

## Royal Commission into Institutional Responses to Child Sexual Abuse

### At Sydney

#### Case Study 44: Public Inquiry into the Responses of Catholic Church Authorities to Allegations of Child Sexual Abuse Made Against John Joseph Farrell

#### Submissions in Reply on behalf of Bishop Manning

1. These Submissions in Reply are prepared on the instructions of the Enduring Guardian for Bishop Manning.
2. Bishop Manning was excused from giving evidence at the public hearing on medical grounds<sup>1</sup>.
3. At the time of the public hearing, Bishop Manning:<sup>2</sup>
  - a. Was 82 years of age;
  - b. As a result of his medical conditions was unable to provide instructions to his legal representatives in relation to the oral evidence or documents examined as part of the public hearing.
4. Bishop Manning remains unable to provide instructions in relation to the Submissions of Senior Counsel Assisting the Royal Commissions (the Submissions).
5. This inquiry has not had direct evidence from Bishop Manning about his response to allegations of abuse made against John Joseph Farrell, the documents examined or the evidence of other witnesses.
6. The Submissions acknowledge that Bishop Manning was excused from giving evidence on medical grounds. However, the Submissions do not acknowledge or address the limits on the inquiry occasioned by his inability to give evidence.
7. The Submissions and any findings of the Royal Commission have the capacity to affect Bishop Manning's reputation. The reputation of an individual is an interest that attracts procedural fairness. Personal or business reputation has been acknowledged as:<sup>3</sup>

*“an interest which should not be damaged by an official finding after a statutory inquiry unless the person whose reputation is likely to be affected has had a full and fair opportunity to show why the finding should not be made”.*

<sup>1</sup> Transcript Day 207 20875.5-20877.18 and Exhibit 44

<sup>2</sup> Transcript Day 207 20875.5-20877.18

<sup>3</sup> *Annetts v McCann* (1990) 170 CLR 596 at 608; approved in *Ainsworth v CJC* (1992) 175 CLR 564 at 578. See also *NSW v Cannellis* (1994) 181 CLR 309 at 330; *Johns v ASC* (1993) 178 CLR 408 at 437, 471; *ICAC v Chaffey* (1993) 30 NSWLR 21 at 28.

8. The inability to examine Bishop Manning and his inability to provide instructions on matters examined, means that the inquiry into Bishop Manning's response to allegations of abuse against John Joseph Farrell has been limited. Bishop Manning has not had a full opportunity to be heard about proposed findings or the factual substratum because of his medical condition<sup>4</sup>. The effluxion of time, the death of witnesses and the inability of Bishop Manning to give evidence or to test evidence mean that there are limits on fact-finding that can be undertaken by the Royal Commission.
9. If the Royal Commission proposes to make any finding about Bishop Manning's response to allegations of child sexual abuse against John Joseph Farrell, it is submitted that the report and any and each finding should expressly acknowledge the limited nature of the inquiry and the consequent limitation in fact finding.
10. The limited inquiry as a matter of logic in fact finding and in fairness to Bishop Manning is the basis for the following additional submissions:
  - a. Findings should be confined to facts that can be unambiguously and incontrovertibly demonstrated by the documents and only when the Royal Commission can be satisfied to the requisite standard that it could not be expected that Bishop Manning would have been able to give evidence that impacts on factual matters contained within the documents or inferences that might seek to be drawn from the documents.
  - b. The Commission should not make any findings that involve speculation about what Bishop Manning may or may not have done or said or about his motives or intention. Where a witness has asserted in evidence that Bishop Manning did or did not tell him something, that evidence is untested because Bishop Manning was not capable of providing instructions to his legal representatives about the evidence or giving evidence himself. The evidence remains an assertion of the witness and the Commission should refrain from making a finding of fact against Bishop Manning's

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<sup>4</sup> In other inquiries or jurisdictions, a lack of capacity could be a basis for a stay of proceedings or for a special hearing that reflects the limitation of an 'inquiry' or 'hearing' where a person affected is unable to provide instructions in his or her defence. See for example in the criminal jurisdiction and the Mental Health (Forensic Provisions) Act 1990 (NSW) that provide for special hearings where a person lacks capacity. The procedure at special hearings provides that the only verdicts are relevantly "not guilty" or "that, on the limited evidence, the accused person committed the offence".

interest. The Royal Commission cannot know the true position as it has necessarily only had an opportunity to consider part of the story. Logic in fact finding and fairness to Bishop Manning leads to the conclusion that the Commission should not make findings against Bishop Manning's interests in those circumstances.

