

ROYAL COMMISSION INTO INSTITUTIONAL
RESPONSES TO CHILD SEXUAL ABUSE
Public Hearing - Case Study 44: John Joseph Farrell
(Day 209)
Level 17, Governor Macquarie Tower
1 Farrer Place, Sydney
On Wednesday, 14 September 2016 at 10am
Before:
The Chair: Justice Peter McClellan AM
Commissioner: Justice Jennifer Ann Coate
Counsel Assisting: Ms Gail Furness SC

Excerpt: At 21085-21087

Justice McClellan: We're talking about a time when you were a Bishop?

Bishop Heather: Yes.

Q: We're talking about the 1980s?

A: Yes.

Q: You say even then you didn't understand that sexual activity by an adult with a child was more than a moral failure?

A: I knew it was wrong, of course, but that's as far as I would have seen it at the time. I knew it was wrong, yes.

Q: Is it because of something to do with the dogma or doctrine of the church that you end up in that mind space?

A: I couldn't put it down to that, no. No, I think that's simply the way I saw it at the time.

Q: Well, what do you think about it now?

A: Well, I can see now - see it very differently, of course. I've learned a great deal since the late 1980s about this whole issue and the tragic consequences it has, and I have to say it weighs heavily on my conscience that I know that one person at least in the Parramatta Diocese, one child, was abused as a result of my giving permission to Father Farrell to work in our diocese, and for that I have to apologise to the family concerned and express my sincere regret that my negligence led to that. But that was my mentality at the time: it was a moral failure, could be corrected with proper guidance, and I hoped it would be.

Q: At the time, if one of your priests had stolen property from the church, would you have seen that as just a moral failure?

A: I think I would have, yes. Yes, I wouldn't have run down to the police about that, no.

Q: What if he stole from the corner store?

A: Well, again, I would seek to bring about his reform. If the owners of the corner store brought the case to the police and he was charged, well, he would have to accept his responsibility for what he'd done, but I as a pastor saw myself engaged in the area of his moral correction.

Q: You see, what you're telling me now has been said to us by a number of senior and not so senior members of the church, you understand?

A: Yes.

Q: What I think we're getting to is that you only thought in a space which involved the relationship between the priest and God but didn't see the priest's action in terms of the civil law. Is that what it amounts to?

A: Largely I would agree, yes, that I had no formation in the civil law and didn't assess the actions of the clergy or, indeed, of others mainly in relation to the civil law or at all in relation to the civil law. I didn't see that as my role.

Q: Why is it a matter of formation? You were brought up as a normal child in Australian society and went to school. These sorts of things, at least in my generation, were known long before I left school as things that the civil law said shouldn't happen.

A: Yes, well, I think you were fortunate, your Honour, to have a formation of that sort. I didn't have such a clear perception of where the civil law and moral responsibility intersected.

Q: You'll forgive me for saying, Bishop, that what that means is you, in your intellectual framework, left out an understanding of civil society. Do you understand?

A: I understand what you're saying, yes, and - -

Q: How did the church end up in a space where it could only see these matters in moral terms and not understand the responsibility of adults in civil society?

A: Yes, it's a good question, and I think someone may be more competent to answer that than I am. The whole development of moral theology in the history of the church and the type of moral theology that we studied in our preparation for the priesthood - I remember very little reference at all to civil law in the course of those studies.

Q: What age were you when you first started your studies in the seminary?

A: I went to the junior seminary when I was 13 years of age.

Q: So should we understand that from then on, your intellectual framework was confined by the teachings of the church?

A: Yes, and my studies in moral theology, as in other areas of theology, were through manuals of Catholic theologians, yes.

Q: And you didn't develop then an understanding of civil society as you matured as a teenager and into adulthood?

A: No, no, and I see this as one of the great issues that has now arisen through the work of the Commission. As I say, this intersection between the moral demands of the gospel as we understood them then and the demands of civil society as now understood.

Q: You do you understand that for Australian society, the church having played and continuing to play such a large role in the moral and ethical understanding of many people, that the failure for the teachings of the church to bring to you, as leaders of the church, an understanding of civil society is a very serious issue?

A: Yes, I do, yes. Yes.