

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

**Public Hearing - Case Study 44
(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

1 <RICHARD GORDON GLEESON, on former oath: [10am]

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<EXAMINATION BY MS FURNESS CONTINUING:

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MS FURNESS: Q. Father Gleeson, I was taking you through your statement yesterday. Perhaps if we can have that back on the screen. It is at tab 327 and we were at paragraph 24. You were giving evidence about, first of all, the place where you were meeting with Monsignor Ryan and the trainee nun, and you were telling us that he said to you that Farrell had been mucking around with some boys. That's where we got up to yesterday, I think, Father Gleeson?

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A. I understand.

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16

Q. That was the language you recall him using?

17

A. I'm not totally sure of what he said, but it would be along those lines, yes.

18

19

20

Q. You understood that it was conduct of a sexual nature, I take it?

21

22

A. Well, yes.

23

24

Q. And, obviously, with children?

25

A. Yes, with the - I immediately assumed it was with the altar servers.

26

27

28

Q. You refer to it not surprising you because of the fact that you saw a boy on his lap previously?

29

30

A. Oh, and his just general behaviour. I mean, he was constantly surrounded by children. You think - you know, I never saw people his own age, so to speak. It was just - it just seemed to me - it didn't surprise me.

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Q. You said that over a period of the following weeks you had further conversation with Monsignor Ryan where he told you the names of some of the victims?

36

37

38

A. Mmm.

39

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Q. Did you know, from your first discussion, that he was taking it upon himself to understand as much as he could as to who were the victims of Farrell?

41

42

43

A. I just didn't hear that last part, I'm sorry.

44

45

Q. Did you know from the first discussion with him that he was taking it upon himself to understand as much as he could about who were the victims of Farrell?

46

47

1 A. I would presume so. Nothing is formal, you know,
2 there's no management processes. I mean, I'm deeply
3 ashamed about all this now, but back then it was just so
4 casual. The discussions around this would have taken place
5 at lunch. They would have taken place when I bumped into
6 him. My boss wasn't really sort of into talking about the
7 job much, and that's probably why I talked to others, but
8 I understood that he was pursuing the situation as he
9 understood it and as I didn't understand it.
10
11 Q. Do you know how he found out who to talk to?
12 A. Well, subsequently, I think - I've just got to be
13 careful - [CPE], he would have had a lot to do with that
14 person in --
15
16 Q. That's the mother of one of the boys?
17 A. In terms of her job, you know, and I just presumed all
18 that. They weren't people that were particularly well
19 known to me. My whole day is filled up elsewhere, you
20 know, pretty well.
21
22 Q. Did he ask you to make your own inquiries to work out
23 who might have been --
24 A. I don't recall that, but I'm sure in my own mind that
25 he would have asked me what I knew, you know.
26
27 Q. You refer to a few names that he told you of, and you
28 say he didn't go into specifics about the details, but you
29 understood that these were victims of Farrell and he had
30 sexually misconducted himself in some way or another with
31 these boys?
32 A. That somehow or other he would have interfered with
33 these children.
34
35 Q. Sexually?
36 A. Yeah.
37
38 Q. In paragraph 25 you refer to returning to your room.
39 That is, I take it, after the first discussion with
40 Monsignor Ryan?
41 A. I'm not sure, but I presume so.
42
43 Q. What happened then?
44 A. Well, I presume, in my own mind - I'm not sure of the
45 sequence, but in my own mind we have the parlour discussion
46 on the day that Farrell is leaving, and this is the
47 explanation of what's taking place and why he won't be

1 around any more. Mind you, he was hardly ever around
2 anyway. So I'm in my room and he comes to the door, which
3 is unusual, and I have a little office in my room at that
4 time - we didn't have offices and separate living areas;
5 they were just one. He said, "I've done something stupid."
6 And I asked him what and he just didn't elaborate. He did
7 say that - that's not in this statement, but he did say
8 that it's a shame that his problem was not like my problem,
9 that my problem could be talked about openly and his
10 couldn't.

11
12 Q. You understood that to be a reference to your
13 drinking?

14 A. Mmm, to my struggle, yes.

15
16 Q. Did you ask him what he meant by his "problem"?

17 A. No.

18
19 Q. What did you assume?

20 A. I was still reeling from my problem being discussed by
21 him. No, I didn't. I had known what Frank had said, so
22 I presumed obviously it was that, but I had no knowledge of
23 this - like, today, I know exactly what's happening.
24 I know about paedophilia, I know about child abuse.
25 I just - we're talking about a priest here. It would never
26 have entered my head that this was something like
27 a dedicated dysfunction in his personality or something;
28 I thought that would be well and truly sorted out. I just
29 thought he was a bit of a weirdo, that's all; so I wouldn't
30 have pursued that in my mind.

31
32 Q. I take it, from how you have described the events,
33 that the first occasion that you heard about the complaints
34 through Monsignor Ryan was in the context of Farrell being
35 sent from Moree?

36 A. I think so, mmm.

37
38 Q. In paragraph 26, you say that you spoke to some of the
39 parents of the boys, and I take it those parents were told
40 to you from Monsignor Ryan, based on his inquiries?

41 A. I'm not sure of that. I do remember Pat McGroder
42 coming to my office, but, having listened yesterday and
43 thinking a lot about it, Pat and I talked about this in
44 what - in an office that I had, which didn't exist at this
45 time. It was built on the end of the verandah at
46 a subsequent time, which means, to my way of thinking, that
47 Pat was talking to me around about 1987, or something like

1 that, or 1986 - I'm not sure.

2

3 Q. So well after the time of him leaving, but perhaps
4 around the time of him being arrested?

5 A. It could have been, I'm not sure, I'm not sure, but
6 I do know - I do know that Pat - I can see him in my mind
7 sitting in my little office and he was talking to me about
8 what happened to Michael.

9

10 Q. Because the family was well known in Moree, wasn't it?

11 A. Oh, they were very good people, yes.

12

13 Q. You then say you spoke to [CPG], who was the mother of
14 one of the boys?

15 A. Yes, a good friend of mine.

16

17 Q. And this was around the same time as having found out
18 from Monsignor Ryan?

19 A. Yes, so [CPF]'s name would have been mentioned, I'm
20 pretty sure.

21

22 Q. [CPF] being the son of [CPG]?

23 A. Mmm-hmm.

24

25 Q. You spoke to [CPG] - [CPF], I'm sorry?

26 A. I would have talked with [CPG] probably twice a week,
27 you know. Like, again, nothing formal, nothing that you
28 would call a process or anything, it was just normal
29 day-to-day life.

30

31 Q. Why did you involve Father Flood?

32 A. Oh, because he was sort of my mentor. My boss
33 didn't - he was in another world, he didn't talk about the
34 job, and Bernie was - Bernie was into research and
35 knowledge and knowing all sorts of things. My generation
36 were the first generation, really, to be trained in
37 counselling and our job - our training was Rogerian, you
38 know, you didn't say anything, you just listened all the
39 time, allowed people to talk, which was very difficult for
40 me, I'm a talker. Bernie also investigated all sorts of
41 new things coming out. When he went to New York to Fordham
42 University, he studied family therapy, which was red hot in
43 those days, it was exciting. I was working with
44 alcoholics, I was importing material on adult children of
45 alcoholics. We were doing a lot of work on that. That's
46 what makes it so bad that we missed this. We were totally
47 out of our depth.

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Q. So your understanding was that he would talk to the parents or the children in a pastoral way to offer them whatever sort of --

A. Well, also that he had been there a number of years, and I hadn't. My first year in Moree was 1983, when the main job I'm doing was on myself, and people like me and we're working a lot in AA, we were working with - I was working with the Daughters of Charity at the Aboriginal Mission. I would visit them daily, I would be with the Aboriginal community. If these names had been my kids that I'd known out there, I would have been right into it and would have known everything. This was not the area - I'm not even sure whether they were keeping me out of it so I didn't embarrass them, at the mainstream parish at that time, but Pat and Karolyn were very involved, they were very supportive, yes.

Q. But your understanding was that the support that was being provided was perhaps of a spiritual nature as well as a practical nature?

A. Oh, I think, looking back, it was hopeless. We didn't know what we were doing and we didn't know the nature of what we were dealing with. I mean, I learnt more from Four Corners about the whole thing that I lived with this person. It just blows my mind even today. I'm deeply ashamed of that; I just can't explain it.

Q. Was there any talk of going to the police?

A. I would have assumed that would have been the parents, and Pat was an ex-copper. I would have assumed that would have been the parents, in those days. I don't mean to be offensive, but back in those days courts and police were the last line, you know? You don't go to them. It's the age - the age of transparency has not dawned, you know?

Q. Did you think that what you were told happened to the children were crimes?

A. I - it wasn't in my head, no. If I knew what I knew from Four Corners, it was a crime, absolutely a crime, but, as I said yesterday, I just thought, being a priest and everything, it would have just been at the level of, you know, indiscretion, you know? But even reading the statement about fondling genitals shocks me even now. I wasn't aware of that. It would have shocked me then, yes, and we would have started thinking about crimes, mmm.

