

Paul Davis

From: Bishop Anthony Fisher Private
Sent: Tuesday, 31 July 2012 3:49 PM
To: Paul Davis
Subject: FW: Enquiries

Will this work for Whitlam?

+Anthony Fisher op

(Most Rev) Anthony Fisher OP
 DD BA LIB BTheol DPhil
 BISHOP OF PARRAMATTA

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-----Original Message-----

From: Nicholas Tonti-Filippini [mailto:ntonti-filippini@jp2institute.org]
Sent: Tuesday, 31 July 2012 3:44 PM
To: Bishop Anthony Fisher Private
Subject: RE: Enquiries

Dear +Anthony,

I notified Cardinal Pell of my concern in this regard two years ago and have no difficulty with you raising it with him. Knowing what I know of the process then and that there are many families who experienced it, I expressed the concern that sooner or later the role of those involved might be exposed and that would reflect badly on their current employers if they held significant positions.

In relation to the Hon. Tony Whitlam, I am still bound by the contract I signed when I began work with the Bishops Conference. I felt it was within that obligation to disclose information gained through that work to a current member of the Bishops conference when I contacted you and it seems reasonable that I discuss it with those with whom you request me to discuss it. However, it would need to be on condition that he was not therefore obliged to make the information public. If his process is such that he must disclose whatever information he receives then that creates an issue for the obligation I took on when I signed a contract with the Bishops Conference unless I were to be released from that obligation. I think that it is in the interests of the Bishops Conference for the process that was in place to be disclosed, including the role played by the individual's who conducted the process on behalf of the Bishops, but that is not a judgement that is mine to make.

I would be guided by you in that respect and your knowledge of the terms under which Mr. Whitlam is conducting his enquiry.

Regards in Christ,

Ncholas

From: Bishop Anthony Fisher Private [baf@parra.catholic.org.au]
 Sent: Tuesday, 31 July 2012 1:38 PM
 To: Nicholas Tonti-Filippini
 Subject: RE: Enquiries

Dear Nicholas

I propose to share your comments with Hon. Tony Whitlam and Cardinal Pell. Are you happy with this?

+Anthony Fisher op

(Most Rev) Anthony Fisher OP
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-----Original Message-----

From: Nicholas Tonti-Filippini [mailto:ntonti-filippini@jp2institute.org]
 Sent: Friday, 20 July 2012 8:06 PM
 To: Bishop Anthony Fisher Private
 Subject: Enquiries

My Lord,

I do not want to raise the details of some sensitive matters in an email or by mobile phone conversation, particularly as the subject involves matters about which I still consider myself bound by the confidentiality clause of the contract that I signed with the Australian Bishops Conference in 1989, and the matters are extraordinarily sensitive.

However, I do not think that I am breaching that contract in communicating with an Australian Bishop even though you were not then an Australian Bishop.

In 1990-1991 I was consulted by Bishop Mulkearns, then either Secretary or Chairman of the Bishops Committee for Clergy and Religious about a policy that had been drafted by Fr Brian Lucas and Fr John Usher and which was, at that time, used to guide the process for responding to complaints or allegations of crimes against clergy or religious in New South Wales, or referred to the Bishops Conference process from elsewhere. This was at a time before the development of the Melbourne Response or Towards Healing, the national response. The policy in place in 1990-1991 was described as the policy of the Bishops Conference although it was implemented exclusively by NSW priests, named in the recent reports. I was asked to meet with those priests to discuss their practices and to review that policy and I completed both tasks.

I was also asked at that time to meet with the principals and to review the then two existing agencies funded by the Bishops Conference for the spiritual rehabilitation of priests who had been asked to undertake spiritual renewal after events had given cause for thinking that such renewal was necessary, before the priest could return to ministry. The suggestion had been made that the agencies might be amalgamated or that one or other might be closed by the Bishops.

I now find myself in a position to have knowledge that bears upon the veracity or otherwise of the statement reportedly made to Cardinal Pell by one of those priests in relation to the admissions of abuse made by a priest of your diocese. I also have knowledge of the policy that was in effect and the implications of the policy for like matters.

In my role as a consultant to Archbishop Frank Little at earlier times, I also have information about some practices in this archdiocese.

With the establishment of a Victorian Parliamentary enquiry into this matter and the establishment of the enquiry into matters relating to the priest of your diocese reported in the statement by Cardinal Pell, I have felt increasingly uncomfortable with the possession of knowledge that might be of assistance to either enquiry. It is, of course, a dilemma in that I do not think I should, nor am I free to propose myself as a witness to either enquiry. In relation to the matter concerning a priest of your diocese and given the internal nature of the enquiry, I think it would be consistent with my contractual obligations were you as the local ordinary for the priest whose admissions are being considered, or the Cardinal, whose offices were the location of events and who was the recipient of the claim being investigated, were to suggest, request, direct or simply permit me to be a witness to that internal inquiry.

The situation in relation to the Victorian enquiry is more difficult obviously because it is a Parliamentary enquiry and my evidence, even if given in camera, which is an option, might be used by those who do not have the interests of the Church in mind and might even be hostile to the interests of the Church. Also, I am not at all sure of an appropriate mechanism that would free me from my contractual obligation to maintain confidentiality. It is something that I could discuss with the President of the Bishops Conference. I am also reluctant, given my own health, to expose myself to a Parliamentary enquiry. Given my experiences in this matter at the time that issues were of moment, I have written an opinion that I offered to Archbishop Hart. I attach that opinion. It does not mention any direct knowledge of the policy that was then implemented and relies only on matters already in the public forum. Archbishop Hart responded by indicating that my assessments were correct. However he thought it might not be opportune to offer this explanation at this time but asked if he could make it available to another. I have not yet been asked to assist the committee appointed by Archbishop Hart to develop a response to the enquiry.

Regards in Christ,

Nicholas

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