESS: You said that in more recent times you've been working with Catholic entities?

DR MULVIHILL: Yes. In about 1996, I think it was Bishop Geoff Robinson who invited me to assist the Catholic Church in Australia in relation to facilitating some mediations that they were involved in, and that was where I first came across this entire issue of child sexual assault in that Church.

Subsequent to that, I consulted to some and assisted some groups, particularly victim groups, in the Anglican Church, the Seventh Day Adventist Church, the Uniting Church, and so on.

More recently, after that, I continued to assist, and the St John of God Brothers in Sydney approached me because they said they were in trouble and needed someone to help them understand what was happening in their order, and I worked within that organisation for about seven years. I closed my business and worked just for that organisation

MS FURNESS: When was that?

DR MULVIHILL: That was between 1998 and 2006.

MS FURNESS: What was the difference between the organisation you first started with and the organisation you left?

DR MULVIHILL: In the St John of God Brothers?

MS FURNESS: Yes.

1
2 DR MULVIHILL: I resigned from that organisation because
3 I could no longer deal with the corruption and systemic
4 abuse that was my experience of what was happening inside
5 that organisation. I could do no more.
6
7 MS FURNESS: When did you leave, again?
8
9 DR MULVIHILL: 2006 - the end of 2006, beginning of 2007,
10 when they voted in, to be on their leadership team, someone
11 who is a criminal.
12
13 MS FURNESS: Since 2006, have you had any engagement as
14 a psychologist with victims?
15
16 DR MULVIHILL: Yes. One rang me on the way here this
17 morning. I have had some engagement. I work using the
18 better health scheme for Medicare, which means offering
19 free-of-charge counselling to some victims and to some
20 victim groups in an ongoing way in different countries - in
21 Australia, but I have probably stepped aside a little in
22 the more recent years from dealing with this.
23
24 MS FURNESS: Do you have a religious background yourself?
25
26 DR MULVIHILL: Yes. My family was a very fervent
27 religious family in Bathurst, New South Wales, and at the
28 age of 17, or 18, I joined a religious order called the
29 Sisters of Mercy in Bathurst and I was finally professed in
30 that group. I stayed there for about 13 or 14 years and
31 then left, came to Sydney and did some retraining.
32
33 MS FURNESS: So you left the order when you came to
34 Sydney?
35
36 DR MULVIHILL: Yes, I did. Yes, I did.
37
38 MS FURNESS: What sort of work did you do when you were in
39 the order?
40
41 DR MULVIHILL: I did a lot of youth work. I did some
42 school counselling. I did a lot of travelling around rural
43 New South Wales from place to place, parish to parish,
44 working with young people and their families in rural and
45 remote areas.
46
47 MS FURNESS: Thank you.

1
2 Professor Ormerod, perhaps you could tell the Royal
3 Commission your full name?

4
5 PROFESSOR ORMEROD: Neil James Ormerod.

6
7 MS FURNESS: And your current occupation?

8
9 PROFESSOR ORMEROD: I'm Professor of Theology at
10 Australian Catholic University.

11
12 MS FURNESS: How long have you been in that position,
13 professor?

14
15 PROFESSOR ORMEROD: Twelve years.

16
17 MS FURNESS: What sort of work did you do before that?

18
19 PROFESSOR ORMEROD: Prior to that, I worked at the
20 Catholic Institute of Sydney where we provided the
21 theological education for seminarians. Prior to that, the
22 Centre for Christian Spirituality. And prior to that,
23 I was 10 years at St Paul's National Seminary teaching
24 theology. That institution has since closed.

25
26 MS FURNESS: Have you ever worked outside of the Church?

27
28 PROFESSOR ORMEROD: Prior to all that, I worked as
29 a mathematician at the University of New South Wales.

30
31 MS FURNESS: And you moved from mathematics to religion?

32
33 PROFESSOR ORMEROD: I did.

34
35 MS FURNESS: Any particular reason?

36
37 PROFESSOR ORMEROD: That's part of the story, yes. I had
38 what might be called an adult faith appreciation at that
39 stage. There were a number of us who were sort of living
40 in a communal sort of setting. I met my wife in that
41 setting, my future wife. We married. Some 12 years later,
42 she revealed to me that the priest who was at the centre of
43 that community had sexualised his relationship with her,
44 and that set in train my interest in the issue of clergy
45 sexual abuse.

46
47 MS FURNESS: Your wife was an adult at the time?

1
2 PROFESSOR ORMEROD: She was. Didn't fall under the child
3 sexual abuse, but she was a vulnerable adult at the time
4 and the relationship was quite exploitative. We knew
5 immediately - or I knew immediately there would be a number
6 of other victims who weren't difficult to identify.

7
8 Out of our experience, my wife and I helped establish
9 a network of survivors, known as Friends of Susanna, and
10 together my wife and I wrote I think what's probably the
11 first book on sexual abuse in the Australian context.

12
13 MS FURNESS: I wonder if I could ask you just to speak
14 a bit more closely to the microphone because I'm having
15 a bit of difficulty hearing you.

16
17 PROFESSOR ORMEROD: Sure.

18
19 MS FURNESS: So you wrote the first book on sexual abuse.
20 What was that?

21
22 PROFESSOR ORMEROD: When Ministers Sin.

23
24 MS FURNESS: When was that?

25
26 PROFESSOR ORMEROD: 1995.

27
28 MS FURNESS: So it has been an area where you have worked
29 intellectually as well as with other survivors?

30
31 PROFESSOR ORMEROD: Yes, and not just in the Catholic
32 setting and not just in a church setting. In 1995, we were
33 also part of an organising group for an international
34 conference which included not just clergy survivors but
35 also those in health care settings and other sort of adult
36 survivor abuse situations.

37
38 MS FURNESS: So I take it your wife's experience and your
39 experience informed your work in seminaries?

40
41 PROFESSOR ORMEROD: It did to some extent. It was
42 a fraught situation. The abuser at the time was actually
43 working with me at the seminary when my wife disclosed.
44 Ironically, he was teaching the students about celibacy,
45 amongst other things. So it was a difficult time and a lot
46 of sorting out that had to go on. It did help inform my
47 practice to some extent.

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When we moved, when I was finally at the Catholic Institute of Sydney, we were involved mainly in their theological formation, not their pastoral formation. The pastoral formation was conducted at the seminary itself, not at the Catholic Institute.

MS FURNESS: Can you explain the difference between the theological and pastoral formation?

PROFESSOR ORMEROD: There is. I was teaching Christology, Trinity, grace, these sorts of classic theological themes, and that intellectual formation is often carried out distinct from their spiritual and personal formation, which is undertaken at the seminary itself.

MS FURNESS: So to the extent there's any discussion about leading a celibate life, that would be in the pastoral side rather than the theological side?

PROFESSOR ORMEROD: That was a responsibility for the seminary, yes.

MS FURNESS: Does it still operate like that?

PROFESSOR ORMEROD: I believe so, yes.

MS FURNESS: Thank you.

Can I turn to you, Professor Moloney. Perhaps if you could provide the Royal Commission with your full name?

PROFESSOR MOLONEY: Francis James Moloney.

MS FURNESS: What do you do now, professor?

PROFESSOR MOLONEY: At the moment I'm a Senior Professorial Fellow at the Catholic Theological College, a member college of the University of Divinity in Victoria.

MS FURNESS: And you are a member of the Salesians?

PROFESSOR MOLONEY: Yes. Yes, I joined the Salesians in 1959, did the usual formation program, novitiate, teacher training; taught at Sunbury for three years; went overseas, did a Masters Degree in Theology in Rome; then did a Masters Degree specialising in Biblical Studies in Rome,

1 then did a PhD in Oxford; then came back and taught --
2
3 MS FURNESS: What was your PhD in?
4
5 PROFESSOR MOLONEY: This will relate to what I will say in
6 a moment. My PhD was on the meaning, the sense, of the use
7 of the expression "the son of man" in the fourth gospel.
8 It's found 13 times. Why? And why where it's found?
9
10 MS FURNESS: How long did it take you, professor?
11
12 PROFESSOR MOLONEY: Three years.
13
14 MS FURNESS: And you published it?
15
16 PROFESSOR MOLONEY: Published. Second edition. Both sold
17 out. It's now in its third edition.
18
19 THE CHAIR: Ms Furness, we need to stop. The professor
20 can't be heard in the back of the room. We will have to do
21 something about it.
22
23 MS FURNESS: You have a lapel mic.
24
25 PROFESSOR MOLONEY: Yes. Do I have to turn it on, or are
26 they turning it on and off from there? Okay, they should
27 be able to hear, they say. I'll speak loudly.
28
29 So I finished the PhD at Oxford. That was published.
30 It's called The Johannine Son of Man. It has been through
31 three editions, all sold out. It has become a classic in
32 the field. Since then, I've continued to publish. I've
33 been Visiting Professor of New Testament in Israel, in
34 Europe, and I was in the United States for six years and
35 taught at the Catholic University of America as
36 the Professor of New Testament and was eventually the Dean
37 of the School of Theology and Religious Studies at the
38 Catholic University of America, until I was called home by
39 the Superior of all the Salesians in the world because my
40 predecessor, facing all these issues, had had a major
41 breakdown and was not communicating. So I was asked if
42 I would abandon what I was doing and come back to
43 Australia, and I came back and took over there in 2006
44 through until 2011.
45
46 MS FURNESS: So you took over as the Provincial Superior
47 of the Salesians?

1
2 PROFESSOR MOLONEY: That's correct.
3
4 MS FURNESS: Does that mean you were the head of the
5 Salesians Australia wide?
6
7 PROFESSOR MOLONEY: And in New Zealand and Fiji and Samoa.
8
9 MS FURNESS: What did you find when you took over that
10 job?
11
12 PROFESSOR MOLONEY: I found a great mess. I found a lot
13 of difficulty, and I can understand why my predecessor, who
14 was quite introspective, had had his breakdown and
15 eventually died. He found the whole thing overwhelming.
16
17 I did the best I could to surmount the difficulties,
18 to stand by victims at all stages, to keep a close
19 relationship with police at all stages --
20
21 MS FURNESS: Let me stop you there. You talked about your
22 predecessor finding the whole thing overwhelming and the
23 difficulties you experienced. Perhaps you could be
24 a little bit more specific about what you're referring to?
25
26 PROFESSOR MOLONEY: Yes. I think my predecessor found two
27 things very distressing. The first was the face-to-face
28 encounter with the victims, which is always stressing, soul
29 destroying, and he found that very hard to cope with.
30
31 THE CHAIR: Professor, I think what Ms Furness was wanting
32 to understand - when you say you found a mess, you're
33 talking about the sexual abuse of children?
34
35 PROFESSOR MOLONEY: That's right.
36
37 THE CHAIR: By members of the order; is that right?
38
39 PROFESSOR MOLONEY: Yes, yes.
40
41 THE CHAIR: And your predecessor's response to that - he
42 was overwhelmed by it?
43
44 PROFESSOR MOLONEY: He was overwhelmed by it, yes.
45
46 THE CHAIR: Now you're talking about what you faced and
47 how --

1
2 PROFESSOR MOLONEY: No, I'm answering what created the
3 stress in my predecessor.
4
5 THE CHAIR: Okay, right.
6
7 PROFESSOR MOLONEY: And that was he eventually found those
8 experiences emotionally overwhelming.
9
10 MS FURNESS: The experiences of talking to victims?
11
12 PROFESSOR MOLONEY: Exactly. And the second stressful
13 thing, as always in our situation, is that you find people
14 that you've lived with and known for 30 and 40 years have
15 betrayed everything you stand for. He just couldn't cope
16 with it and he had a complete breakdown.
17
18 MS FURNESS: So when you arrived, what was the situation
19 that you arrived to in respect of the dealing with
20 allegations and claims, and no doubt reality, of child
21 sexual abuse within the Salesians?
22
23 PROFESSOR MOLONEY: Yes, I came back to a situation of
24 a number of unresolved issues, some already in the process
25 of legal procedure.
26
27 MS FURNESS: Perhaps if we could be a bit more precise,
28 professor. What do you mean by "some unresolved issues"?
29
30 PROFESSOR MOLONEY: Some allegations that were as yet to
31 be resolved either criminally or through the Towards
32 Healing process - a number of those.
33
34 Then there were pending court cases that were still
35 pending when I arrived home, both resolved --
36
37 MS FURNESS: Is that criminal and civil?
38
39 PROFESSOR MOLONEY: Criminal. Criminal. Both resolved --
40
41 MS FURNESS: By "resolved", what do you mean?
42
43 PROFESSOR MOLONEY: Those people finished in gaol. So
44 that was the situation I had to run with.
45
46 MS FURNESS: And what did you do?
47

1 PROFESSOR MOLONEY: What did I do? Worked as hard as
2 I could day and night to meet victims, to make sure that
3 all the people against whom allegations had been made were
4 removed from any possible contact with young people and --
5
6 MS FURNESS: So do I take it from that that there were
7 people still in contact with young people, against whom
8 allegations had been made when you arrived?
9
10 PROFESSOR MOLONEY: No. That's a good remark.
11
12 MS FURNESS: It's a question.
13
14 PROFESSOR MOLONEY: A good question. All of the people
15 had already been removed from ministry, but as I went on,
16 of course, others came up and I had to remove them from
17 ministry and try to begin the processes of eliminating them
18 completely from the order and from their faculties - to
19 defrock them, to use the technical term.
20
21 MS FURNESS: When you said "others came up", do you mean
22 that allegations or claims were made?
23
24 PROFESSOR MOLONEY: Yes, of course.
25
26 MS FURNESS: Did you do anything, when you began in 2006,
27 to try to understand what had happened and why it had
28 happened in the years before you took over the job?
29
30 PROFESSOR MOLONEY: If you mean going to get some
31 professional advice about what had happened and why it had
32 happened, no.
33
34 MS FURNESS: Did you do anything?
35
36 PROFESSOR MOLONEY: Yes. I spoke to people with
37 experience, largely legal people, also psychological
38 people, people who worked in this area, but I didn't take
39 on any formal course or anything like that. I sought
40 advice where I felt I didn't understand what the situation
41 was and worked extremely hard to get on top of the whole
42 situation.
43
44 MS FURNESS: When you said you spoke with victims, are
45 those victims who came forward of their own accord to you?
46
47 PROFESSOR MOLONEY: There were some of those, maybe four

1 or five. Most of the victims I spoke to were victims who
2 were a part of the Towards Healing process. An essential,
3 very important part of the Towards Healing process was that
4 once the legal teams of both parties had met and come to
5 some sort of agreement, then it was very important, as far
6 as I was concerned, for me to have a one-on-one with the
7 victim and anyone else from his family who wanted to be
8 there. To me, that was the most essential part of the
9 whole process.

10
11 MS FURNESS: When you say "his family", I take it that
12 most of them were male?

13
14 PROFESSOR MOLONEY: All of them were male.

15
16 MS FURNESS: All of them?

17
18 PROFESSOR MOLONEY: All of them, but very often they had
19 their wives with them in that session with me.

20
21 MS FURNESS: Did you make any changes to the way in which
22 the Salesians operated during the period that you were
23 Provincial in relation to this particular area?

24
25 PROFESSOR MOLONEY: I would say the change that I made was
26 that I was more aggressive in seeing to the defrocking,
27 elimination, of people and more aggressive in unconditional
28 support to victims, both in terms of my care for them and
29 in terms of the sorts of financial payments that were made
30 to these victims.

31
32 MS FURNESS: As an order, what was the process for
33 laicisation?

34
35 PROFESSOR MOLONEY: That, of course, is determined by
36 Catholic Church canonical procedures. There are two
37 differences. With Brothers, it's much simpler because you
38 simply apply to the Superior-General of the congregation,
39 and he very rapidly gets permission from the Holy See, and
40 within three or four weeks you can dismiss a Brother. The
41 problem is once they're in Holy Orders, once they become
42 priests. Then you have to go through the process - there
43 are two processes.

44
45 The process is dismissal, which is the most vigorous
46 way, which the Vatican has been very loath to allow. They
47 will go through a long, long process in order to get to

1 this eventual dismissal.

2

3 The easier process - still a problem, but the easier
4 process - is for the Provincial to try to talk the
5 religious concerned, the priest religious concerned, to
6 resign. Now, if they resign, then you have to go through
7 a process of tracking back his records, any signs of this
8 earlier, et cetera, because the Church won't let them
9 resign unless there's very good reasons to resign.

10

11 Then you had to also call in up to four witnesses who
12 had journeyed with him across his life. So it was
13 basically an assessment of this person's character and then
14 his personal request, giving the reasons why he thinks he
15 should resign. That is a much more gentle process for the
16 person you're throwing out and marginally quicker.

17

18 MS FURNESS: In the event that the reason you wanted to
19 throw them out was that there were allegations which you
20 had sufficient belief in to throw them out, wouldn't that
21 be enough?

22

23 PROFESSOR MOLONEY: No. No. This isn't BHP. This is the
24 Roman Catholic Church. I as Provincial can't say, "You are
25 out. Pack your bags and go", because he can pack his bags
26 and go, but he's still formally in religious orders.

27

28 MS FURNESS: But you can remove his faculties, can't you?

29

30 PROFESSOR MOLONEY: Oh, yes.

31

32 MS FURNESS: Which means he can't minister somewhere?

33

34 PROFESSOR MOLONEY: Absolutely. Oh, that always happened
35 immediately. But that's not the same as dismissing them
36 altogether.

37

38 MS FURNESS: Salesians have Brothers as well as priests?

39

40 PROFESSOR MOLONEY: Yes, not many, but we have some.

41

42 MS FURNESS: Not many priests?

43

44 PROFESSOR MOLONEY: Not many Brothers. I was surprised by
45 those numbers. Going back to 1950 it talks about something
46 about 22-point-something per cent allegations against
47 Brothers. We've only had about 25 Brothers since 1950. So

1 that makes for a very high percentage - about a quarter of
2 25 people - and I knew all those people. I find that
3 pretty hard to imagine. But I know we gave you the
4 figures, so that's where they're coming from.

5
6 MS FURNESS: The figures were in relation to non-ordained
7 religious, so the Brothers, 21.9 per cent; and in relation
8 to the priests it was 17.2 per cent.

9
10 PROFESSOR MOLONEY: Yes.

11
12 MS FURNESS: Is there anything that you can tell us about
13 why you think the figures are the way they are?

14
15 PROFESSOR MOLONEY: Well, the figures came from our own
16 records, and I have no idea. I mean, I haven't been in
17 that office for six years. That has all been work that has
18 been requested by the Commission and by the justice and
19 peace group, and they've been worked on in the Provincial
20 House with no consultation with me whatsoever.

21
22 THE CHAIR: Professor, I think Ms Furness was actually
23 seeking a different question to be answered, and that is
24 why do you think it happened?

25
26 PROFESSOR MOLONEY: Is that what you're asking?

27
28 MS FURNESS: It was indeed what I was asking.

29
30 PROFESSOR MOLONEY: Why did I think that there was --

31
32 THE CHAIR: Why were there so many allegations against
33 Salesians of abusing children?

34
35 PROFESSOR MOLONEY: If I knew the answer to that, that
36 would be very helpful.

37
38 THE CHAIR: Well, professor, it's a serious question for
39 us.

40
41 PROFESSOR MOLONEY: Of course it is.

42
43 THE CHAIR: And it surprises me that you, having held the
44 position you did, haven't reflected upon why it happened.

45
46 PROFESSOR MOLONEY: Of course I have.

47

1 THE CHAIR: Well, then, what's your --

2

3 PROFESSOR MOLONEY: What's my opinion?

4

5 THE CHAIR: Yes.

6

7 PROFESSOR MOLONEY: Well, my opinion would be that, to
8 start with, there would have been people attracted to the
9 Salesians, who worked for young people, particularly boys,
10 who were paedophiles and would-be paedophiles whether they
11 were Salesians or not. But coming into this order that
12 looked after boys was a direction that they took. I'm not
13 saying there was wickedness about them, but this was sort
14 of something that attracted them - to work for young people
15 for the rest of their lives. So that's one reason.

16

17 The second reason I think is poor formation. You took
18 it for granted that if somebody wanted to abandon the world
19 and come into a religious order and work for young people
20 for the rest of their lives, the first thing they would do
21 would be obey the ten commandments, and the second thing
22 they would do would be to try to live by the gospel, and
23 the third thing they would do would be to try to live the
24 dream of a Salesian. They betrayed all three.

25

26 So why that happened, as I say, I think insufficient
27 investigation into the quality of the people as they came
28 in; insufficient intellectual formation and human formation
29 in their formation period; and insufficient supervision of
30 their lives after ordination. So I would suspect that's
31 what went on.

32

33 We took it for granted that once people took this life
34 on, they were going to do good things, not bad things, and
35 that was a mistake.

36

37 MS FURNESS: Are you aware of Dr Marie Keenan's research
38 in this area, professor?

39

40 PROFESSOR MOLONEY: I am. I've read the book, yes.

41

42 MS FURNESS: In the book, she discounts the theory that
43 men coming into, in your case an order, did so in order to
44 seek out children and with a known predisposition to abuse.
45 You understand that?

46

47 PROFESSOR MOLONEY: Yes.

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MS FURNESS: Her research suggests that in fact that is not the case.

PROFESSOR MOLONEY: I agree.

MS FURNESS: You agree that that's not the case?

PROFESSOR MOLONEY: Yes. I don't think they were self-acknowledged paedophiles who became religious in order to be with young people. I think they'd come to us, and these tendencies emerge, but it's a psychosexual deviation that's there that is latent but then appears once they find themselves involved one-on-one with young people. So I don't think they joined for that purpose. I think Marie Keenan is quite right on that.

MS FURNESS: You think, then, that it's therefore situational, in that they're in a situation with access to children and they act on that in a criminal way?

PROFESSOR MOLONEY: Correct, in the way that Dr Doyle spoke about this morning. They find themselves in this situation and the powerful desire to act out - they just can't control it.

MS FURNESS: Dr Keenan has also said in her book that to look at it solely as situational or access driven denies the institutional factor, which is in one way the structure and governance of the Church. Do you agree with that?

PROFESSOR MOLONEY: Sure.

MS FURNESS: So what is it that you see in the structure and governance of the Church that permitted the numbers that we know about, in terms of claims, to abuse children?

PROFESSOR MOLONEY: I would agree here largely with what Dr Doyle said this morning about structures, what no doubt Neil and Michelle will say later on. I mean, we're basically dealing with a structure that is a pyramid where you have the point at the top and everything flows down from the top, and it must work in its hierarchical system, with all the possibilities of use and abuse of power that take place in that sort of situation, leading also to the appointment of fragile leadership, people who won't bite the bullet, who wait for advice from upstairs. All of

1 those institutional things played into this - clericalism.
2 The widely discussed issues, I think, are the issues that
3 need to be faced. There are institutional issues, yes.
4

5 MS FURNESS: Coming back to clericalism in a moment, the
6 various factors that you described are factors that are
7 relevant to understand the institutional response of the
8 Church to allegations and abuse; do you agree with that?
9

10 PROFESSOR MOLONEY: Yes.
11

12 MS FURNESS: What about factors that help understand why
13 priests and religious abused children in the first place?
14

15 PROFESSOR MOLONEY: In my opinion - and, you know, I'm not
16 an expert in this. As I often say, anything after the fall
17 of Jerusalem, I get a bit vague.
18

19 MS FURNESS: Your opinion is what we're seeking,
20 professor.
21

22 PROFESSOR MOLONEY: Good, but it's only worth what it's
23 worth. In my opinion, these were damaged people or
24 socially, sexually deviant people latently before they
25 come. They come, they then arrive into a situation, and
26 these issues begin to emerge. That, I think, is why
27 perhaps we are attractive for them - number one, we were
28 working with young boys; number two, the Salesians have
29 a basic philosophy of life which is one of affection, of
30 warmth.
31

32 I joined the Salesians at 21 years of age because
33 I met Salesians who were regular human beings, not like the
34 priest down the street, who dressed funny and wasn't very
35 warm. Our system of education is one based on reason,
36 religion and love. So this was the whole system, which
37 they found attractive for probably very good reasons. But
38 once they come in, then of course they're in a situation
39 where any deviancy can blossom.
40

41 MS FURNESS: So, effectively, you're saying that it is the
42 individual make-up, psychosexual and otherwise, of
43 individuals that makes them offend within your order?
44

45 PROFESSOR MOLONEY: Well, I don't want to defend the order
46 and say the order's perfect, because it isn't. But I can't
47 think, after 57 years as a Salesian, that there is anything

1 in our internal structures that promotes or sort of opens
2 the door to this sort of devastating activity. It just
3 doesn't come to me.

4

5 MS FURNESS: Professor Ormerod, is there anything you
6 would like to assist the professor with in terms of
7 structures?

8

9 PROFESSOR ORMEROD: Yes. I took some interest in the
10 figures that the Commission itself provided, and if you
11 look at those figures in terms of the deviations from the
12 norm, you already have data there which indicates some of
13 the factors which are contributing to abuse.

14

15 If you look at religious orders, in particular the
16 male religious orders, it's very clear that a lot of that
17 is about access to vulnerable people. Those who have the
18 greatest access to the people who are most vulnerable are
19 the ones who are abusing at the highest rate.

20

21 MS FURNESS: And you're referring to --

22

23 PROFESSOR ORMEROD: The St John of God Brothers.

24

25 MS FURNESS: Having access to children with disability?

26

27 PROFESSOR ORMEROD: They worked with children with
28 disabilities, mental and physical disabilities. I would
29 imagine you would find the same sort of thing happening in
30 the nursing profession, those who are working with people
31 with disabilities and with mental problems. It is
32 something about the interaction of vulnerability, power and
33 domination. Where people feel inadequate - and most
34 religious life does leave people feeling very inadequate -
35 they have this institutional power, personal - and
36 Marie Keenan spells that out - private powerlessness,
37 public unsupervised dominance.

38

39 Now, that's a really potent mix, and there's something
40 about vulnerability to a powerful person who has that that
41 is sexually alluring. If I may tell a story on this, and
42 it struck me - this is when I was working at St Paul's
43 many years ago.

44

45 We had a student who was openly homosexual, and at
46 that stage that wouldn't automatically bar him from the
47 seminary. He was really quite a well-integrated human

1 being. I got on really well with him. He told me of
2 a pastoral situation he was in with a woman who was
3 distressed, and he found himself being aroused.
4

5 Now, this is a gay man. He said, "Look, I didn't know
6 what was going on." But in that situation - and of course
7 he didn't think, "Oh, this is an opportunity"; he was
8 reflective enough to sit back and try to understand what it
9 was about that situation which elicited that response from
10 him. There is something sexually attractive about
11 vulnerability. And we see it not only in these situations
12 but in cultures of male violence, in rape, and so on. This
13 is a much larger problem, I'm sure you're aware of that,
14 but here it's been manifest in a situation where you have
15 vulnerable people and other people who have access and
16 power to use that. And that's what the statistics, it
17 seems to me, are telling you.
18

19 MS FURNESS: What do you need, going forward, then, to
20 ensure the safety of vulnerable people - because there will
21 always be vulnerable people, and there will always be
22 members of churches who interact with them.
23

24 PROFESSOR ORMEROD: Yes, indeed.
25

26 MS FURNESS: Those members of churches will have gone
27 through some formation process. What are your suggestions,
28 going forward, for making those children safer?
29

30 PROFESSOR ORMEROD: Sure. Look, the one that has been
31 mentioned a number of times - and the word I think is
32 a little bit misunderstood - is pastoral supervision. That
33 doesn't mean someone looking over your shoulder, but it's
34 the sort of thing that occurs in other professions, such as
35 psychology, social work, psychotherapy. Anyone who's
36 working with people in emotionally distressed situations,
37 in vulnerable situations, almost as a professional
38 responsibility has to have a person that they see on
39 a regular basis to help them become reflective
40 practitioners, to be able to reflect back to them their
41 situation and their performance in that situation.
42

43 This is, at present, one of the more effective ways,
44 I think, of putting that barrier between the vulnerable
45 person and the potential abuser and giving that potential
46 abuser some tools of reflective self-understanding, of what
47 it is that's happening to them in that situation.

1
2 Now, other churches do employ this as a requirement of
3 their ministers, and it's simply not happening in the
4 Catholic Church. In fact, I was a bit put out when I read
5 the document from the Truth, Justice and Healing Council,
6 where a number of dioceses said that they had in place the
7 protocols and procedures of the Integrity in Ministry
8 document, and that's simply not accurate, because one of
9 those requirements within that document is that priests and
10 people in pastoral ministry should have ongoing pastoral
11 supervision. And it's not happening.
12

13 You saw that the other day Michael Whelan presented
14 his evidence. Michael is on the side of the angels. He's
15 a good guy. Only in the last six months has he undertaken
16 pastoral supervision - had pastoral supervision from
17 someone. These provisions have been in place since 2002.
18

19 Now, if Michael Whelan, with all his background and
20 insight, has only undertaken that in the last six months,
21 I can tell you that there is probably not a parish priest
22 in Sydney who is receiving pastoral supervision.
23

24 MS FURNESS: I think we'll deal with that issue a bit
25 later next week in terms of professional supervision. Can
26 we just go back. Is it the case that you're saying had
27 there been professional supervision of a real type earlier
28 on, then there would not have been the abuse that the data
29 suggests through the claims?
30

31 PROFESSOR ORMEROD: I think it would have shifted the
32 probabilities, yes. I don't know that you ever eliminate
33 it any more than you can eliminate it in other professions,
34 but you can shift the probabilities away from occurrence to
35 it becoming less likely.
36

37 MS FURNESS: What other causal factors do you believe
38 exist or existed in relation to the abuse that's revealed
39 by the claims data?
40

41 PROFESSOR ORMEROD: The other interesting thing, of
42 course, is what was the lowest diocese in Australia, and
43 that was Adelaide. Now, ask ourselves what is it that is
44 special about Adelaide? Why is Adelaide so different?
45

46 Now, those of us who know the history somewhat of
47 Adelaide know that when Leonard Faulkner was made

1 Archbishop in 1985, he was asked whether he wanted an
2 auxiliary bishop, and he said, no, he didn't want an
3 auxiliary bishop, he didn't need an auxiliary bishop, but
4 he set up a pastoral team around him as Bishop, as
5 Archbishop, of that diocese, which included a number of
6 women. So that became a team in ministry between himself
7 and those women. That's a decision that he made.

8
9 Now, the priests at the diocese at the time didn't
10 like it, but I think you begin to see some of the effect of
11 that if you look at the continuing practice of
12 Philip Wilson, who is the current archbishop there. He
13 continues to have women in senior leadership roles within
14 the diocese, and I think that's a significant factor of
15 difference in that data from other dioceses in Australia.

16
17 THE CHAIR: Can you explain to us how does the
18 relationship between the bishop, or the archbishop, and
19 that group work? What is their role? What does it do?

20
21 PROFESSOR ORMEROD: I don't know the details. I do know
22 that when Archbishop Faulkner was in place, he ran it as
23 a council of advice and discussion and gave women a role
24 and a voice within the leadership and the running of the
25 archdiocese.

26
27 THE CHAIR: So he would talk with them and make decisions
28 based upon --

29
30 PROFESSOR ORMEROD: Consultation with them.

31
32 THE CHAIR: -- their advice, and it was resented by some
33 who then were required to implement the decisions he made;
34 is that --

35
36 PROFESSOR ORMEROD: Well, you're talking about a very male
37 culture, and suddenly to find that there are women in the
38 diocese who have authority over them was not something that
39 a lot of them appreciated. But the figures that you have
40 bear out that there was a significant cultural difference
41 in that diocese from every other diocese in Australia.

42
43 THE CHAIR: The women who were part of that group - were
44 they coming from an order of --

45
46 PROFESSOR ORMEROD: Some of them were lay women. Some of
47 them were nuns.

1
2 THE CHAIR: And chosen all by the archbishop?
3
4 PROFESSOR ORMEROD: Yes.
5
6 THE CHAIR: How big was the group, or how big is the
7 group?
8
9 PROFESSOR ORMEROD: It was fairly small. I think four or
10 five.
11
12 The other thing, of course, is if you look at the
13 dioceses where it is significantly higher, they're rural
14 dioceses, they're dioceses with very few resources,
15 loneliness, distance, isolation - these are significant
16 contributing factors to the abuse.
17
18 MS FURNESS: More likely conservative and therefore less
19 inclined to have women, lay or otherwise, in positions of
20 some authority?
21
22 PROFESSOR ORMEROD: Yes, indeed.
23
24 PROFESSOR MOLONEY: If I might just add to what Neil
25 said - the women were actually appointed, given the
26 canonical status of episcopal vicars, which is a very
27 significant status. That's why the priests didn't like
28 that.
29
30 PROFESSOR ORMEROD: Yes.
31
32 PROFESSOR MOLONEY: To have a woman episcopal vicar - for
33 schools, it has to be a priest.
34
35 THE CHAIR: You will have to explain?
36
37 PROFESSOR MOLONEY: What happens, there are various
38 sectors in the life of the Church in any given diocese, and
39 so the bishop appoints someone to be his episcopal vicar -
40 he doesn't make them bishops, but they're vicars appointed
41 by the bishop for a certain sector of the ministry of the
42 archdiocese. So for the first time in the history of the
43 Australian Church, Leonard Faulkner appointed women
44 episcopal vicars.
45
46 THE CHAIR: And that gave them authority to make decisions
47 and manage issues; is that the way it works?

1
2 PROFESSOR MOLONEY: Yes. Always in consultation with him.
3 He would have had a plenary council. But they were the
4 ones - they were where the buck stopped.
5
6 THE CHAIR: Were they women who had taken orders?
7
8 PROFESSOR MOLONEY: No. There were one or two nuns,
9 a couple of lay women.
10
11 THE CHAIR: So an episcopal vicar can be a layperson?
12
13 PROFESSOR MOLONEY: Absolutely.
14
15 MS FURNESS: Was that a decision made solely by the
16 archbishop?
17
18 PROFESSOR MOLONEY: I would think so.
19
20 MS FURNESS: He didn't need to get anyone else's
21 permission to do it?
22
23 PROFESSOR MOLONEY: Well, if he did, he didn't get it.
24
25 MS FURNESS: But I take it, as a matter of Canon Law, he
26 didn't need to?
27
28 PROFESSOR MOLONEY: We might need help on that, but
29 I think that might be a loophole. I think he might have
30 worked on a loophole there and appointed episcopal vicars
31 without getting permission from elsewhere.
32
33 MS FURNESS: If it is the case that Canon Law doesn't
34 prohibit it, then there's nothing in law stopping other
35 archbishops doing the same thing?
36
37 PROFESSOR MOLONEY: That's right.
38
39 PROFESSOR ORMEROD: And, to be fair, other bishops have
40 since done that, and Philip Wilson has continued that
41 practice in Adelaide. There are a number of episcopal
42 vicars who are women in that diocese.
43
44 THE CHAIR: Does every diocese - they may not be women -
45 have episcopal vicars?
46
47 PROFESSOR ORMEROD: Yes.

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THE CHAIR: Have they been with the Church for many, many years, or is it a recent thing?

PROFESSOR MOLONEY: Post Vatican II, I think. Yes, I think since the late 1960s. In an attempt to do what we're trying to suggest, to flatten out the administration, Vatican II insisted that every diocese have an episcopal vicar system, that it have a pastoral council, so that there is more answerability at a horizontal level in the administration of the diocese. That is what was requested at Vatican II. That then went down to the parish: every parish had to have a pastoral council, had to have a financial council. So these were all attempts to flatten it out.

As with so many other things, particularly in the more intimate life of the Church that have been requested by Vatican II, many of these things were acted upon, maybe in the first heady years, but have receded in many dioceses, which has been a return to the pyramid structure. So much less work is being done in many places by these pastoral councils, both at a diocesan level and at a parish level, which means the bishop and the parish priest tend to become the lawmaker.

MS FURNESS: Why was there that resistance to keep up what Vatican II wanted to happen?

PROFESSOR MOLONEY: I think Neil said it - the priests don't like it.

MS FURNESS: How do you get around the priests not liking it, professor?

PROFESSOR MOLONEY: Well, we keep working away, insisting, in season and out of season, those of us who have any voice - and this is where I think something like a strong recommendation coming from the Royal Commission telling the bishops of Australia to put Vatican II into practice might help. I mean, we need strong recommendations from strong voices.

MS FURNESS: Just going back to you, Professor Ormerod, you were speaking in relation to professional supervision and that being an issue. What other causal factors do you consider have been at play?

1
2 PROFESSOR ORMEROD: Look, there are so many, and a number
3 of them have already been mentioned and I don't want to
4 repeat what other people have said.

5
6 One interesting and significant contributing factor -
7 again, this is about shifting probabilities, not solving
8 problems in that sense - one of the things I noted when
9 I was first immersing myself in this area and teaching in
10 a seminary was that they had courses on the theology of
11 priesthood and the morality of marriage and what they
12 really needed were courses on the theology of marriage and
13 the morality of priesthood.

14
15 A lot of moral theology courses, which they do lots
16 of, grew out of a tradition of training people to hear
17 confessions, which was about other people's sins. They
18 rarely - and I know of no course in any seminary in
19 Australia where they actually look at the professional and
20 ethical responsibilities of the power that they have as
21 priests. So they don't reflect ethically on their own
22 performance in priesthood.

23
24 They have a very fine theology of priesthood, but they
25 don't know anything about the ethics of priesthood, about
26 the use of power, and there are many ways in which priests
27 misuse power. And the sexual abuse issue is just another
28 one of those.

29
30 So I think a strong recommendation from the Commission
31 should focus on the need for seminary training to include
32 compulsory courses on the ethics of priesthood, on how to
33 behave ethically as a responsible adult running a parish.