1 Q. So just going back to your statement, you then, in
2 paragraph 28, refer to a short conversation with [CPE], who
3 was, again, the mother of one of the boys.
4 A. Just a moment.
5
6 Q. I'm sorry, the top paragraph.
7 A. Oh, yes, well, as I say, she was --
8
9 Q. I don't think we need to talk about what she did for
10 the moment, Father Gleeson.
11 A. Oh, sorry.
12
13 Q. If we can just accept that she was a mother of one of
14 the children?
15 A. Yes.
16
17 Q. You said that you said to her, "I'm sorry", and you
18 didn't know what to say. I take it that's a reflection of
19 what you have just been saying; you were all out of your
20 depth and didn't know how to handle the situation?
21 A. Oh, absolutely.
22
23 Q. Coming down to paragraph 30, as you no doubt now know,
24 he was arrested in 1987 and the charges were dismissed
25 in February 1988.
26 A. Mmm.
27
28 Q. In that period of time were you still at Moree?
29 A. Yes.
30
31 Q. It would have made a big splash, I imagine, the
32 arrest?
33 A. Oh, yes, absolutely. I'm not even sure I heard about
34 the arrest so much as the court case. You are talking
35 about paragraph 30?
36
37 Q. I am.
38 A. Yes. I think Farrell was at Tamworth at that time.
39
40 Q. So you didn't have as much to do with him between 1984
41 and 1987?
42 A. Oh, no, no, except I bumped - we might bump into him
43 when we were at Armidale, funerals and things like that,
44 where the clergy gathered. He was never retiring; out the
45 front all the time.
46
47 Q. The fact that there were the complaints in 1984 of

1 some form of sexually interfering with children and then he
2 turned up at Tamworth not far away a short time later, did
3 that give you any cause for disquiet?
4 A. Well, in my own mind I sort of asked myself did he go
5 to Tamworth as a resident or was he appointed in Tamworth?
6 If he was appointed at Tamworth, I'm amazed. If he went as
7 resident, then I can understand he's got to go somewhere,
8 but why wouldn't he go home? Like, he had a home.
9
10 Q. His home was in Armidale?
11 A. Yes, that's right. Mine was in Narrabri. My dad was
12 dying at that time; I would have been in Narrabri quite
13 a lot.
14
15 Q. No-one told you, particularly Monsignor Ryan, that he
16 had been appointed to a Tamworth parish?
17 A. No, I'm at the bottom of the ladder. They don't tell
18 you things - they didn't. That's not our job. That's the
19 whole problem, no information.
20
21 Q. So you didn't see much of him, but from time to time
22 you did, between 1984 and 1988?
23 A. Oh, right up until, you know, even after his
24 laicisation he was still - makes himself prominent all the
25 time, unbelievable.
26
27 Q. So coming back to paragraph 30, you read that the
28 charges had been dismissed and you being relieved that it
29 wouldn't cause more damage to the church and scandal?
30 A. To my shame, I probably would have been at that time,
31 not knowing really what it was all about. Subsequent to
32 that, I was a bit horrified.
33
34 Q. Did you have any understanding of the treatment that
35 was available at that time - this is via the church - to
36 people with --
37 A. There were no professional resources. We didn't even
38 operate, really, on a professional model. My generation
39 were the first to be trained in the area of, like,
40 counselling, or what have you, but even that was unpopular.
41
42 Q. What about Gary Boyle, had you heard of him?
43 A. I had heard of him, because he came to my seminary, in
44 my formation years, '75 to '78, at Kensington, and he would
45 have given some lectures. We spent two years of intensive
46 training in counselling because this was something new.
47 A lot of the older priests would have been against it,

1 "We're not social workers, we're not psychologists", and
2 all that sort of thing, but my generation really wanted it,
3 yes.

4
5 Q. So you didn't know that Farrell had been sent to
6 Gary Boyle for treatment?

7 A. I think I did, but I had no clarity of - it's just
8 general talk, you know, around the place. It was never
9 officially, like, informed or anything like that.

10

11 Q. You, I think, took part in an interview with
12 Mr Whitlam in 2012?

13 A. I did. I did.

14

15 Q. I think in your statement you have agreed that it was
16 a true and correct transcript of what you told him?

17 A. Yes, but with Mr Whitlam, I sort of walked in and
18 talked, you know? With the police statement, subsequent to
19 that, I spent a whole day, literally, with them, so I
20 remembered more things as we went along, unbelievably,
21 like --

22

23 Q. More things with the police?

24 A. Yes, because we're talking in more detail, more time,
25 they are testing my memory and calling for things. That's
26 when I remembered about the nun.

27

28 Q. It was a structured interview with the police?

29 A. Mmm. It was very good, very helpful.

30

31 Q. Let's just go to your interview with Mr Whitlam, which
32 is behind tab W3. Just before I take you to that.

33 A. Mmm-hmm.

34

35 MS FURNESS: Your Honour, I tender the interview between
36 Father Gleeson and Mr Whitlam.

37

38 **EXHIBIT #44-007 INTERVIEW BETWEEN FATHER GLEESON AND**
39 **MR WHITLAM**

40

41 MS FURNESS: Q. Could I take you to page 17. The
42 paragraph beginning at line 16 - you were talking about the
43 early days of Farrell?

44 A. Mmm-hmm.

45

46 Q. And you say at line 16, "he did of his mother" -

47 I take it what you mean there is that, in your opinion, the

1 only reason that Bishop Kennedy ordained Farrell was
2 because of his mother?
3 A. That was the common talk amongst the clergy.
4
5 Q. That it was so important for his mother for him to be
6 a priest, that it would be damaging to her if he wasn't
7 permitted to be ordained?
8 A. The comment that was, you know, circulating in the
9 clergy talk was along the lines that Bishop Kennedy had
10 said that, how could he look his mother in the eyes since
11 she went to more masses than his clergy did, that was the
12 common talk. It meant that Harry, Bishop Kennedy, had
13 a great respect, it seems to us - to me - for John's
14 mother, Ursula.
15
16 Q. You, I take it, heard of stories about Farrell in the
17 seminary?
18 A. I'm a different seminary, not - no, not a lot, really.
19
20 Q. Not during the 1980s when you were together as an
21 assistant priest?
22 A. Oh, no, no, we never talked at all much. He hardly
23 ever came; and then it was like an audience.
24
25 Q. Coming down to line 17, you are referring there to the
26 Roman culture in the Catholic Church. Perhaps if we can
27 have the whole answer on the screen.
28 A. I'm a bit lost there.
29
30 Q. It starts at line 27.
31 A. 27, okay.
32
33 Q. And if we can have your whole answer on the screen.
34 A. Mmm-hmm.
35
36 Q. What are you saying there?
37 A. I think what I'm saying there - it's not very clear,
38 is it.
39
40 Q. That's why I asked you, Father Gleeson.
41 A. That it's a sort of a family reaction to - within the
42 church, I suppose I'm saying, about the clergy or the
43 priesthood. Could I just see what comes before it to see
44 what - please?
45
46 Q. Certainly.
47 A. Yes, the perceived closing of ranks, I think, around

1 the clergy, it would be - you were - you know, you were
2 part of a brotherhood of priests. It didn't always feel
3 like that, but that's part of the language, and the Bishop
4 was the father, and the fact that, you know, you relied on
5 the church, really, for your livelihood and what have you;
6 you relied on the church - by "the church", I mean the
7 Bishop and the diocesan authorities - to support you if you
8 needed support, or what have you, and a bit like
9 Father Flood was saying yesterday, you know, the culture is
10 very much on seeking out those that are - well, not
11 abandoning those in trouble. It would be like my family,
12 if somebody came and said something against one of the
13 members of my family, you know, we would come together and
14 talk about it. I think that's what I'm talking about.

15
16 Q. Has anything changed?

17 A. Oh, it's really very different from where I live now -
18 in the world I live in now; absolutely.

19
20 Q. In terms of what you have just been discussing, how
21 has that changed?

22 A. Well, you know, it's all out in the open. Everything
23 has to be talked about. Yesterday, in my parish - that
24 I have in place in my place - my staff met, as they do
25 fortnightly, to talk in depth about how they have been
26 dealing in their jobs with people in our parish. It's
27 difficult for some priests that are coming to us, they
28 can't understand what business it is, and all that, but
29 it's in place, and it is going to be. It's like a clinical
30 meeting amongst professionals, professional psychologists,
31 dealing with the lives of other people. One of the things
32 I just cannot understand is how somebody, you know, as
33 insightful as Karolyn back then is really where we are now
34 30 years later, but with all my education and training and
35 best will in the world and thinking I'm saving the world,
36 I couldn't even hear what she was saying back then, no.
37 I just find that - that haunts me, really.

38
39 Q. Just turning over the page, in that first paragraph
40 you refer to --

41 A. Could you give me the line, please?

42
43 Q. It is the first paragraph. You start with --

44 A. Oh, right, "The next thing"?

45
46 Q. I beg your pardon?

47 A. "The next thing".

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Q. Yes. I beg your pardon, yes, "The next thing"?

A. Thank you.

Q. If you go down in "The next thing" paragraph, "you couldn't tell a falsehood about someone, not the truth about someone, if it was going to wreck their character". Now, that seemed to be a concept that was prevalent then. Another way of putting it is you can't ruin a man's reputation?

A. It's sort of how - I'm talking, I think, aren't I, about where the older priests would have come from; is that right?

Q. It seems to be you are talking more about that period of time, in the 1980s?

A. I think that's sort of the old technical catechism version of the presumption of innocence, you know? We were totally ignorant about the law back then. I think the first time I ever understood presumption of innocence was with "Rumpole", to be honest with you. Before that, I wouldn't have - it's not part of my training, it's not part of my world at all. I've often said that, actually, that we knew nothing about the law growing up, and I've been to universities in Australia and so on, and we need to. That notion of - is really in the sense of intentionally setting out to damage someone. That's the concept, morally, detraction and calumny. They make the distinction between trying to damage somebody by telling a truth about them, like their wives are sleeping with a neighbour, or something, for the sole purpose of damaging that person, you know? And similarly, if somebody comes along and makes an allegation against someone, you would say, "Well, it's still in the area of requiring proof."

Q. And if it was an allegation against a priest by somebody not within the clergy, the inclination would be to believe the priest if there was a denial?

A. On the basis that you would expect the priest to be way up there in terms of standards of life and behaviour, that would have been taken for granted; it's no longer held.