- c. The Commission should refrain from making findings that involve criticism or censure of Bishop Manning as the Bishop Manning was not able to give evidence to explain or qualify his actions and decisions. The surrounding circumstances or reasoning of Bishop Manning at the time are not known.

11. The Commission should proceed cautiously in fact finding even on the documents examined. The Submissions refer to the transcript of the interview of Bishop Manning in 2012 by Mr Whitlam QC<sup>5</sup>. First, there is no evidence that Bishop Manning at any time adopted the transcript of the interview. Secondly, it is evident even on the transcript that Bishop Manning had experienced a number of adverse medical incidents since the events and in the months preceding that interview. Bishop Manning advised Mr Whitlam that he had spent time in Hospital with meningococcal since the events he was being asked about and had had three "TIAs" (likely a reference to a Transient Ischaemic Attack) in the 4 months before the interview<sup>6</sup>. Even when interviewed in 2012, Bishop Manning said "I am not recalling as well as I might, as I would like to."<sup>7</sup>

#### **Additional Submissions in Reply**

12. The Submissions should acknowledge the following matters:
- a. After appointment as the Bishop of Armidale, Bishop Manning acted promptly to investigate John Joseph Farrell and to take action to move him out of the Church<sup>8</sup>;
  - b. Bishop Manning sought to invoke Canonical Penal Processes to invalidate Farrell's ordination and to have him laicised from the Church<sup>9</sup>;
  - c. That at the time of Bishop Manning's appointment as Bishop, the Catholic Church had adopted a Policy for dealing with suspected offending priests and had established the Australian Catholic Bishop's Conference Special Issues Resources Group for the Province of Sydney (SIRG) and Bishop Manning followed the Church's

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<sup>5</sup> Exhibit 44-9 Confidential Interview of Bishop Kevin Manning (Tab W11) CTJH.280.03011.0064\_R

<sup>6</sup> Exhibit 44-9 Confidential Interview of Bishop Kevin Manning (Tab W11) CTJH.280.03011.0064\_R at T17.33 -36

<sup>7</sup> Exhibit 44-9 Confidential Interview of Bishop Kevin Manning (Tab W11) CTJH.280.03011.0064\_R at T17.33 - .36, T17.41 -42.

<sup>8</sup> Exhibit 44-9 Confidential Interview of Bishop Kevin Manning (Tab W11) CTJH.280.03011.0064\_R at T7.14 -18; T38.5-10

<sup>9</sup> Exhibit 44-9 Confidential Interview of Bishop Kevin Manning (Tab W11) CTJH.280.03011.0064\_R at T34.8-21

Policy by referring Farrell to SIRG for advice<sup>10</sup> and to seek to remove him from the Church<sup>11</sup>;

- d. Bishop Manning at all times refused Farrell permission to minister, withdrew his faculties and never reinstated them<sup>12</sup>.

13. In those circumstances, it is further submitted that the Commission should acknowledge the work done by Bishop Manning to deal with Farrell and that difficulties encountered by Bishop Manning were reflective of the structure of the Church and the limitations of Church structure and policies then in place<sup>13</sup> rather than any omission of Bishop Manning.
14. The Submissions do not expressly articulate submissions made as proposed findings urged upon the Royal Commission. This submission proceeds on the basis that those parts of the Submissions headed "Submissions in relation to...." constitute the specific findings urged by Senior Counsel Assisting. Response is made by reference to the paragraph number in the Submissions.

#### **Submission in Paragraphs 679 -681**

15. The evidence does not permit a finding as to the date on which Exhibit 44-5 (Tab 127, CTJH.240.01001.0072\_R) came to be created nor when Bishop Manning was apprised of the information recorded in Exhibit 44-5. The Commission should not make a finding about the period as it involves speculation on the part of the Commission. It is not open to the Commission to be satisfied that the conversation occurred before July 1991. The Submissions do not identify how Senior Counsel dates the conversation from "From the contents of the note".
16. In 2012, Mr Whitlam QC asked Bishop Manning whether he thought the conversation with Father Flood occurred around October 1991 and Bishop Manning advised, "It would've been"<sup>14</sup>.
17. The evidence does not support a finding that Bishop Manning had knowledge or belief that "Farrell was working in the Diocese of Parramatta". As set out in paragraph 764 of Senior