34
35 Now, it sounds odd, but they just never do that, as
36 far as I know. And that form of professional training
37 should be ongoing.

38
39 Again, if you look at some of the other churches -
40 I know with the Uniting Church and the Baptist Church -
41 they are required, for their annual registration, to have
42 professional development in ethics. Now, these should be
43 case study based; it involves the sexual abuse issue and
44 maintaining of proper professional boundaries; but also the
45 proper use of money, proper use of decision making. There
46 are a whole lot of issues which have ethical significance,
47 which they are not trained to think about.

1
2 MS FURNESS: Doctor, in the work that you have done
3 organisationally, have matters of ethics such as
4 Professor Ormerod mentioned arisen?
5

6 DR MULVIHILL: I suppose the matter of ethics arises at
7 any point, and particularly going back to the so-called
8 vulnerable people theory here this afternoon, where it
9 sounds like it's being claimed that perhaps your group,
10 professor, or others, offended because you were dealing
11 with vulnerable people. I find that offensive. As
12 a psychotherapist and therapist who works with vulnerable
13 people every single day, what is it about your group that
14 makes you more abusive than my group? Because that's what
15 you're saying.
16

17 In terms of ethics, I think we have really very little
18 doubt that what we're talking about here is systemic abuse.
19 I don't buy the "bad apple" theory for a moment. I don't
20 buy the "these boys were damaged before they arrived at our
21 place and we just didn't know". I don't buy that for
22 a second.
23

24 The amount of systemic abuse inside this organisation
25 is massive. It's at every single level. And yesterday we
26 heard that new changes are around because it's laypeople
27 now who take care of education and human services and
28 health care, and I would say to you it is the same barrel,
29 it is the same system.
30

31 The abuses are there every day, and the ethics around
32 those - let me give you some examples. The systemic abuse,
33 when you think about it, of taking vulnerable children into
34 care - maybe into boarding schools, maybe these people are
35 damaged in some way, that they have a learning difficulty
36 or whatever - dressing them up in grass skirts in the
37 community room and sitting around looking at them and
38 fondling them together is not the sort of thing we can sit
39 down and have an ethical discussion about. It's just
40 wrong. It is just wrong. And this continues. This has
41 happened, and, in my view, the systemic abuse is something
42 that we haven't really faced yet.
43

44 MS FURNESS: What is it that you see about the structures
45 and governance of the Catholic Church that has allowed,
46 permitted or provided an open door?
47

1 DR MULVIHILL: It's all about power, isn't it? All roads
2 lead to Rome. It's all about who's in charge, and that
3 person, be they, as in yesterday, a good bishop or a bad
4 bishop, or as in today, thinking about the role of the
5 organisation and the boundaries within that organisation,
6 where an organisation's main task becomes corrupted - that
7 is, it changes from what you set out to do - when that task
8 becomes corrupted, people move out of role and boundaries
9 are breached. And that's what has happened and that is
10 what continues to happen.

11
12 MS FURNESS: What task do you say has been corrupted?

13
14 DR MULVIHILL: Well, what is the main task of any church?
15 There would be millions of answers and thousands of
16 responses, I assume.

17
18 MS FURNESS: But what do you the say the task is that has
19 been corrupted?

20
21 DR MULVIHILL: The main task of the Catholic Church,
22 I thought, was about Christianity and the promulgation of
23 Christianity. What I'm seeing has nothing to do with that.
24 People have moved away from that task and the very priests
25 and religious that we were looking at the figures for
26 yesterday and today demonstrate, unfortunately, that that
27 has happened.

28
29 Now, I would be the last to demonise those people
30 because I think it's time we stopped to say, "They're wrong
31 and they're right. Those people did the wrong thing and
32 these victims did the right thing", and I have spent my
33 life with victims and know this.

34
35 We need to look at the whole fabric, not just the
36 different threads, and we need to stop this splitting,
37 because the splitting plays into the hands of systemic
38 abuse. It allows it to continue. And it's time we stopped
39 it.

40
41 MS FURNESS: So, doctor, what suggestions would you give
42 to the Commissioners about how, going forward, this system
43 can become attractive?

44
45 DR MULVIHILL: First of all, we have been given documents
46 for the Royal Commission in preparation, for example, into
47 the setting up of a Truth, Justice and Healing Council Pty

1 Ltd or Catholic Professional Standards, whatever you want
2 to call it. How many victims are going to be on the panel?
3 How many victim support groups are going to be available?
4 How many are on it now? The answer I will leave to you.
5 How many are on it now?
6

7 We need to change the power balance. How many women
8 are engaged in a place, in a misogynous place, where women
9 are told, "You don't really belong here. We can give you
10 a job, if you like. You can do the flowers."
11

12 Compulsory registration of active priests and
13 religious is absolutely necessary. I'm registered as
14 a psychologist. I have to report to the Australian health
15 providers agency. I have to do training. I have to keep
16 up my CPD points. And if something goes wrong, I can get
17 the flick. You can't sack these people. They're
18 unsackable, pretty much. That needs to be legislated for
19 every pastoral worker in Australia, in my view. Anyone who
20 says, "We are here on behalf of a church ", they need to be
21 registered and Australians need to know who they are.
22

23 I think it's time for us, as Australians, to stand up
24 to Rome and to say, "We are not little Rome. We are not
25 little Italy. We are Australians, and, in Australia, we
26 believe in a fair go." It's time we all got a fair go.
27 It's very much time victims got a fair go. It's time that
28 people who are elevated into becoming bishops or
29 archbishops get a fair go by being trained. Most of them
30 aren't trained in anything useful, like administration,
31 leadership, MBAs, and so on.
32

33 And what about the Church providing, as soon as
34 possible, some dignified spaces for discussion and
35 conversation?
36

37 See, dignity has been attacked at every level, from
38 the position of a child whose innocence has been taken
39 away, through to the position of normal and ordinary
40 churchgoing people. If it is that we are the Church, then
41 who are we and why aren't we rollicking down the barricades
42 and saying to the Royal Commission and to anyone who wants
43 to listen, "We will not put up with this again"?
44

45 MS FURNESS: Professor Ormerod, in relation to the
46 question of registration of those involved on behalf of the
47 Church in pastoral care, what's your view?

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PROFESSOR ORMEROD: If that could be done, I think it would actually be a good idea. I don't know whether legally that would be possible, and I think the churches may well resist it, and it shouldn't just apply to the Catholic Church. It should be across the board.

But there needs to be some way - and I mentioned in my submission, I talk about if certain things are not complied with, such as professional supervision, ongoing education, and so on, then they should not get their faculties renewed. There should be a way in which the Church can keep track of what their priests are doing, how they're progressing professionally, how they're being supervised in a professional way, and if they're not doing that, then the Church should simply say, "Sorry, all that good work you're doing, but your faculties are not being renewed" --

DR MULVIHILL: Ms Furness, could I add --

MS FURNESS: Wait until the professor is finished, please.

DR MULVIHILL: I am sorry. My apologies.

PROFESSOR ORMEROD: "Until you do that, you will not have your faculties renewed."

MS FURNESS: Doctor?

DR MULVIHILL: We have men coming out of gaol today who are religious and priests, whose faculties are not removed or they are not defrocked and they are not kicked out of religious orders.

MS FURNESS: Just coming back to you, Professor Ormerod, the issue of supervision and training relates to individual priests and religious and maybe their leaders. Are you suggesting that the main way forward is to deal differently with individuals?

PROFESSOR ORMEROD: Well, to inculcate those sorts of systems, because they are systemic responses, requires a cultural shift. That cultural shift has to come from the top.

I thought it was interesting when Michael Whelan asked the question: how many bishops have pastoral supervision?

1 Like, where is the leadership being shown at the top level
2 of bishops saying, "I need someone that I can talk to about
3 my ministry to help me become a reflective practitioner"?
4

5 One of the things, again - and this is about a culture
6 of impotence, in many ways - as I say in my submission, in
7 1998 there was a review by Rome of the Australian Catholic
8 Church, and it resulted in a document called A Statement of
9 Conclusions, and it mandated that there be ongoing
10 intellectual formation, that this should be a permanent
11 aspect of a priest's personal response to his vocation,
12 that episcopal conferences should provide training, that
13 dioceses should provide training. Now, this is from Roman
14 Curia to the Australian Catholic Church. None of that
15 happened.
16

17 Now, of course, you think, well, why didn't the
18 Australian Catholic Church do something about it? Of
19 course, the other side of it is the people who said all
20 this in Rome - they've never checked; they've never come
21 back to the Church and said, "Oh, have you actually done
22 these things?" No. The culture of impotence is right
23 throughout the Church from the top to the bottom.
24

25 MS FURNESS: That document that you've described, is it
26 your understanding that that document would have gone to
27 the Bishops Conference?
28

29 PROFESSOR ORMEROD: Yes.
30

31 MS FURNESS: And that it would have been a matter for the
32 Bishops Conference to promulgate it and --
33

34 PROFESSOR ORMEROD: Oh, at the time, there were various
35 aspects to that document, some of which people got very hot
36 under the collar about. There were public meetings.
37 Michael Whelan was in fact very prominent in those public
38 meetings. Bishops were complaining about it. It was on
39 the TV. It was a very public document. The bishops knew
40 full well about it. They were discussing it and debating
41 it. Nothing happened.
42

43 MS FURNESS: Why?
44

45 PROFESSOR ORMEROD: That's what happens with most
46 documents that come from Rome.
47

1 MS FURNESS: But why, professor?
2
3 PROFESSOR ORMEROD: Because, in the end, there's very
4 little that Rome can do if they don't do it, and also
5 there's no follow-up, in general, from Rome to see whether
6 they have done it.
7
8 MS FURNESS: Why, to your understanding, did the bishops
9 in Australia not do what Rome suggested they should do?
10
11 PROFESSOR ORMEROD: I actually suggest you ask the bishops
12 that when you sit them down in a week or two.
13
14 MS FURNESS: There is no question that that will be the
15 case, professor, but at the moment, can I ask you?
16
17 PROFESSOR ORMEROD: Yes, and I don't know. I mean,
18 I don't know why they don't. I think they feel
19 overstretched, under-resourced, inadequate and have, as
20 Michelle said, no training in management, no training in
21 how to move from A to B in a decision chain. So it all
22 gets put in the too-hard basket.
23
24 MS FURNESS: There's a capacity, I take it, within
25 dioceses, and perhaps more broadly in the Church, to engage
26 outsiders - that is, people outside the Church - with the
27 necessary expertise to advise on these sorts of matters.
28
29 PROFESSOR ORMEROD: Yes.
30
31 MS FURNESS: That doesn't happen?
32
33 PROFESSOR ORMEROD: Look, in some areas, I think - you
34 know, thankfully, in, say, the financial area, that's
35 happening. The Church has wised up and every parish must
36 have a financial council and every diocese must have
37 a financial council, that it needs outside expertise in
38 order to run that part of itself properly. But in other
39 areas, it's still very amateurish.
40
41 MS FURNESS: Professor Moloney, are you aware of the
42 document and what happened thereafter?
43
44 PROFESSOR MOLONEY: Yes, yes.
45
46 MS FURNESS: Can you help us with why what was suggested
47 didn't happen?

1
2 PROFESSOR MOLONEY: I would suggest that there is a very
3 big issue that has not been mentioned in these discussions
4 about the difficulties that the bishops and the leaders
5 face, and that is that a lot of this bounces back from the
6 local clergy. It sort of comes out, and the bishops make
7 all these good resolutions, then it bounces back. Now, we
8 need to look at the local clergy.

9
10 The local clergy in Australia nowadays - and I don't
11 have any figures, but it has to be something about
12 60 per cent, and that might be optimistic, of elderly
13 Australian men and 40 per cent of younger Africans,
14 Vietnamese, Filipinos, et cetera. Now, they are forming
15 about 40 per cent of the clergy.

16
17 I would say one of the major concerns of every bishop
18 is to have a priest in a certain place all across his
19 diocese so that mass can be provided. So a big problem for
20 the bishops is to get enough bodies to serve every region
21 so that they'll at least have mass on a Sunday, and I would
22 say that is preoccupation number one. And that's a battle.
23 They're struggling to get that done.

24
25 It generates a local clergy which is now
26 multicultural - that's a nice word, but in reality on the
27 ground it can be very difficult to work together. People
28 coming from Africa and people coming from the Philippines
29 and people coming from Vietnam taking over more and more of
30 the leadership in the dioceses, they don't respond to these
31 things. It's all foreign to them. They're much more used
32 to the top-down.

33
34 So I really think one of the problems why the bishops
35 don't move on this thing is they're so overwrought with
36 providing Sunday mass for so many people in so many places
37 that they've got a real staff problem, before they start
38 putting extra things on them, which they must do if we're
39 going to go ahead. That I think is an element that's
40 creating this difficulty.

41
42 MS FURNESS: So is it a case of providing more resources
43 to the bishops so that they can carry out the work that
44 should be carried out in respect to the safety of children?

45
46 PROFESSOR MOLONEY: Yes.
47

1 MS FURNESS: Who would provide those resources?
2
3 PROFESSOR MOLONEY: Well, as always with the Catholic
4 Church, it has to come from the Catholic people. If we're
5 going to provide resources of the Catholic Church, the
6 Catholic bishops - it's a bit like the government.
7
8 MS FURNESS: Raise taxes?
9
10 PROFESSOR MOLONEY: Raise taxes. If you want to provide
11 universal childcare up until two years of age, raise taxes.
12 If you want to have universal Medicare, raise taxes.
13
14 MS FURNESS: Do you think, from your knowledge of the way
15 that the leadership of the Church works in Australia, that
16 there would be a willingness to do this additional work,
17 were there to be sufficient funds?
18
19 PROFESSOR MOLONEY: That's a tricky question because there
20 are a number of bishops and they would have a number of
21 views on this matter. We have some outstanding bishops in
22 Australia who are doing their best to face these issues and
23 to adopt courageous, forward-looking lines that will change
24 our culture.
25
26 We also have a number of very poor bishops, who really
27 are bad appointments and it's beyond them, and many of
28 them - some of them don't think that, but you can ask them
29 yourself when you see them. That would be my opinion.
30 Some would be wonderful and you'll really get on side with
31 them. Give them the resources and they would do everything
32 they could to make this happen. Others would say, "What's
33 the point? We're fine."
34
35 MS FURNESS: And in the current structure, those that
36 would say, "What's the point? We're fine", stay where they
37 are now?
38
39 PROFESSOR MOLONEY: They would. I think what would then
40 happen is there would be a patchy response to this
41 possibility. That would be my impression.
42
43 MS FURNESS: Doctor, do you have anything to add to that
44 discussion?
45
46 DR MULVIHILL: Not at this point, no.
47

1 THE CHAIR: Can I just ask all of you, then. You are
2 talking about different levels of change in the management
3 of the Church. There will be some who will say management
4 of the Church is no business of the Royal Commission;
5 that's a matter for the Church. Can you help us to frame,
6 in each of your own minds, why it is that the management of
7 the Church is critical to the future safety of children who
8 engage with Church people? Doctor, can you --

9
10 DR MULVIHILL: The mismanagement of the Church is the
11 business of the Royal Commission, in my view, because it
12 has led to the situation that this Church is in. If this
13 was a business, we'd be shut down a long time ago, and
14 particularly with these figures that you've come up with
15 yesterday.

16
17 It is the business of the public of Australia that
18 children who are sent to organisations in particular should
19 be treated without any abuse, and the Catholic Church can
20 do this. The Catholic Church can get rid of that. They
21 can protect children. What it can't do is stop its own
22 abusive activity on so many other levels.

23
24 THE CHAIR: And then the professors, Professor Moloney?

25
26 PROFESSOR MOLONEY: I think that the Royal Commission has
27 a responsibility to the Australian people, and a part of
28 the fabric of this nation is a decreasingly significant
29 religious body called the Catholic Church. Nevertheless,
30 they are a part of the fabric of this nation and, as such,
31 the Royal Commission, in its care for the young people of
32 this nation, has every right and, indeed, a responsibility,
33 to make carefully articulated proposals, through the
34 Nuncio, to Rome, that these cultural shifts, these
35 structural shifts, must be done in order to protect our
36 young people.

37
38 THE CHAIR: So if we were to say, drawing upon the
39 Adelaide discussion, that women should have a far more
40 significant role in the management of the dioceses, you
41 would see that as a legitimate thing for us to talk about?

42
43 PROFESSOR MOLONEY: Absolutely, and you would be
44 absolutely in agreement with Pope Francis. He's saying it
45 in season and out of season. But there's a lot of people
46 between us and Pope Francis, and they don't like him.

47

1 THE CHAIR: Professor Ormerod, do you have any thoughts on
2 the issue? It's a very large issue, as you can appreciate.

3

4 PROFESSOR ORMEROD: It is. It is, because it touches on
5 the whole issue of the relationship between Church and
6 state, as you know, and it's a fraught area because of
7 that. I find it difficult and perplexing to know exactly
8 how to move forward.

9

10 I mean, it's easy for the Commission to make
11 recommendations and suggestions. It's difficult to see how
12 they can be enforced or followed up. And it's exactly in
13 that area of follow-up that the Church is at its weakest,
14 of implementing recommendations that have been made and
15 following through and coming to a conclusion. It is
16 a mighty task and a difficult task.

17

18 THE CHAIR: The first step is whether it's legitimate for
19 the Commission to speak in this area. I mean, it would be
20 easy to dismiss what we might say if the argument is,
21 "Well, it's just none of your business. We're the Church,
22 you're the state." You know, and shut the door.

23

24 PROFESSOR ORMEROD: I think as both Michelle and Frank
25 have said, it has become the business of our society to
26 feed back to the Church that it's not doing what it should
27 be doing and that it needs to get its act together, and
28 these are some concrete ways in which that can happen.

29

30 Now, clearly, the issue then is how is the
31 follow-through on that? How can the Commission follow
32 through? Can parliament follow through? Do the churches
33 follow through? I think these are really very difficult
34 questions.

35

36 DR MULVIHILL: Child sexual abuse is a criminal activity,
37 and in so much as crimes are occurring, I expect the Royal
38 Commission has every right to advise.

39

40 COMMISSIONER MURRAY: Are there some principles you can
41 think through to guide us? I'll give you an example. It
42 is a principle that if any person wishes to practise
43 medicine, they must have an accreditation, a proper medical
44 qualification, and that doesn't matter whether you're
45 a priest or a judge or a grave-digger. It's the same for
46 everyone.

47

1 So are there practices which apply - or principles
2 which apply in the public interest which should apply to
3 the priesthood? Of course we're not just talking about the
4 Catholic Church but about all churches. Have you given
5 some thought to that, as to what governance principles are
6 in the public interest, and of course that don't interfere
7 with the practise of faith?

8
9 PROFESSOR MOLONEY: Yes. I think there is already
10 something very vague in place, and they're trying to do
11 something more concrete that these people might be able to
12 help us with. There's already the notion of a priest in
13 good standing. That actually is a qualification. If
14 I want to go to Brisbane to celebrate a mass, to preach, to
15 marry somebody, I have to communicate with the Archdiocese
16 of Brisbane and my superior has to formally state that I am
17 in good standing.

18
19 Now, at the moment, in order to unify this - I think
20 it's coming from you people - there is now a national
21 computerised system, which is just in its beginnings, where
22 everybody must be registered and checked out, so there will
23 be a full computerised register of every ordained priest,
24 and only those who are in good standing will be in that
25 list.

26
27 Now, I don't know the ins and outs - I know it's very
28 slow getting off the ground, but I think that is something
29 that has come from these discussions, that there will be
30 this national register of priests in good standing.

31
32 COMMISSIONER MURRAY: Let me question you a little on
33 that. In other professions "in good standing" is governed
34 by a code of conduct. So the code of conduct puts the
35 framework in which good standing is judged.

36
37 PROFESSOR MOLONEY: Yes.

38
39 COMMISSIONER MURRAY: Are you suggesting to the Royal
40 Commission that such a code of conduct is desirable?

41
42 PROFESSOR MOLONEY: Well, in this document, which I've
43 already filled in, you do have a full list of check boxes
44 which indicate that you are in good standing, and your
45 immediate superior must verify that. So there is a code of
46 good standing in this document.

47

1 The real problem, as both Neil and Michelle have been
2 indicating, is follow-up. You know, it's all right to have
3 the form out there. How are we sure that all the criteria
4 for somebody in good standing are in fact being continually
5 lived in that person's ministry? That's the next problem.
6

7 PROFESSOR ORMEROD: If I may say, in response to that, as
8 I understand it, the document Integrity in Ministry was
9 meant to do that. That was promulgated in 2002. It has
10 been in place since then and has not been implemented.
11

12 COMMISSIONER MURRAY: As the Royal Commission itself has
13 identified through other public hearings, a code of conduct
14 in a sports association, for instance, has no real force
15 unless it is enforced and it's properly supervised, and
16 that implies that the Church, or churches, will need to
17 establish such bodies, because plainly the state will not
18 get involved in that.
19

20 PROFESSOR MOLONEY: That's correct, yes.
21

22 PROFESSOR ORMEROD: Yes, yes, and I think with any system
23 such as that it always becomes: who makes the judgments?
24 As long as those judgments remain within a culture of - and
25 I think you picked it yourself before. There's this sense
26 of the weakness of their commitment to celibacy which gives
27 them a sense of excusing the faults of others.
28

29 If I may, again, tell a little story. I know a story
30 of a survivor - it was an adult abuse case, again - who was
31 talking to a priest and spoke about her experience of being
32 abused and that there were other victims, and so on. The
33 response of the priest was, "The poor man, he was
34 struggling with his celibacy." Okay? It's this
35 spontaneous identification not with the victim but with the
36 perpetrator. That's what has to be broken down. But it's
37 a very tight cultural group. They have all sorts of
38 associations, common training, common backgrounds, common
39 lifestyles, that they identify with one another. And
40 that's the problem - that's one of the problems. It's not
41 the only problem but one of the major problems.
42

43 I think you'll probably find the same in military
44 situations and armed forces, police forces, and so on, that
45 there's this esprit de corps, there's this sort of bonhomie
46 between priests. They are part of, and as we say, it's
47 a clerical club. A lot of them don't even realise -

1 because it's so much part of their life, they don't realise
2 the impact that it has on them. So it's very difficult for
3 them to make assessments about their brother priests or
4 religious, because they're the ones whom they spontaneously
5 identify with when complaints are made, when action has to
6 be taken.

7

8 COMMISSIONER FITZGERALD: Could I ask a question related
9 to that. A large percentage of the abuse was by Brothers
10 within orders and the orders operate in a very different
11 way from the diocesan framework, and all of our
12 conversation has been about bishops and dioceses. But in
13 many of the orders, the Provincials change.

14

15 PROFESSOR MOLONEY: Yes, that's true.

16

17 COMMISSIONER FITZGERALD: They've had multiple life
18 experiences. They don't have the same profile as bishops
19 and, indeed, diocesan priests. I'm trying to understand
20 why, therefore, in a quite different structure, albeit
21 within the same culture of the Church, we had those very
22 high levels within those orders, where in fact sometimes
23 there is professional development of some description
24 taking place and there is certainly less insulation from
25 contact with other people and questioning of other people.

26

27 Are there any insights as to not only the dioceses but
28 also what has happened in the orders themselves that has
29 led to the very large figures that we have seen?

30

31 DR MULVIHILL: May I? It's my experience that many of
32 these orders are laws unto their own. While the priests,
33 bishops, and so on, don't seem to have feedback loops, even
34 more so are religious orders particularly whose foundations
35 may be in other countries, who report to Rome. They're out
36 here in the colony doing whatever they wish. There's very
37 little feedback from them. They can be despising Rome or
38 anyone else who looks at them. They're their own people
39 and they will do whatsoever they want. There's like
40 a licence to do whatever. I think it's very fraught and
41 it's very dangerous for the Australian community.

42

43 COMMISSIONER FITZGERALD: You've had experience working
44 for a number of the orders, including the St John of God
45 Brothers, the De La Salles, and a number of others.

46

47 DR MULVIHILL: Yes, I have.

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COMMISSIONER FITZGERALD: Out of that, have you seen any improvements that are worth reflecting from the orders?

DR MULVIHILL: When I look at the figures in front of me about the number of offences that have happened since 2000, I start to wonder if there have been any. There's certainly some idea about themselves having to be more accountable. I haven't yet seen, for example, an official apology from any religious order to victims for the terrible way they've been treated, for example, so I'm wondering when that's going to happen. If that happens, I think we can possibly say maybe there has been an enlightenment happening here. I haven't seen any apology from any bishop to any victims in his diocese, for example, that says, "I treated you badly. We mishandled this. We were in it", and so on.

So I think those are some of the indicators I would be looking for. I don't see them, personally. I have stood away, in the last few years, from it, so I'm not necessarily up to date and may not be the best person. That's what I'm looking for. I'm looking for an apology about the way people were treated and still are treated.

COMMISSIONER FITZGERALD: Can we just have a couple more comments. The reason I asked that is because a number of the orders are shrinking in Australia but expanding internationally. So whilst Australians look at these orders and say, well, there's no problem because they're reducing in numbers, in fact worldwide they're increasing, particularly in the Pacific, Asia, Africa and the Americas. So as a universal Church, these groups are growing, even if they're shrinking here. So I just want to look at the orders just in terms of what I said before.

PROFESSOR MOLONEY: I think you have put your finger on a significant issue. I also think you made part of the response in the fact that there is this change of leadership. There is a sort of moving target, you might say. But I would think that many of the things that generate the abuse issue among the priests - among religious priests, anyway - would be the same among the religious Brothers, and they would be loneliness, overwork, people who are fragile in themselves, the affective side of their lives undeveloped. I think this is common, particularly among male and I think also among female

1 religious, who are often thousands of miles from home,
2 working in very different circumstances, and these problems
3 emerge among both the priests and the men and the women who
4 are not ordained.

5
6 So I think a lot of the problems are common, but
7 I think you're right that the change in superior is often
8 a bit of a problem too. I think Michelle is also right
9 that they can point somewhere else, you know, "We're not
10 answerable here. We're answerable somewhere else." So
11 they would be a number of things I would throw into the
12 pot. I'm not too sure to what extent they're relevant.

13
14 PROFESSOR ORMEROD: I'll just be a bit concrete because
15 that's about all I can do. My brother is a De La Salle
16 Brother. He's about to celebrate his 50 years as
17 a De La Salle Brother. He entered it at the tender age of
18 15. He received some training as a teacher and had a good,
19 long career as a teacher.

20
21 At a certain stage they decided he should be
22 a principal of a school, and he suddenly went from being
23 someone who just went along with what was going on to
24 having to make every decision about the running of this
25 school. Now, he wasn't prepared for that. He wasn't
26 trained in that. He was just thrust into the job.

27
28 We heard yesterday Michael Whelan talking about his
29 experience of going into a teaching position. There's just
30 a lack of professionalism. There's just a lack of
31 awareness of the need for certain training and skills and
32 expertise to fill positions that are demanding.

33
34 I love my brother. I think he probably did a very
35 good job as a principal in two major Catholic schools, one
36 in Melbourne and one in Sydney, but what was done to him in
37 putting him in those situations was really quite inhuman.
38 They're the issues I think that religious orders have to
39 face, of simply being unprofessional in the training of
40 their people.

41
42 THE CHAIR: It is said - and we'll no doubt hear it - that
43 the Church has come to understand these problems and these
44 issues and that, in many respects, change has already
45 occurred. There's a better selection process for
46 seminarians. There are better formation processes.
47 There's a greater understanding of the issues relating to

1 the management, if you like, of priests and religious. It
2 will also be said, as Commissioner Fitzgerald points out,
3 that the numbers entering the orders in Australia are
4 falling, perhaps almost non-existent in some respects.

5
6 Now, you all speak in terms of a present and really
7 significant set of problems. Are they answered by saying,
8 well, no, the Church has already come to understand them
9 and has responded?

10
11 PROFESSOR MOLONEY: No, I don't think so. I think we're
12 on the way, becoming aware of what the problems are, but
13 again for the sorts of reasons, the cultural reasons, that
14 were powerfully outlined this morning by Dr Doyle, it's
15 like a great big wheel, you know, to slow it down, to get
16 it to go the other way. I'd say it's in the slowing-down
17 stage, but we haven't turned it around just yet.

18
19 There are good things happening. But, for example, to
20 say that the seminarians are now all fine, the seminaries
21 have been renewed, they're being exposed to this wider
22 society and all that, that is simply not true.

23
24 The seminaries are closing their doors. They're
25 putting garments on the boys. They're having long Latin
26 liturgies. They like to walk around the streets with their
27 soutanes. That's what's happening. So don't tell me
28 things are changing. A lot of people believe that this is
29 the solution to the problem - make them more clerical than
30 ever. We've got to face these truths. I mean, we have
31 a major problem in the Australian Church, and there's very
32 few that are still coming. Many of them are like this.

33
34 I published a little article in the priests journal
35 many years ago, in 2006, I think. I was called to the
36 seminary to answer to the students, "How dare you say this
37 about us?" Too bad. But that's what you're dealing with.
38 Whilst I do think that there is a genuine effort on the
39 part of the bishops and the Catholic culture at large to
40 somehow or other turn around this death-dealing wheel,
41 there is also a resistance to it and some real problems
42 faced in such things as formation, ongoing formation, as
43 we've mentioned so often here, and ongoing supervision. So
44 we've come some way, but the wheel's still turning the
45 wrong way.

46
47 COMMISSIONER FITZGERALD: Can I just take that point, if

1 I might. It's very noticeable, what you have just
2 indicated, that whilst in this hearing and in other venues
3 clericalism has been universally regarded as a problem -
4 and we don't need to go into that - what you say is that
5 the seminaries in Australia have returned back to a model
6 of training which in fact reinforces clericalism. How does
7 this dichotomy between what the evidence now shows and this
8 reversion taking place come about and what is driving that?
9

10 PROFESSOR MOLONEY: Again, I think we're dealing with the
11 sort of issue that we dealt with earlier, that the Church
12 in the late 1960s wanted to make a quantum leap into a new
13 world. The Church in the Modern World was one of the
14 documents that came out. There was a document on
15 seminaries, and, since that, there has been a pontifical
16 document on seminaries and it's about broader social
17 integration, et cetera, et cetera - all the sorts of things
18 that we're talking about that are necessary.
19

20 And for five or ten years, that happened. There was
21 a radical remodelling and a considerable amount of expense
22 put into restructuring the whole seminary. Sydney is
23 a good case in point. Sydney sat in that magnificent
24 gothic building out at Manly since Cardinal Moran's time.
25 So they decided, no, let's get into the city, let's get
26 into town, so let's buy up this place, build individual
27 houses where they would all live in a shared community
28 situation, and we would have the intellectual part of it
29 down the road, all in Strathfield.
30

31 That went well. Things were looking good. But then
32 suddenly in comes another archbishop, and it all got shut
33 down. Back to the old system. And the old system is well
34 and truly in force, so much so that the newly ordained
35 priests will now wear little hats on their heads and long
36 lace vestments and say their first mass in Latin. That's
37 what we're looking at. We went backwards.
38

39 PROFESSOR ORMEROD: Yes.

40
41 THE CHAIR: Professor Ormerod, do you want to add to the
42 discussion about where the Church has got to?
43

44 PROFESSOR ORMEROD: Yes. I was working at the Catholic
45 Institute of Sydney at the time of that change.
46

47 THE CHAIR: The change back or the change forward?

1
2 PROFESSOR ORMEROD: The change back. People who were
3 working on issues of human development and sexuality and
4 professional - you know, getting people to develop as
5 mature adult Christians, people I knew and respected, were
6 simply pushed out and other people were put in their place.
7 As Frank has ably said, we noticed almost overnight
8 a change in attitude in the students, that a lot of them
9 sort of lost interest in their studies because it didn't
10 matter any more, as long as they were pious.
11
12 THE CHAIR: When are we talking about?
13
14 PROFESSOR ORMEROD: This was in - well, I was there, let's
15 see, 16 years ago. So it was at the time of then
16 Archbishop Pell's appointment to the Sydney Archdiocese.
17
18 THE CHAIR: And was it as blunt as, "You must change", or
19 is it just something that happened?
20
21 PROFESSOR ORMEROD: Sorry, who must change there?
22
23 THE CHAIR: Well, were orders given for change or was it
24 just something that happened?
25
26 PROFESSOR ORMEROD: A new rector was appointed, and that
27 rector dismantled the existing system and put in place
28 a much more traditional form of seminary training.
29
30 THE CHAIR: Cardinal Pell had some involvement, I think,
31 with seminarians in Victoria.
32
33 PROFESSOR MOLONEY: The same situation.
34
35 THE CHAIR: Is it the same --
36
37 PROFESSOR MOLONEY: The same situation.
38
39 THE CHAIR: Is that seminary still running along the same
40 lines today or not?
41
42 PROFESSOR MOLONEY: Yes, the same lines as --
43
44 PROFESSOR ORMEROD: I can't say what's happening in the
45 Sydney situation now.
46
47 PROFESSOR MOLONEY: No, I'm not too close to the seminary,

1 either, as you can imagine. But to give you a concrete
2 example, there were some outstanding Australian artists
3 involved in the design of the chapel for the seminary in
4 Strathfield.

5
6 PROFESSOR ORMEROD: Yes.

7
8 PROFESSOR MOLONEY: When the change came over, these
9 magnificent windows were covered because they weren't
10 suitable for a Roman Catholic seminary. I mean, it's
11 just --

12
13 THE CHAIR: Did they have a particular design feature in
14 them?

15
16 PROFESSOR MOLONEY: I can't remember what the problem was,
17 but I know the artist threatened to take the Church to
18 court.

19
20 COMMISSIONER MURRAY: There are those who will say that
21 that has nothing to do with child sexual abuse and the
22 institutional response to it. There are those who say that
23 whether the Church governs itself conservatively or not, or
24 liberally or not, has no effect. Why do you think the way
25 in which the Church governs itself will affect the
26 incidence of child sexual abuse and the response to it?

27
28 PROFESSOR MOLONEY: I think it comes back to - again, I'd
29 like to distinguish between - these are two particular
30 situations. I think there are fine archbishops across
31 Australia, who are doing a much better job on this, and
32 bishops. But here we're dealing with a particular
33 situation, which, however, probably trains about
34 75 per cent of the priests in this country.

35
36 The relationship between what's going on in these
37 situations and the child sexual abuse is not direct, but
38 what it does is it creates a clerical and a negative -
39 I don't like to use the word "celibacy". Celibacy is what
40 you don't do. I like to use "developing a positive sense
41 of chastity", which we all have. We're all expected to
42 respect our own personal sexuality and the sexuality of the
43 other. It's chastity we're looking for, instead of this
44 negative word, "celibacy", "you don't do it".

45
46 So there has to be this broader - by developing
47 a world where those things get blocked off and the

1 clericalism emerges, then you get - it's an indirect link,
2 but it's a pretty dangerous indirect link, by creating
3 a caste set apart that is answerable to no-one except their
4 peer group.

5
6 COMMISSIONER MURRAY: Which then allows for greater sexual
7 abuse to occur?

8
9 PROFESSOR MOLONEY: Exactly.

10
11 COMMISSIONER MURRAY: So are you saying to us that there
12 is a danger in restructuring the Church that way, that the
13 incidence of child sexual abuse might increase?

14
15 PROFESSOR MOLONEY: That's my opinion and I have said that
16 in other places, and people would disagree strongly. But
17 I think that the lurch to the right, to try to return to
18 what we were in in the 1940s and 1950s, is a dangerous
19 direction for the Church to take. I don't think it will
20 take that direction. I think history, and hopefully this
21 Royal Commission, will be an element of that, but there is
22 that danger.

23
24 MS FURNESS: Professor, can I ask you about the current
25 interaction between the Church and children? As we know,
26 there are a lot of Brothers who were teachers in the past
27 and there were a lot of orphanages, and the like, that were
28 operated by particularly Brothers but also dioceses.
29 Children are, by and large, no more in those situations; is
30 that right?

31
32 PROFESSOR MOLONEY: That's correct, yes.

33
34 MS FURNESS: Where do children now intersect with the
35 Church?

36
37 PROFESSOR MOLONEY: That's a big question and it has two
38 sides to it. In the first place, these institutions that
39 educated and cared for children on the whole still exist,
40 but on the whole they are now in the hands of very capable
41 and very well-trained people, who are supervised.

42
43 I'll give you an example from my own situation. When
44 I became the Provincial of the Salesians in 2012, we had
45 five Salesian principals, five number ones in our schools.
46 When I left, we had none. But we had five outstanding
47 educationalists, laypeople, who were there from 7 in the

1 morning till 10 at night, who know the contemporary issues
2 of education. They've got it at their fingertips. The
3 schools are booming and the quality of the care given to
4 the kids is greatly improved.

5
6 So the institutions still exist. There are still many
7 young people in the care of institutions that belong to the
8 Church. Of these three places - we own three - two we work
9 for the diocese.

10
11 MS FURNESS: But in terms of the clergy and religious
12 interaction with the children, given that we know that lay
13 have taken over teaching and they're publicly regulated,
14 and the like, where do the clergy and religious interact
15 with children these days?

16
17 PROFESSOR MOLONEY: Well, unfortunately, not in many
18 places. Basically in the parish. But in our schools, in
19 my own experience, we would have a Salesian or two in some
20 sort of pastoral ministry spending time with the kids,
21 going on various activities with them. So we still do
22 that, but it's becoming less and less. The interaction
23 between religious people and young people in this country
24 is becoming less and less simply because these religious
25 are not around.

26
27 MS FURNESS: So there's some interaction with counselling
28 and pastoral work in schools?

29
30 PROFESSOR MOLONEY: Yes, yes.

31
32 MS FURNESS: Are there altar boys and girls these days?