Q. Can I show you some of the statements that were read yesterday? The first is Mr McGroder's statement.

A. Mmm-hmm.

1 Q. Were you here yesterday, Father Gleeson?
2 A. Absolutely.
3
4 Q. Did you hear the evidence?
5 A. Absolutely.
6
7 Q. Can we go to paragraph 55, firstly.
8 A. Mmm-hmm.
9
10 Q. Perhaps we will start at paragraph 53 instead. Can we
11 go to 53?
12 A. Right.
13
14 Q. This refers to the time that Michael McGroder told his
15 parents.
16 A. Mmm-hmm.
17
18 Q. And what happened over the next couple of months?
19 A. Mmm-hmm.
20
21 Q. And then he says that his parents told him that they
22 attempted to speak to other priests, including you and
23 Father Crowley, about Father Farrell. Just stopping there,
24 Father Crowley I think is now dead?
25 A. At the moment he is; not then, of course.
26
27 Q. No, I understand that, at the moment he is dead; he
28 certainly wasn't at the time. What was his position at the
29 time?
30 A. At the time? I think he was parish priest of
31 Warialda.
32
33 Q. Of?
34 A. Warialda.
35
36 Q. Was that a neighbouring parish?
37 A. Yes. It would have been, I don't know, an hour's
38 drive away, half an hour; on the way to Inverell.
39
40 Q. He was more senior to you, given that he was a parish
41 priest?
42 A. By ordination. He was a Roman doctor as well.
43
44 Q. Do you recall that, the McGroders speaking to you?
45 A. No, I don't, I've got no clarity of recall, but I do
46 know that I would have spoken with the family. I just
47 can't recall. I can't even recall where they lived, to be

1 honest.
2
3 Q. I think you said earlier that you spoke to the
4 McGroders, particularly Pat McGroder?
5 A. Mmm.
6
7 Q. You couldn't quite recall whether it was around the
8 1984 period or when he --
9 A. I don't think so, but it may well have been.
10
11 Q. If you can go further down, Michael is saying that
12 some time after his father met with Monsignor Ryan,
13 Father Flood came to see them?
14 A. Mmm.
15
16 Q. And then some time towards the middle half of 1984,
17 Michael had noticed that Father Farrell had stopped acting
18 in an official capacity within the diocese of Moree. Now,
19 that, to your memory, was the time when Monsignor Ryan sent
20 him from Moree?
21 A. My understanding would be that that's what's
22 happening, yes.
23
24 Q. And then further down the next paragraph,
25 paragraph 57 --
26 A. Yes.
27
28 Q. -- Michael McGroder says that his father told him that
29 his father had had a huge argument with you after mass one
30 day because you had told his father that he had driven
31 a huge wedge through the community and had divided it. Do
32 you remember that?
33 A. No, I don't have any recall, but I actually believe
34 the McGroders, so it probably did take place. I just don't
35 recall it. This is not the only argument I've ever had
36 with a Catholic in my job, so I don't know. As to driving
37 a wedge in the community, I'm not sure. I'm not sure.
38 Maybe I said it, maybe I didn't, but I categorically can't
39 say it didn't take place.
40
41 Q. Leaving aside the actual language of "driving a
42 wedge", from what you have been saying earlier, the
43 attitude at that time would have been similar to the
44 concept in that comment, wouldn't it?
45 A. I think - I mean, I can't excuse myself now, knowing
46 what I am, but looking back then, I think it's a lack of
47 information. I don't think we had a clue what we were

1 talking about or what we were dealing with, you know?
2 I think --
3
4 Q. It is likely you would have put the church first?
5 A. Oh, I would have, yes, I'm sure, because I would
6 assume that it was; like, I've learnt a lot since, but
7 I would have assumed it was.
8
9 Q. Can I turn to Karolyn's Graham's statement --
10 A. Mmm-hmm.
11
12 Q. -- and that's the Karolyn you were referring to
13 earlier, I take it?
14 A. I am.
15
16 Q. And if we can turn to paragraph 29, to begin with,
17 this is her recollection of the second meeting that her
18 husband had with Monsignor Ryan and Father Flood arriving,
19 and her statement says that she thought Father Flood said
20 that he was sent over by Bishop Kennedy to investigate what
21 Father Farrell had done. Were you aware of
22 Bishop Kennedy's involvement at this stage?
23 A. No, I don't think that's correct.
24
25 Q. You think it was Monsignor Ryan who was telling people
26 what to do?
27 A. I think I probably asked Floody to blow in on the
28 McGroders and the [CPG] family; I think I probably would
29 have. Again, no formal thing, no process, no idea of what
30 I'm doing; it would have been in just general conversation.
31
32 Q. Looking at the next paragraph.
33 A. Paragraph 30?
34
35 Q. Yes. The reference there is that her husband told
36 her, her then husband, that Father Flood said he had spoken
37 to Farrell. Did you at any time talk to Farrell about any
38 of these allegations?
39 A. No, we didn't talk anyway. The only interaction I had
40 was at the door at that time.
41
42 Q. What about Father Flood - are you aware of him having
43 spoken to him?
44 A. No, and in those days I wouldn't have expected to
45 because that would have been confidential to him talking to
46 that family and to those people. He wouldn't have told me
47 what happened with them.

1
2 Q. So Monsignor Ryan was the only one talking to Farrell?
3 A. I'm not even sure of that.
4
5 Q. So he didn't tell you - that is, Monsignor Ryan -
6 whether or not Farrell admitted to any of the conduct?
7 A. No. No. No. I didn't know anything like that.
8 Four Corners tells me everything.
9
10 Q. Going to paragraph 32, Ms Graham then refers to
11 a conversation with you after Father Farrell had left the
12 parish, so this is about mid-1984?
13 A. Mmm-hmm.
14
15 Q. And how concerned she was that they didn't know how
16 many boys Farrell had interfered with. And then she
17 records, about halfway down that paragraph, what you said
18 to her, and she says, "No-one has the right to ruin another
19 person's reputation"?
20 A. I said that.
21
22 Q. And that was your view at the time, I take it?
23 A. I'm sorry, she said that I said that. I can't -
24 I haven't got any clarity of memory there, but I believe
25 it. She's got no reason to make that up. I know her and
26 she was a professional person and she clearly had more
27 intuitive understanding of what was potentially happening
28 here than any of us, which is terrible.
29
30 Q. What was the effect on the Catholic community of the
31 allegations, Farrell being charged and then the charges
32 dismissed?
33 A. It's been going on for 30 years, it's happening again
34 in my home base right now. Everyone's going through it
35 again. One thing I have learnt that never seems to come up
36 is the effect on the family of the offender.
37
38 Q. So when you say people are going through it --
39 A. It's awful.
40
41 Q. -- again, are you talking about Farrell and the recent
42 charges?
43 A. Oh, it just comes up all the time; it's in the news,
44 it's incessant. It's hard but it's bringing about great
45 change, necessary change, and --
46
47 Q. What measures have you got in place now to deal with

1 the community response to someone like Farrell being
2 recently convicted and sentenced?
3 A. Probably not much in terms of the community response.
4 It's something we have certainly got to work on. We don't
5 have many models. We're seeking best practice and just
6 trying to get our heads around all of it. I'm just talking
7 about us now at home, working, but in terms --
8
9 Q. Do you have public meetings?
10 A. Pardon?
11
12 Q. Do you have public meetings to allow people to say
13 things?
14 A. No, but there is one mooted, I think. We're relying
15 a lot on this Commission, and what it finds, to assist us.
16
17 Q. What about in church - does it come out in church, in
18 your proceedings?
19 A. We pray constantly; we talk about it.
20
21 Q. You do talk about it in church?
22 A. Yes. Do you want to know what I say? I say there are
23 six things that I think I've picked up, and I've learnt
24 none of them from experts, but pretty well all of them from
25 survivors. Number one is we've got to feel the intense
26 shame about all of this. Secondly, that we are really only
27 getting in touch with all this business when we sense the
28 pain, like I did yesterday, when Michael, you know, read
29 his statement. How I could, 30 years later for the first
30 time, understand the terror that boy had that night - I can
31 feel it, I'm just cold all over. How I couldn't hear
32 a mother speak to me like that and I believe she did. What
33 I said back, I've got no idea but it wouldn't surprise me.
34 How we could be so out of touch. Now we work in teams, in
35 groups, it's all open and discussed. We're not
36 Lone Rangers any more. We don't presume that we know just
37 by being ordained. The second thing is I believe, this is
38 religious, but I believe - and as today is the Triumph of
39 the Cross, the Feast, we've been given a cross to carry and
40 we have got to carry it with dignity and with truthfulness
41 and with as much justice as we can and this Commission is
42 assisting us in that. We feel sometimes we've been
43 targeted, but why not? We should be able to be targeted.
44 We're learning rapidly. We're not doing a good job but
45 we're going to do a good job.
46
47 Q. Has there been any apology issued from your neck of

1 the woods?

2 A. The Bishop has in writing again and again apologised.
3 He means it sincerely. It's a different generation
4 altogether coming through. He might be my spiritual father
5 but he's 30 years younger and he would be oblivious to this
6 period. It's just not in his world.

7

8 Q. But there have been, as you say, written apologies to
9 individuals; is that what you are referring to?

10 A. I don't know about that, but just public apologies
11 generally to the community, following - he instigated the
12 Whitlam Inquiry. He was the first one to stand up, after
13 that was finished, and cop it, take it on himself and
14 express, you know, how we all feel really.

15

16 Q. Have record-keeping practices improved?

17 A. Pardon?

18

19 Q. Record-keeping practices; that was one of his
20 criticisms?

21 A. Oh, I think so. For instance, as I look here, not
22 being able to hear a mother speak to me, who is
23 a professional person with training, somebody I respected
24 and believed and still do, I mean, that's an indictment
25 against me, and I've been through universities, seminaries,
26 training, I would have thought I was pretty hot, really, in
27 those days; but today that would be an incident report that
28 I'm compelled to make. I would go to my office after that,
29 write it up. My secretary would have a copy and it would
30 be filed. It would be sent to the Chancery and the
31 Bishop's Professional Standards Committee would look at
32 that and deal with that.

33

34 Q. Compelled by whom or what?

35 A. By the Bishop. That's our process, Professional
36 Standards, in our place.

37

38 THE CHAIR: Q. Now that we have opened up this subject,
39 can I just ask you a couple of questions about it?

40 A. Yes.

41

42 Q. You speak about some people seeing the Commission as
43 targeting the church. Is that lay people or ordained
44 people or both?

45 A. I think Catholics sort of hear Catholic - but you have
46 made a very clear statement at the beginning of this
47 Commission of what is the reality, yes. It's just,

1 you know, the family thing, I suppose, the community thing.

