



**ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES
TO CHILD SEXUAL ABUSE
AT SYDNEY**

COMMONWEALTH OF AUSTRALIA

Royal Commissions Act 1902 (Cth)

Royal Commissions Act 1923 (NSW)

**PUBLIC HEARING INTO
RESPONSES TO ALLEGATIONS OF CHILD SEXUAL ABUSE
MADE AGAINST JOHN JOSEPH FARRELL**

CASE STUDY 44

OPENING ADDRESS BY SENIOR COUNSEL ASSISTING

1. This is the 44th case study the subject of a public hearing in the Royal Commission. This hearing of the Royal Commission is pursuant to the Royal Commissions Act 1902 (Cth) and the Royal Commissions Act 1923 (NSW).
2. This is the last case study concerning the response of Catholic institutions to allegations of child sexual abuse.

3. In February 2017 there will be a final hearing concerning the institutional responses of the Catholic Church to child sexual abuse, including any factors which may have contributed to the occurrence of child sexual abuse in Catholic institutions or may have affected the institutional response of the Catholic Church to child sexual abuse.
4. The scope and purpose of this hearing is to inquire into:
 - a. The responses of the Catholic Diocese of Armidale and the Catholic Diocese of Parramatta to allegations of child sexual abuse made against John Joseph Farrell.
 - b. The response of the Special Issues Resource Group for the Province of Sydney to allegations of child sexual abuse against John Joseph Farrell.
 - c. Any related matters.
5. This case study considers the approach taken by the Australian Catholic Bishops Conference from the late 1980s until 1996 in responding to child sexual abuse by clergy and religious. It is a period which has not yet been the subject of a detailed case study by the Royal Commission. It was an important time in the evolution of the Church's approach to child sexual abuse. The facts the subject of this case study go beyond the initial response

in 1992 to Farrell to events in 2012 and after, about which I will say more later.

6. The evidence is expected to be as follows.
7. John Joseph Farrell entered the Springwood seminary in 1974. He was 21. Shortly after, he took 12 months leave from the seminary. In 1979, he sought and was granted permission from Bishop Henry Kennedy, the then Bishop of Armidale to be re-admitted to the seminary. The Diocesan Consultors were adamantly opposed to his being ordained and the seminary authorities did not recommend his ordination. Nevertheless, Farrell was ordained as a deacon in 1980.
8. In 1981, he arrived in Moree, a parish in the Diocese of Armidale as Assistant Priest. He was appointed to Moree until July 1984.
9. His spiritual adviser was Father Rex Brown from Lismore. In 1996, Father Brown pleaded guilty in relation to a child pornography charge. Father Brown is also the subject of three child sexual abuse claims made to the Diocese of Lismore.
10. In April 1984, a boy from Moree disclosed to his father that Farrell had touched him on his genitals. That night, his father told Monsignor Frank Ryan, the then Vicar General in the Diocese of Armidale, what his son had

said. Other parents came forward to make similar complaints about their children to Monsignor Ryan.

11. Monsignor Ryan told Father Richard Gleeson, the Assistant Parish Priest at St Francis Xavier's Church in Moree of the complaints. He told him that Farrell had been 'mucking around with some boys'. Farrell also spoke to Father Gleeson and told him he had done something stupid. Father Gleeson asked Father Bernard Flood, the previous Assistant Parish Priest in Moree (who at the time was Diocesan Director of Education) to talk to some of the parents of the boys who were thought to have been abused. At that time there were thought to be six or seven boys.
12. Bishop Kennedy knew of the allegations. After complaints had been made to Monsignor Ryan, Farrell went to live with Bishop Kennedy in Armidale. At this time, there were rumours among the clergy about there being trouble with altar boys. However, the clergy were not told the actual reasons for the move.
13. Bishop Kennedy sent Farrell for treatment by a psychologist Gary Boyle. Mr Boyle had studied to be a priest. Mr Boyle was later to be described by Father Usher as 'very Catholic'. The treatment was in relation to sexual misconduct with children.