<sup>10</sup> Exhibit 44-5 Letter from Bishop Kevin Manning to John Joseph Farrell (Tab 160) CTJH.240.01001.0110; Transcript of J Usher, Case Study 44, T21611.42-21613.9 (Day 214); Exhibit 44-9 Confidential Interview of Bishop Kevin Manning (Tab W11) CTJH.280.03011.0064\_R at T34.21-36

<sup>11</sup> Exhibit 44-9 Confidential Interview of Bishop Kevin Manning (Tab W11) CTJH.280.03011.0064\_R at T38.5-10; Exhibit 44-5 Letter from Bishop Kevin Manning to John Joseph Farrell (Tab 160) CTJH.240.01001.0110; Transcript of J Usher, Case Study 44, T21611.42-21613.9 (Day 214)

<sup>12</sup> Exhibit 44-9 Confidential Interview of Bishop Kevin Manning (Tab W11) CTJH.280.03011.0064\_R at T10.36-.47, T28.38-.47, T29.6-7; Exhibit 44-5 Unsigned typed note re Farrell (Tab 154) CTJH.240.01001.0106; Exhibit 44-5 Letter from Bishop Kevin Manning to John Farrell (Tab 151) CTJH.240.01001.0320.

<sup>13</sup> Transcript of J Usher, Case Study 44, T21532:43 – T21533:6 (Day 214)

<sup>14</sup> Exhibit 44-9 Confidential Interview of Bishop Kevin Manning (Tab W11) CTJH.280.03011.0064\_R at T22:38-.44

Counsel Assisting's Submissions, when interviewed in 2012, Bishop Manning advised Mr Whitlam QC that he understood Farrell was living in Parramatta and had no faculties: "That was my understanding, that he was just living there and he had no faculties."<sup>15</sup> There is no basis for the Commission to reject this evidence or to find otherwise.

18. The Commission cannot make a positive finding that Bishop Manning knew Farrell was working in Parramatta on the limited inquiry or from the documents examined. There is no warrant for a submission to be made that 'it is inconceivable' that Bishop Manning did not know. A submission in those terms is neither fair nor a product of logic or rational fact-finding having regard to the documents examined and the limited nature of the inquiry occasioned by Bishop Manning's medical incapacity to be examined.
19. The proposed finding should not be made.

#### **Submission in Paragraph 704**

20. This submission is not open to the Commission.
21. This is not a finding of fact or an inference available from the facts. The submission is pure speculation and grossly unfair to Bishop Manning and unfairly damaging to his reputation.
22. Further, the submission cannot stand from documents examined by the Commission<sup>16</sup>:
  - a. In 2012 Bishop Manning expressly disavowed that this was his understanding of the statement made by Farrell;
  - b. Bishop Manning understood the statement as a statement of Farrell's concern for himself
  - c. Bishop Manning did not understand the issue to be one for the Church's protection;
  - d. Bishop Manning made records of conversations he had with Dr Blaszczyński.
23. It is unfair on a limited inquiry for the Commission to make the proposed finding. The Commission should not make findings that involve speculation about motivation when the motivation has not been examined and is not known by the Commission.
24. The Commission should confine its findings to facts rather than seeking to impute sinister motivation to an individual who could not be examined on the matter and who lacks the ability to answer for himself.
25. The proposed finding should not be made.

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<sup>15</sup> Exhibit 44-9 Confidential Interview of Bishop Kevin Manning (Tab W11) CTJH.280.03011.0064\_R at T33:21-.21

<sup>16</sup> Exhibit 44-9 Confidential interview of Bishop Kevin Manning (Tab W11) CTJH.280.03011.0064\_R at T12.2-.19

**Submission in Paragraph 710**

26. The Commission should confine its finding to the fact that Bishop Heather asserts he was not told that Farrell had been sent to see Professor Blaszczynki and should acknowledge that any such finding is made on the limited evidence available to the Commission.
27. There is evidence before the Commission that:
- a. Bishop Manning was aware that Farrell was in the Diocese of Parramatta because of an arrangement between Bishop Kennedy and Bishop Heather;
  - b. That there was widespread clerical knowledge of the reasons why Farrell had left and the events in Moree;
  - c. Bishop Heather was aware that Farrell was a risk;
  - d. Bishop Manning believed Farrell was living in Parramatta and had no faculties<sup>17</sup>.
28. Had Bishop Manning been in a position to give evidence he may have been able to answer the assertions of Bishop Heather – he may have confirmed or denied the evidence, he may have been able to explain what steps were taken or not taken and provide evidence to explain the course of action taken by him. At the end of the inquiry, the Commission does not know whether Bishop Manning did or did not tell Bishop Heather or another person of the information and the reasons why and it is submitted that any finding should reflect this position.