2

3 Q. Secondly, your evidence suggests that 30 years ago
4 there was not effective management within the church of the
5 work of the priests; is that what you are saying?

6 A. There was no sense of professional supervision that we
7 would require today, yes.

8

9 Q. That's a part of managing people, isn't it?

10 A. Absolutely. I don't think there was, no.

11

12 Q. You say that has changed?

13 A. Mmm-hmm.

14

15 Q. Changed in just your diocese or has it changed
16 throughout the church in Australia, to your knowledge?

17 A. Well, I'm 24/7 in my diocese. We use the Professional
18 Standards of the Catholic Church Integrity in Ministry.
19 I require everyone that's associated with my work in the
20 parish to be totally familiar with Integrity in the Service
21 of the Church. They have got to sign 10 documents about
22 working with children, privacy of information, that they
23 are going to adhere to the standards of the church. We go
24 through training. I've got protocols in place, that
25 I personally have in place, as to how people should conduct
26 themselves in dealing with other people in the community.
27 Duty of care is now fairly prominent in our thinking.
28 We would never have heard of it back 30 years ago.

29

30 Q. Then what about the management of the priests, though,
31 is that --

32 A. Well, I manage my area.

33

34 Q. Just explain to us, what --

35 A. I'm administrator of the cathedral. I have an
36 assistant priest, two other priests working with me at the
37 moment. I have a parish secretary and a pastoral worker,
38 and then I have volunteers that might work in, say,
39 religious education in State schools, taking Holy Communion
40 to the housebound, the sick and the infirm, visiting
41 hospitals, nursing homes especially, just visiting people
42 because they are lonely. All of those people have to be
43 familiar with Integrity in the Service of the Church.
44 They've to sit through a YouTube of the Truth, Healing and
45 Justice committee and Mr Francis Sullivan talking about
46 things. It is shattering for us. This is about as far as
47 we have gone in the community thing but we're going a lot

1 further than this. Whether we use the Melbourne approach -
2 we are a little diocese, we need to rely on the bigger
3 brothers, you know, and sisters, to be able to show us the
4 best practice stuff.

5
6 Q. And is the impetus for this coming from just you in
7 your parish, or is it coming from the Bishop for the whole
8 diocese? What's the picture we should have?

9 A. Well, I think we are in progress.

10
11 Q. But is it diocesan-wide?

12 A. Well, I'm obsessed by it because how can I live with
13 a fellow for one-and-a-half years and not know this was
14 going on? It's absolutely appalling, really.

15
16 Q. Do you think your parish is ahead of the others, is
17 that what you're saying?

18 A. In all respects, I like to think that, and in this
19 area of professional development I would hope so, because
20 I'm working hard at it. So I would pioneer and they'd be
21 watching me too and taking on board what I'm saying.
22 I have been asked by the Bishop on a number of occasions,
23 in the Priests' Council and Consultors Meetings, to speak
24 about what I've got in place, because I am quite maniacal
25 about it.

26
27 Q. You are seen then as a trailblazer?

28 A. I think they are hoping that I know what I'm doing and
29 I don't know whether I am, but I'm just following what the
30 books say and doing the best I can and trying to listen to
31 people, but never again is this sort of thing ever going to
32 happen; it just can't happen.

33
34 Q. You know the Commission has under consideration the
35 question of why and where things went wrong?

36 A. Mmm.

37
38 Q. And you know, of course, that Francis Sullivan has
39 written in that space, too, on behalf of the church?

40 A. Mmm.

41
42 Q. What is your perspective, firstly, on the issue that
43 is described as clericalism?

44 A. Well, my view is that the church has to ordain a man
45 of deep humanity rather than ordain a priest and I think in
46 the past they just thought they were ordaining a priest,
47 and a priest would go out, he would keep the

1 Ten Commandments, he would keep canon law, he would keep
2 the rubrics and everything would flow and it would be
3 wonderful. Clearly, you know, that's ridiculous, it's
4 wrong. I think the discernment process needs to be
5 severely looked at in who we ordain and do not ordain. The
6 age of transparency is a total absolute, and Karolyn says
7 the modern standards and by that she means what we're
8 trying to do, to act like professionals act. It's a big
9 change in culture, a big change in culture.

10
11 Q. Again, you speak and obviously see the reason for that
12 change --

13 A. Mmm.

14
15 Q. -- but in terms of the wider church in Australia, are
16 you able to help us as to whether or not others see it like
17 you do?

18 A. Well, I have no idea, really. I would hope so. I'm
19 using some of their materials. I presume they are on board
20 with that. The Melbourne stuff that I've downloaded and
21 used is pretty good. In my parish, I commissioned one of
22 the consultants from the Catholic Schools Office to help us
23 in the parish: we call it 'Safe and Sacred'. We've got
24 a program, I'm starting by forming my leaders, which would
25 be the parish council and, you know, the finance council.

26
27 Incidentally, there are other agencies, apart from me
28 in my little parish. The Bishop is head of agency of
29 a number. There is Centacare who are all professional
30 people in the area of human science, as you know, there are
31 the schools, and they all operate separately. I think,
32 you know, we've got a long way to go and we've got a lot to
33 understand.

34
35 Q. There has also been writing about what might be seen
36 as a division, perhaps, but certainly separate parts of the
37 whole church structure --

38 A. Mmm.

39
40 Q. -- being the clerical, ordained component, and the
41 enormous contribution which the Church makes through
42 education and other charitable organisations.

43 A. Mmm.

44
45 Q. It is said that there is a difference in the way the
46 people who manage the two components see their role and how
47 it's professionally structured. Is that consistent with

1 your observations?
2 A. Can I repeat that back to you, from my understanding
3 of what you have asked me?
4
5 Q. Yes.
6 A. That the way professional agencies like education and,
7 say, Centacare, are operating, is sort of --
8
9 Q. St Vincent De Paul and so on?
10 A. They are a bit different because they don't come under
11 our immediate jurisdiction, but I presume so, and how we,
12 the clergy, operate - I think we have got to catch up, to
13 be honest. Just the notion of professional supervision is
14 not common amongst clergy, particularly the older members.
15 The idea that, you know, you just don't go out and pasture
16 the flock, you know, the way you want to, and that's all
17 there is about it and no-one ever talks about it - I mean,
18 all of that has gone in the future.
19
20 Q. You probably know this, but quite a bit has been
21 written about what I will just refer to as the loneliness
22 of the parish priest?
23 A. By himself in a country town, absolutely, it would be
24 awful. I've never been like that, I've always been with
25 people.
26
27 Q. That's what I want to ask you. In terms of your early
28 time as a parish priest, even with others in a country
29 town, there was a sense of isolation for some of you; is
30 that right or not?
31 A. I'm not sure. I haven't been by myself. Are we
32 talking about a priest being by himself or --
33
34 Q. But even when you are with other priests there's --
35 A. In the earlier times of my priesthood, not really. My
36 family were only an hour's drive away when I was, say, in
37 Moree, but if I didn't have my family, I would rely on the
38 friendship of my community, you know, the people, the
39 Catholic community. Invariably, there are people that sort
40 of - you get friendly with who are your supporters and they
41 talk to you like another person, but you can't beat your
42 family. I mean, your family don't regard you as a cleric,
43 you know, they bring you down to earth very quickly.
44
45 Q. They bring you down to earth and presumably they give
46 you a capacity to talk about what might be troubling you
47 and personal matters?

1 A. I think so. In my case, I regularly see professionals
2 because I'm on a program.

3

4 Q. I understand that.

5 A. And I think that that should be common. I think what
6 I've learnt in my own struggles is that every priest,
7 particularly in the celibate state, he needs to really have
8 a mentor, a spiritual director and a group that is open and
9 honest and transparent and professional, and PDED, you
10 know, professionally developed. I mean, that's happening
11 all the time. We're so far behind in all that. We should
12 be getting it every two months, you know?

13

14 Q. You've got ahead of me; that's where I was really
15 getting to?

16 A. Sorry.

17

18 Q. What you are saying is that whether it be loneliness
19 or some other symptom, if you like, the church needs to
20 structure it so that there is a close relationship between
21 priests and professional people and between priests and
22 each other?

23 A. I think so. It needs to grow a culture that,
24 you know, connects with the world as it is at the moment.
25 I think there would be some clergy that would resist that,
26 in a way, they don't see themselves as professional, but
27 I think it's got to change, it's got to be that.

28

29 Q. Can you explain that? Why don't they see themselves
30 as professional?

31 A. I think they would see themselves, you know, as men of
32 God. There would be people - their main role is to
33 celebrate the sacraments and to pray with people, and so
34 on, but it's got to be open and change. It's the end of an
35 age; it is.

36

37 MS FURNESS: At that point, your Honour, I have no further
38 questions.

39

40 THE CHAIR: Does anyone else have any questions?

41

42 MR ELLIS: Yes.

43

44 MR GRAY: I have.

45

46 THE CHAIR: Anyone apart from Mr Ellis or Mr Gray?

47

1 <EXAMINATION BY MR ELLIS:

2

3 MR ELLIS: Q. Father Gleeson, my name is Ellis,
4 I represent the interests of Karolyn Graham and
5 Michael McGroder. I just want to ask you a couple of
6 questions. Can I take you first to the document that
7 Ms Furness took you to, which was document W3 in the
8 Whitlam tender bundle. On page 19 of that document --
9 A. Yes. Could you give me the line, please?

10

11 Q. Yes. Could you go to line 16.

12 A. 16?

13

14 Q. You may want to read the top of the page. If we could
15 perhaps scroll up to the top of the page so that
16 Father Gleeson can see --

17 A. So we're on line 16, from that paragraph?

18

19 Q. In line 16 you say "if you don't ordain him" - "him"
20 being Farrell:

21

22 *... there are still going to be problems,*
23 *and he doesn't become one of the 1500 in*
24 *the Catholic Church identified over the*
25 *last 10 years; he becomes one of the 48,000*
26 *that come up every single year in Australia*
27 *that no-one talks about.*

28

29 You are talking there about the difference between the
30 focus, and you have discussed with his Honour the
31 impression that the church has been targeted unfairly and
32 that a lot of abuse goes on in families?

