

AGREEMENT

THIS AGREEMENT made the day of May 1997

BETWEEN:

Peter John Searson, C/- T. J. Mulvany & Co., Solicitors, 51 Queen Street, Melbourne, Catholic priest ("the Priest") of the first part.

Peter John O'Callaghan, 367 Collins Street, Melbourne, Independent Commissioner ("the Commissioner") of the second part.

Julie Anne Stewart, C/- Borchard & Moore, Solicitors, 44 Douglas Street, Noble Park of the third part; and

BTV of C/- of an address known to the Commissioner of the fourth part.

Whereas:

- A. The Commissioner has been appointed by Archbishop Pell, the Catholic Archbishop of Melbourne to act as an Independent Commissioner to enquire into and advise upon allegations of sexual abuse by priests, religious and lay persons within the Archdiocese of Melbourne as provided by terms and conditions of his appointment set out in the document being Schedule 1 hereto.

- B. The Priest has been the subject of complaints of indecent assault by the abovenamed female complainants ("the Complainants") and neither of these Complainants desire or intend to report such complaints to the police notwithstanding that they have been advised that they have the right to do so.
- C. It is the practice of the Commissioner to interview complainants of sexual abuse, and the subject of such complaints, and in cases where the complaint is disputed to conduct a hearing to determine the validity or otherwise of the complaint.
- D. The Priest and the Complainants have agreed to participate in the hearing before the Commissioner and upon the terms and conditions contained herein.

NOW THIS AGREEMENT WITNESSETH as follows:

1. The parties agree that the hearing before the Commissioner to take place on the fourth day of June 1997 and (if necessary) days thereafter will be conducted in camera and that the only persons present or entitled to be present will be,
- (i) the Priest and his legal or other representative;
 - (ii) the Complainants and their legal or other representatives;
 - (iii) the Commissioner;

- (iv) Counsel assisting the Commissioner;
 - (v) such members of the staff of the Commissioner whose presence is necessary for the conduct of the hearing.
 - (vi) Witnesses called before the Commission during the period of their giving evidence.
2. Save to the extent that it is necessary to adequately report to and advise Archbishop Pell in relation to the subject matter of the proceeding, the Commissioner will not disclose to any person information obtained during the hearing without the prior written consent of the parties, unless he is compelled by law to do so.
 3. The Priest and the Complainants will not disclose to any person other than that party's professional advisers for the purpose of the hearing information obtained during the hearing unless compelled to do so by law.
 4. The parties agree that each of the persons who are present or entitled to be present at the hearing shall prior to the commencement of the hearing sign an undertaking of confidentiality in the form of the document contained in Schedule 2 hereto.

Signed by the said)
Peter John Searson)
in the presence of:)

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Signed by the said)
Peter John O'Callaghan)
in the presence of:)

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Signed by the said)
Julie Anne Stewart)
in the presence of:)

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Signed by the said)
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in the presence of:)

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