33
34 PROFESSOR MOLONEY: Not in the parish I'm in, but I think
35 if you - for example, I talked about it earlier. If you go
36 to a parish that's sort of 80 per cent Filipino, you might
37 get 20 altar boys and altar girls on the altar. It varies
38 from parish to parish and which particular culture that
39 parish is serving, so there's no universal line under that.

40
41 MS FURNESS: We'll deal with reconciliation later in the
42 week, so I won't ask you about that. Given that the
43 access, as you've described it, is variable but lesser than
44 it was, say, 40 or 50 years ago, where is the current fear
45 in relation to children in religious institutions?

46
47 PROFESSOR MOLONEY: I think the trauma that we've been

1 through in this revelation, recognition and acceptance of
2 what has been done and what still needs to be cared for, as
3 again we were reminded this morning, has made us super
4 cautious, super cautious. I think that the interaction
5 between religious people and young people nowadays is so
6 controlled that, for example, you just don't do this
7 (demonstrating) to a kid any more. You just don't do it,
8 whereas once upon a time this was normal. The kid's
9 struggling, he's in a boarding school, he's homesick, he
10 wants to get back to his mum and dad, so you'd go and put
11 your arm around his shoulder. Not any more. This is
12 a negative. This is a downside.

13
14 So we're still trying to work out the ground rules,
15 but I think the effectiveness of the presence of Christian
16 people, high-quality Christian people, who have given their
17 lives to the Christian mission to young people is severely
18 damaged by what has happened in the past, and I think
19 that's very sad.

20
21 THE CHAIR: One of the vulnerable points that has turned
22 up in some of our studies is the parish priest and the
23 parish school. This is not the education stream that you
24 speak of. In one situation we've looked at, of course,
25 there was a closer relationship between the diocesan
26 arrangements and the parish school than maybe I think
27 occurs in other parts of the Australia. But presumably
28 when you speak about the selection and training of priests,
29 that intersection between the parish priest and the parish
30 school is one that will continue, effectively,
31 indefinitely; is that right?

32
33 PROFESSOR ORMEROD: I think, even there, that while
34 canonically they have authority, I think a lot of priests
35 would say that they just don't have much expertise in that
36 area.

37
38 THE CHAIR: That may be so, but it's at that point where
39 they have access to children and vulnerabilities emerge?

40
41 PROFESSOR ORMEROD: Again, I can only speak from my
42 experience. We had four children go through our parish.
43 Most of the close work with children is undertaken by
44 laypeople, not by the parish priest. Parish priests would
45 be brought in to do certain things, sacramental programs,
46 training, all that sort of stuff.

47

1 THE CHAIR: They're the vulnerable points.

2

3 PROFESSOR ORMEROD: Yes, but even the training of altar
4 servers was undertaken by laypeople, not by the priest,
5 because the priest was generally too busy doing other
6 things. So it was usually parents who had some background,
7 some training, who would be the ones who would be taking
8 children through those programs.

9

10 DR MULVIHILL: Of course, that's in the formal structures.
11 Then in the informal structures, there's the scenario of
12 the lonely priest at night on the internet or finding
13 children to teach English to and developing close personal
14 relationships with them, which is totally unknown,
15 unsupervised, and continues.

16

17 MS FURNESS: Professor, you were referring before to that
18 period of time when there was a change in the approach to
19 the seminary and it became more involved in teaching Latin
20 and the various outfits and the like, and you said that
21 there was a change in rector at the time. Who was the new
22 rector?

23

24 PROFESSOR ORMEROD: Julian Porteous.

25

26 MS FURNESS: Who is now the Archbishop of Hobart?

27

28 PROFESSOR ORMEROD: Yes.

29

30 MS FURNESS: Thank you. I have nothing further,
31 your Honour.

32

33 THE CHAIR: Mr Gray?

34

35 <EXAMINATION BY MR GRAY:

36

37 MR GRAY: Professor Ormerod, just one thing for you, if
38 I may. You were saying that your understanding was that
39 the Australian bishops - and I'm summarising - have not
40 implemented necessary ongoing training and ongoing
41 education for priests that ought to be happening.

42

43 PROFESSOR ORMEROD: Yes.

44

45 MR GRAY: Have you had an opportunity to see or to read
46 the statements that the Australian archbishops and bishops
47 have provided to the Commission in respect of this final

1 hearing?

2

3 PROFESSOR ORMEROD: No, I haven't.

4

5 MR GRAY: So you're not aware of the evidence that the
6 archbishops and bishops have given in those statements
7 about what is being done in the various dioceses and
8 archdioceses in relation to ongoing education and training?

9

10 PROFESSOR ORMEROD: No.

11

12 MR GRAY: Then, Professor Moloney, one or two things for
13 you. You would have heard, of course, what
14 Professor Ormerod said this afternoon about supervision of
15 priests and, in particular, how he thought that concept
16 should be understood in terms of, for example, providing
17 for each priest someone to talk to regularly from whom the
18 priest could obtain help in dealing with the difficulties
19 of the role. Do you remember those remarks?

20

21 PROFESSOR MOLONEY: Yes.

22

23 MR GRAY: And that, it might be thought, amounts in some
24 respects to a form of care, ongoing care, for the priest.

25

26 PROFESSOR MOLONEY: Yes.

27

28 MR GRAY: Do you have any thoughts on that way of looking
29 at the concept of supervision?

30

31 PROFESSOR MOLONEY: Yes, that's a very good remark. This
32 needs to be managed strategically and I think the notion of
33 care is the notion - not, "I'm your supervisor. You must
34 see me once a month", but, "I'm your carer."

35

36 The bottom line is the bulk of these people are good
37 people trying to do their best, but they frizzle up. They
38 need help, and this is where we need to institute care, not
39 so much some external supervisor that ticks the box in his
40 little visit but somebody who exercises responsible care.
41 In fact, I like the word "care" more than "supervision", as
42 long as it's there and as long as it's regular, but they
43 need care.

44

45 MR GRAY: Then, finally, a different topic but again for
46 you, if I may, professor. You were the Provincial of your
47 order for some years from 2006 --

1
2 PROFESSOR MOLONEY: Yes, until 2011, for six years.
3
4 MR GRAY: Five or six years?
5
6 PROFESSOR MOLONEY: Six years.
7
8 MR GRAY: You spoke this afternoon of the claims of abuse,
9 or some of them, that came to your attention during your
10 time as Provincial.
11
12 PROFESSOR MOLONEY: Yes.
13
14 MR GRAY: During your time as Provincial, did you feel or
15 believe that you were in any way constrained or inhibited
16 by secrecy requirements or otherwise in passing those
17 claims on to the appropriate authorities, such as the
18 police?
19
20 PROFESSOR MOLONEY: Absolutely not, and I would have very
21 good support for that from the police at both St Kilda and
22 Fawkner. Never once did I feel, "Oh, no, I can't do that.
23 I've got to protect the Church." Never. If there was an
24 obvious possibility of a criminal offence, that went
25 straight to the police from me.
26
27 MR GRAY: Thank you.
28
29 THE CHAIR: Ms Furness?
30
31 MS FURNESS: Nothing, your Honour.
32
33 THE CHAIR: Do these three come back to us at all?
34
35 MS FURNESS: The doctor does.
36
37 THE CHAIR: Well, then, doctor, I won't excuse you, but
38 you other two I will excuse. Can I, on behalf of the
39 Commission, thank you very much for your contribution
40 today, including your written material. It's very
41 important that the Commission gather together the widest of
42 views from all segments of the Church so that we understand
43 the problem and hopefully can make useful recommendations.
44
45 10 o'clock in the morning?
46
47 MS FURNESS: Your Honour, I might just indicate that, yes,

1 we do have the third panel at 10 o'clock, but at
2 6pm tomorrow we have by videolink Father Gerry O'Hanlon and
3 we will be sitting between 6pm and 8pm to accommodate the
4 time frame. Therefore, we will be finishing earlier
5 tomorrow with the first panel, so there will be a period of
6 time throughout the day when we won't be sitting.

7
8 THE CHAIR: Very well. We will adjourn until 10 o'clock.

9
10 **AT 3.27PM THE COMMISSION WAS ADJOURNED**
11 **TO WEDNESDAY, 8 FEBRUARY 2017 AT 10AM**

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\$
\$300,000 [1] - 24800:6
1
1 [1] - 24790:24
1.30 [1] - 24836:17
1.34pm [3] - 24836:24,
24836:26, 24836:28
10 [7] - 24801:46,
24810:27, 24839:23,
24880:1, 24884:45,
24885:1, 24885:8
10-year-old [1] -
24810:17
10.07am [1] - 24791:4
10am [1] - 24790:27
10AM [1] - 24885:11
11 [1] - 24810:27
12 [2] - 24810:30,
24839:41
13 [2] - 24838:30,
24842:8
14 [1] - 24838:30
14-year-olds [1] -
24825:9
140 [1] - 24809:21
15 [1] - 24874:18
16 [1] - 24877:15
17 [3] - 24790:23,
24813:26, 24838:28
17.2 [1] - 24848:8
18 [1] - 24838:28
1800s [1] - 24810:41
1900s [2] - 24810:41,
24819:34
1940s [4] - 24817:22,
24818:10, 24822:40,
24879:18
1950 [2] - 24847:45,
24847:47
1950s [3] - 24817:23,
24818:10, 24879:18
1959 [1] - 24841:44
1960s [5] - 24792:3,
24817:14, 24817:40,
24858:6, 24876:12
1964 [2] - 24791:29,
24791:36
1968 [3] - 24792:16,
24792:18, 24792:27
1970s [1] - 24817:14
1972 [1] - 24799:32
1978 [1] - 24792:43
1980s [1] - 24830:45
1981 [2] - 24793:5,
24797:22
1982 [1] - 24799:21
1985 [1] - 24797:19,

24797:33, 24797:35,
24803:4, 24803:23,
24804:41, 24805:1,
24805:31, 24806:47,
24810:5, 24855:1
1986 [3] - 24811:21,
24812:23, 24837:2
1995 [2] - 24840:26,
24840:32
1996 [1] - 24837:18
1998 [2] - 24837:39,
24864:7
2
20 [3] - 24793:38,
24801:46, 24880:37
2000 [2] - 24812:30,
24873:6
2001 [1] - 24810:45
2002 [3] - 24810:45,
24854:17, 24871:9
2006 [9] - 24818:7,
24837:39, 24838:9,
24838:13, 24842:43,
24845:26, 24875:35,
24883:47
2007 [1] - 24838:9
2010 [1] - 24820:14
2011 [2] - 24842:44,
24884:2
2012 [1] - 24879:44
2017 [2] - 24790:27,
24885:11
21 [1] - 24851:32
21.9 [1] - 24848:7
22-point-something
[1] - 24847:46
24 [1] - 24804:16
243 [1] - 24790:20
25 [4] - 24793:38,
24812:34, 24847:47,
24848:2
3
3.27PM [1] - 24885:10
30 [1] - 24844:14
309 [2] - 24818:13,
24818:38
33 [1] - 24802:27
350 [1] - 24808:19
4
4,400 [1] - 24831:10
40 [6] - 24793:43,
24830:6, 24844:14,
24866:13, 24866:15,
24880:44

42 [2] - 24807:24,
24808:26
42-page [1] - 24805:16
43 [1] - 24808:25
44 [1] - 24808:25
44-page [1] - 24805:17
5
50 [5] - 24790:19,
24793:43, 24826:39,
24874:16, 24880:44
57 [1] - 24851:47
6
6 [1] - 24800:46
60 [2] - 24810:31,
24866:12
6pm [2] - 24885:2,
24885:3
7
7 [2] - 24790:27,
24879:47
75 [1] - 24878:34
8
8 [2] - 24810:5,
24885:11
80 [1] - 24880:36
81 [1] - 24818:43
84 [1] - 24827:29
88 [1] - 24810:29
89 [1] - 24810:29
8pm [1] - 24885:3
9
91 [2] - 24810:28,
24810:40
98 [2] - 24818:20,
24818:36
98.9 [1] - 24827:2
A
AA [1] - 24835:18
abandon [2] -
24842:42, 24849:18
ability [2] - 24813:7,
24822:13
able [9] - 24794:35,
24795:43, 24803:39,
24810:33, 24828:20,
24834:32, 24842:27,
24853:40, 24870:11
ably [1] - 24877:7

absolutely [7] -
24817:46, 24847:34,
24857:13, 24862:13,
24868:43, 24868:44,
24884:20
absolution [1] -
24834:43
ABUSE [1] - 24790:15
abuse [58] - 24791:23,
24797:30, 24797:38,
24801:25, 24810:41,
24810:43, 24815:28,
24815:46, 24817:8,
24817:14, 24817:42,
24819:12, 24822:32,
24822:40, 24823:27,
24823:33, 24824:44,
24829:18, 24829:20,
24830:21, 24832:32,
24833:8, 24833:30,
24838:4, 24839:45,
24840:3, 24840:11,
24840:19, 24840:36,
24843:33, 24844:21,
24849:44, 24850:36,
24850:44, 24851:8,
24852:13, 24854:28,
24854:38, 24856:16,
24859:27, 24859:43,
24860:18, 24860:24,
24860:32, 24860:41,
24861:38, 24868:19,
24869:36, 24871:30,
24872:9, 24873:42,
24878:21, 24878:26,
24878:37, 24879:7,
24879:13, 24884:8
abused [6] -
24798:22, 24799:26,
24806:44, 24824:29,
24851:13, 24871:32
abuser [3] - 24840:42,
24853:45, 24853:46
abuses [1] - 24860:31
abusing [7] - 24802:2,
24805:31, 24822:29,
24823:23, 24829:26,
24848:33, 24852:19
abusive [3] - 24816:4,
24860:14, 24868:22
acceptance [1] -
24881:1
accepted [2] -
24794:28, 24826:35
accepting [1] -
24827:30
access [8] - 24850:19,
24850:28, 24852:17,
24852:18, 24852:25,
24853:15, 24880:43,
24881:39
accommodate [1] -
24885:3
accord [1] - 24845:45
according [1] -
24831:29
accountability [1] -
24816:13
accountable [1] -
24873:9
accreditation [1] -
24869:43
accurate [1] - 24854:8
accused [2] -
24801:20, 24820:22
achieve [2] -
24811:40, 24821:24
achieved [1] -
24811:36
acid [1] - 24817:15
acknowledge [1] -
24799:11
acknowledged [1] -
24850:10
act [5] - 24829:30,
24830:3, 24850:20,
24850:24, 24869:27
acted [2] - 24829:32,
24858:19
action [2] - 24834:11,
24872:5
actions [1] - 24817:21
active [3] - 24811:8,
24825:31, 24862:12
activities [1] -
24880:21
activity [3] - 24852:2,
24868:22, 24869:36
actual [4] - 24797:32,
24802:28, 24802:45,
24818:38
ad [1] - 24835:16
AD [2] - 24818:13,
24818:20
add [4] - 24856:24,
24863:19, 24867:43,
24876:41
addiction [2] -
24812:27, 24812:31
addictions [2] -
24791:24, 24812:30
addition [1] -
24822:27
additional [1] -
24867:16
Adelaide [6] -
24854:43, 24854:44,
24854:47, 24857:41,
24868:39
adequately [1] -

24821:17
adherence [2] -
24793:47, 24794:1
adjoin [1] - 24885:8
adjournment [3] -
24826:18, 24836:14,
24836:16
administration [3] -
24858:7, 24858:11,
24862:30
administrative [2] -
24793:28, 24808:21
admit [1] - 24807:6
adolescent [2] -
24820:40, 24834:38
adolescents [2] -
24826:42, 24830:5
adopt [1] - 24867:23
Adult [1] - 24837:10
adult [10] - 24826:4,
24834:37, 24837:12,
24839:38, 24839:47,
24840:3, 24840:35,
24859:33, 24871:30,
24877:5
adults [3] - 24832:32,
24837:12
Adventist [1] -
24837:27
adverse [1] - 24794:42
advice [8] - 24815:19,
24815:26, 24815:41,
24845:31, 24845:40,
24850:47, 24855:23,
24855:32
advise [2] - 24865:27,
24869:38
affect [3] - 24822:28,
24832:39, 24878:25
affected [2] - 24823:2,
24824:47
affection [1] -
24851:29
affective [1] -
24873:45
affects [2] - 24822:31,
24830:14
Affirmation [1] -
24800:1
affirmatively [1] -
24793:47
affirmed [1] -
24836:28
afraid [1] - 24824:28
Africa [2] - 24866:28,
24873:32
African [1] - 24826:32
Africans [1] -
24866:13
afternoon [3] -
24860:8, 24883:14,
24884:8
age [6] - 24810:31,
24825:3, 24838:28,
24851:32, 24867:11,
24874:17
age-appropriate [1] -
24825:3
agency [3] - 24797:44,
24798:3, 24862:15
ages [2] - 24819:14,
24819:15
aggressive [3] -
24800:28, 24846:26,
24846:27
ago [9] - 24814:2,
24832:32, 24837:2,
24852:43, 24868:13,
24875:35, 24877:15,
24880:44
agree [11] - 24791:31,
24791:33, 24824:47,
24825:4, 24829:23,
24850:5, 24850:7,
24850:30, 24850:38,
24851:8
agreed [4] - 24805:12,
24813:41, 24814:45,
24814:46
agreement [5] -
24800:4, 24800:18,
24800:27, 24846:5,
24868:44
ahead [1] - 24866:39
aid [2] - 24813:14,
24837:13
aide [1] - 24809:35
aides [1] - 24833:43
air [3] - 24812:9,
24824:25, 24825:30
Air [1] - 24812:24
airport [1] - 24794:20
AJ [1] - 24805:43
albeit [1] - 24872:20
Albert [1] - 24806:43
alcoholic [4] -
24812:33, 24829:34,
24829:35
all-encompassing [1]
- 24822:7
allegations [10] -
24823:31, 24844:20,
24844:30, 24845:3,
24845:8, 24845:22,
24847:19, 24847:46,
24848:32, 24851:8
allow [3] - 24805:4,
24816:13, 24846:46
allowed [4] -
24816:37, 24816:38,
24818:34, 24860:45
allows [5] - 24823:22,
24823:26, 24829:3,
24861:38, 24879:6
alluring [1] - 24852:41
almost [4] - 24791:21,
24853:37, 24875:4,
24877:7
alone [1] - 24802:10
altar [5] - 24880:32,
24880:37, 24882:3
altogether [1] -
24847:36
amateurish [1] -
24865:39
ambassador [2] -
24797:45, 24802:45
Ambassador [1] -
24815:35
ambassadors [1] -
24799:4
America [3] -
24792:44, 24842:35,
24842:38
American [4] -
24807:47, 24826:31,
24826:32, 24828:47
Americans [1] -
24820:18
Americas [1] -
24873:32
amount [9] -
24791:43, 24807:46,
24808:44, 24820:2,
24829:31, 24832:28,
24836:13, 24860:24,
24876:21
amounts [1] -
24883:23
analogously [1] -
24833:5
analogy [1] - 24829:9
analysed [1] -
24796:23
Andrew [1] - 24790:38
angels [1] - 24854:14
anger [3] - 24810:35,
24815:8, 24815:15
Anglican [2] -
24827:30, 24837:26
angry [2] - 24824:15,
24834:5
Ann [1] - 24790:34
annual [1] - 24859:41
answer [5] - 24809:14,
24835:9, 24848:35,
24862:4, 24875:36
answerability [1] -
24858:10
answerable [3] -
24874:10, 24879:3
answered [3] -
24793:46, 24848:23,
24875:7
answering [2] -
24794:7, 24844:2
answers [2] -
24810:25, 24861:15
anti [2] - 24800:29
anti-Catholic [2] -
24800:29
anything [1] -
24834:7
anyway [4] - 24818:6,
24818:23, 24818:33,
24873:43
AO [1] - 24790:35
apart [3] - 24825:27,
24828:21, 24879:3
APM [1] - 24790:35
apologies [2] -
24834:12, 24863:23
apology [3] -
24873:10, 24873:14,
24873:23
apostles [3] -
24818:22, 24821:40,
24821:42
Apostolic [1] -
24801:18
appeal [1] - 24821:15
apple [1] - 24860:19
applied [1] - 24815:46
apply [6] - 24819:18,
24846:38, 24863:5,
24870:1, 24870:2
appointed [7] -
24798:23, 24805:40,
24856:25, 24856:40,
24856:43, 24857:30,
24877:26
appointment [4] -
24798:12, 24805:38,
24850:46, 24877:16
appointments [1] -
24867:27
apoints [1] -
24856:39
appreciate [2] -
24835:46, 24869:2
appreciated [1] -
24855:39
appreciation [1] -
24839:38
approach [2] -
24813:2, 24882:18
approached [4] -
24800:2, 24813:37,
24815:37, 24837:31
appropriate [2] -
24825:3, 24884:17
approval [5] -
24794:23, 24796:16,
24809:30, 24809:33,
24811:47
approved [1] -
24812:35
archbishop [5] -
24855:12, 24855:18,
24856:2, 24857:16,
24876:32
Archbishop [8] -
24804:18, 24805:35,
24809:13, 24855:1,
24855:5, 24855:22,
24877:16, 24882:26
archbishops [5] -
24857:35, 24862:29,
24878:30, 24882:46,
24883:6
Archdiocese [3] -
24793:13, 24870:15,
24877:16
archdiocese [2] -
24855:25, 24856:42
archdioceses [1] -
24883:8
archive [1] - 24797:1
area [16] - 24791:26,
24794:46, 24798:30,
24799:36, 24800:38,
24804:6, 24840:28,
24845:38, 24846:23,
24849:38, 24859:9,
24865:34, 24869:6,
24869:13, 24869:19,
24881:36
areas [4] - 24791:21,
24838:45, 24865:33,
24865:39
argument [3] -
24822:41, 24828:4,
24869:20
arisen [1] - 24860:4
arises [1] - 24860:6
arm [1] - 24881:11
armed [1] - 24871:44
aroused [1] - 24853:3
arrange [1] - 24798:27
arrangements [1] -
24881:26
arrests [1] - 24831:22
arrive [1] - 24851:25
arrived [5] - 24844:18,
24844:19, 24844:35,
24845:8, 24860:20
article [1] - 24875:34
articles [1] - 24809:17
articulated [1] -
24868:33

artist [1] - 24878:17
artists [1] - 24878:2
Arts [3] - 24837:6, 24837:8
ashes [1] - 24819:24
Asia [1] - 24873:32
aside [1] - 24838:21
aspect [1] - 24864:11
aspects [1] - 24864:35
assault [3] - 24799:32, 24836:45, 24837:23
assaults [1] - 24822:17
assessment [1] - 24847:13
assessments [1] - 24872:3
asset [1] - 24808:4
assets [1] - 24822:5
assigned [1] - 24799:34
assist [3] - 24837:19, 24837:30, 24852:6
assistant [1] - 24793:34
assisted [1] - 24837:25
Assisting [1] - 24790:42
association [1] - 24871:14
associations [1] - 24871:38
assume [1] - 24861:16
assumed [1] - 24825:1
assumes [1] - 24828:38
AT [2] - 24885:10, 24885:11
Atkinson [1] - 24790:35
attached [2] - 24809:16, 24822:3
attack [1] - 24798:9
attacked [1] - 24862:37
attempt [1] - 24858:6
attempts [1] - 24858:14
Attend [1] - 24829:5
attend [1] - 24829:6
attention [3] - 24812:7, 24813:25, 24884:9
attitude [1] - 24877:8
attitudes [2] - 24825:24, 24830:15
attorney [4] - 24800:38, 24800:39, 24803:23, 24806:41
attorneys [1] - 24821:2
attracted [6] - 24791:47, 24792:8, 24807:29, 24807:46, 24849:8, 24849:14
attractive [4] - 24851:27, 24851:37, 24853:10, 24861:43
aunts [1] - 24806:32
Australia [24] - 24821:4, 24833:10, 24836:40, 24837:20, 24838:21, 24842:43, 24843:5, 24854:42, 24855:15, 24855:41, 24858:40, 24859:19, 24862:19, 24862:25, 24865:9, 24866:10, 24867:15, 24867:22, 24868:17, 24873:28, 24875:3, 24876:5, 24878:31, 24881:27
Australian [14] - 24839:10, 24840:11, 24856:43, 24862:14, 24864:7, 24864:14, 24864:18, 24866:13, 24868:27, 24872:41, 24875:31, 24878:2, 24882:39, 24882:46
Australians [4] - 24862:21, 24862:23, 24862:25, 24873:29
authorities [10] - 24819:15, 24819:16, 24819:17, 24820:2, 24820:9, 24820:15, 24820:19, 24822:22, 24823:3, 24884:17
authority [7] - 24802:45, 24818:6, 24822:24, 24855:38, 24856:20, 24856:46, 24881:34
automatically [1] - 24852:46
auxiliary [8] - 24793:34, 24794:8, 24795:3, 24795:8, 24855:2, 24855:3
available [1] - 24862:3
average [1] - 24832:20
aware [9] - 24808:37, 24809:39, 24822:39, 24824:39, 24849:37, 24853:13, 24865:41, 24875:12, 24883:5
awareness [2] - 24834:47, 24874:31
awful [1] - 24800:10

B

babies [1] - 24825:42
Bachelor [1] - 24837:6
background [3] - 24838:24, 24854:19, 24882:6
backgrounds [1] - 24871:38
backtrack [2] - 24800:15, 24802:26
backwards [1] - 24876:37
bad [7] - 24835:11, 24835:12, 24849:34, 24860:19, 24861:3, 24867:27, 24875:37
badly [1] - 24873:16
bag [1] - 24834:7
bags [3] - 24807:3, 24847:25
balance [1] - 24862:7
Baltimore [1] - 24830:1
banished [1] - 24822:44
baptism [1] - 24832:15
Baptist [1] - 24859:40
bar [1] - 24852:46
barrel [1] - 24860:28
barricades [1] - 24862:41
barrier [1] - 24853:44
base [1] - 24825:28
based [8] - 24791:33, 24818:8, 24821:6, 24821:10, 24828:7, 24851:35, 24855:28, 24859:43
basic [1] - 24851:29
basis [1] - 24853:39
basket [1] - 24865:22
Bathurst [2] - 24838:27, 24838:29
battery [1] - 24801:29
battle [1] - 24866:22
be-all [1] - 24831:37
bear [2] - 24813:22, 24855:40
beating [1] - 24819:23
became [6] - 24809:12, 24834:35, 24850:10, 24855:6, 24879:44, 24882:19
become [10] - 24821:22, 24822:34, 24825:31, 24842:31, 24846:41, 24853:39, 24858:24, 24861:43, 24864:3, 24869:25
becomes [3] - 24861:6, 24861:8, 24871:23
becoming [7] - 24792:9, 24831:3, 24854:35, 24862:28, 24875:12, 24880:22, 24880:24
bed [2] - 24818:47, 24819:6
bedroom [1] - 24811:32
began [7] - 24792:27, 24797:20, 24797:22, 24801:3, 24819:34, 24837:2, 24845:26
begin [3] - 24845:17, 24851:26, 24855:10
beginning [2] - 24799:17, 24838:9
beginnings [1] - 24870:21
begins [1] - 24818:41
behalf [4] - 24835:37, 24862:20, 24862:46, 24884:38
behave [1] - 24859:33
behaviour [1] - 24818:35
behind [2] - 24834:44, 24835:17
beings [2] - 24824:4, 24851:33
belief [8] - 24821:10, 24824:3, 24824:22, 24831:41, 24831:46, 24831:47, 24832:3, 24847:20
believable [1] - 24826:38
belong [2] - 24862:9, 24880:7
Benedict [1] - 24796:14
Benny [1] - 24817:23
Bernie [1] - 24798:35
best [9] - 24812:15, 24817:5, 24825:9, 24825:44, 24835:9, 24843:17, 24867:22, 24873:22, 24883:37
best-educated [1] - 24825:9
betrayed [2] - 24844:15, 24849:24
better [8] - 24798:4, 24812:8, 24828:8, 24832:40, 24838:18, 24874:45, 24874:46, 24878:31
between [19] - 24828:16, 24837:39, 24837:41, 24841:8, 24853:44, 24855:6, 24855:18, 24868:46, 24869:5, 24871:46, 24876:7, 24878:29, 24878:36, 24879:25, 24880:23, 24881:5, 24881:25, 24881:29, 24885:3
Bevilacqua [1] - 24809:12
beyond [3] - 24828:31, 24834:25, 24867:27
BHP [1] - 24847:23
Biblical [1] - 24841:47
big [6] - 24856:6, 24866:3, 24866:19, 24875:15, 24879:37
biggest [1] - 24833:37
birth [1] - 24794:23
Bishop [6] - 24798:23, 24798:24, 24809:6, 24809:12, 24837:19, 24855:4
bishop [57] - 24793:26, 24793:34, 24793:39, 24794:37, 24794:43, 24795:2, 24795:3, 24795:11, 24795:19, 24795:23, 24796:13, 24796:25, 24797:42, 24797:43, 24797:46, 24798:2, 24798:9, 24798:12, 24798:16, 24798:18, 24799:26, 24799:35, 24800:30, 24800:35, 24801:18, 24801:21, 24804:17, 24804:27, 24804:32, 24804:36, 24805:4, 24805:38, 24805:40, 24806:25, 24806:46, 24807:25, 24809:11, 24810:4, 24816:22, 24818:32, 24821:43, 24830:42, 24831:8, 24832:23, 24834:16, 24855:2, 24855:3, 24855:18, 24856:39, 24856:41, 24858:24, 24861:3, 24861:4, 24866:17, 24873:15
bishop* [1] - 24823:8

Bishops [8] -
 24795:35, 24796:3,
 24808:20, 24809:26,
 24809:37, 24818:38,
 24864:27, 24864:32
bishops [63] -
 24793:27, 24793:31,
 24793:33, 24795:8,
 24795:12, 24797:41,
 24801:11, 24806:8,
 24807:40, 24807:45,
 24807:47, 24808:16,
 24808:18, 24808:19,
 24808:39, 24808:46,
 24809:2, 24809:10,
 24809:27, 24809:45,
 24815:5, 24815:44,
 24816:5, 24816:8,
 24816:26, 24817:7,
 24817:30, 24819:3,
 24819:4, 24820:17,
 24821:39, 24822:8,
 24822:25, 24823:43,
 24826:7, 24856:40,
 24857:39, 24858:40,
 24862:28, 24863:47,
 24864:2, 24864:38,
 24864:39, 24865:8,
 24865:11, 24866:4,
 24866:6, 24866:20,
 24866:34, 24866:43,
 24867:6, 24867:20,
 24867:21, 24867:26,
 24872:12, 24872:18,
 24872:33, 24875:39,
 24878:32, 24882:39,
 24882:46, 24883:6
bit [17] - 24805:6,
 24815:31, 24830:8,
 24830:26, 24831:18,
 24834:30, 24840:14,
 24840:15, 24843:24,
 24844:27, 24851:17,
 24853:32, 24854:4,
 24854:24, 24867:6,
 24874:8, 24874:14
bite [1] - 24850:46
bizarre [2] - 24807:5,
 24825:41
blaming [1] -
 24801:11
blockage [1] -
 24808:17
blocked [1] -
 24878:47
blocking [1] -
 24808:23
blossom [1] -
 24851:39
blown [1] - 24801:7
blueprint [1] -
 24821:11
blunt [1] - 24877:18
board [2] - 24816:36,
 24863:6
boarding [2] -
 24860:34, 24881:9
Bob [1] - 24790:35
bodies [4] - 24819:42,
 24824:40, 24866:20,
 24871:17
body [4] - 24808:18,
 24808:21, 24833:4,
 24868:29
boggling [1] - 24833:2
bonhomie [1] -
 24871:45
book [10] - 24797:25,
 24797:26, 24818:3,
 24818:7, 24840:11,
 24840:19, 24849:40,
 24849:42, 24850:27
books [1] - 24815:29
booming [1] - 24880:3
born [1] - 24811:34
boss [4] - 24801:6,
 24804:9, 24806:38,
 24809:24
bottom [5] - 24797:1,
 24800:45, 24818:12,
 24864:23, 24883:36
bounces [2] -
 24866:5, 24866:7
boundaries [3] -
 24859:44, 24861:5,
 24861:8
box [2] - 24836:3,
 24883:39
boxes [1] - 24870:43
boy [4] - 24799:32,
 24810:17, 24810:27,
 24826:2
boys [16] - 24797:43,
 24799:28, 24818:29,
 24818:45, 24818:46,
 24819:5, 24819:28,
 24820:40, 24830:36,
 24849:9, 24849:12,
 24851:28, 24860:20,
 24875:25, 24880:32,
 24880:37
breached [1] -
 24861:9
bread [1] - 24819:22
break [1] - 24826:22
breakdown [4] -
 24829:4, 24842:41,
 24843:14, 24844:16
breaking [2] -
 24829:11, 24830:14
briefed [1] - 24806:17
briefly [1] - 24832:12
brilliant [1] - 24800:28
bring [2] - 24794:33,
 24801:29
bringing [1] -
 24813:14
Brisbane [2] -
 24870:14, 24870:16
broadened [2] -
 24807:10, 24807:13
broader [3] -
 24833:40, 24876:16,
 24878:46
broadly [1] - 24865:25
broken [9] - 24828:41,
 24829:2, 24829:3,
 24829:6, 24830:13,
 24830:17, 24830:23,
 24830:24, 24871:36
Brother [3] -
 24846:40, 24874:16,
 24874:17
brother [3] - 24872:3,
 24874:15, 24874:34
Brothers [14] -
 24837:31, 24837:45,
 24846:37, 24847:38,
 24847:44, 24847:47,
 24848:7, 24852:23,
 24872:9, 24872:45,
 24873:44, 24879:26,
 24879:28
brought [8] -
 24797:45, 24799:5,
 24799:38, 24813:25,
 24821:26, 24822:45,
 24830:30, 24881:45
bubbling [1] -
 24805:28
buck [1] - 24857:4
build [1] - 24876:26
building [1] -
 24876:24
built [2] - 24821:38,
 24824:11
bulk [1] - 24883:36
bullet [1] - 24850:47
burden [1] - 24829:28
bureaucracy [1] -
 24816:12
buried [3] - 24800:45,
 24822:43, 24831:14
burn [1] - 24805:9
business [8] -
 24830:43, 24837:35,
 24868:4, 24868:11,
 24868:13, 24868:17,
 24869:21, 24869:25
businesses [1] -
 24836:43
busy [2] - 24804:30,
 24882:5
buy [6] - 24825:39,
 24825:40, 24860:19,
 24860:20, 24860:21,
 24876:26
buzzword [1] -
 24799:13
BY [3] - 24791:6,
 24836:30, 24882:35

C

Cajuns [1] - 24806:30
Canberra [1] -
 24795:14
cancer [1] - 24802:9
candidacy [2] -
 24794:24, 24795:6
candidate [6] -
 24794:19, 24795:40,
 24796:10, 24796:25,
 24796:47, 24797:4
candidates [7] -
 24793:25, 24793:36,
 24793:37, 24793:40,
 24796:8, 24796:13
candidature [1] -
 24794:28
cannot [5] - 24794:14,
 24802:37, 24818:35,
 24829:38, 24835:31
Canon [2] - 24857:25,
 24857:33
canon [16] - 24792:39,
 24792:47, 24793:1,
 24795:29, 24795:32,
 24806:11, 24809:16,
 24817:35, 24818:40,
 24818:44, 24818:45,
 24819:2, 24820:16,
 24821:13, 24828:36
canonical [4] -
 24815:47, 24816:27,
 24846:36, 24856:26
canonically [1] -
 24881:34
Canonist [1] - 24793:6
canonist [2] -
 24793:24, 24808:9
canons [2] -
 24818:40, 24818:43
capable [1] - 24879:40
capacity [3] - 24811:3,
 24811:6, 24865:24
car [1] - 24834:17
Cardinal [6] -
 24805:34, 24805:35,
 24809:11, 24813:27,
 24876:24, 24877:30
Cardinals [1] -
 24832:34
care [33] - 24799:41,
 24800:20, 24801:24,
 24809:16, 24812:10,
 24814:19, 24814:29,
 24814:32, 24814:36,
 24823:10, 24833:33,
 24833:38, 24833:40,
 24833:47, 24834:1,
 24834:23, 24836:43,
 24840:35, 24846:28,
 24860:27, 24860:28,
 24860:34, 24862:47,
 24868:31, 24880:3,
 24880:7, 24883:24,
 24883:33, 24883:38,
 24883:40, 24883:41,
 24883:43
cared [2] - 24879:39,
 24881:2
career [2] - 24812:15,
 24874:19
carefully [1] -
 24868:33
carer [1] - 24883:34
cares [1] - 24835:42
caring [1] - 24814:40
carried [2] - 24841:13,
 24866:44
carry [1] - 24866:43
Case [1] - 24790:19
case [17] - 24799:5,
 24799:23, 24801:5,
 24801:14, 24804:30,
 24817:44, 24821:4,
 24849:43, 24850:3,
 24850:7, 24854:26,
 24857:33, 24859:43,
 24865:15, 24866:42,
 24871:30, 24876:23
cases [7] - 24800:31,
 24802:28, 24802:33,
 24808:41, 24819:35,
 24830:35, 24844:34
caste [1] - 24879:3
catalyst [1] - 24817:42
Catholic [51] -
 24791:17, 24791:20,
 24792:43, 24800:29,
 24801:10, 24808:20,
 24812:47, 24813:1,
 24813:2, 24818:19,
 24818:38, 24823:17,
 24825:42, 24826:30,
 24827:27, 24827:30,
 24832:13, 24834:41,
 24837:16, 24837:19,
 24839:10, 24839:20,