33 A. At the feeling level, but I've got no real argument.

34

35 Q. Has your attitude about that changed since you spoke
36 to Mr Whitlam?

37 A. Absolutely, mmm.

38

39 Q. I think you identified earlier in your evidence the
40 power of actually listening to the evidence given by people
41 like Michael McGroder and [CPA] yesterday?

42 A. Yes. I actually had read the transcript for Karolyn,
43 and that had a big impact on me, particularly where I was
44 involved, because I knew them - I know them as people. And
45 yesterday Michael - yes, I didn't sleep last night, really.

46

47 Q. Did you listen to Karolyn Graham's evidence yesterday?

1 A. Yes, yes, I did.
2
3 Q. You would accept, wouldn't you, that there is an
4 enormous and immeasurable impact --
5 A. Absolutely.
6
7 Q. -- in bearing witness to the stories of survivors and
8 their families?
9 A. Yes, and my naivety and - oh, look, it doesn't reflect
10 well on me, I know, I don't care, really, but when Pat
11 talked to me and told me that Farrell had placed a hand on
12 Michael, I would have thought that was small matter.
13 Yesterday - yesterday, there's no such thing, really, as
14 small matter.
15
16 Q. I want to take you to that in a minute, but just on
17 the point we have been discussing, in your role as a senior
18 member within the Diocese of Armidale --
19 A. Yes.
20
21 Q. -- and in that diocese as part of the wider Catholic
22 Church --
23 A. Oh, I don't know about that.
24
25 Q. -- is there more that the church could do to give the
26 message to its clergy of the importance of bearing witness?
27 A. Oh, absolutely. We - you know, we are Australians and
28 we don't get made in seminaries, we are made in Australia
29 and we come to seminary. We want to be the best at all
30 this and we want - we want this Commission to make us
31 really, really tops. If you ask my personal opinion, in
32 answer to your question, absolutely.
33
34 Q. Still on this paragraph, again, starting at line 16,
35 have you had cause to reconsider the views that you have
36 expressed there, that the problem with Farrell would have
37 been the same had he been a layperson as opposed to having
38 been a priest, clothed with the power of the church?
39 A. No. There are two issues. One, I speak as a Catholic
40 priest, and the problem we have in the Catholic Church, but
41 I'm also an Australian and I know, according to government
42 figures which I have consulted regularly, there are 300,000
43 reports every year. I realise that the institutional
44 response to child abuse is a specific focus, I understand
45 that, but in my own mind, if every Catholic disappears at
46 midnight tonight, we've still got a massive problem. I'm
47 not saying that excuses or changes anything at all, I'm

1 just saying it's there.

2

3 THE CHAIR: Q. Father, there is no doubting what you are
4 saying.

5 A. And you have said that, your Honour.

6

7 Q. Yes, but have you reflected on the fact that a priest,
8 by reason of their position in the community, certainly in
9 prior decades, was given an elevated position, they were
10 trusted by parents and children; parents never doubted the
11 priests, even when told, very often, of a problem, and of
12 course, the priesthood gives access to children. In other
13 words, the risk factors that are structured into priestly
14 function create a significant level of risk, which may not
15 be present throughout the whole community?

16 A. I'm not sure about the last part, but I certainly
17 accept what you are saying.

18

19 Q. You are right in terms of familial abuse, where access
20 is available. There is an extra component, I suspect, for
21 priests, and that is that, particularly with adolescents,
22 you have the responsibility of nurturing the spiritual
23 development of the adolescent which creates a relationship
24 which is somewhat unique in many people's lives. It
25 doesn't come at home and it comes through the church and
26 through the priest - do you understand that?

27 A. Absolutely, I accept that.

28

29 Q. And that is apparent to us as another source of
30 abusive relationship that has developed out of a spiritual
31 search by the child?

32 A. Yes, I can understand that, and in our own set-up,
33 going back to the Lord himself, you know, there's that
34 reference to the millstone, isn't there?

35

36 Q. Yes.

37 A. That's why, for us, you know, it's much worse than it
38 should be. How do you celebrate mass after you take
39 Michael and do that? You see, this should wreak havoc on
40 the inside and the conscience to any priest, you know?

41

42 THE CHAIR: Yes. Mr Ellis?

43

44 MR ELLIS: Q. Father Gleeson, can I now take you to
45 a slightly different but related topic. If we could have
46 Karolyn Graham's statement brought up again, and
47 paragraph 32 of that statement. I think your evidence is,

1 and correct me if I'm unfairly characterising it, that you
2 don't remember that specific conversation, but you accept
3 that it took place?
4 A. I believe - Karolyn wouldn't make up that.
5
6 Q. And you accept that the words that you are quoted as
7 saying there, or something to that effect, was --
8 A. I can't confirm or deny what I said, but the
9 likelihood is that I've said that.
10
11 Q. And that sort of statement reflects the attitude that
12 you would have had at the time?
13 A. Probably.
14
15 Q. You have given evidence earlier that - and I think you
16 have repeated it in a recent exchange - the information
17 about the abuse of Michael McGroder, for example, you
18 treated as rather a minor matter when you heard about it?
19 A. I did.
20
21 Q. And you have given evidence earlier to the Commission
22 that the information that was given to you about
23 Father Farrell's behaviour you treated as matters of
24 indiscretion, I think was the word you used?
25 A. Well, there wasn't any information given, really.
26
27 Q. And that if you had known that it had --
28 A. If I knew what I'd known, say, from the Four Corners
29 thing - oh, like, I had gumption in those days, I wasn't
30 just nothing. I mean, I stood up for the Aboriginal
31 community many times publicly. I've taken on the boss
32 about issues, and so on, and to me, the only explanation is
33 that I did not have any idea, really, at that time, of what
34 in the hell we were dealing with here or what was going on.
35 I don't think Karolyn knew in detail either - she may have
36 from the other parents - but her intuition was spot on.
37
38 Q. Indeed. You have mentioned that you - and we all know
39 a lot more about the nature of Farrell's conduct now?
40 A. Yes.
41
42 Q. But I think the evidence you gave to his Honour
43 earlier on was that if you had known it had even extended
44 as far as genital touching --
45 A. Mmm.
46
47 Q. -- that you would have been considering that that's

1 a criminal matter?
2 A. I would want to know much more, yes, from the Mons,
3 yes.
4
5 Q. And that that would need to be reported to the police?
6 A. I would imagine he would have to do that, Mons, yes.
7
8 Q. And at the very least, it would require further
9 investigation and questions to be asked?
10 A. Absolutely.
11
12 Q. And that that wouldn't have been left at the point of
13 you asking Farrell, "What did you do?", and him saying
14 nothing and you leaving it at that?
15 A. If I had known when Monsignor - yes, I'm sure of it.
16
17 Q. The question, Father, is if that sort of knowledge was
18 so important to guiding what should be done, both in
19 relation to Farrell but also, more importantly, in relation
20 to protecting the parishioners, why weren't those questions
21 asked?
22 A. I have no answer.
23
24 Q. I take it from the tenor of your evidence that you
25 would adopt a very different approach now?
26 A. Yes, absolutely. Just on Karolyn's statement,
27 probably 10 people would view that and my reaction -
28 I would have to - I would have to have that in writing,
29 filed in several places, be accountable to my Bishop and to
30 the people the Bishop has looking after us,
31 Jennifer Harman.
32
33 Q. You can see now, can't you, that that is all that
34 Karolyn Graham was asking for on this occasion that she
35 refers to in paragraph 32?
36 A. I'm deeply ashamed of that. I do. The thing that
37 really is that 30 years later we're now - in our place,
38 we're now seriously dealing with what she had an intuition
39 30 years ago was the case. Like standing up in public,
40 for instance, and talking, that would have blown my mind,
41 I think, at the time. What are we going to say and what do
42 we know and what is it all about? I don't think there was
43 even the term "sex abuse of children" around in those days.
44 I don't think the term was current. It may have been,
45 I don't know, it's just not in my mind. And yet, we're
46 working hard with other people who were vulnerable at that
47 time, we're doing good things. You know, it's - it was

1 very wrong of us.

2

3 Q. And a mother coming to you --

4 A. Yes.

5

6 Q. -- asking these questions, it's about protecting her
7 child and the other children, isn't it?

8 A. Absolutely - and the father.

9

10 Q. And it's not about destroying anybody's reputation?

11 A. No.

12

13 Q. Can I just ask you one further question about that.
14 If your belief was that Father Farrell's conduct was of
15 a very minor nature and constituted indiscretion, why would
16 his reputation be at such risk?

17 A. I don't even know whether I said that. I've got no
18 idea, really.

19

20 Q. But, Father, you have accepted that you did say that?

21 A. No, I have accepted I said something and that the
22 altercation did take place, and I accept that Karolyn is
23 possibly and probably right. I've got no idea why I said
24 it at the time. I don't know what else was said at the
25 time either, you know, that may throw light on that, but it
26 certainly wasn't on the basis of us having any idea.
27 Karolyn is sensing what we all know down the track is
28 actually going on. I'm living with somebody with this
29 going on and not knowing. This is what I find haunting.
30 But I don't - I don't know. Why, I just don't know. I'm
31 sorry, it's 30 years ago, I don't know.

32

33 Q. Understood. You would accept, wouldn't you, that it's
34 not an unfair characterisation of the attitude, if I could
35 use this term, of the church hierarchy in Armidale at the
36 time - just restricting it to your diocese and what you
37 were familiar with - to characterise that as the church
38 turning a blind eye to Farrell's conduct by not asking the
39 questions?

40 A. I'm not sure. I just think they are totally out of
41 touch, totally out of their depth and totally unaware of
42 what we're totally aware of now, but, on saying that,
43 I have no idea what they knew.

44

45 MR ELLIS: I have no further questions.

46

47

1 <EXAMINATION BY MR GRAY:

2
3 MR GRAY: Q. Father Gleeson, my name is Gray and
4 I represent the Truth, Justice and Healing Council and the
5 Diocese of Armidale and the Diocese of Parramatta. Just
6 a few things - firstly, on a matter of timing, you arrived
7 in Moree as assistant priest in early 1983?

