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**Commission into Sexual Abuse**  
Peter O'Callaghan Q C

Owen Dixon Chambers West  
Room 1815  
205 William Street  
Melbourne 3000

27 July 1998

Tel 9608 7979  
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**Private & Confidential**

**Most Rev DJ Hart, DD VG**  
**Auxiliary Bishop**  
**Catholic Archdiocese of Melbourne**  
**PO Box 146**  
**East Melbourne 3002**

Dear Bishop Hart,

**Re: Father Bill Baker**

I refer to our conversation of today, and the request for my advice in relation to a presumed application by the abovenamed to be dispensed from the current order of administrative leave for the purpose of saying requiem mass at his mother's funeral on Friday next.

I confirm that I have been advised by the police that Fr Baker was charged on 22 July to appear in the Magistrates' Court on 1 October 1998. The charges involve sexual abuse of children.

I confirm my opinion that the Archbishop would in his discretion be entitled to dispense Fr Baker from administrative leave for the purpose of saying mass aforesaid. I note that the matter may ultimately be determined by the attitude of the Bishop of Ballarat. My opinion is based inter alia upon the following:

- (i) the necessary presumption of innocence in respect of the pending charges;

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- (ii) to do otherwise would be a punishment for crimes or misconduct of which he may be found not guilty, or if he is found guilty will be sentenced accordingly;
- (iii) the absence of risk to any person;
- (iv) exceptional and compelling circumstances.

Kind regards.

Yours sincerely,



Peter O'Callaghan  
Independent Commissioner