**Submission in Paragraph 741**

29. It is submitted that any finding against Bishop Manning's interests should be confined in terms and qualified. Bishop Heather's evidence was that Bishop Manning did not communicate to him his concerns and dealings with Farrell [as set out in paragraph 722 of the Submission].
30. Bishop Manning told Mr Whitlam QC in 2012 that he did not take up any reservations with Bishop Heather when he first arrived in the Diocese<sup>18</sup> and there was short dealing with Bishop Heather in mid 1992<sup>19</sup>.
31. There is also evidence before the Commission that:
- a. Bishop Manning was aware that Farrell was in the Diocese of Parramatta because of an arrangement between Bishop Kennedy and Bishop Heather;

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<sup>17</sup> Exhibit 44-9 Confidential Interview of Bishop Kevin Manning (Tab W11) CTJH.280.03011.0064\_R at T33:21-.21

<sup>18</sup> Exhibit 44-9 Confidential Interview of Bishop Kevin Manning (Tab W11) CTJH.280.03011.0064\_R at T9.43 – 10.12

<sup>19</sup>

- b. That there was widespread clerical knowledge of the reasons why Farrell had left and the events in Moree;
  - c. Bishop Heather was aware that Farrell was a risk and could have sought the assistance of the SIRG<sup>20</sup>;
  - d. Bishop Manning believed Farrell was living in Parramatta and had no faculties<sup>21</sup>.
32. Given that Bishop Manning was not able to give evidence and is not in a position to provide instructions on the matters asserted, the Commission should not make a finding in the terms proposed in paragraph 741. The Commission does not have the benefit of Bishop Manning's evidence on what he told Bishop Heather or any other person connected with the Parramatta Diocese and when nor the reasons why. Further, the only evidence available to the Commission on Bishop Manning's knowledge of what Farrell was doing in Parramatta is the limited exploration of these matters in Whitlam interview in 2012 in which Bishop Manning told Mr Whitlam QC that he believed Farrell was living in Parramatta but had no faculties<sup>22</sup>.
33. Further, Bishop Heather had responsibility for the exercise of ministry by Farrell in the Diocese of Parramatta<sup>23</sup>.
34. In those circumstances, it is neither open to the Royal Commission nor fair to Bishop Manning:
- a. To seek to lay at Bishop Manning's feet responsibility for the actions or otherwise of Bishop Heather;
  - b. To find 'any omission' by Bishop Manning;
  - c. To find that that 'any omission' was 'inexcusable'.

#### **Submission in Paragraph 757**

35. The evidence of Bishop Heather is that he informed Bishop Manning of the termination.
36. Bishop Heather's evidence as to whether he informed Bishop Manning of the reasons was expressed in qualified terms<sup>24</sup> - rather than a positive assertion, a belief that he did so.
37. Bishop Manning's position in relation to the assertion is not known.

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<sup>20</sup> Evidence of J Usher, T21611.42 -21613.9, (Day 214)

<sup>21</sup> Exhibit 44-9 Confidential Interview of Bishop Kevin Manning (Tab W11) CTJH.280.03011.0064\_R at T33:21-.21

<sup>22</sup> Exhibit 44-9 Confidential Interview of Bishop Kevin Manning (Tab W11) CTJH.280.03011.0064\_R at T33:21-.21

<sup>23</sup> Exhibit 44-9 Confidential Interview of Bishop Kevin Manning (Tab W11) CTJH.280.03011.0064\_R at T29.9-.14; Transcript of B Heather, Case Study 44, T21093.10 – 21094:7.

<sup>24</sup> Transcript of B Heather, Case Study 44, T21129.35-.40 (Day 210)

38. Any finding should be expressed as an assertion made in evidence by Bishop Heather and no positive finding should be made that the information was conveyed to Bishop Manning.