8 A. I did.

9
10 Q. And by that time Father Flood was no longer there?

11 A. No, he had moved, yes.

12
13 Q. So that by April the following year, 1984, when
14 Farrell was pulled out of Moree, Father Flood had been gone
15 for more than a year?

16 A. I don't know about more than a year, but he was
17 certainly not there.

18
19 Q. He wasn't there when you arrived in early 1983?

20 A. No, no, that's why I went, because - to make the
21 numbers.

22
23 Q. Exactly. Secondly, in terms of what you may have said
24 to Father Flood in about 1984 when or after Farrell was
25 pulled out of Moree, do you remember whether you said to
26 Father Flood anything which used the word - well, I will go
27 back a step. Monsignor Ryan had said to you something like
28 that Farrell is mucking around with boys?

29 A. Mmm.

30
31 Q. Did you, in speaking to Father Flood, use the words
32 "sexual assault" or "sexual" --

33 A. No, that's really formal and all that. I wouldn't
34 have - wouldn't have known that.

35
36 Q. Do you have a memory of what you did say to
37 Father Flood?

38 A. We would have been just talking in general. Again,
39 there's nothing formal here, there's no process, there's no
40 standards we are complying to, we're just chatting, and we
41 would have been concerned about the names of the people
42 that we knew, and given the fact that he had been in Moree
43 for a few years before me, I presumed he knew these people
44 better than me in terms of having access. This is not my
45 area of work, I'm working in another area altogether,
46 mainly with non-Catholics, actually.

47

1 Q. Yes. No, I just mean do you have a memory of what you
2 said to him --
3 A. No, no, I don't.
4
5 Q. -- in terms of what you told him of what Farrell had
6 apparently done?
7 A. I have no memory of what Bernie said yesterday about,
8 "I call him in, get him to manage" - "I'm managing the
9 situation". That's all very highfalutin; it's just not
10 like that.
11
12 Q. Can we just have Mr Pat McGroder's statement on the
13 screen, please, at tab 324 in the bundle. If we could
14 scroll to paragraph 32, please. Father Gleeson, I think
15 you have had a chance to read this previously, but could
16 you just read to yourself paragraph 32 and paragraph 33.
17 A. Yes.
18
19 Q. Do you have a recollection and, if so, what is it, of
20 such an occasion?
21 A. No, I have no recollection of that, no recollection of
22 that whatsoever, actually. The only recollection I have of
23 me and Pat McGroder talking is in my office, as I said,
24 down the track. It's an unusual statement from my point of
25 view, just, you know, which door he's talking about, and
26 the fact of me running away is very unlike me; I think
27 I more would likely stand and fight.
28
29 Q. Just on Mr McGroder, did you have occasion to see him
30 and speak to him some time later in Sydney?
31 A. In my own mind, again - and I'm pretty sure I'm not
32 imagining it - I thought Bernie Flood and I visited Pat and
33 Karolyn at their home in Bondi Junction, I thought it was,
34 at the time, mainly because Michael was possibly going to
35 my old school - well, not mainly but, you know, I was
36 interested in that and we talked about that.
37
38 Q. Were you on good terms with the McGroders at that
39 point?
40 A. Oh, I think, like - we weren't in each other's lives
41 every week or anything like that, but I held them in - you
42 know, they were good people. I had been with the family at
43 the death of [REDACTED] at the time, in the hospital.
44
45 Q. Finally, Father Gleeson, you made mention in some of
46 your answers recently, in the last half hour or so, to the
47 position now in the Diocese of Armidale.

1 A. Mmm.
2
3 Q. You mentioned Integrity in Ministry and Integrity in
4 the Service of the Church?
5 A. Mmm.
6
7 Q. They are two of the policies, if I can use that word,
8 which are church-wide; is that the case?
9 A. We use them as Professional Standards, yes.
10
11 Q. But they have come from the broader church outside the
12 diocese?
13 A. Oh, yes, yes, and truth, justice and healing is the
14 process that is in place, so, you know --
15
16 Q. So you are conscious of, in your diocese, and abide by
17 those ones, Integrity in Ministry?
18 A. I'm obliged by them.
19
20 Q. Yes. You are familiar with Towards Healing, I have no
21 doubt?
22 A. Yes, but my job is to hand that on to the diocesan
23 authorities who are equipped and trained in that. Today,
24 the priest doing everything is - it's all done by teams,
25 professional people, best practice, best knowledge, you
26 know.
27
28 Q. In the diocese is there training on the Towards
29 Healing protocol?
30 A. We have regular professional development; I think it's
31 required anyway by the Ombudsman.
32
33 Q. No, I'm just focusing on Towards Healing at the
34 moment. Is there training on how to deal with --
35 A. We all have the manuals, we've been through it in
36 detail almost incessantly, but what is missing is, like,
37 Michael yesterday.
38
39 Q. There are diocesan policies on many topics and matters
40 related to the areas that you have been asked about; is
41 that right?
42 A. Absolutely, but I think by themselves it's no good.
43 We have got to hear - we have got to hear the story to make
44 it --
45
46 Q. Is there a Professional Standards advisory panel?
47 A. There is, to the Bishop.

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Q. And it includes outside experts - that is, non-clerical and non-church people?

A. It does. It includes lay people. I'm not too sure, you would have to ask the Bishop.

Q. Among the things that it does, does it ensure annual professional development sessions for the clergy?

A. I'm not sure about annual, it's coming up again next week, but every - biannual I think would be pretty well the case so far over the last five, six, seven, eight, 10 years.

Q. Is there a reporting-to-police protocol?

A. If somebody comes in and says to any priest in our diocese that they are going to talk about child abuse, we have to immediately halt and say, "This matter will be fully reported in an incident report and will be considered by our authorities, and that I'm obliged to report to the police any such matter." Mmm. Absolutely.

MR GRAY: Thank you, your Honour.

THE WITNESS: Absolutely.

THE CHAIR: Ms Furness?

MS FURNESS: Thank you, your Honour. I have nothing further.

THE CHAIR: Thank you, Father. You are excused.

THE WITNESS: Thank you, your Honour.

<THE WITNESS WITHDREW

THE CHAIR: Do you want to take the morning break now?

MS FURNESS: Yes, your Honour.

THE CHAIR: All right. We will take the short adjournment.

SHORT ADJOURNMENT

MS FURNESS: Your Honours, I call Bishop Gerard Joseph Hanna.

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<GERARD JOSEPH HANNA, sworn:

[11.45am]

<EXAMINATION BY MS FURNESS:

MS FURNESS: Q. Your full name?

A. Gerard Joseph Hanna, H-A-N-N-A.

Q. You have recently retired; is that right?

A. My acceptance for retirement on health grounds came through on Monday.

Q. And you retired from what position?

A. I am the Bishop for the Roman Catholic Diocese of Wagga Wagga.

THE CHAIR: Q. Bishop, we need to do something to get your microphone to pick you up more effectively?

A. I can speak louder, if necessary.

Q. Maybe. Maybe the microphone can be moved. We will see how we go.

A. Thank you.

MS FURNESS: Q. Bishop, perhaps you can tell us a bit about your early life in the church?

A. In the church?

Q. Yes.

A. Fine. Well, my early life in the church began when I was 21. I worked for four years in the family business. At 21 I went away to study for the priesthood, Springwood, for three years, philosophy, and then Manly for four years, theology, and I was ordained in 1968 in the Cathedral in Armidale. After 12 years of pastoral duties, I was given 12 months to study pastoral theology and I went to Heythrop College, one of the divinity colleges at the University of London to gain that diploma. All my life I have been working in parishes, 35 years, in the Northern Tablelands, in the north-west of New South Wales, before coming to Wagga, where I've been the Bishop for 14 years plus.

Q. You became the Bishop in February 2002?

A. I did, yes.

Q. Relevant to this case study, you were assistant priest

1 in St Nicholas at East Tamworth in the 1970s, 1972 to 1977?
2 A. I started life in Inverell, 1969, 1970, 1971, went to
3 Tamworth as an assistant priest, St Nicholas's, 1972 to
4 1976. I was then sent to Moree, 1977 to 1980, as an
5 assistant priest --
6
7 Q. Just let me stop you there. So Moree, you were
8 assistant priest about 1978 to 1980?
9 A. Yes, I took that year off to go to London.
10
11 Q. Then you came back and you were in South Tamworth from
12 early 1982 to mid-1983?
13 A. Yes. The last six months of 1981 I did supply work,
14 I came back from London at the end of the academic year in
15 the Northern Hemisphere. I was sent to a place where the
16 priest had had a breakdown, for a couple of months, and
17 then I did two other stints to supply, but formally started
18 my job as an assistant priest at South Tamworth in 1982.
19
20 Q. From mid-1983 to 1993 - so for about 10 years - you
21 were administrator at St Nicholas in East Tamworth?
22 A. Yes, as the administrator.
23
24 Q. Was there a parish priest at that time?
25 A. I was it because it was a mensal parish, it belonged
26 to the Bishop, so I was an administrator. He benefited
27 from the income of the parish. I was on a salary as an
28 administrator until the whole system for the remuneration
29 of priests changed and I then became the parish priest for
30 the last three I think years.
31
32 Q. I must say, I'm having some difficulty hearing.
33 I don't know whether we can do anything to put the
34 microphones closer to you?
35 A. Sorry, I will talk now more loudly.
36
37 Q. That might well be --
38 A. Do you want me to repeat that?
39
40 Q. No, no, no, just in future, it would be better if we
41 can hear you more clearly. Now, when you were in
42 South Tamworth, that is after you came back from London
43 from about 1982 --
44 A. 1981 I came back and I started at South Tamworth at
45 the beginning of 1982.
46
47 Q. So in 1982, when you started at South Tamworth --

1 A. Yes.
2
3 Q. -- had you heard anything about John Joseph Farrell at
4 that stage?
5 A. No, not at that stage. I wasn't at his ordination.
6 I think it must have occurred while I was overseas.
7 I can't remember being there and certainly didn't know
8 anything about what was happening in Moree, apart from that
9 he was appointed there.
10
11 Q. You knew he was appointed there?
12 A. Mmm.
13
14 Q. As an assistant priest?
15 A. Yes.
16
17 Q. And you hadn't come across him in the seminary at all?
18 A. No, I had long since left by the time he started.
19 I was ordained in 1968.
20
21 Q. And you didn't hear anything about the seminary days
22 in the years that he was there?
23 A. No, only when he was stood down and came back to the
24 diocese; the recommending that he was not to be ordained.
25
26 Q. Say that again?
27 A. It was recommended that he should not be ordained.
28
29 Q. So this is back in, what, 1981?
30 A. No, that came later, I think. I'm not sure where I
31 was in --
32
33 Q. I think he was ordained in 1981.
34 A. '81? Well, he spent some time in the - oh, he was
35 ordained in 1981, that's right, so it must have been
36 earlier than that.
37
38 Q. Did you know him at the time he was ordained?
39 A. Yes, we came from the same town. I knew his family,
40 his mother. His older brothers were in my class at school.
41 He was the youngest of his family. I knew of him, but I -
42 you wouldn't say I knew him.
43
44 Q. What do you know about the circumstances of his
45 ordination?
46 A. His ordination was delayed. I was on the Council of
47 Priests when he came home and we all understood that he was

1 not being recommended for ordination.

