

**CORRS
CHAMBERS
WESTGARTH**

S O L I C I T O R S

11 November 1996

Melbourne Office
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Our Ref: ROMA5455 001

Rev Monsignor D J Hart
Vicar General
Catholic Archdiocese of Melbourne
PO Box 146
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COPY

Dear Monsignor

Fr Searson

We refer to your memorandum of 25 October 1996. Our apologies for the delay in responding.

Your interim action in requesting that boys not be sent across during the week seems to us to be appropriate. However a longer term solution will need to be found. If it is true that boys are being hit, this may constitute a criminal offence, and may also be conduct the subject of mandatory reporting requirements. The difficulties are increased because as appears from your files, there have been similar complaints about Fr Searson previously and indeed, a formal warning from Monsignor Cudmore on 17 September 1993.

Without seeing your entire file, it is difficult to determine the relevance of all of the events referred to in the summary. A number of the entries are of concern, although it is not possible to tell whether they represent additional complaints of physical assaults or something more serious.

We are particularly concerned about the entry for 13 March 1991, which suggests involvement of Fr Searson in minor sexual offences. In addition, we refer to the letter from Minter Ellison of 3 May 1993 which notes at paragraphs 7, 8 and 9 that there are inferences, at least, of improper behaviour of a sexual nature. It may be that this behaviour is only a secondary problem, or it may be that the complaints of physical abuse are a symptom of more serious sexual assaults. In any event, we respectfully agree with the conclusion that Minter Ellison reached that "the fact that over the years a number of suggestions have been made from a number of different people that there is something untoward about Father Searson's behaviour with children is ... sufficient to warrant some investigation of his conduct".

In the first instance, that investigation should be conducted by Peter O'Callaghan QC, and we are referring this matter to him. We expect that he will want to see your complete files on the school and on the Father so that he can determine how to proceed with his enquiries. Although Mr O'Callaghan's appointment only relates to allegations of sexual assault we suggest that in this instance, it is sensible to confirm that he should investigate allegations of any criminal behaviour.

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Rev Monsignor D J Hart
Fr Searson

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We note that allegations against Fr Searson have been made for several years and in the circumstances, Mr O'Callaghan may consider it appropriate that he be placed on administrative leave while the investigation is conducted.

In any event we will contact you again once we have heard from Mr O'Callaghan. Mr O'Callaghan may also find it convenient to contact you directly.

Please do not hesitate to contact Richard Leder if you have any queries.

With kind regards

A W LeP Darvall

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