24840:31, 24841:2, 24841:6, 24841:38, 24842:35, 24842:38, 24846:36, 24847:24, 24854:4, 24860:45, 24861:21, 24862:1, 24863:6, 24864:7, 24864:14, 24864:18, 24867:3, 24867:4, 24867:5, 24867:6, 24868:19, 24868:20, 24868:29, 24870:4, 24874:35, 24875:39, 24876:44, 24878:10

Catholics [2] - 24791:41, 24821:37

caught [1] - 24798:3

causal [4] - 24820:26, 24822:23, 24854:37, 24858:46

Causes [1] - 24817:1

causes [3] - 24820:34, 24820:45

caution [1] - 24795:5

cautious [2] - 24881:4

celebrate [2] - 24870:14, 24874:16

celibacy [29] - 24818:6, 24824:42, 24825:2, 24825:5, 24825:6, 24825:16, 24825:24, 24825:26, 24825:40, 24826:23, 24826:29, 24826:40, 24827:3, 24827:26, 24827:36, 24827:41, 24828:16, 24828:24, 24828:32, 24828:35, 24828:38, 24829:11, 24830:13, 24840:44, 24871:26, 24871:34, 24878:39, 24878:44

celibacy" [2] - 24826:25, 24878:39

celibate [3] - 24827:41, 24828:21, 24841:18

cell [1] - 24801:2

cent [11] - 24826:39, 24827:2, 24827:29, 24847:46, 24848:7, 24848:8, 24866:12, 24866:13, 24866:15, 24878:34, 24880:36

centre [2] - 24803:46, 24839:42

Centre [1] - 24839:22

century [1] - 24818:22

ceremonies [1] - 24832:14

certain [8] - 24794:33, 24826:42, 24856:41, 24863:9, 24866:18, 24874:21, 24874:31, 24881:45

certainly [7] - 24814:25, 24815:2, 24816:43, 24820:32, 24824:40, 24872:24, 24873:8

certificate [1] - 24795:20

certified [1] - 24812:30

cetera [6] - 24821:43, 24832:24, 24847:8, 24866:14, 24876:17

chain [1] - 24865:21

Chair [1] - 24790:33

CHAIR [56] - 24826:18, 24826:44, 24827:7, 24827:35, 24835:25, 24835:29, 24835:34, 24835:45, 24836:16, 24842:19, 24843:31, 24843:37, 24843:41, 24843:46, 24844:5, 24848:22, 24848:32, 24848:38, 24848:43, 24849:1, 24849:5, 24855:17, 24855:27, 24855:32, 24855:43, 24856:2, 24856:6, 24856:35, 24856:46, 24857:6, 24857:11, 24857:44, 24858:2, 24868:1, 24868:24, 24868:38, 24869:1, 24869:18, 24874:42, 24876:41, 24876:47, 24877:12, 24877:18, 24877:23, 24877:30, 24877:35, 24877:39, 24878:13, 24881:21, 24881:38, 24882:1, 24882:33, 24884:29, 24884:33, 24884:37, 24885:8

challenges [1] - 24826:44

chance [1] - 24824:33

Chancery [1] - 24806:34

change [24] - 24805:20, 24812:16, 24815:18, 24819:42, 24819:43, 24846:25, 24862:7, 24867:23, 24868:2, 24872:13, 24873:39, 24874:7, 24874:44, 24876:45, 24876:47, 24877:2, 24877:8, 24877:18, 24877:21, 24877:23, 24878:8, 24882:18, 24882:21

changed [6] - 24793:27, 24795:12, 24810:19, 24816:34, 24819:39, 24819:41

changes [8] - 24796:27, 24832:39, 24833:20, 24833:21, 24846:21, 24860:26, 24861:7

changing [1] - 24875:28

chaos [1] - 24805:7

chapel [3] - 24825:29, 24825:31, 24878:3

chaplain [2] - 24812:29, 24827:46

chaplains [1] - 24828:1

chapter [1] - 24818:27

character [1] - 24847:13

charge [3] - 24801:5, 24838:19, 24861:2

charges [2] - 24800:41, 24803:24

chase [1] - 24805:44

chastity [2] - 24878:41, 24878:43

check [2] - 24820:15, 24870:43

checked [2] - 24864:20, 24870:22

Chicago [1] - 24793:14

CHILD [1] - 24790:15

child [20] - 24802:5, 24822:16, 24823:18, 24824:29, 24824:44, 24826:5, 24829:18, 24829:19, 24830:20, 24834:37, 24836:44, 24837:22, 24840:2, 24844:20, 24862:38, 24869:36, 24878:21, 24878:26, 24878:37, 24879:13

childcare [1] - 24867:11

children [51] - 24791:25, 24797:38, 24800:19, 24803:37, 24805:31, 24807:19, 24815:2, 24815:46, 24820:35, 24822:29, 24822:32, 24823:23, 24823:33, 24825:4, 24826:42, 24827:33, 24827:44, 24829:26, 24830:4, 24830:15, 24830:16, 24832:31, 24843:33, 24848:33, 24849:44, 24850:20, 24850:36, 24851:13, 24852:25, 24852:27, 24853:28, 24860:33, 24866:44, 24868:7, 24868:18, 24868:21, 24879:25, 24879:34, 24879:39, 24880:12, 24880:15, 24880:45, 24881:39, 24881:42, 24881:43, 24882:8, 24882:13

choose [1] - 24814:15

chose [2] - 24806:7, 24806:9

chosen [3] - 24806:1, 24806:5, 24856:2

Christ [4] - 24821:11, 24821:19, 24821:20, 24821:44

Christian [4] - 24839:22, 24881:15, 24881:16, 24881:17

Christianity [2] - 24861:22, 24861:23

Christians [1] - 24877:5

Christology [1] - 24841:11

church [12] - 24813:11, 24818:24, 24818:25, 24819:44, 24821:20, 24823:42, 24824:30, 24824:31, 24831:43, 24840:32, 24861:14, 24862:20

Church [145] - 24791:17, 24791:20, 24794:22, 24795:17, 24798:15, 24799:15, 24801:10, 24802:13, 24802:23, 24804:11, 24805:8, 24806:46, 24810:21, 24814:29, 24814:38, 24815:12, 24817:36, 24817:41, 24818:19, 24819:12, 24819:15, 24819:21, 24819:22, 24821:9, 24821:12, 24821:19, 24821:36, 24821:38, 24821:42, 24822:6, 24822:11, 24822:22, 24822:24, 24822:43, 24823:3, 24823:7, 24823:17, 24823:30, 24823:31, 24823:37, 24823:42, 24824:11, 24827:2, 24827:7, 24827:8, 24827:24, 24827:30, 24827:36, 24828:28, 24830:21, 24831:17, 24831:22, 24831:24, 24831:25, 24831:27, 24831:28, 24831:35, 24831:38, 24831:41, 24832:3, 24832:6, 24832:9, 24832:13, 24832:27, 24832:30, 24832:33, 24833:17, 24833:40, 24834:41, 24837:20, 24837:23, 24837:27, 24837:28, 24839:26, 24846:36, 24847:8, 24847:24, 24850:30, 24850:35, 24851:8, 24854:4, 24856:38, 24856:43, 24858:2, 24858:18, 24859:40, 24860:45, 24861:21, 24862:33, 24862:40, 24862:47, 24863:6, 24863:12, 24863:16, 24864:8, 24864:14, 24864:18, 24864:21, 24864:23, 24865:25, 24865:26, 24865:35, 24867:4, 24867:5, 24867:15, 24868:3, 24868:4, 24868:5, 24868:7, 24868:8, 24868:10, 24868:12, 24868:19, 24868:20, 24868:29, 24869:5, 24869:13, 24869:21, 24869:26, 24870:4, 24871:16, 24872:21, 24873:33, 24874:43, 24875:8, 24875:31, 24876:11, 24876:13, 24876:42, 24878:17, 24878:23, 24878:25, 24879:12, 24879:19, 24879:25, 24879:35, 24880:8, 24884:23, 24884:42

Church's [8] - 24793:47, 24794:2, 24813:2, 24818:17, 24821:2, 24821:8, 24825:40, 24826:45

churches [9] -

24836:44, 24853:22, 24853:26, 24854:2, 24859:39, 24863:4, 24869:32, 24870:4, 24871:16

churchgoing [1] - 24862:40

churchmen [1] - 24823:43

churchy [1] - 24791:42

circuit [1] - 24805:14

circulate [2] - 24809:27, 24809:31

circumstances [4] - 24794:27, 24827:35, 24830:28, 24874:2

circumstantial [1] - 24817:12

cited [1] - 24826:36

city [1] - 24876:25

civil [9] - 24806:11, 24809:15, 24816:1, 24820:2, 24820:9, 24820:15, 24820:19, 24821:1, 24844:37

claimed [1] - 24860:9

claims [8] - 24824:43, 24844:20, 24845:22, 24850:36, 24854:29, 24854:39, 24884:8, 24884:17

classic [3] - 24821:3, 24841:12, 24842:31

classmates [1] - 24793:40

clean [1] - 24806:10

clear [2] - 24833:28, 24852:16

clearly [2] - 24834:32, 24869:30

clergy [15] - 24797:30, 24822:29, 24822:31, 24832:19, 24833:31, 24839:44, 24840:34, 24866:6, 24866:8, 24866:10, 24866:15, 24866:25, 24880:11, 24880:14

clerical [9] - 24817:37, 24818:6, 24820:42, 24823:39, 24825:26, 24832:27, 24871:47, 24875:29, 24878:38

clericalism [6] - 24823:40, 24851:1, 24851:5, 24876:3, 24876:6, 24879:1

clerics [4] - 24813:26, 24818:30, 24819:2, 24825:46

Clinic [1] - 24804:1

cloak [2] - 24804:45, 24819:33

cloaked [1] - 24819:13

close [4] - 24843:18, 24877:47, 24881:43, 24882:13

closed [2] - 24837:35, 24839:24

closely [1] - 24840:14

closer [1] - 24881:25

closing [1] - 24875:24

cloth [1] - 24819:24

club [1] - 24871:47

clue [1] - 24815:32

Coate [1] - 24790:34

code [6] - 24818:27, 24870:34, 24870:40, 24870:45, 24871:13

Codes [1] - 24818:7

coffee [1] - 24825:32

collaborated [1] - 24819:15

collar [1] - 24864:36

colleagues [3] - 24808:43, 24817:19, 24835:37

college [3] - 24792:12, 24817:38, 24841:39

College [2] - 24817:38, 24841:38

colony [1] - 24872:36

column [1] - 24800:46

comfort [1] - 24813:15

coming [23] - 24794:31, 24802:40, 24807:22, 24811:33, 24813:9, 24817:40, 24820:26, 24830:21, 24835:46, 24848:4, 24849:11, 24849:43, 24851:5, 24855:44, 24858:39, 24863:30, 24863:35, 24866:28, 24866:29, 24869:15, 24870:20, 24875:32

commandments [1] - 24849:21

comments [1] - 24873:27

Commission [36] - 24813:18, 24813:21, 24813:24, 24813:25, 24813:32, 24813:42, 24814:19, 24815:1, 24815:21, 24815:23, 24815:34, 24824:40, 24832:39, 24836:33, 24839:3, 24841:31, 24848:18, 24852:10, 24858:39, 24859:30, 24861:46, 24862:42, 24868:4, 24868:11, 24868:26, 24868:31, 24869:10, 24869:19, 24869:31, 24869:38, 24870:40, 24871:12, 24879:21, 24882:47, 24884:39, 24884:41

COMMISSION [2] - 24790:14, 24885:10

COMMISSIONER [19] - 24828:31, 24828:41, 24828:47, 24829:17, 24830:11, 24834:28, 24869:40, 24870:32, 24870:39, 24871:12, 24872:8, 24872:17, 24872:43, 24873:2, 24873:26, 24875:47, 24878:20, 24879:6, 24879:11

Commissioner [1] - 24875:2

Commissioners [3] - 24790:34, 24791:1, 24861:42

commitment [1] - 24871:26

common [6] - 24825:19, 24871:38, 24873:46, 24874:6

commonly [1] - 24822:5

communal [1] - 24839:40

communicate [1] - 24870:15

communicated [1] - 24813:30

communicating [1] - 24842:41

communion [4] - 24818:46, 24819:6, 24832:15, 24832:22

community [11] - 24813:6, 24818:31, 24821:33, 24822:5, 24822:11, 24826:35, 24833:17, 24839:43, 24860:37, 24872:41, 24876:27

company [2] - 24836:41, 24836:47

compelled [1] - 24829:30

competence [1] - 24820:37

competent [1] - 24802:38

complaining [1] - 24864:38

complaint [1] - 24834:16

complaints [2] - 24794:42, 24872:5

complete [5] - 24793:47, 24794:1, 24829:40, 24835:20, 24844:16

completed [4] - 24792:27, 24796:22, 24796:23, 24796:36

completely [3] - 24813:3, 24824:16, 24845:18

complicated [1] - 24821:7

complicit [2] - 24815:45, 24816:4

complied [1] - 24863:9

comprehend [7] - 24810:20, 24813:3, 24826:1, 24826:3, 24826:10, 24834:29, 24834:31

comprehension [1] - 24825:47

comprehensive [2] - 24793:42, 24814:39

compulsion [6] - 24829:28, 24829:38, 24830:2, 24830:5, 24830:6, 24830:8

compulsive [1] - 24829:45

compulsory [2] - 24859:32, 24862:12

computerised [2] - 24870:21, 24870:23

concept [16] - 24818:33, 24821:31, 24821:32, 24821:36, 24823:37, 24824:10, 24824:27, 24826:28, 24828:42, 24828:47, 24831:38, 24832:7, 24832:29, 24834:40, 24883:15, 24883:29

concern [5] - 24820:21, 24820:41, 24820:44, 24833:29, 24834:23

concerned [4] - 24820:42, 24846:6, 24847:5

concerns [1] - 24866:17

conclusion [2] - 24814:21, 24869:15

conclusions [2] - 24826:38, 24864:9

concrete [5] - 24834:45, 24869:28, 24870:11, 24874:14, 24878:1

concubines [1] - 24826:33

condemn [1] - 24830:16

conduct [4] - 24870:34, 24870:40, 24871:13

conducted [1] - 24841:5

Conference [5] - 24808:20, 24809:26, 24809:37, 24864:27, 24864:32

conference [1] - 24840:34

conferences [1] - 24864:12

confession [1] - 24832:23

confessions [1] - 24859:17

confidential [1] - 24793:38

confidentiality [1] - 24800:5

confinement [1] - 24803:45

confirmation [2] - 24832:16, 24832:23

confronted [2] - 24804:23, 24827:12

confused [1] - 24824:16

congregation [1] - 24846:38

Congregation [5] - 24795:35, 24795:37, 24795:39, 24796:3, 24796:11

connect [1] - 24803:18

connected [2] - 24801:21, 24832:14

consecrated [2] - 24795:11, 24821:41

conservative [1] - 24856:18

conservatively [1] - 24878:23

consider [2] - 24832:31, 24858:47

considerable [2] -

24818:15, 24876:21
consideration [2] -
24798:37, 24819:35
considered [2] -
24791:45, 24824:41
consistently [2] -
24819:9, 24826:30
constantly [1] -
24800:4
constrained [1] -
24884:15
construct [1] -
24803:39
consultant [4] -
24813:23, 24813:37,
24813:42, 24814:5
consultation [3] -
24848:20, 24855:30,
24857:2
consulted [3] -
24809:3, 24809:8,
24837:25
consulting [1] -
24836:42
contact [12] -
24797:32, 24797:33,
24797:34, 24797:37,
24797:40, 24798:28,
24811:15, 24833:4,
24833:5, 24845:4,
24845:7, 24872:25
contacted [1] -
24811:16
contain [1] - 24829:10
contemporary [1] -
24880:1
contents [1] -
24794:14
context [3] -
24823:22, 24823:26,
24840:11
Contexts [1] - 24817:1
continually [3] -
24819:10, 24827:25,
24871:4
continue [7] -
24802:13, 24805:46,
24808:34, 24808:36,
24816:38, 24861:38,
24881:30
continued [4] -
24808:36, 24837:30,
24842:32, 24857:40
continues [5] -
24827:36, 24855:13,
24860:40, 24861:10,
24882:15
continuing [1] -
24855:11
contradiction [2] -
24827:9, 24828:31
contributing [3] -
24852:13, 24856:16,
24859:6
contribution [1] -
24884:39
control [4] - 24794:23,
24806:26, 24824:13,
24850:25
controlled [2] -
24832:19, 24881:6
controlling [1] -
24828:17
controls [1] -
24834:42
convened [1] -
24836:12
convenient [1] -
24826:16
conversation [4] -
24820:4, 24825:32,
24862:35, 24872:12
convicted [2] -
24801:43, 24801:45
convince [6] -
24794:35, 24814:47,
24815:1, 24815:43,
24823:6, 24825:25
cope [3] - 24807:6,
24843:29, 24844:15
copies [3] - 24806:34,
24810:3, 24815:27
core [1] - 24817:47
corporations [1] -
24836:42
corps [1] - 24871:45
Corpsych [1] -
24836:40
correct [7] - 24794:11,
24813:44, 24829:15,
24843:2, 24850:22,
24871:20, 24879:32
correction [1] -
24820:20
corrupted [4] -
24861:6, 24861:8,
24861:12, 24861:19
corruption [1] -
24838:3
costs [4] - 24821:47,
24822:9, 24832:6,
24832:10
council [7] -
24855:23, 24857:3,
24858:9, 24858:13,
24858:14, 24865:36,
24865:37
Council [5] -
24818:38, 24822:38,
24831:30, 24854:5,
24861:47
councils [1] -
24858:23
Counsel [1] -
24790:42
Counselling [1] -
24837:8
counselling [3] -
24838:19, 24838:42,
24880:27
count [1] - 24810:26
countries [7] -
24802:30, 24826:32,
24827:29, 24838:20,
24872:35
country [4] -
24805:32, 24825:10,
24878:34, 24880:23
couple [7] - 24796:15,
24797:43, 24809:44,
24812:44, 24857:9,
24873:26
courageous [2] -
24833:3, 24867:23
courier [1] - 24805:34
course [20] -
24792:23, 24800:36,
24845:16, 24845:24,
24845:39, 24846:35,
24848:41, 24848:46,
24851:38, 24853:6,
24854:42, 24856:12,
24859:18, 24864:17,
24864:19, 24870:3,
24870:6, 24881:24,
24882:10, 24883:13
courses [4] -
24859:10, 24859:12,
24859:15, 24859:32
court [5] - 24803:44,
24806:47, 24817:21,
24844:34, 24878:18
courts [4] - 24816:1,
24819:43, 24821:1,
24827:4
cousins [1] -
24806:32
cover [3] - 24798:4,
24805:46, 24808:12
cover-up [1] -
24805:46
covered [5] - 24797:8,
24807:16, 24819:35,
24820:46, 24878:9
covering [2] -
24815:45, 24816:4
CPD [1] - 24862:16
crazy [3] - 24806:36,
24813:11, 24824:21
create [2] - 24815:44,
24823:26
created [3] -
24793:26, 24814:38,
24844:2
creates [4] - 24823:21,
24828:16, 24828:18,
24878:38
creating [2] -
24866:40, 24879:2
credible [1] -
24805:30
credit [1] - 24829:1
crime [1] - 24819:30
crimes [1] - 24869:37
criminal [11] -
24800:41, 24803:24,
24809:15, 24817:38,
24838:11, 24844:37,
24844:39, 24850:20,
24869:36, 24884:24
criminally [1] -
24844:31
criteria [2] - 24794:9,
24871:3
critical [1] - 24868:7
criticised [2] -
24817:25, 24831:7
criticism [1] - 24792:5
Crown [1] - 24800:39
cry [1] - 24834:4
cultural [6] -
24855:40, 24863:43,
24868:34, 24871:37,
24875:13
culturally [1] -
24819:37
culture [13] -
24806:30, 24817:37,
24818:34, 24820:43,
24832:27, 24855:37,
24864:5, 24864:22,
24867:24, 24871:24,
24872:21, 24875:39,
24880:38
cultures [1] -
24853:12
Curia [1] - 24864:14
current [7] - 24791:16,
24836:37, 24839:7,
24855:12, 24867:35,
24879:24, 24880:44
curriculum [1] -
24795:25
custody [1] -
24803:44
cut [2] - 24805:43,
24835:18
CV [1] - 24791:33

D

dad [1] - 24881:10
damage [7] -
24812:46, 24813:4,
24813:10, 24826:1,
24826:3, 24834:30,
24834:31
damaged [5] -
24834:25, 24851:23,
24860:20, 24860:35,
24881:18
damaging [2] -
24833:16, 24834:39
danger [2] - 24879:12,
24879:22
dangerous [3] -
24872:41, 24879:2,
24879:18
dare [1] - 24875:36
data [7] - 24817:20,
24827:3, 24852:12,
24854:28, 24854:39,
24855:15
date [1] - 24873:22
dates [2] - 24805:17,
24818:19
daughter [2] -
24810:31, 24810:37
daughters [1] -
24806:44
days [11] - 24798:45,
24800:24, 24804:19,
24805:38, 24814:9,
24814:12, 24814:14,
24814:22, 24817:4,
24880:15, 24880:32
DC [3] - 24793:7,
24793:24, 24798:30
de [1] - 24871:45
De [3] - 24872:45,
24874:15, 24874:17
deacon [1] - 24828:39
deacons [2] - 24819:3
dead [1] - 24826:13
deal [11] - 24791:25,
24803:44, 24804:26,
24813:14, 24815:8,
24827:8, 24827:11,
24838:3, 24854:24,
24863:38, 24880:41
dealing [24] -
24792:46, 24801:20,
24801:24, 24804:30,
24808:41, 24809:2,
24810:9, 24810:12,
24813:10, 24815:15,
24816:34, 24816:35,
24827:4, 24831:40,
24833:26, 24838:22,

24844:19, 24850:41, 24860:10, 24875:37, 24875:40, 24876:10, 24878:32, 24883:18
deals [1] - 24827:11
dealt [6] - 24803:46, 24817:10, 24817:11, 24818:43, 24820:25, 24876:11
Dean [1] - 24842:36
death [3] - 24818:47, 24819:6, 24875:40
death-dealing [1] - 24875:40
debating [1] - 24864:40
December [1] - 24810:5
decent [3] - 24803:40, 24810:20, 24810:34
decide [2] - 24796:8, 24796:9
decided [6] - 24797:16, 24799:45, 24808:45, 24812:6, 24874:21, 24876:25
decides [1] - 24832:21
decision [5] - 24855:7, 24857:15, 24859:45, 24865:21, 24874:24
decisions [3] - 24855:27, 24855:33, 24856:46
deck [1] - 24818:16
decreasingly [1] - 24868:28
decree [1] - 24833:46
decrees [1] - 24819:34
dedicated [2] - 24827:42, 24828:2
deep [4] - 24794:12, 24819:13, 24819:35, 24819:36
deeper [1] - 24833:3
deeply [2] - 24804:43, 24831:46
defence [1] - 24803:40
defences [1] - 24828:14
defend [3] - 24803:24, 24805:8, 24851:45
defensive [2] - 24827:13, 24827:25
deference [1] - 24822:4
definition [1] - 24823:41
deflect [1] - 24817:47
defrock [2] - 24819:16, 24845:19
defrocked [1] - 24863:32
defrocking [1] - 24846:26
Degree [2] - 24841:46, 24841:47
degree [1] - 24806:11
demanding [1] - 24874:32
demeaning [1] - 24825:22
democracy [1] - 24833:26
demonise [1] - 24861:29
demonstrate [1] - 24861:26
demonstrating [1] - 24881:7
denied [2] - 24818:46, 24819:5
denies [1] - 24850:28
denigrated [1] - 24825:14
denominations [1] - 24827:31
dependant [1] - 24832:20
depth [2] - 24813:4, 24824:46
describe [1] - 24826:34
described [5] - 24829:47, 24833:9, 24851:6, 24864:25, 24880:43
description [1] - 24872:23
descriptions [1] - 24810:14
design [3] - 24821:13, 24878:3, 24878:13
desirable [1] - 24870:40
desire [1] - 24850:24
desperately [1] - 24829:37
despising [1] - 24872:37
destroying [1] - 24843:29
detail [1] - 24805:15
detailed [1] - 24805:17
details [1] - 24855:21
determined [1] - 24846:35
devastating [1] - 24852:2
develop [1] - 24877:4
developed [1] - 24816:33
developing [3] - 24878:40, 24878:46, 24882:13
development [3] - 24859:42, 24872:23, 24877:3
deviancy [1] - 24851:39
deviant [1] - 24851:24
deviation [1] - 24850:12
deviations [1] - 24852:11
devout [3] - 24791:45, 24812:47, 24823:9
dichotomy [1] - 24876:7
Didache [1] - 24818:21
died [3] - 24798:9, 24828:26, 24843:15
difference [7] - 24825:36, 24828:36, 24833:1, 24837:41, 24841:8, 24855:15, 24855:40
differences [2] - 24796:1, 24846:37
different [15] - 24795:13, 24795:15, 24800:47, 24808:40, 24814:38, 24827:5, 24838:20, 24848:23, 24854:44, 24861:36, 24868:2, 24872:10, 24872:20, 24874:2, 24883:45
differently [1] - 24863:38
difficult [8] - 24840:6, 24840:45, 24866:27, 24869:7, 24869:11, 24869:16, 24869:33, 24872:2
difficulties [4] - 24843:17, 24843:23, 24866:4, 24883:18
difficulty [4] - 24840:15, 24843:13, 24860:35, 24866:40
digger [1] - 24869:45
digging [1] - 24818:12
dignified [1] - 24862:34
dignity [1] - 24862:37
dimension [3] - 24792:13, 24793:28, 24827:1
diminish [1] - 24829:24
diminishes [1] - 24829:20
diocesan [6] - 24828:35, 24828:37, 24858:23, 24872:11, 24872:19, 24881:25
Diocese [2] - 24798:13, 24799:23
diocese [32] - 24795:2, 24795:12, 24797:46, 24798:13, 24799:45, 24800:1, 24800:7, 24800:16, 24800:34, 24801:18, 24803:23, 24803:36, 24812:21, 24821:43, 24821:44, 24854:42, 24855:5, 24855:9, 24855:14, 24855:38, 24855:41, 24856:38, 24857:42, 24857:44, 24858:8, 24858:11, 24865:36, 24866:19, 24873:15, 24880:9
dioceses [19] - 24793:26, 24803:11, 24803:14, 24805:28, 24805:32, 24854:6, 24855:15, 24856:13, 24856:14, 24858:20, 24864:13, 24865:25, 24866:30, 24868:40, 24872:12, 24872:27, 24879:28, 24883:7
Diploma [1] - 24837:7
direct [2] - 24803:31, 24878:37
direction [3] - 24849:12, 24879:19, 24879:20
directly [4] - 24802:27, 24806:46, 24807:24, 24824:47
director [1] - 24836:39
dirty [1] - 24812:9
disabilities [3] - 24852:28, 24852:31
disability [1] - 24852:25
disagree [1] - 24879:16
disappointed [1] - 24809:43
disappointment [1] - 24815:9
disclose [3] - 24810:29, 24810:31, 24824:28
disclosed [2] - 24810:32, 24840:43
disclosure [1] - 24824:28
discounts [1] - 24849:42
discovered [2] - 24799:30, 24804:46
discoveries [1] - 24819:20
discretion [3] - 24794:26, 24794:30, 24803:15
discuss [5] - 24794:31, 24794:35, 24809:45, 24810:47, 24820:37
discussed [4] - 24799:6, 24799:10, 24828:15, 24851:2
discussing [1] - 24864:40
discussion [9] - 24793:1, 24794:21, 24841:17, 24855:23, 24860:39, 24862:34, 24867:44, 24868:39, 24876:42
discussions [2] - 24866:3, 24870:29
disgruntled [1] - 24794:47
dismantled [1] - 24877:27
dismiss [2] - 24846:40, 24869:20
dismissal [2] - 24846:45, 24847:1
dismissing [1] - 24847:35
disorder [3] - 24820:36, 24829:27, 24829:44
disordered [2] - 24835:4, 24835:7
Disorders [1] - 24804:1
disposition [1] - 24803:20
disseminating [1] - 24809:45
distance [1] - 24856:15
distinct [1] - 24841:14
distinguish [1] - 24878:29
distracting [1] - 24827:43
distressed [2] -

24853:3, 24853:36
distressing [1] -
24843:27
district [2] - 24800:37,
24829:2
disturbing [1] -
24810:15
divert [2] - 24816:41,
24828:28
Divinity [1] - 24841:39
divorce [1] - 24800:31
divorced [1] -
24800:31
doable [1] - 24815:3
doctor [18] -
24791:17, 24792:46,
24807:28, 24812:40,
24820:27, 24822:15,
24823:29, 24824:39,
24831:16, 24832:37,
24836:37, 24860:2,
24861:41, 24863:28,
24867:43, 24868:8,
24884:35, 24884:37
Doctor [1] - 24826:44
doctorate [2] -
24792:43, 24806:10
doctrine [3] - 24794:1,
24794:2, 24832:34
document [20] -
24809:34, 24810:4,
24811:41, 24818:21,
24818:23, 24820:13,
24854:5, 24854:8,
24854:9, 24864:8,
24864:25, 24864:26,
24864:35, 24864:39,
24865:42, 24870:42,
24870:46, 24871:8,
24876:14, 24876:16
documentaries [1] -
24815:27
documentation [4] -
24801:6, 24818:17,
24819:9, 24819:31
documents [5] -
24806:35, 24818:18,
24861:45, 24864:46,
24876:14
dominance [1] -
24852:37
domination [1] -
24852:33
Dominican [2] -
24791:28, 24793:15
Dominicans [3] -
24791:47, 24792:8,
24825:18
done [41] - 24794:12,
24794:15, 24795:11,
24795:44, 24795:45,
24795:47, 24796:19,
24798:28, 24798:44,
24800:19, 24802:32,
24802:33, 24802:38,
24804:2, 24804:26,
24804:43, 24807:20,
24810:23, 24812:46,
24813:4, 24815:43,
24816:24, 24816:25,
24817:43, 24818:8,
24818:15, 24822:20,
24822:22, 24857:40,
24858:22, 24860:2,
24863:2, 24864:21,
24865:6, 24866:23,
24868:35, 24874:36,
24881:2, 24883:7
door [7] - 24801:47,
24830:37, 24831:32,
24832:16, 24852:2,
24860:46, 24869:22
doors [1] - 24875:24
double [1] - 24820:15
double-check [1] -
24820:15
doubt [4] - 24844:20,
24850:39, 24860:18,
24874:42
down [37] - 24792:11,
24795:29, 24797:2,
24801:31, 24803:30,
24803:35, 24803:45,
24804:10, 24805:4,
24805:9, 24805:26,
24806:25, 24806:30,
24806:41, 24814:36,
24815:12, 24819:10,
24819:33, 24824:25,
24827:25, 24831:1,
24832:35, 24833:32,
24833:46, 24850:42,
24851:34, 24858:12,
24860:39, 24862:41,
24865:12, 24866:32,
24868:13, 24871:36,
24875:15, 24875:16,
24876:29, 24876:33
downside [1] -
24881:12
DOYLE [121] -
24791:4, 24791:10,
24791:14, 24791:19,
24791:31, 24791:36,
24791:41, 24792:2,
24792:18, 24792:22,
24792:33, 24792:39,
24792:43, 24793:3,
24793:9, 24793:13,
24793:23, 24793:33,
24794:11, 24794:30,
24794:45, 24795:10,
24795:23, 24795:32,
24795:47, 24796:7,
24796:22, 24796:34,
24796:38, 24796:43,
24796:47, 24797:11,
24797:15, 24797:22,
24797:32, 24797:40,
24798:42, 24798:47,
24799:10, 24799:20,
24800:12, 24801:16,
24801:36, 24801:41,
24801:45, 24802:16,
24802:21, 24802:25,
24802:44, 24803:10,
24803:18, 24804:8,
24804:35, 24805:3,
24805:25, 24805:43,
24806:3, 24806:7,
24806:16, 24806:23,
24807:13, 24807:32,
24807:42, 24808:7,
24808:28, 24808:32,
24808:36, 24809:8,
24809:33, 24810:11,
24810:43, 24811:6,
24811:15, 24811:26,
24811:31, 24811:39,
24812:2, 24812:6,
24812:14, 24812:20,
24812:29, 24812:44,
24813:21, 24813:35,
24813:39, 24813:44,
24814:1, 24814:7,
24814:14, 24814:27,
24814:45, 24815:21,
24815:25, 24816:10,
24816:21, 24816:33,
24816:45, 24817:30,
24817:46, 24819:41,
24820:13, 24820:29,
24820:34, 24822:19,
24822:31, 24823:25,
24823:35, 24824:46,
24826:28, 24826:47,
24827:11, 24827:39,
24828:35, 24828:44,
24829:15, 24829:22,
24830:26, 24831:20,
24832:42, 24834:35,
24835:36
Doyle [19] - 24791:2,
24791:8, 24791:14,
24803:27, 24803:33,
24804:20, 24826:22,
24828:32, 24834:28,
24835:23, 24835:29,
24835:32, 24835:34,
24835:45, 24836:3,
24850:22, 24850:39,
24875:14
DR [148] - 24791:10,
24791:14, 24791:19,
24791:31, 24791:36,
24791:41, 24792:2,
24792:18, 24792:22,
24792:33, 24792:39,
24792:43, 24793:3,
24793:9, 24793:13,
24793:23, 24793:33,
24794:11, 24794:30,
24794:45, 24795:10,
24795:23, 24795:32,
24795:47, 24796:7,
24796:22, 24796:34,
24796:38, 24796:43,
24796:47, 24797:11,
24797:15, 24797:22,
24797:32, 24797:40,
24798:42, 24798:47,
24799:10, 24799:20,
24800:12, 24801:16,
24801:36, 24801:41,
24801:45, 24802:16,
24802:21, 24802:25,
24802:44, 24803:10,
24803:18, 24804:8,
24804:35, 24805:3,
24805:25, 24805:43,
24806:3, 24806:7,
24806:16, 24806:23,
24807:13, 24807:32,
24807:42, 24808:7,
24808:28, 24808:32,
24808:36, 24809:8,
24809:33, 24810:11,
24810:43, 24811:6,
24811:15, 24811:26,
24811:31, 24811:39,
24812:2, 24812:6,
24812:14, 24812:20,
24812:29, 24812:44,
24813:21, 24813:35,
24813:39, 24813:44,
24814:1, 24814:7,
24814:14, 24814:27,
24814:45, 24815:21,
24815:25, 24816:10,
24816:21, 24816:33,
24816:45, 24817:30,
24817:46, 24819:41,
24820:13, 24820:29,
24820:34, 24822:19,
24822:31, 24823:25,
24823:35, 24824:46,
24826:28, 24826:47,
24827:11, 24827:39,
24828:35, 24828:44,
24829:15, 24829:22,
24830:26, 24831:20,
24832:42, 24834:35,
24835:36
24875:14
DR [148] - 24791:10,
24791:14, 24791:19,
24791:31, 24791:36,
24791:41, 24792:2,
24792:18, 24792:22,
24792:33, 24792:39,
24792:43, 24793:3,
24793:9, 24793:13,
24793:23, 24793:33,
24794:11, 24794:30,
24794:45, 24795:10,
24795:23, 24795:32,
24795:47, 24796:7,
24796:22, 24796:34,
24796:38, 24796:43,
24796:47, 24797:11,
24797:15, 24797:22,
24797:32, 24797:40,
24798:42, 24798:47,
24799:10, 24799:20,
24800:12, 24801:16,
24801:36, 24801:41,
24801:45, 24802:16,
24802:21, 24802:25,
24802:44, 24803:10,
24803:18, 24804:8,
24804:35, 24805:3,
24805:25, 24805:43,
24806:3, 24806:7,
24806:16, 24806:23,
24807:13, 24807:32,
24807:42, 24808:7,
24808:28, 24808:32,
24808:36, 24809:8,
24809:33, 24810:11,
24810:43, 24811:6,
24811:15, 24811:26,
24811:31, 24811:39,
24812:2, 24812:6,
24812:14, 24812:20,
24812:29, 24812:44,
24813:21, 24813:35,
24813:39, 24813:44,
24814:1, 24814:7,
24814:14, 24814:27,
24814:45, 24815:21,
24815:25, 24816:10,
24816:21, 24816:33,
24816:45, 24817:30,
24817:46, 24819:41,
24820:13, 24820:29,
24820:34, 24822:19,
24822:31, 24823:25,
24823:35, 24824:46,
24826:28, 24826:47,
24827:11, 24827:39,
24828:35, 24828:44,
24829:15, 24829:22,
24830:26, 24831:20,
24832:42, 24834:35,
24835:36
24835:36, 24836:35,
24836:39, 24837:2,
24837:6, 24837:18,
24837:39, 24837:45,
24838:2, 24838:9,
24838:16, 24838:26,
24838:36, 24838:41,
24860:6, 24861:1,
24861:14, 24861:21,
24861:45, 24863:19,
24863:23, 24863:30,
24867:46, 24868:10,
24869:36, 24872:31,
24872:47, 24873:5,
24882:10
Dr [19] - 24791:2,
24791:8, 24826:22,
24826:37, 24828:32,
24834:28, 24835:23,
24835:29, 24835:32,
24835:34, 24835:45,
24836:3, 24836:32,
24849:37, 24850:22,
24850:27, 24850:39,
24875:14
drama [1] - 24806:36
drawing [1] -
24868:38
dream [2] - 24828:4,
24849:24
dressed [1] -
24851:34
dressings [1] -
24860:36
drink [1] - 24829:38
drinking [1] -
24829:36
driven [1] - 24850:28
driving [1] - 24876:8
drove [1] - 24798:31
drugs [1] - 24791:26
Dubuque [2] -
24792:33, 24792:34
due [1] - 24820:21
dug [1] - 24818:12
during [5] - 24792:23,
24819:12, 24846:22,
24884:9, 24884:14
dutifully [1] -
24800:24
duty [2] - 24793:24,
24824:32