2

3 Q. Not being recommended by whom?

4 A. By the seminary. They sent him home as not suitable.
5 The Bishop didn't really accept that. I think John may
6 have started at the university in that time - I can't
7 remember what he did, but it was 12 months, I think, before
8 the Bishop then decided that he would send him back, he
9 couldn't accept the decision of the seminary, and explained
10 to the Council of Priests at the time why he was doing
11 that, and there was some discussion as to whether he should
12 do it or not, but clearly, he had made up his mind to
13 promote John Farrell and in the course of that discussion,
14 the reasons emerged that he was from a good family, his
15 mother was outstanding as a parishioner, and that he should
16 at least be allowed to return to the seminary and continue
17 studying, to the point of ordination. The Bishop was not
18 open to hear any other point of view at that time.

19

20 Q. Did you provide another point of view?

21 A. Yes, I did.

22

23 Q. What was your point of view?

24 A. That he was not suitable. The seminary knew him
25 better than any of us, and if they had come to a decision
26 that they regarded him as unsuitable, then we should not
27 ordain him.

28

29 Q. Did you understand why the seminary had come to that
30 view?

31 A. Not in detail, but it was presumed that his attitude,
32 his manner, his outlook, his ideas about priesthood, they
33 were the things that they used as criteria in order to
34 judge your suitability. There'd have been a personality
35 issue, I dare say.

36

37 Q. Did the Bishop judge for himself?

38 A. I'm afraid so, yes.

39

40 Q. And that was --

41 A. He wasn't really open to any suggestion that we not
42 ordain him. At one special moment I remember he said he
43 was making known his reasoning, which involved the
44 catholicity of his family and his mother, and in a moment
45 of frustration one of the priests said, "Well, ordain his
46 mother, don't ordain him", which didn't go down well with
47 the Bishop.

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Q. No, I can imagine that. The Council of Priests that you have spoken of, what body was that?

A. They were elected to represent the priest to advise the Bishop. The Council of Priests is actually elected and exists at the pleasure of the Bishop. It is his business, it is his agenda, and the Council of Priests then responds, but he is not bound by any of their decisions.

Q. Who was on the Council of Priests at the time that the ordination of Farrell was being discussed?

A. Okay. It's 30 years ago.

Q. If you can't tell us, that's fine.

A. I can't tell you the names of the people. Bernard Flood was certainly one and I was one. Frank Ryan would have been on the Council of Priests. The names just don't come to me.

Q. Was it the unanimous view of the Council of Priests that the seminary recommendation should prevail?

A. It wasn't voted on, but the tenor of the discussion was that there were people around the table saying, "We should listen to the seminary." It is not as if you were asked to put your hands up if you agreed or you didn't agree, but the tenor of the conversation was we should listen to what the seminary is saying. And I would think, if I could just add, most of the people there who knew John Farrell would have no difficulty in accepting the decision of the seminary in that regard.

Q. Did Bishop Kennedy know him or just his mother?

A. No, he knew him. He would have been an altar server in the Cathedral, I think, in Bishop Kennedy's time. He was prominent in the Cathedral. He ingratiated himself with Bishop Kennedy and Bishop Kennedy did know him.

Q. Was there any talk about, in some way, putting around him some level of support so as to ensure that the problems that were identified in the seminary were somehow mitigated when he became a priest?

A. No, not at all. I think the problems that they identified were one of attitude and personality, his overbearing manner. I don't think in any way it was considered that supervision or anything else would change that.

1 Q. Counselling, perhaps?
2 A. It wasn't considered.
3
4 Q. In 1981, when he was ordained, you were overseas?
5 A. I got home in August '81. Maybe I was home at that
6 stage but I don't - I have no recollection of attending the
7 ceremony and I don't know why.
8
9 Q. Perhaps because you didn't approve?
10 A. Hmm?
11
12 Q. Perhaps because you didn't approve?
13 A. No, it wasn't that, I don't think.
14
15 Q. Between that period of time - that is, his ordination
16 and being appointed to East Tamworth - did you have any
17 cause to have dealings with him?
18 A. No, he was appointed to Moree. I don't think he ever
19 came to Tamworth in that time. He commuted between Moree
20 and the home town of Armidale. I don't believe I did have
21 any communication or dealings with him in that time, until
22 he was appointed to East Tamworth.
23
24 Q. The Royal Commission has heard much about clerical
25 chitchat and the clerical grapevine over the last while.
26 Did that operate in order to inform you of anything
27 about --
28 A. It did to a remarkable degree once he was removed from
29 Moree.
30
31 Q. What about before then?
32 A. Not that I can remember. I mean, there may have been
33 a bit of chitchat about Frank Ryan having his hands full
34 with John Farrell being his assistant - at that level.
35
36 Q. You were the administrator at the time that
37 Monsignor Ryan decided that Farrell should leave Moree?
38 A. Yes, I think so, yes.
39
40 Q. Were you involved in any discussions with
41 Monsignor Ryan about why Farrell was leaving Moree before
42 he did so?
43 A. No, I wasn't.
44
45 Q. No?
46 A. No.
47

1 Q. So when was the first you knew that it was mooted that
2 Farrell would go to your parish?

3 A. At a Consultors meeting in Armidale, when the Bishop -
4 there was business to be discussed, but the last item he
5 introduced was his decision to bring Farrell out of
6 administrative leave, which I think had been for a period
7 of a couple of months, and to bring him back into ministry
8 and to send him to East Tamworth under my jurisdiction.
9 When Farrell left Moree, he didn't go straight into
10 a parish, he went on this administrative leave - or sick
11 leave, they were calling it, but - I think it was a couple
12 of months, mmm.

13
14 Q. Perhaps if we can have tab 35 on the screen, these are
15 I think the minutes that you have been referring to,
16 Bishop?

17 A. Yes. That's the Bishop's own notes of what occurred
18 at that meeting in July. Two months leave. It was
19 decided --

20
21 Q. It is the paragraph at the end of the document.

22 A. Yes.

23
24 Q. As John Farrell "had returned from sick leave"?

25 A. Yes, well, that was - well, I don't know. I think it
26 was a term that was ready to hand. It certainly didn't
27 describe the situation.

28
29 Q. So what was the situation?

30 A. He was on leave because of the reasons he was taken
31 from Moree, and I don't believe they felt they could
32 appoint him straightaway, given the seriousness of the
33 accusations and allegations.

34
35 At that discussion, the Bishop assumed that two months
36 was long enough for people to come forward. When he was
37 taken from Moree, it was all in-house. Nobody actually had
38 details of what went on. It was serious, but there were no
39 reasons - families weren't named, the police had no
40 prosecution, there were no charges, people hadn't come
41 forward, and there was this great pall of silence that
42 descended on the whole question.

43
44 My contribution to that discussion at that particular
45 conference was that I didn't believe two months was long
46 enough, and that it would be premature to send him to
47 East Tamworth at this stage. If, in fact, the two months

1 were supposed to give people a chance to come forward, who
2 hadn't at that stage, then I was more in favour of a much
3 longer period, in the hope that if you are looking for
4 people to come forward, if you are looking for some basis
5 for prosecution, then give it time; don't appoint him
6 straightaway.

7
8 Q. So it is clear from what you have said that you knew
9 that the actions that were alleged by Farrell were of
10 a criminal nature?

11 A. We assumed that. The fact is, the actions were just
12 that, they were allegations. There was no proof, no-one
13 came forward. Whatever happened between Monsignor Ryan and
14 the Bishop for his sudden removal from Moree stayed with
15 them. It wasn't common knowledge. It certainly wasn't
16 given at the Consultors meeting. In fact, nothing of that
17 nature was mentioned until one of the Consultors said,
18 "Look, you are going to send him to East Tamworth. You
19 have said nothing about the reasons or what has happened.
20 Surely, Gerry Hanna needs to know why he's going, what is
21 behind it", so I stayed back after the meeting and the
22 Bishop said, "Oh, you know, Gerry, it's that usual thing,
23 he was messing around with altar boys." I said, "Well,
24 have we got any details, Bishop? I mean, how serious is
25 it? Is there anything to say that he shouldn't be in
26 ministry at all? You're sending him to me and I've got
27 very little idea of what's going on or what he did." He
28 said, "Well, you have got to regard him as a big risk and
29 you have to just give him restricted ministry and keep an
30 eye on him." And as sad as that seems, that's the truth.

31
32 THE CHAIR: Q. Bishop, you said then that the Bishop
33 said to you, "It's the usual thing"?

34 A. Yes, well --

35
36 Q. That's pretty striking.

37 A. It wasn't unknown, your Honour, that there were
38 priests who used altar boys - that they were paedophiles,
39 in fact.

40
41 Q. Well, plainly so, but the striking thing is it is
42 described by the Bishop as "usual"?