14. After one session with Mr Boyle, at the end of May 1984, Farrell declared to Bishop Kennedy that he was a 'new man'.
15. Farrell was appointed to Tamworth East in July 1984, where Father Gerard Hanna was the Parish Priest. Father Hanna later said that the Bishop told him that Farrell had 'made a mess of things in Moree and he needs a new start'. It was clear that a number of parishioners in Tamworth East had heard about the allegations against Farrell in Moree. Concern was expressed about the appointment and Father Flood advised against the appointment. Nevertheless, the appointment stood.
16. Farrell remained in Tamworth East until August 1987 when he was arrested and charged with child sexual offences in relation to one boy in Moree. The news of his arrest found its way to Ottawa in Canada.
17. Farrell went to Sydney where he remained on leave until the eleven charges against him were heard in the Narrabri Local Court. The charges were dismissed in February 1988. There was controversy over the charges being dismissed by the Magistrate. The Director of Public Prosecutions considered bringing an ex officio indictment, however, in August 1988 he advised that this would not happen. As Bishop Manning later told the Honourable Antony Whitlam QC, people felt a grave injustice had been done because 'there were young men named around about that same time'.

18. Bishop Kennedy did not investigate or inquire into the conduct the subject of the charges.
19. The details of the charges and the outcome of them were widely known around Australia and they were discussed at the Australian Catholic Bishops Conference.
20. In July 1988, Bishop Kennedy received a report from Mr Boyle. He expressed the opinion that Farrell did not present as a man with true paedophilia.
21. Farrell remained on leave during which he undertook studies towards a Bachelor of Arts in 1988 and 1989. Bishop Kennedy found it difficult to place Farrell after his leave because of the widespread knowledge of the allegations.
22. Bishop Bede Heather, who was the Bishop of Parramatta was approached by Bishop Kennedy. Bishop Heather asked the priest running the Tribunal in his Diocese to have Farrell work with him. That priest informed the Bishop that 'he would not have him anywhere near him'. This priest knew of the charges against Farrell. That priest told Mr Whitlam that he didn't think there was much happening among clergy in NSW that people did not know about.
23. In late 1989, Bishop Kennedy gave permission for Farrell to be appointed for 12 months to a parish in Kenthurst in the Diocese of Parramatta. Bishop

Heather agreed to the appointment. Bishop Heather knew that criminal charges against Farrell had been dismissed. He also knew of Mr Boyle's 1988 report.

24. In 1990, it came to Father Usher's attention that Mr Boyle had prepared a report on Farrell. Father John Usher is a priest of the Archdiocese of Sydney with qualifications in social work. He was at the time Director of Centacare, a Catholic welfare agency. Father Wayne Peters, now deceased, was then Episcopal Vicar of the Tribunal for the Diocese of Armidale. At Father Peters' request, Father Usher interviewed Farrell. Father Usher came to a different conclusion from that of Mr Boyle. He offered the opinion that Farrell's ongoing need to spend time with children was a matter of grave concern. He expressed concerns at Farrell's appointment in the Diocese of Parramatta, and said the Bishop should make a personal assessment irrespective of the outcome of the court case. He suggested that Farrell should see Dr Blaszczyński, a psychiatrist with an expertise in the area of the sexual offending by priests and religious.
25. Farrell remained in the Diocese of Parramatta, however, in 1990 he left Kenthurst under a cloud. In 1991, he was given a temporary position in the Parish of Merrylands, still within the Diocese of Parramatta.

26. Bishop Kevin Manning replaced Bishop Kennedy as the Bishop of Armidale in April 1991. Bishop Manning knew of the complaints in Moree, the court case in Narrabri and of the widespread knowledge of each of those.
27. Some years later, Bishop Manning told Bishop Luc Matthys, his successor as Bishop of Armidale that he was well aware of the allegations through the clerical grapevine.
28. In October 1991, Bishop Manning sent Farrell to Dr Blaszczyński. In April 1992, Dr Blaszczyński reported verbally to Bishop Manning. He said that Farrell posed a potential risk to children and pre-pubescent children are in danger 'where he is'. Farrell had refused permission for Dr Blaszczyński to provide a written report.
29. It seems that Bishop Heather did not know of the opinion expressed by Dr Blaszczyński.
30. In the early months of 1992, a number of complaints were made in the Diocese of Parramatta about Farrell's behaviour and use of language with children.
31. Ultimately, on 30 June 1992, Bishop Heather terminated Farrell's appointment because of those complaints. The next day, Bishop Manning

also withdrew Farrell's faculties and said he could not exercise any public ministry anywhere.