E

early [3] - 24803:22,
24810:41, 24836:14
earth [1] - 24792:11
easier [3] - 24824:12,
24847:3

East [1] - 24801:47
eastern [1] - 24827:28
easy [2] - 24869:10, 24869:20
ecclesiastical [1] - 24793:14
edition [2] - 24842:16, 24842:17
editions [1] - 24842:31
educated [2] - 24825:9, 24879:39
Education [2] - 24837:10
education [8] - 24839:21, 24851:35, 24860:27, 24863:10, 24880:2, 24881:23, 24882:41, 24883:8
educational [1] - 24792:12
educationalists [1] - 24879:47
effect [6] - 24809:18, 24820:42, 24833:12, 24833:13, 24855:10, 24878:24
effective [2] - 24802:38, 24853:43
effectively [3] - 24796:31, 24851:41, 24881:30
effectiveness [1] - 24881:15
effort [1] - 24875:38
either [3] - 24834:25, 24844:31, 24878:1
elaborate [1] - 24834:30
elderly [1] - 24866:12
element [2] - 24866:39, 24879:21
elevated [1] - 24862:28
elicited [1] - 24853:9
eliminate [3] - 24828:27, 24854:32, 24854:33
eliminating [1] - 24845:17
elimination [1] - 24846:27
Ellis [1] - 24821:4
eloquently [1] - 24825:13
elsewhere [4] - 24795:45, 24812:16, 24857:31
embarrassment [5] - 24799:12, 24799:14, 24822:10, 24822:35
embassies [1] - 24807:32
embassy [1] - 24811:21
Embassy [3] - 24793:6, 24803:27, 24804:8
emerge [4] - 24850:12, 24851:26, 24874:3, 24881:39
emerges [1] - 24879:1
emotion [3] - 24837:12, 24837:13
emotionally [3] - 24825:7, 24844:8, 24853:36
employ [1] - 24854:2
empty [1] - 24810:19
enabled [2] - 24824:1, 24824:35
enabling [2] - 24816:5, 24820:44
enacted [2] - 24818:39, 24818:42
encompassing [1] - 24822:7
encounter [2] - 24799:20, 24843:28
encountered [1] - 24823:3
end [9] - 24792:28, 24795:40, 24798:36, 24799:22, 24828:37, 24831:38, 24833:11, 24838:9, 24865:3
end-all [1] - 24831:38
endeavour [1] - 24809:25
ended [2] - 24794:23, 24798:38
enemy [1] - 24821:1
enforced [2] - 24869:12, 24871:15
enforcement [3] - 24797:42, 24797:44, 24798:3
engage [6] - 24818:28, 24818:29, 24818:45, 24818:46, 24865:25, 24868:8
engaged [2] - 24800:27, 24862:8
engagement [2] - 24838:13, 24838:17
engages [1] - 24834:37
engaging [1] - 24830:36
English [1] - 24882:13
enjoined [1] - 24823:4
enlightened [1] - 24833:3
enlightenment [1] - 24873:14
enlisted [1] - 24812:23
ensure [2] - 24822:1, 24853:20
enter [1] - 24821:1
entered [5] - 24791:28, 24800:1, 24800:4, 24800:18, 24874:17
entering [2] - 24791:38, 24875:3
entire [1] - 24837:22
entities [2] - 24814:38, 24837:16
entity [2] - 24821:37, 24822:7
envelope [2] - 24794:13, 24794:16
environment [2] - 24817:13, 24823:22
episcopal [10] - 24856:26, 24856:32, 24856:39, 24856:44, 24857:11, 24857:30, 24857:41, 24857:45, 24858:8, 24864:12
equal [2] - 24832:34, 24833:32
equivalent [1] - 24800:39
err [1] - 24795:5
especially [2] - 24813:5, 24835:40
esprit [1] - 24871:45
essence [2] - 24827:26, 24834:19
essential [2] - 24846:2, 24846:8
essentially [3] - 24795:34, 24828:37, 24832:6
establish [2] - 24840:8, 24871:17
established [1] - 24816:29
esteem [1] - 24822:10
et [6] - 24821:43, 24832:24, 24847:8, 24866:14, 24876:17
eternal [1] - 24821:24
ethical [3] - 24859:20, 24859:46, 24860:39
ethically [2] - 24859:21, 24859:33
ethics [7] - 24859:25, 24859:32, 24859:42, 24860:3, 24860:6, 24860:17, 24860:31
Europe [1] - 24842:34
event [3] - 24798:47, 24809:43, 24847:18
events [2] - 24800:40, 24807:11
eventual [1] - 24847:1
eventually [5] - 24797:15, 24809:12, 24842:36, 24843:15, 24844:7
evidence [6] - 24791:2, 24828:29, 24834:29, 24854:14, 24876:7, 24883:5
exactly [9] - 24794:11, 24803:10, 24810:45, 24822:19, 24826:47, 24844:12, 24869:7, 24869:12, 24879:9
example [16] - 24794:18, 24795:3, 24797:25, 24821:3, 24827:42, 24861:46, 24869:41, 24873:9, 24873:11, 24873:15, 24875:19, 24878:2, 24879:43, 24880:35, 24881:6, 24883:16
examples [1] - 24860:32
except [2] - 24798:1, 24879:3
exchanged [1] - 24812:36
exclusively [1] - 24791:21
excommunicated [1] - 24800:30
excommunicated" [1] - 24823:12
excuse [4] - 24817:46, 24831:26, 24884:37, 24884:38
excused [2] - 24835:31, 24836:1
excuses [1] - 24827:40
excusing [1] - 24871:27
exercises [1] - 24883:40
exist [3] - 24854:38, 24879:39, 24880:6
existed [2] - 24808:11, 24854:38
existence [1] - 24815:42
existent [1] - 24875:4
existing [1] - 24877:27
exited [3] - 24811:21, 24811:23, 24812:18
expanding [1] - 24873:28
expect [3] - 24835:18, 24835:19, 24869:37
expected [1] - 24878:41
expense [2] - 24810:3, 24876:21
experience [14] - 24802:26, 24827:7, 24832:37, 24838:4, 24840:8, 24840:38, 24840:39, 24845:37, 24871:31, 24872:31, 24872:43, 24874:29, 24880:19, 24881:42
experienced [1] - 24843:23
experiences [3] - 24844:8, 24844:10, 24872:18
expert [1] - 24851:16
expertise [4] - 24865:27, 24865:37, 24874:32, 24881:35
experts [1] - 24817:36
explain [6] - 24807:20, 24827:35, 24831:18, 24841:8, 24855:17, 24856:35
explained [1] - 24800:17
explaining [1] - 24822:39
explains [2] - 24821:17, 24830:7
explanation [1] - 24816:16
explanations [1] - 24834:13
exploitative [1] - 24840:4
exposed [2] - 24802:5, 24875:21
expression [1] - 24842:7
extend [1] - 24829:18
extent [5] - 24824:43, 24840:41, 24840:47, 24841:17, 24874:12
external [2] - 24821:9, 24883:39
extra [2] - 24828:19, 24866:38
extradition [1] -

24807:3
extraordinary [1] -
24830:20
extremely [1] -
24845:41
eyebrows [1] -
24813:27
eyes [3] - 24825:20,
24832:35, 24833:33

F

fabric [3] - 24861:35,
24868:28, 24868:30
face [8] - 24810:18,
24815:7, 24843:27,
24866:5, 24867:22,
24874:39, 24875:30
face-to-face [1] -
24843:27
faced [4] - 24843:46,
24851:3, 24860:42,
24875:42
facilitating [1] -
24837:20
facility [1] - 24801:24
facing [1] - 24842:40
fact [23] - 24795:23,
24798:23, 24798:37,
24801:31, 24804:23,
24822:28, 24822:31,
24826:29, 24826:36,
24828:3, 24828:16,
24830:27, 24830:41,
24830:47, 24850:2,
24854:4, 24864:37,
24871:4, 24872:22,
24873:31, 24873:39,
24876:6, 24883:41
factor [6] - 24803:22,
24824:42, 24830:30,
24850:29, 24855:14,
24859:6
factors [13] -
24794:36, 24820:26,
24821:6, 24822:23,
24823:30, 24823:32,
24851:6, 24851:12,
24852:13, 24854:37,
24856:16, 24858:46
faculties [8] -
24801:34, 24801:36,
24845:18, 24847:28,
24863:11, 24863:17,
24863:26, 24863:31
failure [3] - 24802:8,
24813:3, 24830:32
fair [5] - 24857:39,
24862:26, 24862:27,
24862:29

fairly [4] - 24798:34,
24807:13, 24826:31,
24856:9
faith [2] - 24839:38,
24870:7
fall [3] - 24833:24,
24840:2, 24851:16
falling [1] - 24875:4
falls [1] - 24828:4
familiar [2] - 24806:7,
24828:41
families [13] -
24791:22, 24791:25,
24800:3, 24800:5,
24800:15, 24800:18,
24800:26, 24807:18,
24810:9, 24811:13,
24812:47, 24813:5,
24838:44
family [14] - 24791:39,
24791:44, 24791:45,
24798:31, 24798:32,
24800:6, 24800:33,
24806:45, 24810:17,
24834:18, 24838:26,
24838:27, 24846:7,
24846:11
far [6] - 24794:36,
24818:13, 24823:15,
24846:5, 24859:36,
24868:39
Farrer [1] - 24790:24
fashion [1] - 24811:27
father [4] - 24791:42,
24799:38, 24802:30,
24826:7
Father [12] - 24799:47,
24801:21, 24803:19,
24803:25, 24803:32,
24804:15, 24804:20,
24806:43, 24807:20,
24809:17, 24885:2
fathers [1] - 24831:31
Faulkner [3] -
24854:47, 24855:22,
24856:43
fault [1] - 24824:19
faults [1] - 24871:27
favour [2] - 24809:25,
24833:25
Fawkner [1] -
24884:22
fear [4] - 24815:11,
24815:14, 24821:27,
24880:44
feature [1] - 24878:13
FEBRUARY [1] -
24885:11
February [3] -
24790:27, 24803:4,

24805:31
feed [2] - 24806:38,
24869:26
feedback [2] -
24872:33, 24872:37
Fellow [1] - 24841:38
fellow [1] - 24805:22
felt [3] - 24811:8,
24824:2, 24845:40
female [1] - 24873:47
fervent [1] - 24838:26
few [9] - 24794:37,
24798:2, 24802:33,
24815:28, 24827:13,
24830:27, 24856:14,
24873:21, 24875:32
field [2] - 24833:33,
24842:32
figure [3] - 24805:45,
24813:14, 24825:21
figured [1] - 24811:33
figures [12] - 24848:4,
24848:6, 24848:13,
24848:15, 24852:10,
24852:11, 24855:39,
24861:25, 24866:11,
24868:14, 24872:29,
24873:5
Fiji [1] - 24843:7
file [5] - 24796:47,
24800:24, 24800:41,
24803:12, 24806:43
files [5] - 24797:2,
24797:6, 24797:8,
24797:13, 24797:16
Filipino [1] - 24880:36
Filipinos [1] -
24866:14
fill [1] - 24874:32
filled [1] - 24870:43
final [3] - 24792:18,
24792:25, 24882:47
finally [4] - 24799:38,
24838:29, 24841:2,
24883:45
financial [5] -
24846:29, 24858:14,
24865:34, 24865:36,
24865:37
financially [1] -
24802:14
fine [8] - 24798:1,
24798:2, 24798:31,
24859:24, 24867:33,
24867:36, 24875:20,
24878:30
finger [1] - 24873:37
fingertips [1] -
24880:2
finish [1] - 24796:7

finished [5] -
24795:36, 24809:23,
24842:29, 24844:43,
24863:21
finishing [1] - 24885:4
fire [2] - 24815:5,
24816:22
first [39] - 24796:10,
24797:29, 24797:32,
24797:33, 24797:34,
24797:40, 24798:28,
24799:20, 24799:32,
24800:7, 24802:14,
24806:9, 24810:25,
24814:7, 24816:10,
24816:11, 24816:46,
24818:19, 24818:38,
24821:7, 24821:28,
24831:46, 24832:45,
24834:35, 24837:22,
24837:42, 24840:11,
24840:19, 24843:27,
24849:20, 24851:13,
24856:42, 24858:20,
24859:9, 24861:45,
24869:18, 24876:36,
24879:38, 24885:5
FITZGERALD [6] -
24872:8, 24872:17,
24872:43, 24873:2,
24873:26, 24875:47
Fitzgerald [2] -
24790:36, 24875:2
five [10] - 24799:35,
24804:19, 24806:44,
24846:1, 24856:10,
24876:20, 24879:45,
24879:46, 24884:4
flat [2] - 24814:22,
24828:4
flatten [2] - 24858:7,
24858:14
flew [2] - 24803:29,
24805:36
flick [1] - 24862:17
floating [1] - 24805:26
floor [1] - 24797:1
Florida [1] - 24825:28
flowers [1] - 24862:10
flows [1] - 24850:42
focus [2] - 24816:36,
24859:31
focused [1] -
24814:19
follow [7] - 24865:5,
24869:13, 24869:31,
24869:32, 24869:33,
24871:2
follow-through [1] -
24869:31

follow-up [3] -
24865:5, 24869:13,
24871:2
followed [1] -
24869:12
following [1] -
24869:15
fondling [1] -
24860:38
forbidden [1] -
24819:4
Force [1] - 24812:24
force [5] - 24825:30,
24829:5, 24834:38,
24871:14, 24876:34
forced [2] - 24819:43,
24819:44
forces [2] - 24871:44
foreign [1] - 24866:31
foremost [1] - 24818:5
forget [2] - 24806:43,
24810:1
form [8] - 24795:44,
24823:43, 24828:2,
24834:37, 24859:36,
24871:3, 24877:28,
24883:24
formal [2] - 24845:39,
24882:10
formally [2] -
24847:26, 24870:16
format [1] - 24809:14
formation [19] -
24792:23, 24825:6,
24825:24, 24841:4,
24841:5, 24841:9,
24841:13, 24841:14,
24841:44, 24849:17,
24849:28, 24849:29,
24853:27, 24864:10,
24874:46, 24875:42
former [3] - 24798:20,
24800:30, 24827:30
forming [1] - 24866:14
forth [1] - 24829:5
forward [19] -
24795:24, 24802:4,
24807:22, 24822:45,
24823:4, 24823:11,
24830:21, 24830:40,
24832:40, 24835:41,
24845:45, 24853:19,
24853:28, 24861:42,
24863:38, 24867:23,
24869:8, 24876:47
forward-looking [1] -
24867:23
foundation [1] -
24821:28
foundational [1] -

24817:6
foundations [1] -
24872:34
founded [1] -
24801:22
founding [1] -
24821:12
four [8] - 24805:32,
24813:26, 24816:26,
24845:47, 24846:40,
24847:11, 24856:9,
24881:42
fourth [1] - 24842:7
fragile [2] - 24850:46,
24873:45
frame [2] - 24868:5,
24885:4
framework [2] -
24870:35, 24872:11
FRANCIS [1] -
24836:24
Francis [3] -
24841:33, 24868:44,
24868:46
Frank [2] - 24869:24,
24877:7
fraught [3] - 24840:42,
24869:6, 24872:40
free [2] - 24809:23,
24838:19
Free [1] - 24790:43
free-of-charge [1] -
24838:19
free-will [1] -
24809:23
freedom [1] -
24817:33
freezing [1] -
24803:29
friend [1] - 24809:9
Friends [1] - 24840:9
friends [3] - 24799:40,
24809:9, 24813:6
frigidity [1] - 24828:9
frizzle [1] - 24883:37
front [3] - 24800:47,
24824:36, 24873:5
frustration [1] -
24815:15
full [13] - 24791:8,
24791:12, 24791:14,
24801:29, 24813:25,
24827:32, 24834:36,
24836:33, 24839:3,
24841:31, 24864:40,
24870:23, 24870:43
fully [2] - 24799:43,
24825:27
functioned [1] -
24802:44

functions [1] -
24825:26
funds [1] - 24867:17
funny [1] - 24851:34
Furness [6] -
24790:42, 24842:19,
24843:31, 24848:22,
24863:19, 24884:29
FURNESS [247] -
24791:1, 24791:6,
24791:8, 24791:12,
24791:16, 24791:28,
24791:33, 24791:38,
24791:47, 24792:16,
24792:20, 24792:30,
24792:37, 24792:41,
24792:46, 24793:5,
24793:11, 24793:21,
24793:30, 24794:6,
24794:26, 24794:41,
24795:8, 24795:19,
24795:29, 24795:43,
24796:5, 24796:19,
24796:30, 24796:36,
24796:41, 24796:45,
24797:8, 24797:13,
24797:19, 24797:29,
24797:37, 24798:40,
24798:44, 24799:8,
24799:17, 24800:10,
24801:13, 24801:34,
24801:39, 24801:43,
24802:13, 24802:18,
24802:23, 24802:40,
24803:6, 24803:14,
24804:5, 24804:32,
24805:1, 24805:22,
24805:40, 24806:1,
24806:5, 24806:14,
24806:20, 24807:10,
24807:28, 24807:38,
24808:4, 24808:25,
24808:30, 24808:34,
24809:6, 24809:30,
24810:8, 24810:40,
24811:3, 24811:12,
24811:23, 24811:29,
24811:36, 24811:46,
24812:4, 24812:12,
24812:18, 24812:26,
24812:40, 24813:18,
24813:32, 24813:37,
24813:41, 24813:46,
24814:5, 24814:12,
24814:25, 24814:43,
24815:18, 24815:23,
24816:7, 24816:18,
24816:29, 24816:43,
24817:27, 24817:40,
24819:39, 24820:8,
24820:25, 24820:32,
24822:15, 24822:27,
24823:21, 24823:29,
24824:39, 24826:15,
24826:22, 24831:16,
24832:37, 24835:23,
24835:31, 24836:3,
24836:8, 24836:12,
24836:21, 24836:30,
24836:32, 24836:37,
24836:47, 24837:4,
24837:15, 24837:37,
24837:41, 24837:47,
24838:7, 24838:13,
24838:24, 24838:33,
24838:38, 24838:47,
24839:7, 24839:12,
24839:17, 24839:26,
24839:31, 24839:35,
24839:47, 24840:13,
24840:19, 24840:24,
24840:28, 24840:38,
24841:8, 24841:17,
24841:24, 24841:28,
24841:35, 24841:41,
24842:3, 24842:10,
24842:14, 24842:23,
24842:46, 24843:4,
24843:9, 24843:21,
24844:10, 24844:18,
24844:27, 24844:37,
24844:41, 24844:46,
24845:6, 24845:12,
24845:21, 24845:26,
24845:34, 24845:44,
24846:11, 24846:16,
24846:21, 24846:32,
24847:18, 24847:28,
24847:32, 24847:38,
24847:42, 24848:6,
24848:12, 24848:28,
24849:37, 24849:42,
24850:2, 24850:7,
24850:18, 24850:27,
24850:34, 24851:5,
24851:12, 24851:19,
24851:41, 24852:5,
24852:21, 24852:25,
24853:19, 24853:26,
24854:24, 24854:37,
24856:18, 24857:15,
24857:20, 24857:25,
24857:33, 24858:27,
24858:33, 24858:44,
24860:2, 24860:44,
24861:12, 24861:18,
24861:41, 24862:45,
24863:21, 24863:28,
24863:35, 24864:25,
24864:31, 24864:43,
24865:1, 24865:8,
24865:14, 24865:24,
24865:31, 24865:41,
24865:46, 24866:42,
24867:1, 24867:8,
24867:14, 24867:35,
24867:43, 24879:24,
24879:34, 24880:11,
24880:27, 24880:32,
24880:41, 24882:17,
24882:26, 24882:30,
24884:31, 24884:35,
24884:47
future [4] - 24814:20,
24832:1, 24839:41,
24868:7

G

Gail [1] - 24790:42
gaol [9] - 24801:1,
24801:32, 24802:2,
24802:3, 24802:7,
24802:14, 24824:37,
24844:43, 24863:30
gaoled [1] - 24801:43
garb [1] - 24825:26
garments [1] -
24875:25
gather [1] - 24884:41
gathering [1] -
24818:25
gay [1] - 24853:5
general [4] -
24796:16, 24802:36,
24829:4, 24865:5
General [6] -
24800:16, 24800:25,
24800:35, 24804:36,
24808:20, 24846:38
generally [5] -
24794:46, 24796:12,
24797:15, 24828:6,
24882:5
generate [1] -
24873:42
generates [1] -
24866:25
genre [1] - 24830:9
gentle [2] - 24811:26,
24847:15
gentleman [1] -
24818:3
gentlemen [3] -
24818:4, 24826:36,
24833:43
genuine [1] -
24875:38
Geoff [1] - 24837:19
Germany [1] -
24810:44

Gerry [1] - 24885:2
girl [1] - 24826:2
girls [4] - 24820:40,
24830:37, 24880:32,
24880:37
Giuliani [1] - 24829:1
given [18] - 24794:12,
24794:27, 24802:46,
24805:6, 24812:7,
24826:39, 24828:6,
24833:25, 24856:25,
24856:38, 24861:45,
24870:4, 24877:23,
24880:3, 24880:12,
24880:42, 24881:16,
24883:6
glad [1] - 24835:36
goal [1] - 24814:47
God [18] - 24821:10,
24824:14, 24824:21,
24824:23, 24824:24,
24831:30, 24831:33,
24831:37, 24832:30,
24832:35, 24833:18,
24833:33, 24837:31,
24837:45, 24852:23,
24872:44
God's [1] - 24825:20
Goodman [1] -
24817:23
gospel [2] - 24842:7,
24849:22
Gotay [3] - 24799:47,
24803:35, 24803:43
gothic [1] - 24876:24
governance [4] -
24850:30, 24850:35,
24860:45, 24870:5
governed [1] -
24870:33
governing [1] -
24832:8
government [1] -
24867:6
governmental [1] -
24831:42
Governor [1] -
24790:23
governs [2] -
24878:23, 24878:25
grace [1] - 24841:12
Graduate [1] -
24837:7
Graeco [1] - 24818:34
Graeco-Roman [1] -
24818:34
grand [1] - 24809:20
granted [2] -
24849:18, 24849:33
graphic [1] - 24805:17

grass [1] - 24860:36
grateful [1] - 24835:39
gratitude [1] - 24835:37
grave [1] - 24869:45
grave-digger [1] - 24869:45
Gray [2] - 24835:25, 24882:33
GRAY [13] - 24835:27, 24882:35, 24882:37, 24882:45, 24883:5, 24883:12, 24883:23, 24883:28, 24883:45, 24884:4, 24884:8, 24884:14, 24884:27
great [5] - 24791:25, 24821:46, 24829:38, 24843:12, 24875:15
greater [2] - 24874:47, 24879:6
greatest [1] - 24852:18
greatly [1] - 24880:4
Greek [1] - 24818:41
grew [1] - 24859:16
groom [1] - 24824:4
grooming [1] - 24824:12
ground [4] - 24821:2, 24866:27, 24870:28, 24881:14
grounded [1] - 24823:39
grounding [1] - 24825:5
group [15] - 24825:9, 24832:30, 24836:40, 24838:30, 24840:33, 24848:19, 24855:19, 24855:43, 24856:6, 24856:7, 24860:9, 24860:13, 24860:14, 24871:37, 24879:4
groups [6] - 24811:16, 24837:26, 24838:20, 24862:3, 24873:33
grow [1] - 24835:19
growing [1] - 24873:33
gruesome [1] - 24819:25
guarantees [1] - 24831:47
guess [4] - 24809:24, 24810:6, 24812:35, 24830:11
guide [1] - 24869:41
guidelines [2] - 24795:34
guilt [3] - 24810:36, 24815:9, 24829:31
guilty [1] - 24834:6
guy [9] - 24795:1, 24803:26, 24803:35, 24804:3, 24805:18, 24806:27, 24806:31, 24830:33, 24854:15
guys [1] - 24825:32

H

half [2] - 24814:1, 24816:11
handled [1] - 24793:27
handling [2] - 24801:5, 24801:14
hands [3] - 24833:31, 24861:37, 24879:40
happy [1] - 24831:20
hard [6] - 24825:1, 24843:29, 24845:1, 24845:41, 24848:3, 24865:22
hardly [1] - 24814:39
harmd [1] - 24815:8
Harrisburg [3] - 24798:13, 24798:23, 24798:24
harsh [1] - 24819:21
hate [1] - 24832:4
hats [1] - 24876:35
head [2] - 24799:38, 24843:4
heads [2] - 24819:23, 24876:35
heady [1] - 24858:20
Healing [6] - 24822:38, 24844:32, 24846:2, 24846:3, 24854:5, 24861:47
health [6] - 24801:24, 24836:43, 24838:18, 24840:35, 24860:28, 24862:14
healthy [2] - 24791:43, 24830:6
hear [7] - 24814:9, 24830:13, 24831:21, 24833:14, 24842:27, 24859:16, 24874:42
heard [11] - 24805:27, 24807:18, 24808:10, 24825:13, 24829:47, 24835:16, 24835:38, 24842:20, 24860:26, 24874:28, 24883:13
Hearing [1] - 24790:19
hearing [3] - 24840:15, 24876:2, 24883:1
hearings [1] - 24871:13
hears [1] - 24832:22
heart [1] - 24798:9
heat [1] - 24812:7
heavy [1] - 24824:32
heavy-duty [1] - 24824:32
held [2] - 24823:45, 24848:43
Helen [1] - 24790:37
help [18] - 24795:44, 24801:20, 24817:35, 24827:14, 24829:6, 24834:6, 24837:32, 24840:46, 24851:12, 24853:39, 24857:28, 24858:41, 24864:3, 24865:46, 24868:5, 24870:12, 24883:18, 24883:38
helped [2] - 24812:37, 24840:8
helpful [2] - 24816:1, 24848:36
helping [2] - 24811:7, 24833:42
hence [1] - 24821:31
heresy [1] - 24831:28
hidden [1] - 24831:26
hiding [1] - 24803:36
hierarchical [2] - 24821:13, 24850:43
hierarchy [1] - 24799:14
high [5] - 24809:45, 24833:47, 24848:1, 24872:22, 24881:16
high-quality [1] - 24881:16
high-ranking [1] - 24809:45
higher [7] - 24795:16, 24824:4, 24824:9, 24825:16, 24828:9, 24828:10, 24856:13
highest [1] - 24852:19
himself [4] - 24821:10, 24829:1, 24853:3, 24855:6
hired [1] - 24803:23
historic [1] - 24832:47
historical [1] - 24828:29
historically [1] - 24828:24
history [7] - 24816:25, 24817:43, 24819:12, 24821:19, 24854:46, 24856:42, 24879:20
Hobart [1] - 24882:26
hold [3] - 24804:38, 24811:42, 24821:18
hole [2] - 24814:34, 24818:12
holes [2] - 24813:2, 24833:37
Holland [2] - 24807:3, 24807:4
holy [1] - 24821:32
Holy [8] - 24805:4, 24813:9, 24815:1, 24815:35, 24816:34, 24831:12, 24846:39, 24846:41
home [6] - 24799:40, 24803:39, 24824:37, 24842:38, 24844:35, 24874:1
homes [1] - 24818:25
homesick [1] - 24881:9
homosexual [2] - 24835:3, 24852:45
homosexuality [1] - 24794:3
honest [2] - 24799:3, 24813:23
Honour [8] - 24791:1, 24826:15, 24835:27, 24836:12, 24836:21, 24882:31, 24884:31, 24884:47
honour [1] - 24824:8
honourable [1] - 24792:3
honoured [1] - 24832:45
hook [1] - 24804:3
hope [1] - 24817:1
hopefully [3] - 24833:12, 24879:20, 24884:43
Hopkins [1] - 24804:1
horizontal [1] - 24858:10
hot [1] - 24864:35
hour [1] - 24816:11
hours [1] - 24804:16
house [6] - 24801:47, 24802:10, 24812:10, 24827:18, 24834:17, 24848:20
House [1] - 24800:1
houses [1] - 24876:27
Houston [1] - 24802:10
huge [3] - 24797:1, 24807:23, 24818:8
human [13] - 24825:41, 24825:47, 24828:7, 24829:10, 24834:40, 24835:1, 24835:6, 24835:10, 24849:28, 24851:33, 24852:47, 24860:27, 24877:3
humour [1] - 24807:7
humorous [1] - 24807:5
hundreds [1] - 24814:30
hurt [5] - 24823:7, 24823:8, 24824:30, 24824:31
husbands [1] - 24810:34
hypocritical [1] - 24827:1

I

idea [7] - 24816:11, 24824:6, 24829:2, 24834:36, 24848:16, 24863:3, 24873:8
identification [1] - 24871:35
identified [1] - 24871:13
identify [3] - 24840:6, 24871:39, 24872:5
ignored [2] - 24827:17, 24827:18
Il [7] - 24793:45, 24858:5, 24858:8, 24858:12, 24858:19, 24858:28, 24858:40
illicit [2] - 24818:29, 24819:4
image [2] - 24822:23, 24823:14
imagine [3] - 24848:3, 24852:29, 24878:1
immediate [1] - 24870:45
immediately [3] - 24840:5, 24847:35
immersing [1] - 24859:9
impact [1] - 24872:2
implement [1] - 24855:33
implemented [2] - 24871:10, 24882:40
implementing [1] - 24869:14
implies [1] - 24871:16

importance [4] - 24822:8, 24823:45, 24832:28, 24833:29
important [17] - 24794:39, 24803:27, 24806:14, 24815:2, 24822:46, 24823:15, 24823:17, 24823:39, 24823:46, 24832:15, 24832:33, 24834:9, 24834:19, 24835:43, 24846:3, 24846:5, 24884:41
imposed [1] - 24819:20
impotence [2] - 24864:6, 24864:22
impressed [1] - 24792:10
impression [1] - 24867:41
imprisoning [1] - 24819:21
improved [1] - 24880:4
improvements [1] - 24873:3
in-house [1] - 24812:10
inability [4] - 24834:29, 24834:31, 24834:44, 24834:47
inadequate [3] - 24852:33, 24852:34, 24865:19
inappropriate [1] - 24800:19
incidence [2] - 24878:26, 24879:13
incidents [1] - 24822:16
inclined [1] - 24856:19
include [1] - 24859:31
included [3] - 24820:22, 24840:34, 24855:5
including [10] - 24813:26, 24815:27, 24818:44, 24819:3, 24822:22, 24823:11, 24831:31, 24831:32, 24872:44, 24884:40
inconsistency [1] - 24819:47
increase [1] - 24879:13
increasing [1] - 24873:31
incredible [1] - 24830:8
inculcate [1] - 24863:41
incurability [1] - 24809:18
indeed [6] - 24807:39, 24848:28, 24853:24, 24856:22, 24868:32, 24872:19
indefinitely [1] - 24881:31
indicate [2] - 24870:44, 24884:47
indicated [2] - 24794:7, 24876:2
indicates [1] - 24852:12
indicating [2] - 24819:31, 24871:2
indicators [1] - 24873:19
indirect [2] - 24879:1, 24879:2
individual [7] - 24794:24, 24808:41, 24825:25, 24826:3, 24851:42, 24863:36, 24876:26
individually [1] - 24811:16
individuals [3] - 24825:46, 24851:43, 24863:39
induce [1] - 24829:12
infant [1] - 24818:24
infected [1] - 24823:41
influence [1] - 24817:6
inform [5] - 24803:7, 24803:8, 24803:10, 24804:27, 24840:46
informal [1] - 24882:11
information [12] - 24798:25, 24799:1, 24801:17, 24804:17, 24805:27, 24806:32, 24806:38, 24813:29, 24815:26, 24816:23, 24827:12, 24833:14
informed [5] - 24793:16, 24798:36, 24801:6, 24804:35, 24840:39
inhibited [1] - 24884:15
inhuman [1] - 24874:37
innocence [1] - 24862:38
innocent [1] - 24823:18
inside [4] - 24827:7, 24829:41, 24838:4, 24860:24
insights [1] - 24854:20
insights [1] - 24872:27
insisted [1] - 24858:8
insisting [1] - 24858:36
instance [3] - 24797:42, 24798:11, 24871:14
instances [6] - 24807:18, 24820:47, 24821:3, 24827:20, 24829:43, 24830:29
instead [1] - 24878:43
Institute [5] - 24801:23, 24839:20, 24841:3, 24841:6, 24876:45
institute [1] - 24883:38
institution [8] - 24799:12, 24813:15, 24822:16, 24831:4, 24832:8, 24832:25, 24833:19, 24839:24
INSTITUTIONAL [1] - 24790:14
institutional [19] - 24791:19, 24799:15, 24819:44, 24820:45, 24821:8, 24821:36, 24822:24, 24822:28, 24824:10, 24827:24, 24829:19, 24832:27, 24832:40, 24850:29, 24851:1, 24851:3, 24851:7, 24852:35, 24878:22
institutions [4] - 24879:38, 24880:6, 24880:7, 24880:45
instructions [2] - 24801:13, 24801:16
insufficient [3] - 24849:26, 24849:28, 24849:29
insulation [1] - 24872:24
insulting [1] - 24825:22
insurance [2] - 24809:15, 24832:25
integrated [1] - 24852:47
integration [1] - 24843:14
integrated [1] - 24876:17
integrity [3] - 24826:44, 24828:32, 24829:18
Integrity [2] - 24854:7, 24871:8
intellectual [4] - 24841:13, 24849:28, 24864:10, 24876:28
intellectually [1] - 24840:29
intent [1] - 24799:43
interact [2] - 24853:22, 24880:14
interaction [6] - 24852:32, 24879:25, 24880:12, 24880:22, 24880:27, 24881:4
Interdisciplinary [1] - 24837:9
interest [6] - 24807:47, 24839:44, 24852:9, 24870:2, 24870:6, 24877:9
interested [4] - 24792:13, 24792:14, 24807:44, 24811:7
interesting [4] - 24822:37, 24854:41, 24859:6, 24863:46
interests [1] - 24812:16
interfere [1] - 24870:6
internal [1] - 24852:1
internally [1] - 24835:7
international [1] - 24840:33
internationally [2] - 24795:43, 24873:29
internet [1] - 24882:12
intersect [1] - 24879:34
intersection [1] - 24881:29
interview [1] - 24793:18
interviewed [1] - 24801:27
intimacy [2] - 24825:14
intimate [1] - 24858:18
intimidated [1] - 24824:29
INTO [1] - 24790:14
intrinsically [1] - 24835:4
introspective [1] - 24793:26, 24795:33
investigated [2] - 24794:33, 24795:38, 24795:44, 24795:47, 24796:19, 24798:28, 24805:5, 24806:10, 24822:20, 24849:27
investigation [10] - 24793:30
investigations [1] - 24793:30
invited [1] - 24837:19
involve [2] - 24803:15, 24820:39
involved [19] - 24797:41, 24798:11, 24799:23, 24800:5, 24800:42, 24802:27, 24802:28, 24805:8, 24807:10, 24826:40, 24830:33, 24834:35, 24837:21, 24841:3, 24850:14, 24862:46, 24871:18, 24878:3, 24882:19
involvement [3] - 24799:17, 24799:21, 24877:30
involves [1] - 24859:43
involving [1] - 24800:45
Iowa [2] - 24792:33, 24792:34
Irish [1] - 24820:17
ironically [1] - 24840:44
Island [1] - 24798:20
isolated [2] - 24819:8, 24831:11
isolation [1] - 24856:15
Israel [1] - 24842:33
issue [30] - 24797:40, 24799:18, 24802:27, 24812:7, 24813:3, 24814:27, 24814:28, 24818:1, 24818:17, 24820:25, 24828:16, 24828:25, 24828:32, 24831:13, 24833:16, 24837:22, 24839:44, 24854:24, 24858:46, 24859:27, 24859:43, 24863:36, 24866:3, 24869:2, 24869:5, 24869:30, 24873:38, 24873:42, 24876:11
issued [1] - 24814:35
issues [29] -

24794:33, 24801:25,
24814:16, 24817:11,
24817:12, 24818:44,
24820:41, 24821:25,
24824:41, 24827:43,
24828:22, 24836:44,
24842:40, 24844:24,
24844:28, 24851:2,
24851:3, 24851:26,
24856:47, 24859:46,
24867:22, 24874:38,
24874:44, 24874:47,
24877:3, 24880:1
it" [1] - 24878:44
Italy [1] - 24862:25
itself [1] - 24813:6,
24819:21, 24821:22,
24822:12, 24841:5,
24841:15, 24852:10,
24865:38, 24871:12,
24878:23, 24878:25

J

JAMES [2] - 24836:24,
24836:26
James [2] - 24839:5,
24841:33
Janis [2] - 24816:40,
24817:16
January [3] -
24803:23, 24803:29,
24805:27
Jay [2] - 24816:40,
24817:38
Jennifer [1] -
24790:34
Jerusalem [1] -
24851:17
Jesus [2] - 24821:11,
24821:19
job [1] - 24793:18,
24793:21, 24793:23,
24803:10, 24815:35,
24843:10, 24845:28,
24862:10, 24874:26,
24874:35, 24878:31
Johannine [1] -
24842:30
John [10] - 24793:45,
24796:14, 24797:3,
24816:40, 24817:38,
24821:4, 24837:31,
24837:45, 24852:23,
24872:44
Johns [1] - 24804:1
joined [4] - 24838:28,
24841:43, 24850:15,
24851:32
joining [2] - 24792:47,