**Submission in Paragraph 772**

39. There is no basis for this submission.
40. The submission is based on speculation and is improperly unfair to Bishop Manning and his reputation.
41. In 2012, when interviewed by Mr Whitlam QC in 2012, Bishop Manning told Mr Whitlam that was that he believed Farrell was living in the Diocese and that he did not know Farrell had faculties in Parramatta<sup>25</sup>. This is the only occasion on which Bishop Manning has been asked what he knew about what Farrell was doing in Parramatta.
42. It is wrong as a matter of law for Senior Counsel to urge the Commission to reject that evidence in circumstances where Bishop Manning has not been capable of being examined further on the matter.
43. There can be no basis either at law or logically to make a finding against that evidence.
44. There is no evidence that Bishop Manning was aware of any correspondence from Bishop Kennedy. It is wrong to seek to take words from other correspondence and to impute knowledge to Bishop Manning.
45. The finding should not be made.

**Submission in Paragraph 773**

46. For the reasons set out in paragraphs 39-45 above, the Commission should not make a finding that Bishop Manning knew that Farrell was 'exercising ministry' in Parramatta.
47. There is no **direct** or contemporaneous evidence to support the finding. In 2012, when asked, Bishop Manning said he did know that Farrell was exercising ministry<sup>26</sup>.
48. Bishop Manning never gave permission for the exercise of ministry.
49. Bishop Heather did not give evidence of any facts that could support a finding that Bishop Manning was aware that Farrell was exercising ministry.
50. Any approach to Bishop Manning for appointment for Farrell was refused<sup>27</sup>.

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<sup>25</sup> Exhibit 44-9 Confidential Interview of Bishop Kevin Manning (Tab W11) CTJH.280.03011.0064\_R at T29:16-.32

<sup>26</sup> Exhibit 44-9 Confidential Interview of Bishop Kevin Manning (Tab W11) CTJH.280.03011.0064\_R at T29:16-.32

<sup>27</sup> Exhibit 44-9 Confidential Interview of Bishop Kevin Manning (Tab W11) CTJH.280.03011.0064\_R at T.10.36-.40

### Submission in Paragraph 774

51. These findings in paragraph 774 c., d. and e. are not open to the Commission.
52. Bishop Heather asserts that he believes he would have told Bishop Manning of the reasons for termination of faculties in Parramatta. This assertion was not able to be tested by Bishop Manning and remains an untested assertion.
53. In 2012, when Mr Whitlam QC interviewed Bishop Manning, Bishop Manning told Mr Whitlam that his dealings with Bishop Heather were 'short', that when he heard from Bishop Heather in 1992 "that it was only to inform me that he had taken away his faculties, but I had no discussions with Bede Heather about it".<sup>28</sup>
54. The proposed findings in sub paragraphs "c", "d" and "e" in paragraph 774 should not be made.

### Submissions in Paragraph 776 - 777

55. Bishop Manning said he did know that Farrell was exercising ministry<sup>29</sup>.
56. The evidence is that Bishop Heather was aware that Farrell presented a risk:
  - a. 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 (Submission at [438];
  - b. Exhibit 44-5 Witness Statement of Bede Heather (Tab 247c) CTJH.280.03020.0922\_E at [4];
  - c. Evidence of Bishop McGuckin's interview with Mr Whitlam QC about his reactions to Bishop Heather seeking an appointment for Farrell (Exhibit 44-9 Confidential Interview of Bishop Robert McGuckin (Tab W13) CTJH.280.03011.0200\_E\_R at T12: 46 – T13: 7-11; T13: 36-39;
  - d. The fact he had his 'eye and ear open' in relation to Farrell<sup>30</sup>.
57. Even if the Commission finds that Bishop Heather was not aware that Farrell was a risk, there is no evidence that Bishop Manning knew that or had any knowledge of any deficiency in Bishop Heather's knowledge and the only evidence is that Bishop Manning believed Farrell was living in Parramatta but that he did not have faculties there.

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<sup>28</sup> Exhibit 44-9 Confidential Interview of Bishop Kevin Manning (Tab W11) CTJH.280.03011.0064\_R at T.10.5-.12

<sup>29</sup> Exhibit 44-9 Confidential Interview of Bishop Kevin Manning (Tab W11) CTJH.280.03011.0064\_R at T29:16-.32

<sup>30</sup> Transcript of B Heather, Case Study 44, T21103: 28-30 (Day 209)

58. For the reasons set out earlier, it is submitted that the Commission cannot find that Bishop Manning knew that Farrell was exercising ministry in Parramatta<sup>31</sup>. In 2012, Bishop Manning expressly disavowed knowledge.
59. Bishop Manning's knowledge, beliefs and understanding about why Farrell was in Parramatta, what Bishop Heather knew and how Farrell had come to be in Parramatta, must be central to an assessment of what information was 'important' or 'relevant' to pass on to Bishop Heather.
60. The limited hearing into these issues means that the Commission should not find as a matter of fact that Bishop Manning failed to pass on 'important' and 'relevant' information to Bishop Heather.
61. The structure of the church and system for individual management of dioceses meant there was no process or requirement or policy to identify when information should be communicated to another diocese.