32. In December 1992, Bishop Manning confirmed that Farrell had a leave of absence from the priesthood for five years. As a consequence he was to refrain from all ecclesial ministry, from referring to himself as a priest and from wearing clerical dress.
33. In 1988, Fathers Lucas and Usher presented to the Australian Catholic Bishops Conference on Clergy and Child Sexual Abuse. Father Brian Lucas is a lawyer who was at the time Assistant Priest at St Mary's Cathedral and also the Official Media Spokesman for the Archdiocese of Sydney. It was the first presentation of its type. Fathers Lucas and Usher effectively became the architects of the Church's approach to this issue from then until the introduction of Towards Healing in 1996.
34. A group, known as the Special Issues Resource Group, was established in each Ecclesiastical Province in Australia. Members of the Special Issues Resource Group were required to be available to leaders of all dioceses and religious orders operating within the Province to provide advice, conduct and assist in investigations and manage contact with media in relation to child sexual abuse.

35. In the 1990s, in NSW, Father Lucas, in particular, became the person that bishops and congregational leaders would call when a complaint or problem relating to sexual abuse surfaced in their diocese or order. Where there was a reasonable suspicion of truth, his job, as he described it, was to 'help the bishop, or major Superior ... manage the person who was making the complaint, to make sure that whatever their needs were, were being heard and met; and to get the man out of the business'.
36. Father Usher generally provided pastoral support to the victims of those priests and religious.
37. Bishop Manning referred Farrell to Father Lucas with a view to him 'evaluating the situation and advising on ways of proceeding'. At the time of the referral, Farrell told Bishop Manning that there were three other incidents which could have 'brought him 14 years apiece'. Bishop Manning did not question him about the statement, although he has since accepted that it was an admission of criminal behaviour.
38. Father Lucas asked Father Usher to accompany him in the meetings with Farrell. Father Wayne Peters attended those meetings as a representative of the Bishop of Armidale.
39. There were three meetings. Father Peters wrote to Bishop Manning a few days after the first meeting, which occurred on 3 September 1992 and

described admissions that Farrell had made in the meeting. He recorded that 'there had been five boys around the age of ten and eleven that he had sexually interfered with in varying degrees' between 1982 and 1984 when an assistant priest at Moree. Details of the sexual interference were provided and included fondling genitals and oral sex.

40. There will be evidence about what was said at that meeting between Farrell and Fathers Lucas, Usher and Peters.
41. There were later meetings between the priests and Farrell at which options available to Farrell were presented. These options included laicisation. Farrell was laicised thirteen years later in 2005. Farrell remained without faculties during that time.
42. In 1998, Farrell was charged with sexual assaults against children whom he did not meet during his time as a priest. All charges were dismissed in 1999.
43. In 2004, Farrell gave evidence in a trial in relation to extortion charges brought by the police. Those charges were against a person who, it had been claimed, had extorted money from Farrell in exchange for not reporting Farrell to the police for Farrell's sexual abuse of him.

44. During that evidence, Farrell agreed with the proposition that, when meeting with the three priests, Lucas, Usher and Peters, in September 1992, he made certain admissions that he had had oral sex with young boys.
45. In 2012, a producer from the ABC program Four Corners contacted Cardinal Pell, Father Lucas, Father Usher and Father Peters seeking an interview in relation to the meetings in September 1992 between Farrell and the three priests, among other matters that the program was seeking comment on.
46. Father Usher prepared a file note for the Cardinal in which he advised that Farrell had made no admissions at those meetings. However, Farrell was judged to be a person, who, on the balance of probabilities could become too closely involved with children and young people. The Cardinal was interviewed by Four Corners and gave answers consistent with the file note.
47. Four Corners was aired on 2 July 2012 and the letter from Father Peters containing a record of the meeting and referring to the making of admissions was revealed.
48. There were various communications between those involved in the meetings, their lawyers and other advisors. Media releases were issued by the Archdiocese of Sydney, the Diocese of Armidale, Father Lucas and Father Usher. Father Lucas was interviewed on the ABC's AM program.

49. A fortnight after the program was aired, an independent inquiry by the Honourable Antony Whitlam, a former Federal Court Judge was commissioned by Bishop Michael Kennedy, Bishop of Armidale and Bishop Anthony Fisher, Bishop of Parramatta to inquire into the management of Father F. Father F is Farrell.
50. Mr Whitlam interviewed various individuals, including the three priests.
51. In relation to what was said in the meetings with Farrell in September 1992, Mr Whitlam found 'nothing sinister' in the situation that Fathers Lucas and Usher did not recollect the admissions being made as set out in Father Peters' letter. He did not consider that the letter must 'necessarily be accepted as a more accurate record of the discussion'. He did not disbelieve Fathers Lucas and Usher. He said there was no 'cover up' in 1992.

Gail Furness SC

12 September 2016