24835:32
Joplin [2] - 24816:40,
24817:16
journal [1] - 24875:34
journeyed [1] -
24847:12
judge [2] - 24793:14,
24869:45
judged [1] - 24870:35
judges [1] - 24824:35
judgments [2] -
24871:23, 24871:24
Julian [1] - 24882:24
June [1] - 24807:22
jurisdiction [1] -
24820:10
jury [1] - 24803:40
justice [2] - 24817:38,
24848:18
Justice [5] - 24790:33,
24790:34, 24822:38,
24854:5, 24861:47
justification [2] -
24828:6, 24832:7
justifies [2] -
24823:18, 24832:3

K

kanon [1] - 24818:41
KATHLEEN [1] -
24836:28
Kathleen [1] -
24836:35
Keenan [3] -
24850:16, 24850:27,
24852:36
Keenan's [1] -
24849:37
keep [14] - 24803:12,
24804:41, 24822:3,
24822:33, 24822:34,
24823:9, 24830:42,
24831:13, 24833:20,
24843:18, 24858:27,
24858:36, 24862:15,
24863:13
keeping [1] - 24801:6
kept [3] - 24818:11,
24827:21, 24831:26
key [3] - 24793:46,
24814:16, 24814:27
keys [1] - 24821:18
kicked [1] - 24863:32
kid [2] - 24817:17,
24881:7
kid's [1] - 24881:8
kids [4] - 24803:38,
24817:22, 24880:4,
24880:20

Kieran [1] - 24818:16
Kilda [1] - 24884:21
kilter [1] - 24807:35
kind [5] - 24807:34,
24808:39, 24815:36,
24825:26, 24833:30
kinds [4] - 24809:19,
24815:4, 24834:1
kingdom [1] -
24821:18
kitchen [1] - 24799:33
know" [1] - 24860:21
knowledge [5] -
24800:37, 24801:37,
24802:9, 24832:37,
24867:14
known [16] -
24794:42, 24796:17,
24798:30, 24811:20,
24819:13, 24819:31,
24822:5, 24822:34,
24823:5, 24826:31,
24827:21, 24830:27,
24831:3, 24840:9,
24844:14, 24849:44
Krol [1] - 24805:35

L

lace [1] - 24876:36
lack [7] - 24829:12,
24829:17, 24830:21,
24833:37, 24834:47,
24874:30
lady [1] - 24825:29
Lafayette [1] -
24799:24
laicisation [1] -
24846:33
laicised [3] -
24798:20, 24801:37,
24816:25
lapel [1] - 24842:23
large [7] - 24808:30,
24808:32, 24869:2,
24872:9, 24872:29,
24875:39, 24879:29
largely [2] - 24845:37,
24850:38
larger [1] - 24853:13
last [6] - 24803:32,
24806:43, 24854:15,
24854:20, 24861:29,
24873:21
late [6] - 24810:41,
24818:22, 24819:14,
24819:33, 24858:6,
24876:12
latent [1] - 24850:13
latently [1] - 24851:24

latest [1] - 24820:13
Latin [4] - 24826:31,
24875:25, 24876:36,
24882:19
laundry [1] - 24812:9
law [25] - 24792:39,
24792:47, 24793:1,
24795:29, 24795:32,
24797:42, 24797:44,
24798:3, 24806:11,
24809:15, 24809:16,
24815:44, 24818:11,
24818:40, 24818:45,
24820:10, 24820:16,
24821:13, 24828:36,
24857:34
Law [3] - 24809:11,
24857:25, 24857:33
lawmaker [1] -
24858:25
laws [3] - 24816:34,
24818:39, 24872:32
lawyer [4] - 24800:29,
24806:26, 24811:43
lawyers [3] -
24804:22, 24817:35,
24823:5
lay [4] - 24855:46,
24856:19, 24857:9,
24880:12
layer [2] - 24816:12,
24828:15
laypeople [6] -
24805:8, 24814:46,
24860:26, 24879:47,
24881:44, 24882:4
layperson [2] -
24832:20, 24857:11
lead [2] - 24824:5,
24861:2
leader [2] - 24815:12,
24818:31
leaders [3] - 24817:41,
24863:37, 24866:4
leadership [10] -
24826:7, 24838:10,
24850:46, 24855:13,
24855:24, 24862:31,
24864:1, 24866:30,
24867:15, 24873:40
leading [2] -
24841:18, 24850:45
leap [1] - 24876:12
learn [5] - 24812:40,
24812:42, 24835:11,
24835:12, 24837:12
learned [3] -
24807:14, 24815:11,
24831:40
learning [2] -

24837:12, 24860:35
least [3] - 24792:6,
24805:32, 24866:21
leave [4] - 24836:3,
24838:7, 24852:34,
24862:4
lecture [1] - 24829:47
led [2] - 24868:12,
24872:29
left [5] - 24831:32,
24837:43, 24838:31,
24838:33, 24879:46
legal [3] - 24844:25,
24845:37, 24846:4
legally [2] - 24798:21,
24863:4
legislated [2] -
24820:5, 24862:18
legitimate [2] -
24868:41, 24869:18
legs [1] - 24835:18
Leonard [2] -
24854:47, 24856:43
less [11] - 24826:38,
24828:2, 24854:35,
24856:18, 24858:22,
24872:24, 24880:22,
24880:24
lesser [1] - 24880:43
letter [5] - 24798:11,
24798:19, 24800:17,
24800:22, 24800:25
letters [1] - 24801:17
letting [1] - 24834:4
Level [1] - 24790:23
level [13] - 24827:15,
24829:45, 24830:2,
24830:5, 24830:6,
24831:2, 24833:32,
24858:10, 24858:23,
24860:25, 24862:37,
24864:1
levels [3] - 24868:2,
24868:22, 24872:22
liaise [2] - 24803:11,
24803:14
liaising [4] - 24802:41,
24802:44, 24802:47,
24803:26
liberally [1] - 24878:24
licence [1] - 24872:40
licensed [3] -
24791:24, 24806:12,
24812:35
lied [1] - 24820:46
life [15] - 24810:19,
24823:38, 24828:21,
24832:1, 24832:15,
24841:18, 24847:12,
24849:33, 24851:29,

24852:34, 24856:38, 24858:18, 24861:33, 24872:1, 24872:17

lifestyles [1] - 24871:39

lightning [1] - 24821:30

likely [2] - 24854:35, 24856:18

limitations [1] - 24800:41

line [3] - 24818:42, 24880:39, 24883:36

lines [3] - 24867:23, 24877:40, 24877:42

link [4] - 24828:16, 24828:17, 24879:1, 24879:2

list [2] - 24870:25, 24870:43

listen [3] - 24810:46, 24834:18, 24862:43

listened [1] - 24817:16

listening [2] - 24811:1, 24834:4

lists [1] - 24793:36

liturgies [1] - 24875:26

live [4] - 24828:20, 24849:22, 24849:23, 24876:27

lived [2] - 24844:14, 24871:5

lives [5] - 24849:15, 24849:20, 24849:30, 24873:46, 24881:17

living [4] - 24797:47, 24802:10, 24830:28, 24839:39

loath [1] - 24846:46

local [6] - 24802:42, 24827:15, 24866:6, 24866:8, 24866:10, 24866:25

locally [2] - 24796:19, 24796:22

lock [1] - 24801:31

lock-down [1] - 24801:31

locked [1] - 24803:45

London [1] - 24814:8

loneliness [2] - 24856:15, 24873:44

lonely [1] - 24882:12

long-term [1] - 24826:40

longest [1] - 24810:46

look [29] - 24793:35, 24795:16, 24796:14, 24808:47, 24815:36, 24817:31, 24817:35, 24818:9, 24820:29, 24824:35, 24826:33, 24835:13, 24835:14, 24850:28, 24852:11, 24852:15, 24853:5, 24853:30, 24855:11, 24856:12, 24859:2, 24859:19, 24859:39, 24861:35, 24865:33, 24866:8, 24873:5, 24873:29, 24873:34

looked [5] - 24798:34, 24806:17, 24810:18, 24849:12, 24881:24

looking [12] - 24811:39, 24853:33, 24860:37, 24861:25, 24867:23, 24873:20, 24873:23, 24876:31, 24876:37, 24878:43, 24883:28

looks [1] - 24872:38

loophole [2] - 24857:29, 24857:30

loops [1] - 24872:33

loosen [1] - 24821:18

lose [1] - 24822:13

lost [1] - 24877:9

loudly [1] - 24842:27

Louisiana [5] - 24797:35, 24799:24, 24803:29, 24806:18

love [3] - 24814:29, 24851:36, 24874:34

lower [1] - 24825:15

lowered [1] - 24822:10

lowest [1] - 24854:42

Ltd [1] - 24862:1

Luke [1] - 24801:23

luncheon [2] - 24836:14, 24836:16

lurch [1] - 24879:17

lying [1] - 24816:4

M

ma'am [5] - 24793:3, 24795:10, 24795:47, 24797:11, 24806:3

Macquarie [1] - 24790:23

mad [1] - 24807:8

magazine [1] - 24801:2

magnificent [2] - 24876:23, 24878:9

mail [1] - 24797:25

main [10] - 24793:24, 24814:47, 24816:36, 24820:44, 24822:22, 24823:37, 24861:6, 24861:14, 24861:21, 24863:38

maintaining [1] - 24859:44

major [9] - 24815:11, 24817:20, 24820:4, 24842:40, 24866:17, 24871:41, 24874:35, 24875:31

majority [3] - 24813:42, 24818:43, 24820:39

make-up [1] - 24851:42

male [8] - 24830:7, 24834:37, 24846:12, 24846:14, 24852:16, 24853:12, 24855:36, 24873:47

male/female [1] - 24825:15

males [2] - 24818:30, 24819:28

mammoth [1] - 24832:47

Man [1] - 24842:30

man [25] - 24794:18, 24795:14, 24795:26, 24798:19, 24798:31, 24798:32, 24798:37, 24799:43, 24800:29, 24801:21, 24801:27, 24802:36, 24805:25, 24809:8, 24810:22, 24811:32, 24821:32, 24824:36, 24825:1, 24825:27, 24835:18, 24842:7, 24853:5, 24871:33

man's [2] - 24794:27, 24795:24

manage [2] - 24793:25, 24856:47

managed [1] - 24883:32

management [6] - 24865:20, 24868:2, 24868:3, 24868:6, 24868:40, 24875:1

managing [1] - 24836:39

mandate [1] - 24811:8

mandated [1] - 24864:9

mandatory [6] - 24820:19, 24824:42, 24825:2, 24826:23, 24826:29, 24828:38

manifest [1] - 24853:14

Manly [1] - 24876:24

manner [4] - 24802:38, 24804:43, 24828:2, 24833:3

manual [1] - 24808:46

marginally [1] - 24847:16

Marie [3] - 24849:37, 24850:16, 24852:36

marriage [3] - 24794:2, 24859:11, 24859:12

married [8] - 24798:21, 24827:28, 24827:29, 24827:47, 24828:11, 24828:26, 24832:22, 24839:41

marry [1] - 24870:15

Maryland [1] - 24803:46

mass [5] - 24866:19, 24866:21, 24866:36, 24870:14, 24876:36

massive [2] - 24813:1, 24860:25

Master [3] - 24837:7, 24837:8, 24837:9

Masters [2] - 24841:46, 24841:47

material [3] - 24796:30, 24796:34, 24884:40

mathematician [1] - 24839:29

mathematics [1] - 24839:31

matter [8] - 24804:25, 24857:25, 24860:6, 24864:31, 24867:21, 24868:5, 24869:44, 24877:10

matters [2] - 24860:3, 24865:27

mature [1] - 24877:5

maturing [1] - 24825:6

Mayor [1] - 24829:1

MBAs [1] - 24862:31

McClellan [1] - 24790:33

mean [25] - 24794:7, 24805:7, 24808:44, 24817:24, 24821:9, 24822:21, 24825:15, 24825:21, 24826:26, 24830:4, 24830:34, 24843:4, 24844:28, 24844:41, 24845:21, 24845:30, 24848:16, 24850:40, 24853:33, 24858:41, 24865:17, 24869:10, 24869:19, 24875:30, 24878:10

meaning [3] - 24817:36, 24821:8, 24842:6

means [8] - 24799:13, 24818:42, 24822:8, 24823:5, 24825:19, 24838:18, 24847:32, 24858:24

meant [2] - 24826:28, 24871:9

media [7] - 24800:42, 24800:44, 24801:10, 24808:38, 24811:41, 24819:43, 24823:5

mediations [1] - 24837:21

medical [2] - 24809:16, 24869:43

Medicare [2] - 24838:18, 24867:12

medicine [1] - 24869:43

medieval [1] - 24818:11

meet [4] - 24794:9, 24804:19, 24817:4, 24845:2

meeting [4] - 24800:23, 24804:14, 24804:15, 24818:43

meetings [4] - 24809:44, 24864:36, 24864:38

meets [1] - 24796:11

Melbourne [1] - 24874:36

member [3] - 24825:30, 24841:39, 24841:41

members [5] - 24797:24, 24812:14, 24843:37, 24853:22, 24853:26

men [27] - 24798:22, 24802:31, 24802:35, 24804:10, 24804:44, 24809:9, 24814:30, 24815:7, 24818:28, 24820:34, 24823:26, 24825:6, 24827:17, 24827:28, 24827:29, 24829:26, 24829:43, 24830:40, 24831:27, 24831:47, 24832:8,

24833:41, 24835:3, 24849:43, 24863:30, 24866:13, 24874:3
mental [2] - 24852:28, 24852:31
mentality [1] - 24830:20
mention [1] - 24832:12
mentioned [14] - 24794:45, 24805:25, 24814:39, 24816:40, 24818:4, 24828:19, 24828:45, 24833:37, 24853:31, 24859:3, 24860:4, 24863:8, 24866:3, 24875:43
Mercy [1] - 24838:29
mess [3] - 24805:10, 24843:12, 24843:32
message [1] - 24826:45
met [13] - 24792:9, 24803:30, 24810:12, 24810:17, 24810:26, 24810:43, 24811:16, 24813:29, 24814:7, 24828:1, 24839:40, 24846:4, 24851:33
mic [1] - 24842:23
MICHAEL [1] - 24791:4
Michael [8] - 24791:14, 24801:21, 24854:13, 24854:14, 24854:19, 24863:46, 24864:37, 24874:28
MICHELLE [1] - 24836:28
Michelle [6] - 24836:35, 24850:40, 24865:20, 24869:24, 24871:1, 24874:8
microphone [1] - 24840:14
mid-1980s [1] - 24819:37
mid-19th [1] - 24818:22
middle [3] - 24819:14, 24819:15
might [21] - 24802:46, 24803:16, 24815:31, 24832:38, 24832:39, 24836:13, 24839:38, 24856:24, 24857:28, 24857:29, 24858:40, 24866:12, 24869:20, 24870:11, 24873:40, 24876:1, 24879:13, 24880:36, 24883:23, 24884:47
mighty [1] - 24869:16
miles [1] - 24874:1
military [5] - 24812:20, 24812:21, 24812:22, 24827:46, 24871:43
millions [1] - 24861:15
MILROY [1] - 24834:28
Milroy [1] - 24790:37
mind [4] - 24800:26, 24804:41, 24830:43, 24833:2
mind-boggling [1] - 24833:2
minds [2] - 24831:36, 24868:6
mine [2] - 24809:9
minimise [1] - 24806:24
minister [1] - 24847:32
Ministers [1] - 24840:22
ministers [2] - 24827:31, 24854:3
Ministry [2] - 24854:7, 24871:8
ministry [14] - 24791:20, 24804:37, 24826:9, 24827:32, 24827:42, 24845:15, 24845:17, 24854:10, 24855:6, 24856:41, 24864:3, 24871:5, 24880:20
minor [3] - 24794:38, 24818:45, 24818:46
Minors [1] - 24813:33
minors [4] - 24814:20, 24814:28, 24819:13
misconducting [1] - 24816:31
mishandled [1] - 24873:16
mismanagement [1] - 24868:10
misogynous [1] - 24862:8
missed [1] - 24817:20
mission [1] - 24881:17
mistake [1] - 24849:35
misunderstanding [2] - 24831:17, 24835:10
misunderstood [1] - 24853:32
misuse [1] - 24859:27
mix [1] - 24852:39
modalities [1] - 24809:19
model [1] - 24876:5
Modern [1] - 24876:13
MOLONEY [110] - 24836:24, 24841:33, 24841:37, 24841:43, 24842:5, 24842:12, 24842:16, 24842:25, 24843:2, 24843:7, 24843:12, 24843:26, 24843:35, 24843:39, 24843:44, 24844:2, 24844:7, 24844:12, 24844:23, 24844:30, 24844:39, 24844:43, 24845:1, 24845:10, 24845:14, 24845:24, 24845:30, 24845:36, 24845:47, 24846:14, 24846:18, 24846:25, 24846:35, 24847:23, 24847:30, 24847:34, 24847:40, 24847:44, 24848:10, 24848:15, 24848:26, 24848:30, 24848:35, 24848:41, 24848:46, 24849:3, 24849:7, 24849:40, 24849:47, 24850:5, 24850:9, 24850:22, 24850:32, 24850:38, 24851:10, 24851:15, 24851:22, 24851:45, 24856:24, 24856:32, 24856:37, 24857:2, 24857:8, 24857:13, 24857:18, 24857:23, 24857:28, 24857:37, 24858:5, 24858:30, 24858:36, 24865:44, 24866:2, 24866:46, 24867:3, 24867:10, 24867:19, 24867:39, 24868:26, 24868:43, 24870:9, 24870:37, 24870:42, 24871:20, 24872:15, 24873:37, 24875:11, 24876:10, 24877:33, 24877:37, 24877:42, 24877:47, 24878:8, 24878:16, 24878:28, 24879:9, 24879:15, 24879:32, 24879:37, 24880:17, 24880:30, 24880:34, 24880:47, 24883:21, 24883:26, 24883:31, 24884:2, 24884:6, 24884:12, 24884:20
Moloney [5] - 24841:30, 24841:33, 24865:41, 24868:24, 24883:12
moment [8] - 24803:6, 24810:19, 24841:37, 24842:6, 24851:5, 24860:19, 24865:15, 24870:19
monarchy [2] - 24833:23, 24833:24
monastery [1] - 24827:16
money [6] - 24800:10, 24800:12, 24814:41, 24822:6, 24828:27, 24859:45
monks [1] - 24819:21
Monsignor [1] - 24799:42
month [1] - 24883:34
months [3] - 24798:2, 24854:15, 24854:20
moral [2] - 24818:27, 24859:15
morality [3] - 24794:1, 24859:11, 24859:13
morals [1] - 24834:42
Moran's [1] - 24876:24
morning [11] - 24791:2, 24791:10, 24803:30, 24826:18, 24838:17, 24850:23, 24850:39, 24875:14, 24880:1, 24881:3, 24884:45
mortal [3] - 24824:17, 24824:32, 24825:43
most [17] - 24792:6, 24792:22, 24796:2, 24802:34, 24815:43, 24821:32, 24828:3, 24833:16, 24846:1, 24846:8, 24846:12, 24846:45, 24852:18, 24852:33, 24862:29, 24864:45, 24881:43
mostly [1] - 24802:47
mothers [1] - 24831:31
motivation [1] - 24822:35
mountains [1] - 24822:44
mouth [1] - 24830:42
move [7] - 24808:12, 24834:44, 24835:17, 24861:8, 24865:21, 24866:35, 24869:8
moved [5] - 24799:36, 24801:46, 24839:31, 24841:2, 24861:24
moving [1] - 24873:40
multicultural [1] - 24866:26
multiple [1] - 24872:17
MULVIHILL [29] - 24836:28, 24836:35, 24836:39, 24837:2, 24837:6, 24837:18, 24837:39, 24837:45, 24838:2, 24838:9, 24838:16, 24838:26, 24838:36, 24838:41, 24860:6, 24861:1, 24861:14, 24861:21, 24861:45, 24863:19, 24863:23, 24863:30, 24867:46, 24868:10, 24869:36, 24872:31, 24872:47, 24873:5, 24882:10
Mulvihill [2] - 24836:32, 24836:35
mum [1] - 24881:10
murder [1] - 24826:12
murdered [1] - 24826:13
MURRAY [12] - 24828:31, 24828:41, 24828:47, 24829:17, 24830:11, 24869:40, 24870:32, 24870:39, 24871:12, 24878:20, 24879:6, 24879:11
Murray [1] - 24790:38
must [22] - 24808:8, 24817:14, 24821:30, 24821:47, 24822:8, 24822:9, 24823:45, 24824:18, 24825:33, 24832:5, 24832:9, 24850:43, 24865:35, 24865:36, 24866:38, 24868:35, 24869:43, 24870:22, 24870:45, 24877:18, 24877:21, 24883:33
myself [1] - 24830:17
mystique [1] - 24828:18

N

nail [1] - 24817:23
naive [1] - 24833:23

name [11] - 24791:8, 24791:12, 24791:14, 24795:24, 24803:32, 24805:43, 24806:44, 24811:42, 24836:33, 24839:3, 24841:31
named [2] - 24800:34, 24801:21
namely [3] - 24808:12, 24816:3, 24831:42
names [4] - 24793:33, 24793:35, 24793:39, 24805:17
nation [3] - 24868:28, 24868:30, 24868:32
National [4] - 24808:20, 24809:26, 24809:37, 24839:23
national [2] - 24870:20, 24870:30
nature [3] - 24800:45, 24829:10, 24830:34
nauseam [1] - 24835:16
near [1] - 24802:10
nebulous [1] - 24795:4
necessarily [1] - 24873:22
necessary [4] - 24862:13, 24865:27, 24876:18, 24882:40
need [29] - 24803:26, 24809:41, 24816:22, 24827:14, 24830:47, 24833:19, 24834:2, 24842:19, 24851:3, 24853:19, 24855:3, 24857:20, 24857:26, 24857:28, 24858:41, 24859:31, 24861:35, 24861:36, 24862:7, 24862:20, 24862:21, 24864:2, 24866:8, 24871:16, 24874:31, 24876:4, 24883:38, 24883:43
needed [7] - 24801:19, 24809:34, 24811:32, 24817:34, 24834:12, 24837:32, 24859:12
needs [8] - 24804:25, 24816:23, 24862:18, 24863:8, 24865:37, 24869:27, 24881:2, 24883:32
negative [3] - 24878:38, 24878:44, 24881:12
negligent [1] - 24815:45
Neil [5] - 24839:5, 24850:40, 24856:24, 24858:30, 24871:1
NEIL [1] - 24836:26
nephew [1] - 24798:21
network [1] - 24840:9
never [27] - 24797:4, 24797:5, 24799:1, 24800:26, 24803:30, 24803:32, 24810:33, 24810:35, 24811:39, 24813:9, 24823:10, 24825:18, 24825:21, 24825:27, 24825:34, 24826:11, 24828:1, 24830:31, 24833:24, 24835:41, 24859:35, 24864:20, 24884:22, 24884:23
nevertheless [3] - 24794:28, 24820:4, 24868:29
new [6] - 24808:47, 24809:1, 24860:26, 24876:12, 24877:26, 24882:21
New [7] - 24804:18, 24838:27, 24838:43, 24839:29, 24842:33, 24842:36, 24843:7
newly [1] - 24876:34
newspaper [1] - 24805:9
Newsweek [1] - 24801:2
next [5] - 24798:16, 24801:47, 24805:36, 24854:25, 24871:5
nice [1] - 24866:26
night [3] - 24845:2, 24880:1, 24882:12
nine [2] - 24800:3, 24800:5
no-one [1] - 24879:3
nobody [4] - 24804:44, 24816:14, 24818:29, 24822:46
non [4] - 24827:30, 24834:45, 24848:6, 24875:4
non-Catholic [1] - 24827:30
non-concrete [1] - 24834:45
non-existent [1] - 24875:4
non-ordained [1] - 24848:6
none [4] - 24798:42, 24864:14, 24869:21, 24879:46
norm [1] - 24852:12
normal [4] - 24792:11, 24834:36, 24862:39, 24881:8
norms [1] - 24816:15
not-for-profit [1] - 24836:42
note [1] - 24826:15
noted [1] - 24859:8
notes [1] - 24820:29
nothing [15] - 24810:23, 24813:16, 24816:16, 24816:21, 24821:16, 24821:19, 24830:37, 24835:23, 24857:34, 24861:23, 24864:41, 24878:21, 24882:30, 24884:31
notice [2] - 24818:8, 24818:9
noticeable [1] - 24876:1
noticed [2] - 24822:19, 24877:7
notified [1] - 24797:41
notion [3] - 24870:12, 24883:32, 24883:33
novitiate [3] - 24791:29, 24791:38, 24841:44
nowadays [2] - 24866:10, 24881:5
nuance [1] - 24830:12
number [32] - 24802:28, 24807:23, 24808:40, 24810:26, 24814:8, 24814:37, 24817:41, 24819:34, 24821:6, 24822:39, 24823:35, 24839:39, 24840:5, 24844:24, 24844:32, 24851:27, 24851:28, 24853:31, 24854:6, 24855:5, 24857:41, 24859:2, 24866:22, 24867:20, 24867:26, 24872:44, 24872:45, 24873:6, 24873:27, 24874:11, 24879:45
numbers [4] - 24847:45, 24850:35, 24873:31, 24875:3
Nunciature [6] - 24793:23, 24797:1, 24797:17, 24797:34, 24797:41, 24807:45
Nuncio [26] - 24794:32, 24796:26, 24797:24, 24797:37, 24798:27, 24798:37, 24800:17, 24800:22, 24800:36, 24801:7, 24801:18, 24802:40, 24803:8, 24803:11, 24804:9, 24804:14, 24805:3, 24805:19, 24807:33, 24807:36, 24807:39, 24809:24, 24809:33, 24811:47, 24812:14, 24868:34
Nuncio's [3] - 24793:17, 24796:24, 24807:29
nuns [2] - 24855:47, 24857:8
nursing [1] - 24852:30
nurturing [1] - 24825:5
nuts [1] - 24813:11

O

o'clock [3] - 24884:45, 24885:1, 24885:8
O'Hanlon [1] - 24885:2
obey [1] - 24849:21
obligation [1] - 24833:18
observance [1] - 24829:12
obtain [1] - 24883:18
obvious [1] - 24884:24
obviously [1] - 24814:15
occupation [2] - 24836:37, 24839:7
occur [1] - 24879:7
occurred [1] - 24874:45
occurrence [1] - 24854:34
occurring [1] - 24869:37
occurs [2] - 24853:34, 24881:27
odd [1] - 24859:35
offence [1] - 24884:24
offences [1] - 24873:6
offend [2] - 24824:24, 24851:43
offended [1] - 24860:10
offenders [3] - 24803:47, 24820:1, 24820:9
offending [1] - 24816:35
offensive [1] - 24860:11
offer [2] - 24793:18, 24832:43
offering [3] - 24809:23, 24833:47, 24838:18
Office [1] - 24806:34
office [12] - 24793:17, 24793:25, 24796:13, 24796:25, 24798:33, 24799:4, 24802:46, 24803:30, 24807:29, 24811:31, 24823:16, 24848:17
official [11] - 24794:22, 24798:6, 24809:34, 24811:8, 24816:2, 24818:18, 24821:37, 24828:11, 24831:29, 24833:46, 24873:9
officially [4] - 24801:37, 24819:36, 24827:28, 24831:33
offline [4] - 24799:26, 24799:47, 24804:28, 24804:33
often [6] - 24841:13, 24846:18, 24851:16, 24874:1, 24874:7, 24875:13
oftentimes [5] - 24802:34, 24824:4, 24824:30, 24831:20, 24831:35
old [4] - 24802:1, 24802:2, 24876:33
older [1] - 24832:32
oldest [3] - 24810:28, 24828:27, 24828:28
once [14] - 24794:13, 24796:12, 24803:33, 24823:2, 24825:19, 24846:4, 24846:41, 24849:33, 24850:13, 24851:38, 24881:8, 24883:34, 24884:22
one [95] - 24791:21, 24792:4, 24792:10, 24793:47, 24794:9, 24794:18, 24794:20, 24795:12, 24796:10, 24797:41, 24798:22, 24799:24, 24799:39, 24799:40, 24800:15, 24800:26, 24801:18,

24803:35, 24804:30, 24805:22, 24805:25, 24806:33, 24807:6, 24808:10, 24808:13, 24809:10, 24810:23, 24812:4, 24812:45, 24813:1, 24814:34, 24814:38, 24815:34, 24815:47, 24816:46, 24816:47, 24817:1, 24818:4, 24818:19, 24818:28, 24821:25, 24822:22, 24823:18, 24823:29, 24824:39, 24825:8, 24825:21, 24825:28, 24826:36, 24826:38, 24827:4, 24828:1, 24828:24, 24831:7, 24831:8, 24831:11, 24832:12, 24833:36, 24834:22, 24838:16, 24846:6, 24849:15, 24850:14, 24850:29, 24851:27, 24851:29, 24851:35, 24853:30, 24853:43, 24854:8, 24857:8, 24859:6, 24859:8, 24859:28, 24864:5, 24866:17, 24866:22, 24866:34, 24871:39, 24871:40, 24871:41, 24874:35, 24874:36, 24876:13, 24879:3, 24881:21, 24881:24, 24881:30, 24882:37, 24883:12

One [1] - 24803:38

one-on-one [3] - 24827:4, 24846:6, 24850:14

ones [14] - 24795:36, 24804:35, 24808:11, 24808:22, 24809:3, 24815:28, 24823:36, 24823:37, 24834:24, 24852:19, 24857:4, 24872:4, 24879:45, 24882:7

ongoing [11] - 24838:20, 24854:10, 24859:37, 24863:10, 24864:9, 24875:42, 24875:43, 24882:40, 24883:8, 24883:24

open [3] - 24794:13, 24798:14, 24860:46

openly [2] - 24828:15, 24852:45

opens [1] - 24852:1

operate [2] - 24841:24, 24872:10

operated [2] - 24846:22, 24879:28

operating [1] - 24836:47

opinion [10] - 24796:24, 24808:16, 24827:39, 24849:3, 24849:7, 24851:15, 24851:19, 24851:23, 24867:29, 24879:15

opportunity [2] - 24853:7, 24882:45

optimistic [1] - 24866:12

ordained [8] - 24792:26, 24792:28, 24827:8, 24828:38, 24848:6, 24870:23, 24874:4, 24876:34

ordaining [1] - 24827:31

order [24] - 24792:22, 24792:26, 24829:4, 24837:33, 24838:28, 24838:33, 24838:39, 24843:37, 24845:18, 24846:32, 24846:47, 24849:11, 24849:19, 24849:43, 24850:10, 24851:43, 24851:45, 24855:44, 24865:38, 24868:35, 24870:19, 24873:10, 24883:47

order's [1] - 24851:46

Orders [1] - 24846:41

orders [20] - 24847:26, 24852:15, 24852:16, 24857:6, 24863:33, 24872:10, 24872:13, 24872:22, 24872:28, 24872:32, 24872:34, 24872:44, 24873:3, 24873:28, 24873:30, 24873:35, 24874:38, 24875:3, 24877:23

ordinarily [1] - 24830:32

ordinary [2] - 24823:44, 24862:39

ordination [6] - 24792:24, 24799:31, 24799:32, 24799:34, 24849:30

organisation [9] - 24837:34, 24837:35, 24837:42, 24838:2, 24838:5, 24860:24, 24861:5

organisation's [1] - 24861:6

organisational [1] - 24836:41

organisationally [1] - 24860:3

organisations [2] - 24836:42, 24868:18

organised [2] - 24814:3, 24818:24

organising [1] - 24840:33

Orleans [1] - 24804:18

ORMEROD [67] - 24836:26, 24839:5, 24839:9, 24839:15, 24839:19, 24839:28, 24839:33, 24839:37, 24840:2, 24840:17, 24840:22, 24840:26, 24840:31, 24840:41, 24841:11, 24841:21, 24841:26, 24852:9, 24852:23, 24852:27, 24853:24, 24853:30, 24854:31, 24854:41, 24855:21, 24855:30, 24855:36, 24855:46, 24856:4, 24856:9, 24856:22, 24856:30, 24857:39, 24857:47, 24859:2, 24863:2, 24863:25, 24863:41, 24864:29, 24864:34, 24864:45, 24865:3, 24865:11, 24865:17, 24865:29, 24865:33, 24869:4, 24869:24, 24871:7, 24871:22, 24874:14, 24876:39, 24876:44, 24877:2, 24877:14, 24877:21, 24877:26, 24877:44, 24878:6, 24881:33, 24881:41, 24882:3, 24882:24, 24882:28, 24882:43, 24883:3, 24883:10

Ormerod [11] - 24839:2, 24839:5, 24852:5, 24858:44, 24860:4, 24862:45, 24863:35, 24869:1, 24876:41, 24882:37, 24883:14

orphanages [1] - 24879:27

otherwise [4] - 24807:7, 24851:42, 24856:19, 24884:16

ought [1] - 24882:41

ourselves [1] - 24854:43

outfits [1] - 24882:20

outlet [1] - 24825:2

outlined [1] - 24875:14

outs [1] - 24870:27

outside [3] - 24839:26, 24865:26, 24865:37

outsiders [1] - 24865:26

outstanding [3] - 24867:21, 24878:2, 24879:46

overnight [1] - 24877:7

overseas [1] - 24841:45

oversight [1] - 24803:15

overstretched [1] - 24865:19

overwhelmed [2] - 24843:42, 24843:44

overwhelming [3] - 24843:15, 24843:22, 24844:8

overwork [1] - 24873:44

overwrought [1] - 24866:35

own [16] - 24793:36, 24796:47, 24810:31, 24818:17, 24830:43, 24845:45, 24848:15, 24859:21, 24868:6, 24868:21, 24872:32, 24872:38, 24878:42, 24879:43, 24880:8, 24880:19

owner [1] - 24836:40

Oxford [2] - 24842:1, 24842:29

P

Pacific [1] - 24873:32

pack [3] - 24807:2, 24847:25

paedophile [3] - 24799:27, 24830:3, 24830:4

paedophiles [5] - 24820:36, 24830:2, 24849:10, 24850:10

paedophilia [1] - 24809:18

page [2] - 24800:46, 24800:47

pages [3] - 24793:42, 24809:21, 24822:39

painful [1] - 24811:1

panel [6] - 24814:46, 24815:1, 24836:12, 24862:2, 24885:1, 24885:5

Papal [19] - 24793:17, 24793:23, 24794:32, 24796:24, 24797:45, 24798:27, 24798:37, 24799:3, 24800:17, 24800:22, 24800:36, 24804:9, 24804:14, 24805:3, 24807:28, 24807:33, 24807:36, 24807:39, 24809:33

paper [4] - 24806:17, 24810:14, 24815:31, 24818:18

papers [3] - 24798:29, 24807:14, 24807:16

paperwork [1] - 24834:10

pardon [1] - 24806:3

parents [6] - 24807:18, 24810:19, 24813:5, 24824:28, 24825:20, 24882:6

parish [24] - 24792:14, 24838:43, 24854:21, 24858:12, 24858:13, 24858:23, 24858:24, 24859:33, 24865:35, 24880:18, 24880:34, 24880:36, 24880:38, 24880:39, 24881:22, 24881:23, 24881:26, 24881:29, 24881:42, 24881:44

parishes [1] - 24799:39

parliament [1] - 24869:32

parse [1] - 24810:47

part [31] - 24794:41, 24800:6, 24800:7, 24802:34, 24805:44, 24805:45, 24809:16, 24815:21, 24815:23, 24822:27, 24824:3, 24825:39, 24830:19, 24830:41, 24831:36, 24831:43, 24832:24, 24839:37, 24840:33, 24846:2, 24846:3, 24846:8, 24855:43, 24865:38, 24868:27,