**Submission in Paragraph 1234- 1236**

62. Bishop Manning is unable to provide instructions in relation to this submission.
63. When interviewed by Mr Whitlam QC, Bishop Manning said he did not recall receiving Father Peters' first letter.
64. There is no evidence to support a finding of the date on which Bishop Manning received Father Peters' letter or the date on which it was read.
65. Father Peters is deceased and could not be examined by the Royal Commission.
66. The Commission does not know whether, how or when the letter came to the attention of Bishop Manning nor does it know when the letter came to be part of the records of the Diocese.
67. The effluxion of time, the death of Father Peters and the inability for him to be examined and the difficulties for Bishop Manning presently and in 2012, should lead the Commission to proceed cautiously. The Commission seeks reliance on a document not authored by Bishop Manning. Only one document authored by Bishop Manning in 2005 supports a finding that at some point in time Bishop Manning was aware of the existence of the document<sup>32</sup> but that document does not permit findings as to when it was received or the circumstances surrounding its receipt.

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<sup>31</sup> Exhibit 44-9 Confidential Interview of Bishop Kevin Manning (Tab W11) CTJH.280.03011.0064\_R at T29:16-.32

<sup>32</sup> Exhibit 44-5 Letter from Bishop Manning to Bishop Matthys dated 8 July 2005 (Tab 259A) CTJH.280.03028.0573\_R at 0575\_R

68. On its terms, the letter from Bishop Manning to Bishop Mathys<sup>33</sup> refers to “a report” of the meeting with Farrell being “relayed to” Bishop Manning by Father Peters. The verb ‘relayed’ is consistent with information being given to Bishop Manning by means other than production to him of a written letter (e.g. verbally). Therein lies the essential difficulty in fact finding 25 years after the events, when Father Peters is deceased and has never been asked about how and when or if he gave the letter(s) to the Bishop<sup>34</sup>, the only document under Bishop Manning’s hand was written 13 years after the event, and when Bishop Manning was asked in 2012 he had no recollection of receiving the first letter of 11 September 1992. The possibility that Bishop Manning received the letter of 11 September 1992 contemporaneously is only one possibility and the effluxion of time and limits of this inquiry do not permit the Commission to find to the requisite standard a positive finding against Bishop Manning’s interest on the precise circumstances of receipt by Bishop Manning of the letter of 11 September 1992.
69. The proposed finding should not be made.

#### **Submission in Paragraph 1347**

70. The evidence of John Usher (paragraph 1336 of the Submissions) is not evidence against Bishop Manning.
71. The submission should not be made that Bishop Manning knew ‘the full story’.
72. It is unlikely that any person other than Farrell really knew the full story.
73. The reason why Father Peters used the words ‘full story’ can only be known by Father Peters, however it is likely to have been a means to juxtapose the matters being discussed with the information being given to Farrell by others that the matters under consideration were not serious. The term lacks precision in meaning and content. It was not a term used by Bishop Manning.
74. The submissions set out in paragraphs 62 -69 are repeated by way of further reply and in order to highlight the difficulty in fact finding against Bishop Manning and in seeking to draw conclusions from documents absent the ability to examine the surrounding circumstances.
75. The Submissions further fail to acknowledge any context for the receipt of information: at the time Bishop Manning received any information from those meetings, he had instituted and was following Church Policy in seeking the advice of the SIRG to deal with Farrell.

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<sup>33</sup> Exhibit 44-5 Letter from Bishop Manning to Bishop Matthys dated 8 July 2005 (Tab 259A)  
CTJH.280.03028.0573\_R at 0575\_R

<sup>34</sup> See 44-9 Confidential Interview of W Peters Tab W5 CTJH.240.010001.0578\_E\_R

76. The proposed finding should not be made in the terms proposed and any finding should acknowledge the limited evidence available and the context in which any information was received.

*Maria Gerace*

Maria Gerace

Counsel for Bishop Manning

4 August 2017