

Witness Statement

Name	Rodger Joseph Austin
Address	REDACTED
Occupation	Canon law adviser, advocate and consultant
Date	29 November 2016

Introduction

- 1 My name is Rodger Joseph Austin and I am a self-employed canon lawyer. In my role I am a canonical adviser, advocate and consultant. I am trained as a canon lawyer, and I have expertise in the area of canon law.
- 2 My qualifications include a Degree in Theology obtained from the Ecclesiastical Faculty of Sydney, Manly in 1967 and a Doctorate in Canon Law from the Pontifical Urban University, Rome in 1972.
- 3 My experience includes working as a lecturer in canon law at the Catholic Theological Institutes in Sydney between 1972 until 1996. Between 1979 and 2004 I was a judge of the Ecclesiastical Regional Tribunal of Sydney. I was also a judge of the Tribunal of Appeal for Australia and New Zealand between 1981 and 2004.
- 4 I was ordained a priest in 1967 and held various ecclesiastical offices in the Diocese of Wollongong and Archdiocese of Sydney between 1972 and 1989. I was Assistant Secretary to the Australian Catholic Bishops Conference (ACBC) between 1989 and 1991. I obtained a dispensation from all obligations arising from ordination in 2004.
- 5 I have lectured in canon law and provided canonical advice to bishops, leaders of religious institutes and Church organisations for over forty years. I have contributed to canonical and theological journals in Australia and overseas. I have conducted Church inquiries and investigations. In 2013 and 2014 I was engaged to provide an expert opinion to a NSW Special Commission of Inquiry. I have also been engaged as an expert witness for the purpose of civil proceedings.
- 6 A copy of my full curriculum vitae is at [CTJH.304.90001.0018].

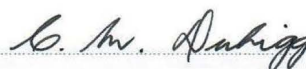
Expert Report

- 7 I have been asked by the Truth Justice and Healing Council (TJHC) to provide an expert report for submission to the Royal Commission in connection with Case Study 50, the final hearing regarding the institutional response of the Catholic Church (final hearing).

Signature



Witness



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- 8 A true copy of the TJHC letter to me dated 31 October 2016, which includes the instructions provided to me in relation to this report appears at [CTJH.304.90001.0001].
- 9 The letter from the TJHC enclosed a document entitled "Expert Evidence Practice Notes (GPN-EXPT)" dated 25 October 2016 (Guidelines). The letter asked me to follow those Guidelines, despite the fact that my report was for use in a Royal Commission, not in court proceedings.
- 10 I confirm that I have read and understood the Guidelines and have complied with the Guidelines in preparing my report.
- 11 Attachment A to the Guidelines is a document entitled "Harmonised Expert Witness Code of Conduct" (Code of Conduct).
- 12 I confirm that I have read and understood the Code of Conduct and agree to be bound by it.
- 13 In the letter from TJHC I was asked to provide my expert opinion in relation to the following matters:
- (a) the relationship between canon law and civil law;
 - (b) the canonical governance of Church authorities;
 - (c) the interpretation and application of canon law;
 - (d) what canon law has to say about the delict of sexual abuse of minors;
 - (e) the obligation of clerics to observe celibacy;
 - (f) canon law provisions and instructions of the Holy Office concerning responding to sexual abuse of minors by clerics;
 - (g) matters concerned with maintenance of confidentiality;
 - (h) the canonical status of Towards Healing;
 - (i) loss of the clerical state;
 - (j) canonical considerations around reporting child sexual abuse to the civil authorities; and
 - (k) the Sacrament of Penance.
- 14 My opinion on the matters set out above is contained in a report which I have prepared for the purpose of the final hearing (the Report), which is at [CTJH.301.90001.0020].
- 15 Unless otherwise stated, the opinions expressed in the Report are based on my own knowledge and research.

Declaration

- 16 I have made all the necessary enquiries that I believe are desirable and appropriate and no matters of significance that I regard as relevant have, to my knowledge, been withheld from the Royal Commission.

Signature	<u>R. J. Austin</u>	Witness	<u>C. M. Duhigg</u>
Name	<u>RODGER JOSEPH AUSTIN</u>	Name	<u>CAROLINE MAY DUHIGG</u>
Date	<u>29 November 2016</u>	Date	<u>29 November 2016</u>