24868:30, 24871:46,
24872:1, 24873:38,
24875:39, 24876:28
particular [16] -
24794:24, 24795:40,
24797:17, 24807:29,
24812:16, 24829:12,
24830:9, 24839:35,
24846:23, 24852:15,
24868:18, 24878:13,
24878:29, 24878:32,
24880:38, 24883:15
particularly [10] -
24817:43, 24837:26,
24849:9, 24858:17,
24860:7, 24868:14,
24872:34, 24873:32,
24873:47, 24879:28
particulars [1] -
24791:34
parties [1] - 24846:4
parts [2] - 24832:15,
24881:27
pass [2] - 24794:3,
24794:6
passed [2] - 24826:8,
24826:10
passing [1] -
24884:16
passive [1] - 24832:20
past [6] - 24800:44,
24815:28, 24830:29,
24832:1, 24879:26,
24881:18
pastor [3] - 24799:43,
24800:35, 24811:10
pastoral [26] -
24809:15, 24809:35,
24814:29, 24833:38,
24833:47, 24834:1,
24841:4, 24841:5,
24841:9, 24841:18,
24853:2, 24853:32,
24854:10, 24854:16,
24854:22, 24855:4,
24858:9, 24858:13,
24858:22, 24862:19,
24862:47, 24863:47,
24880:20, 24880:28
patchy [1] - 24867:40
Patrick [1] - 24791:14
PATRICK [1] -
24791:4
patrimony [1] -
24822:6
Paul [2] - 24793:45,
24796:14
Paul's [2] - 24839:23,
24852:42
payment [1] - 24800:6
payments [1] -
24846:29
peace [1] - 24848:19
peak [1] - 24830:7
pedestal [3] -
24824:9, 24824:10,
24824:11
peer [1] - 24879:4
Pell [1] - 24877:30
Pell's [1] - 24877:16
penalised [2] -
24831:8, 24831:11
penalties [1] -
24819:20
penalty [1] - 24819:18
pending [2] -
24844:34, 24844:35
Pennsylvania [1] -
24798:13
People [1] - 24861:24
people [126] -
24793:38, 24793:40,
24800:31, 24801:9,
24804:24, 24807:33,
24807:43, 24808:37,
24810:20, 24811:4,
24812:27, 24812:38,
24812:41, 24813:13,
24813:26, 24814:45,
24815:13, 24815:30,
24815:36, 24818:25,
24820:3, 24823:44,
24824:3, 24824:22,
24825:3, 24828:11,
24830:21, 24831:30,
24831:32, 24831:33,
24831:36, 24831:37,
24832:30, 24833:16,
24833:18, 24834:6,
24835:16, 24835:37,
24838:44, 24844:13,
24844:43, 24845:3,
24845:4, 24845:7,
24845:14, 24845:36,
24845:37, 24845:38,
24846:27, 24848:2,
24849:8, 24849:9,
24849:14, 24849:19,
24849:27, 24849:33,
24850:11, 24850:14,
24850:46, 24851:23,
24851:24, 24852:17,
24852:18, 24852:30,
24852:33, 24852:34,
24853:15, 24853:20,
24853:21, 24853:36,
24854:10, 24859:4,
24859:16, 24860:8,
24860:11, 24860:13,
24860:34, 24861:8,
24861:29, 24861:31,
24862:17, 24862:28,
24862:40, 24864:19,
24864:35, 24865:26,
24866:27, 24866:28,
24866:29, 24866:36,
24867:4, 24868:8,
24868:27, 24868:31,
24868:36, 24868:45,
24870:11, 24870:20,
24872:25, 24872:38,
24873:24, 24873:45,
24874:40, 24875:28,
24877:2, 24877:4,
24877:5, 24877:6,
24879:16, 24879:41,
24880:7, 24880:23,
24881:5, 24881:16,
24881:17, 24883:36,
24883:37
people's [1] -
24859:17
per [12] - 24800:6,
24826:39, 24827:2,
24827:29, 24847:46,
24848:7, 24848:8,
24866:12, 24866:13,
24866:15, 24878:34,
24880:36
percentage [3] -
24826:42, 24848:1,
24872:9
perception [3] -
24807:38, 24807:42,
24825:36
perfect [1] - 24851:46
performance [2] -
24853:41, 24859:22
perhaps [11] -
24814:2, 24831:17,
24836:13, 24839:2,
24841:30, 24843:23,
24844:27, 24851:27,
24860:9, 24865:25,
24875:4
period [5] - 24823:19,
24846:22, 24849:29,
24882:18, 24885:5
periods [2] -
24819:12, 24819:14
permanent [1] -
24864:10
permission [4] -
24805:13, 24846:39,
24857:21, 24857:31
permits [1] - 24823:22
permitted [2] -
24850:35, 24860:46
perpetrator [1] -
24871:36
perpetrators [1] -
24819:29
perplexing [1] -
24869:7
person [15] -
24795:19, 24828:9,
24829:40, 24830:17,
24832:33, 24834:36,
24835:19, 24847:16,
24852:40, 24853:38,
24853:45, 24861:3,
24869:42, 24873:22
person's [2] -
24847:13, 24871:5
personal [6] -
24841:14, 24847:14,
24852:35, 24864:11,
24878:42, 24882:13
personally [1] -
24873:20
Peter [2] - 24790:33,
24821:11
Peterson [7] -
24801:22, 24801:27,
24803:19, 24803:25,
24804:15, 24804:20,
24809:17
PhD [6] - 24792:37,
24837:10, 24842:1,
24842:3, 24842:6,
24842:29
Philadelphia [2] -
24805:35, 24809:13
Philip [2] - 24855:12,
24857:40
Philippines [1] -
24866:28
philosophy [1] -
24851:29
phone [1] - 24811:16
phrase [1] - 24831:21
phrased [1] -
24829:22
physical [1] -
24852:28
physically [2] -
24796:41, 24814:31
pick [1] - 24814:15
picked [4] - 24797:42,
24802:1, 24802:7,
24871:25
picking [1] - 24824:8
picture [2] - 24801:1,
24815:39
pictures [1] -
24800:47
pieces [1] - 24810:14
pile [1] - 24833:13
pillars [1] - 24821:38
pilot [1] - 24806:12
pious [1] - 24877:10
pitch [1] - 24817:5
Place [1] - 24790:24
place [35] - 24792:24,
24799:33, 24799:47,
24801:23, 24801:29,
24804:42, 24807:15,
24808:13, 24810:23,
24814:1, 24816:19,
24816:21, 24821:29,
24824:12, 24824:21,
24824:22, 24838:43,
24850:45, 24851:13,
24854:6, 24854:17,
24855:22, 24860:21,
24862:8, 24866:18,
24870:10, 24871:10,
24872:24, 24876:8,
24876:26, 24877:6,
24877:27, 24879:38
places [6] - 24805:17,
24858:22, 24866:36,
24879:16, 24880:8,
24880:18
plain [1] - 24825:15
plainly [1] - 24871:17
plane [1] - 24794:20
play [3] - 24803:22,
24823:32, 24858:47
played [2] - 24808:7,
24851:1
playing [1] - 24833:32
plays [2] - 24826:1,
24861:37
plenary [1] - 24857:3
point [15] - 24800:1,
24804:41, 24808:5,
24818:34, 24823:14,
24829:9, 24850:42,
24860:7, 24867:33,
24867:36, 24867:46,
24874:9, 24875:47,
24876:23, 24881:38
pointing [1] -
24801:10
points [4] - 24862:16,
24875:2, 24881:21,
24882:1
police [9] - 24798:40,
24799:4, 24799:11,
24829:5, 24843:19,
24871:44, 24884:18,
24884:21, 24884:25
policeman [1] -
24831:22
policies [2] -
24834:10, 24834:14
policy [1] - 24832:26
Polish [2] - 24815:34,
24815:36

Pontifical [3] - 24813:18, 24813:21, 24813:32

pontifical [3] - 24794:14, 24797:8, 24876:15

poor [3] - 24849:17, 24867:26, 24871:33

Pope [22] - 24793:45, 24796:11, 24796:12, 24796:14, 24797:3, 24800:36, 24803:4, 24805:13, 24805:15, 24805:37, 24807:43, 24815:43, 24816:3, 24816:22, 24816:24, 24832:33, 24833:31, 24868:44, 24868:46

Porteous [1] - 24882:24

position [6] - 24797:20, 24839:12, 24848:44, 24862:38, 24862:39, 24874:29

positions [2] - 24856:19, 24874:32

positive [2] - 24828:25, 24878:40

possibilities [1] - 24850:44

possibility [3] - 24828:28, 24867:41, 24884:24

possible [7] - 24793:35, 24793:36, 24823:4, 24832:29, 24845:4, 24862:34, 24863:4

possibly [1] - 24873:13

Post [1] - 24858:5

pot [1] - 24874:12

potent [1] - 24852:39

potential [6] - 24793:30, 24793:33, 24794:8, 24794:43, 24853:45

pounded [1] - 24821:2

power [15] - 24804:5, 24822:24, 24823:14, 24825:36, 24828:16, 24828:20, 24850:44, 24852:32, 24852:35, 24853:16, 24859:20, 24859:26, 24859:27, 24861:1, 24862:7

powerful [4] - 24794:36, 24825:33, 24850:24, 24852:40

powerfully [1] - 24875:14

powerlessness [1] - 24852:36

powers [1] - 24821:33

practice [4] - 24840:47, 24855:11, 24857:41, 24858:40

practices [1] - 24870:1

practise [2] - 24869:42, 24870:7

practised [1] - 24826:29

practising [4] - 24791:41, 24826:40, 24827:3, 24829:35

practitioner [1] - 24864:3

practitioners [1] - 24853:40

preach [2] - 24831:2, 24870:14

preached [1] - 24830:46

precise [1] - 24844:27

predecessor [5] - 24842:40, 24843:13, 24843:22, 24843:26, 24844:3

predecessor's [1] - 24843:41

predisposition [1] - 24849:44

Prefect [1] - 24796:11

prefer [1] - 24831:13

preoccupation [1] - 24866:22

preparation [1] - 24861:46

prepare [8] - 24796:24, 24796:27, 24800:23, 24801:16, 24803:3, 24805:14, 24808:46, 24809:30

prepared [5] - 24796:26, 24805:1, 24811:41, 24811:46, 24874:25

preparing [2] - 24801:5, 24809:1

prepubescent [2] - 24799:28, 24830:4

presbytery [1] - 24827:15

presence [1] - 24881:15

present [7] - 24814:20, 24819:10, 24832:1, 24834:24, 24836:39, 24853:43,

24875:6

presented [1] - 24854:13

presumably [3] - 24813:41, 24816:19, 24881:27

presume [1] - 24802:37

pretty [9] - 24803:34, 24810:15, 24811:33, 24819:6, 24819:24, 24834:18, 24848:3, 24862:18, 24879:2

prevent [1] - 24823:23

prevented [1] - 24825:6

preying [1] - 24803:37

priest [54] - 24792:9, 24792:14, 24792:24, 24792:28, 24794:8, 24798:20, 24798:29, 24799:23, 24799:25, 24800:19, 24800:35, 24800:42, 24800:45, 24801:1, 24801:20, 24803:20, 24803:24, 24803:43, 24807:34, 24811:9, 24811:19, 24811:44, 24813:1, 24819:16, 24824:8, 24824:13, 24824:31, 24825:8, 24828:38, 24830:14, 24831:22, 24832:21, 24839:42, 24847:5, 24851:34, 24854:21, 24856:33, 24858:24, 24866:18, 24869:45, 24870:12, 24870:23, 24871:31, 24871:33, 24881:22, 24881:29, 24881:44, 24882:4, 24882:5, 24882:12, 24883:17, 24883:18, 24883:24

priest's [1] - 24864:11

priesthood [11] - 24792:3, 24818:33, 24821:31, 24827:26, 24859:11, 24859:13, 24859:22, 24859:24, 24859:25, 24859:32, 24870:3

priestly [1] - 24830:19

Priests [1] - 24818:7

priests [82] - 24794:2, 24798:15, 24801:24, 24804:33, 24805:31, 24807:40, 24808:39, 24813:13, 24815:5, 24816:31, 24816:35,

24817:22, 24819:3, 24819:4, 24819:22, 24820:21, 24820:22, 24823:23, 24823:33, 24823:43, 24824:1, 24824:17, 24824:18, 24824:21, 24825:33, 24826:30, 24826:33, 24826:39, 24827:2, 24827:5, 24827:18, 24827:27, 24827:31, 24827:37, 24828:17, 24828:18, 24828:25, 24828:26, 24828:35, 24829:10, 24830:27, 24830:35, 24830:36, 24830:46, 24831:6, 24832:21, 24846:42, 24847:38, 24847:42, 24848:8, 24851:13, 24854:9, 24855:9, 24856:27, 24858:30, 24858:33, 24859:21, 24859:26, 24861:24, 24862:12, 24863:13, 24863:31, 24863:37, 24870:30, 24871:46, 24872:3, 24872:19, 24872:32, 24873:42, 24873:43, 24874:3, 24875:1, 24875:34, 24876:35, 24878:34, 24881:28, 24881:34, 24881:44, 24882:41, 24883:15

primary [4] - 24820:21, 24833:28, 24833:29, 24834:23

principal [2] - 24874:22, 24874:35

principals [1] - 24879:45

principle [1] - 24869:42

principles [3] - 24869:40, 24870:1, 24870:5

prioritising [1] - 24822:23

prisons [1] - 24819:22

private [2] - 24809:38, 24852:36

probabilities [3] - 24854:32, 24854:34, 24859:7

problem [23] - 24797:33, 24805:44, 24810:13, 24812:16, 24822:43, 24827:1, 24833:8, 24846:41,

24847:3, 24853:13, 24866:19, 24866:37, 24871:1, 24871:5, 24871:40, 24871:41, 24873:30, 24874:8, 24875:29, 24875:31, 24876:3, 24878:16, 24884:43

problems [13] - 24812:10, 24817:6, 24852:31, 24859:8, 24866:34, 24871:40, 24871:41, 24874:2, 24874:6, 24874:43, 24875:7, 24875:12, 24875:41

procedure [2] - 24795:29, 24844:25

procedures [3] - 24814:35, 24846:36, 24854:7

process [25] - 24793:25, 24795:8, 24795:10, 24795:36, 24796:2, 24796:7, 24806:8, 24806:40, 24816:27, 24820:21, 24844:24, 24844:32, 24846:2, 24846:3, 24846:9, 24846:32, 24846:42, 24846:45, 24846:47, 24847:3, 24847:4, 24847:7, 24847:15, 24853:27, 24874:45

processes [4] - 24814:34, 24845:17, 24846:43, 24874:46

proclaim [1] - 24827:36

produced [1] - 24816:47

productive [1] - 24815:43

professed [1] - 24838:29

profession [2] - 24792:4, 24852:30

Professional [1] - 24862:1

professional [14] - 24801:20, 24845:31, 24853:37, 24854:25, 24854:32, 24858:45, 24859:19, 24859:36, 24859:42, 24859:44, 24863:10, 24863:15, 24872:23, 24877:4

professionalism [1] - 24874:30

professionally [1] - 24863:14

professions [3] - 24853:34, 24854:33, 24870:33

PROFESSOR [175] - 24839:5, 24839:9, 24839:15, 24839:19, 24839:28, 24839:33, 24839:37, 24840:2, 24840:17, 24840:22, 24840:26, 24840:31, 24840:41, 24841:11, 24841:21, 24841:26, 24841:33, 24841:37, 24841:43, 24842:5, 24842:12, 24842:16, 24842:25, 24843:2, 24843:7, 24843:12, 24843:26, 24843:35, 24843:39, 24843:44, 24844:2, 24844:7, 24844:12, 24844:23, 24844:30, 24844:39, 24844:43, 24845:1, 24845:10, 24845:14, 24845:24, 24845:30, 24845:36, 24845:47, 24846:14, 24846:18, 24846:25, 24846:35, 24847:23, 24847:30, 24847:34, 24847:40, 24847:44, 24848:10, 24848:15, 24848:26, 24848:30, 24848:35, 24848:41, 24848:46, 24849:3, 24849:7, 24849:40, 24849:47, 24850:5, 24850:9, 24850:22, 24850:32, 24850:38, 24851:10, 24851:15, 24851:22, 24851:45, 24852:9, 24852:23, 24852:27, 24853:24, 24853:30, 24854:31, 24854:41, 24855:21, 24855:30, 24855:36, 24855:46, 24856:4, 24856:9, 24856:22, 24856:24, 24856:30, 24856:32, 24856:37, 24857:2, 24857:8, 24857:13, 24857:18, 24857:23, 24857:28, 24857:37, 24857:39, 24857:47, 24858:5, 24858:30, 24858:36, 24859:2, 24863:2, 24863:25, 24863:41, 24864:29, 24864:34, 24864:45,

24865:3, 24865:11, 24865:17, 24865:29, 24865:33, 24865:44, 24866:2, 24866:46, 24867:3, 24867:10, 24867:19, 24867:39, 24868:26, 24868:43, 24869:4, 24869:24, 24870:9, 24870:37, 24870:42, 24871:7, 24871:20, 24871:22, 24872:15, 24873:37, 24874:14, 24875:11, 24876:10, 24876:39, 24876:44, 24877:2, 24877:14, 24877:21, 24877:26, 24877:33, 24877:37, 24877:42, 24877:44, 24877:47, 24878:6, 24878:8, 24878:16, 24878:28, 24879:9, 24879:15, 24879:32, 24879:37, 24880:17, 24880:30, 24880:34, 24880:47, 24881:33, 24881:41, 24882:3, 24882:24, 24882:28, 24882:43, 24883:3, 24883:10, 24883:21, 24883:26, 24883:31, 24884:2, 24884:6, 24884:12, 24884:20

Professor [17] - 24790:37, 24839:2, 24839:9, 24841:30, 24842:33, 24842:36, 24852:5, 24858:44, 24860:4, 24863:35, 24865:41, 24868:24, 24869:1, 24876:41, 24882:37, 24883:12, 24883:14

professor [20] - 24839:13, 24841:35, 24842:10, 24842:19, 24843:31, 24844:28, 24848:22, 24848:38, 24849:38, 24851:20, 24852:6, 24858:34, 24860:10, 24862:45, 24863:21, 24865:1, 24865:15, 24879:24, 24882:17, 24883:46

Professorial [1] - 24841:38

professors [1] - 24868:24

profile [3] - 24811:36, 24811:40, 24872:18

profit [1] - 24836:42

profound [2] - 24812:46, 24833:13

program [2] - 24825:31, 24841:44

programs [2] - 24881:45, 24882:8

progressing [1] - 24863:14

prohibit [1] - 24857:34

prolong [1] - 24816:13

prominent [4] - 24805:7, 24807:15, 24811:20, 24864:37

promise [4] - 24828:35, 24829:11, 24829:12, 24830:13

promises [4] - 24802:30, 24829:13, 24829:30, 24834:13

promote [1] - 24796:10

promoted [5] - 24795:12, 24795:14, 24795:23, 24797:5, 24814:37

promotes [1] - 24852:1

prompted [1] - 24810:30

promulgate [1] - 24864:32

promulgated [1] - 24871:9

promulgation [1] - 24861:22

proper [6] - 24813:7, 24814:36, 24859:44, 24859:45, 24869:43

properly [2] - 24865:38, 24871:15

property [1] - 24828:26

proposals [1] - 24868:33

propose [1] - 24796:11

protect [4] - 24832:5, 24868:21, 24868:35, 24884:23

protected [8] - 24821:47, 24822:9, 24823:46, 24824:2, 24824:27, 24832:9, 24832:26

protecting [2] - 24815:2, 24832:3

protection [6] - 24808:5, 24814:19, 24814:20, 24814:27,

24822:7, 24831:3

Protection [1] - 24813:33

Protestant [1] - 24827:47

protocol [1] - 24820:17

protocols [9] - 24814:35, 24814:37, 24815:4, 24820:1, 24820:8, 24820:23, 24834:9, 24834:13, 24854:7

provide [6] - 24841:31, 24864:12, 24864:13, 24867:1, 24867:5, 24867:10

provided [6] - 24793:39, 24839:20, 24852:10, 24860:46, 24866:19, 24882:47

providers [1] - 24862:15

providing [4] - 24862:33, 24866:36, 24866:42, 24883:16

Provincial [10] - 24793:15, 24842:46, 24846:23, 24847:4, 24847:24, 24848:19, 24879:44, 24883:46, 24884:10, 24884:14

Provincials [1] - 24872:13

provisions [1] - 24854:17

psychiatrist [5] - 24801:22, 24803:25, 24804:15, 24811:44, 24830:1

psychiatrists [1] - 24826:8

psychological [1] - 24845:37

psychologically [1] - 24825:7

psychologist [3] - 24825:8, 24838:14, 24862:14

psychologists [4] - 24805:19, 24814:41, 24821:26, 24836:41

Psychology [2] - 24837:7

psychology [2] - 24836:41, 24853:35

psychosexual [6] - 24801:25, 24820:36, 24829:27, 24829:44, 24850:12, 24851:42

psychotherapist [1] - 24860:12

psychotherapy [1] - 24853:35

Pty [1] - 24861:47

public [16] - 24798:24, 24800:37, 24809:38, 24810:37, 24811:36, 24822:17, 24826:45, 24831:12, 24852:37, 24864:36, 24864:37, 24864:39, 24868:17, 24870:2, 24870:6, 24871:13

Public [1] - 24790:19

publicising [1] - 24805:10

publicity [3] - 24805:29, 24807:14, 24808:1

publicly [6] - 24819:31, 24822:45, 24831:3, 24831:6, 24831:9, 24880:13

publish [1] - 24842:32

published [6] - 24818:3, 24818:6, 24842:14, 24842:16, 24842:29, 24875:34

pull [1] - 24804:28

pulled [3] - 24799:26, 24799:46, 24800:27

pulpit [1] - 24830:47

purpose [2] - 24803:7, 24850:15

push [1] - 24820:3

push-back [1] - 24820:3

pushed [1] - 24877:6

pushing [1] - 24798:29

put [21] - 24795:23, 24795:24, 24796:41, 24796:43, 24797:4, 24800:24, 24804:38, 24810:6, 24820:5, 24834:41, 24834:44, 24835:17, 24854:4, 24858:40, 24862:43, 24865:22, 24873:37, 24876:22, 24877:6, 24877:27, 24881:10

puts [1] - 24870:34

putting [6] - 24807:15, 24819:22, 24853:44, 24866:38, 24874:37, 24875:25

pyramid [2] - 24850:41, 24858:21

Q

- qualification** [2] - 24869:44, 24870:13
qualifications [1] - 24837:4
quality [3] - 24849:27, 24880:3, 24881:16
quantum [1] - 24876:12
quarter [1] - 24848:1
questioning [1] - 24872:25
questionnaires [4] - 24793:37, 24793:38, 24793:42, 24794:31
questions [10] - 24793:43, 24793:46, 24795:13, 24795:15, 24813:7, 24817:19, 24834:1, 24835:27, 24835:29, 24869:34
quicker [1] - 24847:16
quickly [3] - 24805:16, 24807:13, 24811:33
quiet [1] - 24823:10
Quinn [3] - 24805:43, 24809:6, 24809:8
quite [8] - 24794:19, 24827:5, 24840:4, 24843:14, 24850:16, 24852:47, 24872:20, 24874:37
quote [1] - 24803:34
-
- radical** [2] - 24829:39, 24876:21
rain [1] - 24836:6
raise [4] - 24867:8, 24867:10, 24867:11, 24867:12
raised [1] - 24813:27
ran [1] - 24855:22
rang [1] - 24838:16
ranking [1] - 24809:45
rape [2] - 24826:4, 24853:12
rapidly [1] - 24846:39
rapport [1] - 24812:38
rarely [1] - 24859:18
rate [1] - 24852:19
rather [4] - 24797:44, 24835:14, 24837:13, 24841:19
re [1] - 24827:31
re-ordaining [1] - 24827:31
reaching [2] - 24811:10, 24833:42
reacted [1] - 24819:29
read [12] - 24797:26, 24800:22, 24805:37, 24810:14, 24814:37, 24815:29, 24815:31, 24822:37, 24849:40, 24854:4, 24882:45
real [8] - 24799:21, 24806:36, 24815:30, 24854:27, 24866:37, 24871:1, 24871:14, 24875:41
realise [2] - 24871:47, 24872:1
realised [3] - 24800:13, 24800:39, 24801:19
realism [1] - 24791:44
realities [1] - 24834:45
reality [5] - 24799:11, 24812:36, 24823:38, 24844:20, 24866:26
really [27] - 24794:37, 24802:45, 24806:33, 24815:2, 24815:32, 24817:35, 24825:33, 24825:34, 24827:14, 24831:17, 24835:1, 24835:5, 24835:11, 24852:39, 24852:47, 24853:1, 24859:12, 24860:17, 24860:42, 24862:9, 24866:34, 24867:26, 24867:30, 24869:33, 24874:37, 24875:6
realm [1] - 24834:41
reason [9] - 24817:47, 24818:40, 24830:32, 24839:35, 24847:18, 24849:15, 24849:17, 24851:35, 24873:27
reasons [10] - 24803:38, 24806:9, 24817:11, 24823:36, 24828:24, 24847:9, 24847:14, 24851:37, 24875:13
rebuilding [1] - 24829:40
receded [1] - 24858:20
receive [1] - 24821:37
received [7] - 24792:43, 24795:35, 24798:12, 24798:19, 24800:25, 24806:40, 24874:18
receiving [2] - 24793:16, 24854:22
recent [4] - 24836:43, 24837:15, 24838:22, 24858:3
recently [1] - 24837:30
recipients [1] - 24794:12
recognition [1] - 24881:1
recommend [1] - 24834:22
recommendation [2] - 24858:39, 24859:30
recommendations [6] - 24803:16, 24803:19, 24858:41, 24869:11, 24869:14, 24884:43
reconciliation [1] - 24880:41
record [1] - 24803:12
records [2] - 24847:7, 24848:16
recovering [1] - 24812:33
rector [4] - 24877:26, 24877:27, 24882:21, 24882:22
rectory [3] - 24799:33, 24827:15, 24831:23
reducing [1] - 24873:31
refer [1] - 24793:5
referees [1] - 24796:31
referred [2] - 24826:25, 24831:16
referring [4] - 24812:12, 24843:24, 24852:21, 24882:17
reflect [2] - 24853:40, 24859:21
reflected [1] - 24848:44
reflecting [1] - 24873:3
reflective [4] - 24853:8, 24853:39, 24853:46, 24864:3
refused [1] - 24815:38
regarded [1] - 24876:3
region [1] - 24866:20
register [2] - 24870:23, 24870:30
registered [3] - 24862:13, 24862:21, 24870:22
registration [3] - 24859:41, 24862:12, 24862:46
registry [1] - 24802:9
regular [4] - 24802:45, 24851:33, 24853:39, 24883:42
regularly [1] - 24883:17
regulated [1] - 24880:13
reinforces [1] - 24876:6
relate [1] - 24842:5
related [3] - 24806:31, 24816:30, 24872:8
relates [1] - 24863:36
relating [2] - 24836:44, 24874:47
relation [16] - 24797:38, 24802:41, 24812:26, 24816:7, 24817:7, 24824:42, 24824:43, 24837:20, 24846:23, 24848:6, 24848:7, 24854:38, 24858:45, 24862:45, 24880:45, 24883:8
relational [1] - 24817:12
relationship [11] - 24810:34, 24826:24, 24827:20, 24832:20, 24839:43, 24840:4, 24843:19, 24855:18, 24869:5, 24878:36, 24881:25
relationships [5] - 24825:15, 24826:41, 24830:15, 24882:14
relative [1] - 24798:12
relevant [2] - 24851:7, 24874:12
religion [4] - 24821:27, 24821:28, 24839:31, 24851:36
Religious [1] - 24842:37
religious [41] - 24791:39, 24792:22, 24813:13, 24822:29, 24822:31, 24823:23, 24823:33, 24833:41, 24838:24, 24838:27, 24838:28, 24847:5, 24847:26, 24848:7, 24849:19, 24850:10, 24851:13, 24852:15, 24852:16, 24852:34, 24861:25, 24862:13, 24863:31, 24863:33, 24863:37, 24868:29, 24872:4, 24872:34, 24873:10, 24873:43, 24874:1, 24874:38, 24875:1, 24880:11, 24880:14, 24880:23, 24880:24, 24880:45, 24881:5
reluctantly [1] - 24825:43
remain [1] - 24871:24
remained [2] - 24797:6, 24819:36
remark [2] - 24845:10, 24883:31
remarks [1] - 24883:19
remember [4] - 24808:18, 24810:45, 24878:16, 24883:19
reminded [1] - 24881:3
remodelling [1] - 24876:21
remote [1] - 24838:45
remove [2] - 24845:16, 24847:28
removed [3] - 24845:4, 24845:15, 24863:31
renders [1] - 24832:29
renewed [4] - 24863:12, 24863:17, 24863:26, 24875:21
reoffends [1] - 24802:36
repair [2] - 24829:3, 24834:25
repeat [1] - 24859:4
report [30] - 24795:25, 24796:23, 24797:27, 24798:34, 24802:8, 24803:3, 24805:1, 24805:15, 24805:17, 24805:34, 24806:40, 24807:21, 24807:24, 24807:25, 24807:44, 24807:46, 24811:46, 24817:10, 24817:24, 24817:27, 24818:8, 24820:1, 24820:9, 24820:14, 24830:22, 24830:32, 24831:21, 24862:14, 24872:35
reported [6] - 24799:25, 24799:35, 24807:44, 24822:33, 24830:28, 24830:30
reporting [2] - 24817:32, 24820:19
reports [9] - 24805:18,

24805:30, 24806:28, 24807:23, 24807:30, 24808:26, 24814:37, 24817:14, 24829:19

represent [1] - 24835:38

representative [1] - 24821:44

representing [3] - 24800:31, 24806:27, 24806:41

request [1] - 24847:14

requested [3] - 24848:18, 24858:11, 24858:18

requesting [1] - 24795:2

required [3] - 24795:20, 24855:33, 24859:41

requirement [1] - 24854:2

requirements [2] - 24854:9, 24884:16

requires [1] - 24863:42

requiring [1] - 24820:11

research [4] - 24792:12, 24818:15, 24849:37, 24850:2

resented [1] - 24855:32

resign [5] - 24847:6, 24847:9, 24847:15

signed [1] - 24838:2

resist [1] - 24863:5

resistance [2] - 24858:27, 24875:41

resolutions [1] - 24866:7

resolved [4] - 24844:31, 24844:35, 24844:39, 24844:41

resourced [1] - 24865:19

resources [5] - 24856:14, 24866:42, 24867:1, 24867:5, 24867:31

respect [6] - 24817:28, 24822:4, 24844:19, 24866:44, 24878:42, 24882:47

respectable [1] - 24826:34

respected [1] - 24877:5

respects [3] - 24874:44, 24875:4,

24883:24

respond [1] - 24866:30

responded [1] - 24875:9

responds [2] - 24823:30, 24823:31

response [20] - 24800:23, 24814:43, 24822:16, 24822:19, 24822:28, 24822:41, 24827:13, 24827:24, 24829:19, 24832:40, 24843:41, 24851:7, 24853:9, 24864:11, 24867:40, 24871:7, 24871:33, 24873:39, 24878:22, 24878:26

responses [3] - 24794:34, 24861:16, 24863:42

RESPONSES [1] - 24790:15

responsibilities [2] - 24795:17, 24859:20

responsibility [5] - 24802:18, 24841:21, 24853:38, 24868:27, 24868:32

responsible [2] - 24859:33, 24883:40

rest [3] - 24796:16, 24849:15, 24849:20

restructuring [2] - 24876:22, 24879:12

result [3] - 24808:43, 24815:18, 24828:37

resulted [1] - 24864:8

results [2] - 24794:31, 24829:4

resume [1] - 24836:17

retired [3] - 24793:27, 24797:43, 24797:46

retraining [1] - 24838:31

return [2] - 24858:21, 24879:17

returned [1] - 24876:5

reveal [2] - 24794:14, 24794:17

revealed [2] - 24839:42, 24854:38

revelation [1] - 24881:1

revered [1] - 24821:32

reverence [1] - 24821:46

reversion [1] - 24876:8

review [1] - 24864:7

revolution [1] - 24817:16

revolves [1] - 24832:13

Richard [1] - 24818:5

rid [2] - 24810:35, 24868:20

riding [1] - 24801:13

risk [1] - 24830:16

rites [1] - 24827:28

road [1] - 24876:29

roads [1] - 24861:1

roaming [1] - 24803:37

Robert [1] - 24790:36

Robinson [1] - 24837:19

rock [1] - 24817:15

role [12] - 24802:40, 24802:41, 24802:42, 24802:44, 24807:39, 24823:32, 24855:19, 24855:23, 24861:4, 24861:8, 24868:40, 24883:19

roles [1] - 24855:13

rollicking [1] - 24862:41

Roman [5] - 24813:2, 24818:34, 24847:24, 24864:13, 24878:10

Rome [30] - 24795:35, 24796:5, 24796:7, 24796:20, 24797:4, 24797:13, 24797:15, 24797:16, 24797:17, 24802:41, 24802:44, 24802:47, 24803:8, 24809:30, 24815:23, 24819:34, 24841:46, 24841:47, 24861:2, 24862:24, 24864:7, 24864:20, 24864:46, 24865:4, 24865:5, 24865:9, 24868:34, 24872:35, 24872:37

room [3] - 24811:31, 24842:20, 24860:37

roundly [1] - 24817:25

Royal [15] - 24832:39, 24836:33, 24839:2, 24841:31, 24858:39, 24861:46, 24862:42, 24868:4, 24868:11, 24868:26, 24868:31, 24869:37, 24870:39, 24871:12, 24879:21

ROYAL [1] - 24790:14

rubbed [1] - 24827:47

rule [1] - 24818:42

rules [1] - 24881:14

rumours [2] - 24798:15, 24798:18

run [5] - 24821:43, 24833:1, 24835:13, 24844:44, 24865:38

running [4] - 24855:24, 24859:33, 24874:24, 24877:39

rural [4] - 24799:39, 24838:42, 24838:44, 24856:13

S

sack [2] - 24819:24, 24862:17

sacked [3] - 24811:24, 24811:26, 24812:4

sacramental [1] - 24881:45

sacraments [4] - 24832:14, 24832:17, 24832:19, 24832:24

sacred [1] - 24823:44

sacredness [1] - 24823:45

sacrifice [1] - 24832:5

sacrifices [1] - 24821:34

sacrificing [1] - 24823:18

sacrosanct [1] - 24821:23

sad [1] - 24881:19

safer [1] - 24853:28

safety [3] - 24853:20, 24866:44, 24868:7

Salesian [4] - 24849:24, 24851:47, 24879:45, 24880:19

Salesians [15] - 24841:41, 24841:43, 24842:39, 24842:47, 24843:5, 24844:21, 24846:22, 24847:38, 24848:33, 24849:9, 24849:11, 24851:28, 24851:32, 24851:33, 24879:44

Salle [2] - 24874:15, 24874:17

Salles [1] - 24872:45

salvation [5] - 24821:24, 24821:37, 24822:1, 24822:12, 24832:16

Samoa [1] - 24843:7

sat [2] - 24803:30, 24876:23

saw [3] - 24797:47, 24825:29, 24854:13

SC [1] - 24790:42

scandal [1] - 24799:13

scare [1] - 24824:13

scenario [1] - 24882:11

scepticism [1] - 24791:43

scheme [1] - 24838:18

school [7] - 24838:42, 24874:22, 24874:25, 24881:9, 24881:23, 24881:26, 24881:30

School [1] - 24842:37

schools [7] - 24856:33, 24860:34, 24874:35, 24879:45, 24880:3, 24880:18, 24880:28

scientist [1] - 24791:42

scream [1] - 24834:5

screen [1] - 24830:31

scripture [1] - 24821:16

scroll [1] - 24818:23

scuttled [2] - 24816:10, 24816:30

searched [1] - 24819:8

season [4] - 24858:37, 24868:45

sec [1] - 24820:30

second [12] - 24798:11, 24816:41, 24816:45, 24816:47, 24818:27, 24820:29, 24832:3, 24842:16, 24844:12, 24849:17, 24849:21, 24860:22

Second [1] - 24831:29

secrecy [9] - 24794:12, 24804:45, 24819:13, 24819:33, 24819:36, 24822:44, 24831:14, 24884:16

Secret [1] - 24818:7

secret [6] - 24794:14, 24797:9, 24822:33, 24822:34, 24827:21, 24827:22

Secretariat [1] - 24808:21

Secretary [1] - 24793:6

Secretary-Canonist [1] - 24793:6

secretive [1] - 24804:43

sections [1] - 24809:15
sector [1] - 24856:41
sectors [2] - 24836:43, 24856:38
secular [6] - 24807:14, 24807:16, 24819:16, 24819:17, 24819:18, 24820:10
seduce [1] - 24824:4
seduction [1] - 24824:12
see [23] - 24803:11, 24809:41, 24810:18, 24814:39, 24815:38, 24820:26, 24823:25, 24826:9, 24832:29, 24850:34, 24853:11, 24853:38, 24855:10, 24860:44, 24862:37, 24865:5, 24867:29, 24868:41, 24869:11, 24873:20, 24877:15, 24882:45, 24883:34
See [7] - 24805:4, 24813:9, 24815:1, 24815:35, 24816:34, 24831:12, 24846:39
seeing [3] - 24833:9, 24846:26, 24861:23
seek [2] - 24827:19, 24849:44
seeking [2] - 24848:23, 24851:19
seem [1] - 24872:33
segments [1] - 24884:42
selected [1] - 24809:17
selection [2] - 24874:45, 24881:28
self [2] - 24850:10, 24853:46
self-acknowledged [1] - 24850:10
self-understanding [1] - 24853:46
seminarians [4] - 24839:21, 24874:46, 24875:20, 24877:31
seminaries [6] - 24840:39, 24875:20, 24875:24, 24876:5, 24876:15, 24876:16
seminary [18] - 24792:34, 24825:12, 24840:43, 24841:5, 24841:15, 24841:22, 24852:47, 24859:10, 24859:18, 24859:31, 24875:36, 24876:22, 24877:28, 24877:39, 24877:47, 24878:3, 24878:10, 24882:19
Seminary [1] - 24839:23
send [8] - 24793:35, 24793:37, 24794:15, 24794:16, 24797:25, 24803:4, 24805:4, 24806:35
Senior [1] - 24841:37
senior [1] - 24855:13
sense [6] - 24800:26, 24842:6, 24859:8, 24871:25, 24871:27, 24878:40
sent [17] - 24794:16, 24795:37, 24796:9, 24796:30, 24796:31, 24799:47, 24805:34, 24810:4, 24813:29, 24820:17, 24820:18, 24820:20, 24824:37, 24833:46, 24868:18
sentenced [1] - 24801:45
separate [1] - 24792:25
serious [7] - 24810:12, 24810:13, 24819:30, 24822:42, 24822:47, 24829:44, 24848:38
seriously [4] - 24817:24, 24822:12, 24831:1, 24834:25
seriousness [1] - 24819:28
sermon [1] - 24807:35
serve [2] - 24793:6, 24866:20
servers [1] - 24882:4
services [2] - 24800:28, 24860:27
serving [1] - 24880:39
session [1] - 24846:19
Set [1] - 24809:13
set [10] - 24795:29, 24815:3, 24816:18, 24816:21, 24828:21, 24839:44, 24855:4, 24861:7, 24875:7, 24879:3
sets [1] - 24825:27
setting [5] - 24839:40, 24839:41, 24840:32, 24861:47
settings [1] - 24840:35
seven [2] - 24832:14, 24837:34
Seventh [1] - 24837:27
several [7] - 24793:42, 24793:46, 24802:29, 24809:3, 24809:17, 24812:9, 24827:29
severe [1] - 24819:6
severely [1] - 24881:17
severing [1] - 24837:13
sex [11] - 24818:7, 24818:28, 24818:29, 24818:45, 24818:46, 24819:4, 24824:18, 24825:34, 24828:8, 24830:36, 24834:37
Sexual [1] - 24803:47
sexual [40] - 24791:23, 24794:1, 24797:30, 24797:38, 24802:8, 24803:46, 24815:28, 24817:8, 24817:15, 24817:42, 24818:44, 24819:12, 24822:17, 24822:40, 24824:17, 24824:44, 24825:2, 24826:2, 24829:18, 24829:19, 24830:15, 24830:20, 24833:8, 24833:30, 24836:45, 24837:22, 24839:45, 24840:3, 24840:11, 24840:19, 24843:33, 24844:21, 24859:27, 24859:43, 24869:36, 24878:21, 24878:26, 24878:37, 24879:6, 24879:13
SEXUAL [1] - 24790:15
sexualised [1] - 24839:43
sexuality [11] - 24794:46, 24825:41, 24825:47, 24828:8, 24830:7, 24834:40, 24835:1, 24835:10, 24877:3, 24878:42
sexually [20] - 24798:21, 24799:26, 24802:1, 24805:31, 24806:44, 24812:47, 24815:45, 24820:35, 24820:39, 24822:29, 24822:32, 24823:23, 24823:33, 24825:7, 24829:26, 24830:3, 24834:46, 24851:24, 24852:41, 24853:10
shall [2] - 24818:28, 24818:29
shallow [2] - 24817:24, 24817:27
shame [3] - 24810:35, 24815:8, 24829:31
shape [1] - 24828:2
shared [3] - 24812:36, 24827:40, 24876:27
shaving [1] - 24819:23
shift [3] - 24854:34, 24863:43
shifted [2] - 24810:22, 24854:31
shifting [1] - 24859:7
shifts [2] - 24868:34, 24868:35
shooting [3] - 24799:43, 24806:35, 24821:31
short [3] - 24798:34, 24805:14, 24826:41
short-circuit [1] - 24805:14
short-term [1] - 24826:41
shotgun [1] - 24799:40
shoulder [2] - 24853:33, 24881:11
shoulders [1] - 24827:47
show [1] - 24819:27
shown [1] - 24864:1
shows [1] - 24876:7
shrinking [2] - 24873:28, 24873:34
shuffled [1] - 24831:27
shut [4] - 24830:42, 24868:13, 24869:22, 24876:32
sick [1] - 24834:12
side [10] - 24795:5, 24806:21, 24821:25, 24832:17, 24841:18, 24841:19, 24854:14, 24864:19, 24867:30, 24873:45
sidelined [1] - 24831:11
sides [1] - 24879:38
sign [3] - 24796:15, 24796:26, 24803:3
signed [2] - 24801:17, 24805:19
significance [1] - 24859:46
significant [12] - 24792:5, 24808:44, 24819:42, 24855:14, 24855:40, 24856:15, 24856:27, 24859:6, 24868:28, 24868:40, 24873:38, 24875:7
significantly [3] - 24803:1, 24808:7, 24856:13
signs [1] - 24847:7
simple [1] - 24810:20
simpler [1] - 24846:37
simply [11] - 24801:16, 24820:5, 24831:44, 24846:38, 24854:3, 24854:8, 24863:16, 24874:39, 24875:22, 24877:6, 24880:24
Sin [1] - 24840:22
sin [7] - 24824:17, 24824:18, 24824:32, 24825:43, 24834:42, 24834:43
sincerely [1] - 24808:16
single [3] - 24805:20, 24860:13, 24860:25
sinner [1] - 24830:23
sins [1] - 24859:17
Sipe [2] - 24818:5, 24826:37
Sisters [1] - 24838:29
sit [4] - 24815:12, 24853:8, 24860:38, 24865:12
sitting [6] - 24794:20, 24797:46, 24834:17, 24860:37, 24885:3, 24885:6
situation [29] - 24801:31, 24829:37, 24840:42, 24844:13, 24844:18, 24844:23, 24844:44, 24845:40, 24845:42, 24850:19, 24850:24, 24850:45, 24851:25, 24851:38, 24853:2, 24853:6, 24853:9, 24853:14, 24853:41, 24853:47, 24868:12, 24876:28, 24877:33, 24877:37, 24877:45, 24878:33, 24879:43, 24881:24
situational [2] - 24850:19, 24850:28
situations [9] - 24840:36, 24853:11,

24853:36, 24853:37, 24871:44, 24874:37, 24878:30, 24878:37, 24879:29
six [12] - 24799:36, 24803:36, 24804:33, 24805:26, 24817:32, 24842:34, 24848:17, 24854:15, 24854:20, 24884:2, 24884:4, 24884:6
skills [3] - 24818:10, 24818:11, 24874:31
skirts [1] - 24860:36
slightly [1] - 24795:13
slow [2] - 24870:28, 24875:15
slowing [1] - 24875:16
slowing-down [1] - 24875:16
small [3] - 24801:46, 24802:10, 24856:9
snowflakes [1] - 24824:26
so-and-so [2] - 24799:42, 24806:42
so-called [2] - 24826:25, 24860:7
sobriety [2] - 24812:34, 24829:41
social [2] - 24853:35, 24876:16
socially [1] - 24851:24
society [4] - 24822:39, 24826:36, 24869:25, 24875:22
sociocultural [3] - 24817:13, 24822:4, 24823:38
sociologists [2] - 24817:34, 24817:36
sociopolitical [1] - 24821:9
soft [1] - 24823:6
sold [2] - 24842:16, 24842:31
sole [1] - 24821:24
solely [2] - 24850:28, 24857:15
solemn [1] - 24792:26
solid [1] - 24826:37
solution [2] - 24805:45, 24875:29
solving [1] - 24859:7
someone [13] - 24795:39, 24811:7, 24819:27, 24823:40, 24830:12, 24837:32, 24838:10, 24853:33, 24854:17, 24856:39, 24864:2, 24874:23, 24883:17
sometimes [10] - 24802:32, 24808:37, 24808:38, 24808:39, 24826:12, 24827:17, 24827:18, 24830:29, 24835:11, 24872:22
somewhat [9] - 24795:15, 24807:5, 24811:40, 24816:46, 24819:41, 24826:44, 24827:21, 24830:7, 24854:46
somewhere [6] - 24804:38, 24804:44, 24818:23, 24847:32, 24874:9, 24874:10
son [5] - 24802:1, 24802:2, 24828:27, 24828:28, 24842:7
Son [1] - 24842:30
soon [2] - 24793:16, 24862:33
sorry [4] - 24828:44, 24863:16, 24863:23, 24877:21
sort [27] - 24792:9, 24804:20, 24805:5, 24808:46, 24812:8, 24828:19, 24838:38, 24839:17, 24839:39, 24839:40, 24840:35, 24846:5, 24849:13, 24850:45, 24852:1, 24852:2, 24852:29, 24853:34, 24860:38, 24866:6, 24871:45, 24873:40, 24876:11, 24877:9, 24880:20, 24880:36, 24881:46
sorted [1] - 24804:38
sorting [1] - 24840:46
sorts [7] - 24841:12, 24846:29, 24863:41, 24865:27, 24871:37, 24875:13, 24876:17
sought [1] - 24845:39
soul [2] - 24826:12, 24843:28
souls [2] - 24826:13, 24834:24
sound [1] - 24807:5
sounded [1] - 24816:11
sounds [3] - 24807:5, 24859:35, 24860:9
source [1] - 24817:20
sources [1] - 24819:9
soutanes [1] - 24875:27
South [4] - 24826:32, 24838:27, 24838:43, 24839:29
south [1] - 24799:25
southern [3] - 24799:24, 24803:46, 24818:39
spaces [1] - 24862:34
Spain [1] - 24818:39
speaking [2] - 24826:22, 24858:45
special [2] - 24803:45, 24854:44
specialised [1] - 24818:10
specialising [1] - 24841:47
specific [1] - 24843:24
speculative [1] - 24794:38
spells [1] - 24852:36
spending [2] - 24808:44, 24880:20
spent [1] - 24861:32
spiritual [6] - 24812:46, 24813:4, 24813:10, 24827:40, 24828:6, 24841:14
Spirituality [1] - 24839:22
spiritually [1] - 24814:31
splitting [2] - 24861:36, 24861:37
spoken [1] - 24831:7
spontaneous [1] - 24871:35
spontaneously [1] - 24872:4
sports [1] - 24871:14
squeaky [1] - 24806:10
St [9] - 24801:23, 24821:11, 24837:31, 24837:45, 24839:23, 24852:23, 24852:42, 24872:44, 24884:21
stable [1] - 24826:40
staff [5] - 24793:24, 24797:23, 24800:22, 24812:14, 24866:37
stage [4] - 24839:39, 24852:46, 24874:21, 24875:17
stages [2] - 24843:18, 24843:19
stake [1] - 24800:13
stand [5] - 24802:4, 24831:1, 24843:18, 24844:15, 24862:23
Standards [1] - 24862:1
standing [10] - 24795:21, 24870:13, 24870:17, 24870:24, 24870:30, 24870:33, 24870:35, 24870:44, 24870:46, 24871:4
start [4] - 24820:27, 24849:8, 24866:37, 24873:7
started [5] - 24801:3, 24810:8, 24814:3, 24821:20, 24837:42
starting [1] - 24836:32
state [4] - 24869:6, 24869:22, 24870:16, 24871:17
statement [4] - 24816:2, 24821:17, 24822:37, 24864:8
statements [3] - 24809:38, 24882:46, 24883:6
states [1] - 24799:25
States [13] - 24802:29, 24804:43, 24805:41, 24807:33, 24807:40, 24808:17, 24808:19, 24810:4, 24811:19, 24812:22, 24812:24, 24835:38, 24842:34
stationed [2] - 24810:44, 24825:29
stations [1] - 24805:9
statistics [3] - 24816:47, 24826:37, 24853:16
stature [2] - 24823:14, 24824:3
status [2] - 24856:26, 24856:27
statute [1] - 24800:41
stay [5] - 24826:13, 24835:34, 24836:6, 24836:8, 24867:36
stayed [1] - 24838:30
stems [1] - 24834:46
step [1] - 24869:18
Stephen [1] - 24790:43
stepped [1] - 24838:21
still [26] - 24794:28, 24795:15, 24801:23, 24803:37, 24810:18, 24811:15, 24813:3, 24826:37, 24829:34, 24831:13, 24841:24, 24844:34, 24845:7, 24847:3, 24847:26, 24865:39, 24873:24, 24875:32, 24875:44, 24877:39, 24879:39, 24880:6, 24880:21, 24881:2, 24881:14
stood [6] - 24811:20, 24831:6, 24831:9, 24873:20
stop [8] - 24803:6, 24829:35, 24829:37, 24829:38, 24842:19, 24843:21, 24861:36, 24868:8
stopped [4] - 24809:46, 24857:4, 24861:30, 24861:38
stopping [1] - 24857:34
story [4] - 24839:37, 24852:41, 24871:29
straight [2] - 24818:42, 24884:25
strategically [1] - 24883:32
Strathfield [2] - 24876:29, 24878:4
stream [1] - 24881:23
street [1] - 24851:34
streets [1] - 24875:26
stress [1] - 24844:3
stressful [1] - 24844:12
stressing [1] - 24843:28
stretch [1] - 24825:1
strict [1] - 24802:31
strong [6] - 24825:33, 24825:35, 24858:38, 24858:41, 24859:30
strongly [1] - 24879:16
struck [1] - 24852:42
structural [4] - 24817:6, 24817:11, 24833:21, 24868:35
structure [21] - 24816:29, 24816:33, 24817:35, 24821:22, 24821:46, 24822:4, 24823:21, 24823:26, 24824:24, 24824:26, 24831:35, 24831:37, 24831:42, 24832:7, 24832:8, 24850:29, 24850:34, 24850:41, 24858:21, 24867:35, 24872:20
structures [8] -

24821:10, 24834:10, 24850:39, 24852:1, 24852:7, 24860:44, 24882:10, 24882:11
struggling [3] - 24866:23, 24871:34, 24881:9
student [1] - 24852:45
students [3] - 24840:44, 24875:36, 24877:8
studied [1] - 24803:47
studies [4] - 24792:28, 24792:30, 24877:9, 24881:22
Studies [4] - 24837:9, 24841:47, 24842:37
Study [1] - 24790:19
study [2] - 24816:41, 24859:43
stuff [3] - 24807:4, 24819:25, 24881:46
stultified [1] - 24825:47
stunned [1] - 24801:9
sub [1] - 24830:9
sub-genre [1] - 24830:9
subculture [1] - 24823:39
subjected [1] - 24792:5
submission [2] - 24863:9, 24864:6
subsequent [1] - 24837:25
substance [1] - 24801:24
successor [1] - 24821:41
successors [1] - 24821:40
sudden [2] - 24800:37, 24825:19
suddenly [3] - 24855:37, 24874:22, 24876:32
sue [2] - 24800:33, 24801:10
suffer [1] - 24829:43
suffering [2] - 24829:27, 24834:26
sufficient [2] - 24847:20, 24867:17
suggest [3] - 24858:7, 24865:11, 24866:2
suggested [3] - 24805:3, 24865:9, 24865:46
suggesting [2] - 24863:38, 24870:39
suggestions [5] - 24832:38, 24832:43, 24853:27, 24861:41, 24869:11
suggests [2] - 24850:2, 24854:29
suit [2] - 24800:34, 24806:43
suitability [2] - 24795:16, 24795:25
suitable [3] - 24795:33, 24796:25, 24878:10
summarising [1] - 24882:32
Sunbury [1] - 24841:45
Sunday [3] - 24807:34, 24866:21, 24866:36
sunk [1] - 24816:16
super [2] - 24881:3, 24881:4
Superior [3] - 24842:39, 24842:46, 24846:38
superior [5] - 24793:15, 24827:19, 24870:16, 24870:45, 24874:7
Superior-General [1] - 24846:38
superiors [2] - 24817:7, 24828:17
supervised [3] - 24863:14, 24871:15, 24879:41
supervising [1] - 24802:19
supervision [19] - 24802:25, 24802:31, 24802:37, 24849:29, 24853:32, 24854:11, 24854:16, 24854:22, 24854:25, 24854:27, 24858:45, 24863:10, 24863:36, 24863:47, 24875:43, 24883:14, 24883:29, 24883:41
supervisor [2] - 24883:33, 24883:39
supervisory [1] - 24807:39
support [9] - 24802:13, 24802:32, 24802:35, 24813:15, 24814:29, 24820:43, 24846:28, 24862:3, 24884:21
supported [1] - 24813:28
suppose [1] - 24860:6
supposedly [1] - 24825:37
surely [1] - 24829:9
surface [1] - 24805:28
surmount [1] - 24843:17
surprised [1] - 24847:44
surprises [1] - 24848:43
surround [1] - 24828:22
surrounding [1] - 24827:41
survey [2] - 24794:7, 24794:41
surveys [4] - 24796:36, 24796:38, 24827:3
survivor [2] - 24840:36, 24871:30
survivors [10] - 24791:22, 24797:30, 24797:32, 24797:34, 24811:13, 24813:24, 24814:46, 24840:9, 24840:29, 24840:34
Susanna [1] - 24840:9
suspect [1] - 24849:30
sworn [4] - 24791:4, 24836:22, 24836:24, 24836:26
Sydney [15] - 24790:24, 24795:15, 24837:11, 24837:31, 24838:31, 24838:34, 24839:20, 24841:3, 24854:22, 24874:36, 24876:22, 24876:23, 24876:45, 24877:16, 24877:45
symbols [1] - 24832:25
synthesised [1] - 24796:23
system [18] - 24811:20, 24815:47, 24831:13, 24831:43, 24833:18, 24833:25, 24833:46, 24850:43, 24851:35, 24851:36, 24858:9, 24860:29, 24861:42, 24870:21, 24871:22, 24876:33, 24877:27
systemic [8] - 24820:45, 24838:3, 24860:18, 24860:24, 24860:32, 24860:41, 24861:37, 24863:42
systems [1] - 24863:42

T

table [2] - 24799:5, 24815:13
tainted [1] - 24822:12
talks [2] - 24828:27, 24847:45
Tapsell [1] - 24818:16
target [1] - 24873:40
task [9] - 24861:6, 24861:7, 24861:12, 24861:14, 24861:18, 24861:21, 24861:24, 24869:16
tasked [1] - 24803:3
taught [7] - 24821:23, 24824:17, 24825:16, 24825:18, 24841:45, 24842:1, 24842:35
taxes [4] - 24867:8, 24867:10, 24867:11, 24867:12
teach [1] - 24882:13
teacher [3] - 24841:44, 24874:18, 24874:19
teachers [2] - 24821:42, 24879:26
teaches [2] - 24821:12, 24821:39
teaching [15] - 24818:20, 24818:21, 24821:8, 24825:19, 24825:41, 24828:7, 24828:12, 24831:29, 24839:23, 24840:44, 24841:11, 24859:9, 24874:29, 24880:13, 24882:19
team [5] - 24802:32, 24802:35, 24838:10, 24855:4, 24855:6
teams [1] - 24846:4
technical [2] - 24828:36, 24845:19
Technology [1] - 24837:11
teenage [1] - 24797:43
telephone [1] - 24793:16
ten [2] - 24849:21, 24876:20
tend [1] - 24858:24
tendencies [1] - 24850:12
tender [1] - 24874:17
term [4] - 24826:34, 24826:40, 24826:41, 24845:19
terminate [2] - 24795:5, 24827:20
terms [12] - 24828:7, 24846:28, 24846:29, 24850:36, 24852:6, 24852:11, 24854:25, 24860:17, 24873:35, 24875:6, 24880:11, 24883:16
terna [1] - 24796:9
terrible [1] - 24873:11
Testament [2] - 24842:33, 24842:36
tested [1] - 24801:27
tests [1] - 24801:30
Texas [2] - 24801:47, 24802:11
thankfully [1] - 24865:34
that" [1] - 24834:15
theirs [1] - 24820:18
themes [1] - 24841:12
themselves [9] - 24820:39, 24822:8, 24829:11, 24830:16, 24850:14, 24850:23, 24872:28, 24873:8, 24873:45
theologians [1] - 24817:34
theological [7] - 24792:27, 24792:30, 24839:21, 24841:4, 24841:9, 24841:12, 24841:19
Theological [1] - 24841:38
Theology [3] - 24839:9, 24841:46, 24842:37
theology [8] - 24792:33, 24792:34, 24823:16, 24839:24, 24859:10, 24859:12, 24859:15, 24859:24
theory [3] - 24849:42, 24860:8, 24860:19
therapist [4] - 24791:24, 24812:30, 24812:34, 24860:12
therapists [1] - 24827:4
thereafter [1] - 24865:42
therefore [5] -

24829:17, 24850:18, 24856:18, 24872:20, 24885:4
they've [7] - 24848:19, 24864:20, 24866:37, 24872:17, 24873:11, 24880:2
thinking [2] - 24792:9, 24861:4
thinks [1] - 24847:14
third [6] - 24798:5, 24798:8, 24798:9, 24842:17, 24849:23, 24885:1
Thomas [2] - 24791:2, 24791:14
THOMAS [1] - 24791:4
thoughts [2] - 24869:1, 24883:28
thousands [5] - 24811:12, 24812:41, 24814:30, 24861:15, 24874:1
threads [1] - 24861:36
threatened [1] - 24878:17
threatening [1] - 24805:9
three [25] - 24793:35, 24796:8, 24799:34, 24802:1, 24802:2, 24802:31, 24803:38, 24805:38, 24806:9, 24809:43, 24810:34, 24812:23, 24814:2, 24816:26, 24817:4, 24831:10, 24836:21, 24841:45, 24842:12, 24842:31, 24846:40, 24849:24, 24880:8, 24884:33
three-year-old [2] - 24802:1, 24802:2
threw [1] - 24806:16
throughout [7] - 24796:1, 24797:23, 24802:29, 24820:41, 24826:30, 24864:23, 24885:6
throw [3] - 24847:19, 24847:20, 24874:11
throwing [1] - 24847:16
thrown [1] - 24802:2
thrust [1] - 24874:26
thunder [1] - 24821:30
ticks [1] - 24883:39
tight [1] - 24871:37
tired [1] - 24834:12
titled [1] - 24816:47
TO [2] - 24790:15, 24885:11
to" [1] - 24823:8
today [8] - 24813:3, 24814:28, 24861:4, 24861:26, 24863:30, 24877:40, 24884:40
together [5] - 24840:10, 24860:38, 24866:27, 24869:27, 24884:41
tolerated [1] - 24827:21
Tom [1] - 24803:33
Tom" [1] - 24803:32
tomorrow [3] - 24814:28, 24885:2, 24885:5
tonne [1] - 24815:26
Tony [1] - 24809:12
too-hard [1] - 24865:22
took [15] - 24792:16, 24799:33, 24799:40, 24805:35, 24814:1, 24815:41, 24842:43, 24842:46, 24843:9, 24845:28, 24849:12, 24849:17, 24849:33, 24852:9
tools [1] - 24853:46
top [10] - 24808:21, 24814:36, 24827:24, 24845:41, 24850:42, 24850:43, 24863:44, 24864:1, 24864:23, 24866:32
top-down [1] - 24866:32
topic [3] - 24820:4, 24824:39, 24883:45
total [2] - 24800:5, 24809:20
totally [4] - 24807:8, 24824:15, 24827:42, 24882:14
touch [1] - 24797:29
touches [1] - 24869:4
toward [1] - 24821:46
towards [1] - 24830:11
Towards [3] - 24844:31, 24846:2, 24846:3
Tower [1] - 24790:23
town [1] - 24876:26
trace [1] - 24818:17
traces [1] - 24794:17
track [1] - 24863:13
tracking [1] - 24847:7
tradition [2] - 24821:16, 24859:16
traditional [3] - 24825:12, 24825:40, 24877:28
traditionally [1] - 24834:41
traffic [1] - 24813:22
trail [1] - 24818:18
train [1] - 24839:44
trained [6] - 24812:34, 24859:47, 24862:29, 24862:30, 24874:26, 24879:41
training [25] - 24825:5, 24825:12, 24829:29, 24841:45, 24859:16, 24859:31, 24859:36, 24862:15, 24863:36, 24864:12, 24864:13, 24865:20, 24871:38, 24874:18, 24874:31, 24874:39, 24876:6, 24877:28, 24881:28, 24881:46, 24882:3, 24882:7, 24882:40, 24883:8
trains [1] - 24878:33
transferred [3] - 24793:27, 24804:44, 24804:46
trash [1] - 24810:6
trauma [1] - 24880:47
travelling [1] - 24838:42
treated [6] - 24810:21, 24868:19, 24873:11, 24873:16, 24873:24
treatment [1] - 24809:19
treaty [1] - 24807:4
tremendous [6] - 24807:46, 24820:2, 24824:7, 24829:28, 24829:31, 24832:28
tribunal [5] - 24793:14, 24816:7, 24816:15, 24816:22, 24816:30
tricky [1] - 24867:19
tried [2] - 24806:23, 24813:13
Trinity [1] - 24841:12
trouble [2] - 24830:34, 24837:32
true [5] - 24799:27, 24831:43, 24831:44, 24872:15, 24875:22
truly [1] - 24876:34
trusted [1] - 24809:3
Truth [3] - 24822:38, 24854:5, 24861:47
truths [1] - 24875:30
try [10] - 24794:46, 24807:20, 24825:25, 24845:17, 24845:27, 24847:4, 24849:22, 24849:23, 24853:8, 24879:17
trying [11] - 24804:2, 24805:8, 24805:45, 24823:6, 24826:33, 24834:5, 24858:7, 24870:10, 24872:19, 24881:14, 24883:37
Tuesday [1] - 24790:27
turn [7] - 24797:45, 24803:8, 24819:17, 24825:3, 24841:30, 24842:25, 24875:40
turned [4] - 24805:44, 24820:47, 24875:17, 24881:21
turning [2] - 24842:26, 24875:44
TV [3] - 24805:9, 24807:15, 24864:39
twelve [3] - 24818:21, 24821:40, 24839:15
two [42] - 24791:21, 24792:10, 24792:11, 24797:41, 24800:24, 24802:9, 24803:38, 24803:39, 24804:19, 24804:22, 24805:27, 24808:43, 24809:9, 24811:43, 24813:23, 24814:1, 24814:9, 24814:12, 24814:14, 24814:15, 24814:22, 24814:46, 24818:3, 24818:28, 24818:29, 24823:37, 24826:8, 24833:42, 24843:26, 24846:36, 24846:43, 24851:28, 24857:8, 24865:12, 24867:11, 24874:35, 24878:29, 24879:37, 24880:8, 24880:19, 24883:12, 24884:38
type [3] - 24795:47, 24818:35, 24854:27
types [1] - 24802:9
unable [3] - 24826:1, 24826:3, 24829:10
unanimity [1] - 24812:45
unanimously [1] - 24813:28
uncles [1] - 24806:33
unconditional [1] - 24846:27
uncovering [1] - 24837:11
under [15] - 24793:41, 24794:13, 24796:14, 24798:37, 24802:31, 24803:35, 24804:45, 24806:26, 24829:27, 24831:26, 24840:2, 24864:36, 24865:19, 24880:39
under-resourced [1] - 24865:19
understood [4] - 24803:7, 24819:27, 24825:27, 24883:16
undertaken [5] - 24841:15, 24854:15, 24854:20, 24881:43, 24882:4
undertook [1] - 24792:30
undeveloped [1] - 24873:46
unfortunately [7] - 24819:47, 24821:15, 24825:12, 24831:41, 24835:31, 24861:26, 24880:17
unify [1] - 24870:19
unique [2] - 24832:46, 24833:9
uniqueness [1] - 24825:37
United [11] - 24802:29, 24804:42, 24805:41, 24807:32, 24808:17, 24808:19, 24810:4, 24811:19, 24812:22, 24812:23, 24842:34
Uniting [2] - 24837:27, 24859:40
universal [4] - 24867:11, 24867:12, 24873:33, 24880:39
universally [2] - 24826:29, 24876:3
University [8] - 24792:44, 24804:1, 24837:11, 24839:10, 24801:45

U

ultimately [3] - 24792:37, 24801:43,

24839:29, 24841:39,
24842:35, 24842:38
unknown [3] -
24821:27, 24831:13,
24882:14
unless [3] - 24799:4,
24847:9, 24871:15
unlike [2] - 24800:44,
24807:32
unloaded [1] -
24810:47
unofficially [1] -
24835:38
unprofessional [1] -
24874:39
unresolved [2] -
24844:24, 24844:28
unsackable [1] -
24862:18
unselfish [2] -
24828:2, 24828:3
unsupervised [2] -
24852:37, 24882:15
unto [1] - 24872:32
unusual [1] -
24807:28
unwillingness [1] -
24835:11
up [63] - 24794:33,
24794:34, 24797:43,
24798:31, 24801:21,
24801:29, 24802:1,
24802:8, 24803:29,
24804:17, 24804:19,
24804:22, 24804:41,
24805:46, 24806:36,
24807:4, 24807:16,
24808:12, 24809:13,
24809:23, 24810:12,
24811:20, 24814:3,
24815:3, 24815:45,
24816:4, 24816:18,
24816:21, 24818:4,
24818:9, 24820:46,
24821:30, 24823:11,
24824:11, 24825:37,
24830:30, 24831:6,
24831:9, 24832:35,
24833:11, 24833:25,
24845:16, 24845:21,
24847:11, 24851:42,
24855:4, 24858:27,
24860:36, 24861:47,
24862:16, 24862:23,
24862:43, 24865:5,
24865:35, 24867:11,
24868:14, 24869:12,
24869:13, 24871:2,
24873:22, 24876:26,
24881:22, 24883:37

upstairs [1] -
24850:47
useful [2] - 24862:30,
24884:43
usual [1] - 24841:44

V

vague [2] - 24851:17,
24870:10
valuable [1] -
24816:46
variable [1] - 24880:43
varies [1] - 24880:37
variety [3] - 24791:23,
24820:40, 24836:44
various [8] - 24819:9,
24832:15, 24851:6,
24856:37, 24864:34,
24880:21, 24882:20,
24883:7
Vatican [19] - 24793:6,
24796:28, 24803:27,
24804:8, 24805:36,
24815:36, 24820:4,
24820:13, 24820:17,
24831:29, 24833:13,
24835:3, 24846:46,
24858:5, 24858:8,
24858:12, 24858:19,
24858:28, 24858:40
venues [1] - 24876:2
veracity [1] - 24821:15
verifies [1] - 24828:29
verify [3] - 24794:46,
24795:1, 24870:45
version [1] - 24816:45
vestments [1] -
24876:36
Vicar [4] - 24800:16,
24800:25, 24800:35,
24804:36
vicar [4] - 24856:32,
24856:39, 24857:11,
24858:9
vicariate [1] -
24812:21
vicars [6] - 24856:26,
24856:40, 24856:44,
24857:30, 24857:42,
24857:45
victim [9] - 24823:15,
24824:13, 24824:14,
24834:43, 24837:26,
24838:20, 24846:7,
24862:3, 24871:35
victims [59] -
24791:22, 24797:30,
24799:27, 24799:39,
24809:19, 24810:9,

24810:13, 24810:26,
24812:37, 24812:44,
24812:46, 24813:5,
24813:15, 24814:32,
24814:36, 24814:40,
24815:37, 24819:43,
24820:47, 24821:1,
24822:25, 24823:2,
24824:5, 24824:15,
24824:26, 24826:11,
24831:7, 24831:9,
24831:24, 24831:31,
24832:5, 24833:29,
24833:38, 24833:41,
24833:42, 24833:44,
24834:12, 24834:24,
24838:14, 24838:19,
24840:6, 24843:18,
24843:28, 24844:10,
24845:2, 24845:44,
24845:45, 24846:1,
24846:28, 24846:30,
24861:32, 24861:33,
24862:2, 24862:27,
24871:32, 24873:10,
24873:15
Victoria [2] -
24841:39, 24877:31
videolink [1] -
24885:2
Vietnam [1] -
24866:29
Vietnamese [1] -
24866:14
view [8] - 24808:5,
24824:44, 24824:46,
24830:23, 24860:41,
24862:19, 24862:47,
24868:11
views [2] - 24867:21,
24884:42
vigorous [1] -
24846:45
violate [1] - 24820:35
violated [7] -
24812:47, 24814:31,
24817:17, 24817:22,
24834:46, 24835:20,
24835:41
violating [1] -
24819:28
violation [1] - 24826:2
violence [1] -
24853:12
violent [1] - 24819:29
viral [1] - 24801:1
virginity [1] -
24825:16
virtue [1] - 24829:10
virus [1] - 24823:41

visible [1] - 24832:25
visit [2] - 24798:31,
24883:40
Visiting [1] - 24842:33
vitae [1] - 24795:25
vocation [1] -
24864:11
voice [2] - 24855:24,
24858:38
voices [1] - 24858:42
volumes [1] - 24835:4
voluntarily [1] -
24833:25
voted [2] - 24813:28,
24838:10
voting [1] - 24795:26
vow [5] - 24828:32,
24830:13, 24830:14,
24830:24
vows [9] - 24792:16,
24792:18, 24792:23,
24792:25, 24792:26,
24825:20, 24829:20,
24829:29, 24830:17
vulnerabilities [1] -
24881:39
vulnerability [3] -
24852:32, 24852:40,
24853:11
vulnerable [15] -
24833:16, 24840:3,
24852:17, 24852:18,
24853:15, 24853:20,
24853:21, 24853:37,
24853:44, 24860:8,
24860:11, 24860:12,
24860:33, 24881:21,
24882:1

W

wait [2] - 24850:47,
24863:21
waited [1] - 24810:29
waiting [1] - 24794:20
Wales [3] - 24838:27,
24838:43, 24839:29
walk [2] - 24819:23,
24875:26
walked [3] - 24830:35,
24830:37, 24831:32
wants [6] - 24793:34,
24806:45, 24829:35,
24829:37, 24862:42,
24881:10
warm [1] - 24851:35
warmth [1] - 24851:30
Washington [4] -
24793:7, 24793:24,
24798:30, 24799:18

water [1] - 24819:23
ways [7] - 24802:28,
24807:6, 24825:7,
24853:43, 24859:26,
24864:6, 24869:28
weakest [1] -
24869:13
weakness [1] -
24871:26
wear [1] - 24876:35
WEDNESDAY [1] -
24885:11
week [5] - 24796:12,
24801:30, 24854:25,
24865:12, 24880:42
weeks [3] - 24799:34,
24817:32, 24846:40
welfare [3] - 24822:25,
24823:15, 24823:18
well-integrated [1] -
24852:47
well-trained [1] -
24879:41
whatsoever [3] -
24798:42, 24848:20,
24872:39
wheel [2] - 24875:15,
24875:40
wheel's [1] - 24875:44
Whelan [5] -
24854:13, 24854:19,
24863:46, 24864:37,
24874:28
whereas [1] - 24881:8
whereby [6] -
24793:25, 24793:26,
24803:44, 24823:26,
24823:42, 24832:28
whilst [3] - 24873:29,
24875:38, 24876:2
whole [17] - 24796:47,
24822:40, 24832:1,
24834:7, 24834:20,
24834:40, 24843:15,
24843:22, 24845:41,
24846:9, 24851:36,
24859:46, 24861:35,
24869:5, 24876:22,
24879:39, 24879:40
wickedness [1] -
24849:13
wide [2] - 24832:30,
24843:5
widely [1] - 24851:2
wider [1] - 24875:21
widest [1] - 24884:41
wife [7] - 24827:43,
24839:40, 24839:41,
24839:47, 24840:8,
24840:10, 24840:43

wife's [2] - 24798:21, 24840:38
willingness [1] - 24867:16
Wilson [2] - 24855:12, 24857:40
window [1] - 24829:2
windows [4] - 24828:42, 24829:3, 24829:6, 24878:9
wired [1] - 24805:37
wised [1] - 24865:35
wish [2] - 24829:22, 24872:36
wishes [1] - 24869:42
WITHDREW [1] - 24836:10
witness [1] - 24836:3
WITNESS [2] - 24836:5, 24836:10
witnesses [2] - 24836:21, 24847:11
wives [2] - 24827:33, 24846:19
woman [8] - 24801:47, 24802:3, 24810:28, 24810:32, 24826:4, 24826:34, 24853:2, 24856:32
woman's [1] - 24810:43
women [26] - 24794:2, 24814:30, 24815:7, 24815:34, 24819:5, 24833:41, 24835:4, 24855:6, 24855:7, 24855:13, 24855:23, 24855:37, 24855:43, 24855:46, 24856:19, 24856:25, 24856:43, 24857:6, 24857:9, 24857:42, 24857:44, 24862:7, 24862:8, 24868:39, 24874:3
Women's [1] - 24837:9
women's [1] - 24800:46
wonder [2] - 24840:13, 24873:7
wondered [1] - 24830:22
wonderful [1] - 24867:30
wondering [1] - 24873:12
word [8] - 24799:45, 24818:41, 24820:43, 24853:31, 24866:26, 24878:39, 24878:44, 24883:41
words [2] - 24805:30, 24829:20
worker [1] - 24862:19
works [3] - 24856:47, 24860:12, 24867:15
world [8] - 24796:1, 24796:2, 24832:47, 24833:12, 24842:39, 24849:18, 24876:13, 24878:47
World [1] - 24876:13
world's [1] - 24818:5
worldwide [3] - 24801:2, 24833:10, 24873:31
worried [3] - 24803:38, 24808:2, 24808:4
worry [1] - 24800:20
worth [3] - 24851:22, 24851:23, 24873:3
would-be [1] - 24849:10
wraps [1] - 24803:36
write [3] - 24807:33, 24807:35, 24808:39
writing [1] - 24795:1
written [1] - 24884:40
wrote [4] - 24794:18, 24800:16, 24840:10, 24840:19

X

XXIII [1] - 24797:3

Y

year [5] - 24802:1, 24802:2, 24802:3, 24807:22, 24818:20
years [47] - 24798:30, 24799:1, 24801:46, 24802:27, 24807:7, 24812:23, 24812:34, 24812:41, 24814:2, 24814:31, 24815:12, 24815:28, 24821:22, 24822:20, 24822:35, 24827:46, 24831:40, 24832:32, 24837:34, 24838:22, 24838:30, 24839:15, 24839:23, 24839:41, 24841:45, 24842:12, 24842:34, 24844:14, 24845:28, 24848:17, 24851:32, 24851:47, 24852:43, 24858:3, 24858:20, 24867:11, 24873:21, 24874:16, 24875:35, 24876:20, 24877:15, 24880:44, 24883:47, 24884:2, 24884:4, 24884:6
yell [1] - 24834:5
yesterday [12] - 24811:34, 24816:40, 24816:47, 24822:38, 24823:40, 24825:13, 24826:37, 24860:25, 24861:3, 24861:26, 24868:15, 24874:28
young [25] - 24798:32, 24799:32, 24818:28, 24819:28, 24820:39, 24825:29, 24826:42, 24830:36, 24832:31, 24838:44, 24845:4, 24845:7, 24849:9, 24849:14, 24849:19, 24850:11, 24850:14, 24851:28, 24868:31, 24868:36, 24880:7, 24880:23, 24881:5, 24881:17
younger [1] - 24866:13
youngest [1] - 24810:27
yourself [3] - 24838:24, 24867:29, 24871:25
yourselves [1] - 24819:42
youth [1] - 24838:41

Z

Zealand [1] - 24843:7