43 A. "The usual thing" - that's exactly the words he used,
44 your Honour. The usual thing about priests and altar boys.

45
46 MS FURNESS: Q. Had you heard of that before?

47 A. Yes. I knew of some instances, as a kid growing up in

1 Armidale.

2

3 Q. As a child you knew of some instances?

4 A. I was an altar boy and at the time there was a priest,
5 a musician, Father Len Henry, who was previously mentioned
6 by Father Flood. I was around at that time. He was moved
7 and sent to Melbourne, and it became known later that that
8 was the problem - he had interfered with a couple of boys.

9

10 Q. Not you?

11 A. No, definitely not.

12

13 Q. Do you know whether there were any charges ultimately
14 in relation to him?

15 A. Never came to anything, no. He was moved. I presume
16 the people involved were satisfied that he was sent away.
17 There was no question of anybody looking after victims;
18 they just accepted the fact that all would be well if they
19 sent him away and everybody would get on with life.

20

21 Q. Was he the only example?

22 A. The only example I knew at that time. I've known of
23 examples since.

24

25 Q. "At that time" being mid-1980s?

26 A. No, it was before that. Len Henry was around much
27 earlier than that.

28

29 Q. But when you say that's the only example you knew at
30 that time, what time are you referring to?

31 A. When I was confronted by the Bishop about his
32 activities. So I was aware that it took place, but
33 personally aware only of one case, that I knew of.

34

35 Q. You understood from what the Bishop told you that it
36 was interference of a sexual nature?

37 A. He didn't use those terms, but that's what
38 I understood, yes.

39

40 Q. Did he tell you how many boys he thought were
41 involved?

42 A. No details at all, just, "He's high risk, you've got
43 to watch him and put him on restricted ministry".

44

45 Q. Did you have any understanding of the age of the
46 children that you needed to watch him about?

47 A. No, although, because he talked about "the usual thing

1 with altar boys", I presumed at that primary school age,
2 perhaps early secondary school, but that band of time.

3
4 Q. That discussion with you was outside of the meeting?

5 A. It was. The others had left and I was asked to stay
6 behind so the Bishop could explain something to me he
7 clearly did not want to explain to anybody else.

8
9 Q. Did you tell anyone else?

10 A. No, only in general terms, just he's sending him to me
11 because there were problems at Moree and that he was
12 a risk.

13
14 Q. So what did you do about the fact that he was a risk?

15 A. Well, I accepted him. I gave him a fairly strict
16 routine to follow: he wasn't permitted to go to any of the
17 schools; he wasn't permitted to celebrate any masses with
18 children. I didn't allow him to in any way mix with the
19 altar boys or people that age, and I constantly let him
20 know that I was aware of where he was at any time.

21
22 Q. Did you tell him what you knew about his conduct in
23 Moree?

24 A. Yes, he knew - he knew that I was told he was removed
25 because of allegations that were made in Moree.

26
27 Q. How did that conversation come about between you and
28 him?

29 A. I said that upfront. I told him, when he came, the
30 reason why he was on restricted ministry and why he was
31 regarded as a risk.

32
33 Q. And what did you say to him?

34 A. Precisely that: "You came out of Moree, you didn't
35 leave of your own accord, you were removed overnight
36 because of serious allegations that were brought before
37 you. Nothing has come out of it since: in the time that
38 you were on leave, nobody came forward and I know there was
39 no prosecution, but that's not the point. The point is you
40 are a risk. These things have to be taken seriously and
41 you are not a free man in terms of you can go where you
42 like and what you like, not here, anyway."

43
44 Q. Why did you think that two months wasn't enough?

45 A. Well, if the idea was to give people a chance to come
46 forward, who hadn't come forward, two months clearly isn't
47 enough, when you really want people to come forward and

1 make allegations that they can name people, and police
2 could take it up if necessary.

3
4 Q. Are you talking about a period of time where he should
5 have been seen not to be active in the church?

6 A. He was on leave. He came out of Moree and he was
7 given leave, supposedly sick leave, but he was on leave, he
8 had no formal duties.

9
10 Q. But is it the case that you believed that the period
11 of time necessary for people to come forward was a period
12 of time when he was not seen to be working?

13 A. Oh, yes, I think because he was removed from all
14 pastoral duties - I think a reasonably long period should
15 be given for people to come forward if, up to that point -
16 as there was up to that point - there are no formal
17 complaints, as such, in the public arena.

18
19 Q. What do you mean, "in the public arena"?

20 A. Well, it was all done in Moree, in-house. Frank Ryan
21 was the only person who knew who they were, what their
22 names were. It was never reported to the police, there was
23 no public inquiry. These people came forward. Some of
24 them were disappointed that Michael had spoken up - he
25 mentioned that in his own testimony. They would prefer to
26 have left it alone. It seemed to be enough, in their view,
27 that Farrell was got rid of overnight and that seemed to be
28 sufficient to satisfy them to leave it at that.

29
30 Q. Do you know whether or not any more came forward in
31 that two-month period?

32 A. No. I assume they didn't, because nothing was ever
33 said.

34
35 Q. And you would have expected the Bishop to have told
36 you?

37 A. Absolutely.

38
39 Q. The fact that he was appointed to Tamworth wouldn't
40 stop people from continuing to come forward if, indeed,
41 there were others in that position, would it?

42 A. No, not necessarily, but I think the fact that he was
43 out of ministry might have been an incentive to come
44 forward and say something, in the hope that he would be
45 never given ministry, I would expect.

46
47 Q. Were you of the view that he shouldn't have been moved

1 to your parish?
2 A. Yes.
3
4 Q. You'd told Bishop Kennedy that?
5 A. Yes, that it was premature.
6
7 Q. And what did he say?
8 A. "No". Made up his mind. He could see, and he
9 constantly resorted to the phrase, "No-one has come
10 forward, there are no charges. There's no reason why he
11 can't be put back into ministry."
12
13 Q. In fact, that wasn't true: others had come forward,
14 hadn't they?
15 A. Not in that time, I don't believe. The first formal
16 charge was 1987. He arrived in Tamworth in mid-1984.
17
18 Q. Leaving aside the charge, in terms of 1984 and the
19 complaints that were before the Bishop in Moree, there were
20 more than one?
21 A. There were more than one who knew, but none of those
22 came into the public arena. That was all between
23 Frank Ryan and the families, as far as I understood. There
24 were no reports in newspapers or anything.
25
26 Q. I don't quite understand, Bishop, how the fact that
27 they were or weren't in the public arena affected how long
28 he had off before he was appointed to another parish?
29 A. Well, that was a personal view. I think people should
30 have been given plenty of time to come forward and think
31 about it and think about the consequences of coming
32 forward. Two months wasn't long enough. If it was ever
33 going to happen - and it didn't happen, but if it was ever
34 going to happen - my view was they needed more time than
35 two months.
36
37 Q. And I take it from what you have said that your view
38 was that it would be a good thing for more people to come
39 forward and it to be made public because, therefore, it was
40 more likely he wouldn't be given another ministry?
41 A. It would be a good thing if just one person came
42 forward.
43
44 Q. Publicly?
45 A. Publicly.
46
47 Q. It wasn't sufficient for a person to go to the Bishop

1 and say, "This is what happened to my child"?
2 A. Well, if they did, it certainly wasn't carried
3 forward. Nothing was done. I mean, he turned up in
4 Tamworth under those conditions, that he was high-risk and
5 he needed managing.

6
7 Q. When you explained to him why it was that you were
8 putting the restrictions on him, what did he say?

9 A. He was quite contemptuous at times, as if all this was
10 somebody else's idea. But I did have to explain to him
11 why, because if there was substance to the accusations, it
12 would surely come forward and we would have to be seen to
13 regard him as a risk, even in the absence of people coming
14 forward over that short period of time. He would still
15 have to be regarded as a risk. He had to be taken out of
16 Moree. What does that say?

17
18 Q. Who else was in your parish at the time, other than
19 you and Farrell?

20 A. There was one other assistant at the time, and he was
21 made the third assistant - they usually start at
22 St Nicholas's with three people.

23
24 Q. Did you tell that other assistant about the
25 restrictions you had placed on Farrell?

26 A. Yes. They were aware at this stage that he had been
27 moved from Moree and that people were talking and that he
28 was a risk. That much was known.

29
30 Q. And understood the risk was in relation to sexual
31 misconduct with children of a primary school age?

32 A. I believe so, yes.

33
34 Q. So did you, with that other assistant priest, have him
35 carry out some form of supervision or surveillance?

36 A. Did I have him carry out? No, I assumed that role.
37 The other priest, in fact, avoided him like the plague;
38 wouldn't have anything to do with him at all.

39
40 Q. Were you satisfied that what you were able to do, in
41 terms of observing Farrell, was enough?

42 A. I believe I couldn't have done any more than I did.
43 I was very hard on him.

44
45 Q. Did anything come to your attention that he was acting
46 other than in accordance with your restrictions?

47 A. No, and on one occasion I felt he was visiting

1 a family too often and was seeing one of the boys in that
2 family far too frequently, and I mentioned it to the mother
3 and the father and they dismissed it because they had come
4 to trust him and they thought he was a great influence on
5 the boys in the family, and it ended at that. The mother
6 just wouldn't accept that there was any danger.

7

8 Q. And Farrell kept going around to the family?

9 A. He did, but I said to him I would prefer he didn't,
10 given the restrictions he was under, but I didn't enforce
11 it, seeing that the family were satisfied.

12

13 Q. Did you hear anything more about it?

14 A. No, it never did come up again. I can't ascertain
15 with certainty, but I'm led to believe that in the three
16 years he was with me he didn't offend.

17

18 Q. And do you say that on the basis that nothing came --

19 A. And I know of no - I look at these names here,
20 there's - none of those names were Tamworth people.

21

22 Q. None of those names were people you knew in the
23 Tamworth area?

24 A. No. I didn't. I did make an initial inquiry as to
25 whether he did offend while he was with me in Tamworth, and
26 all I can say at this level is it appears he didn't.

27

28 Q. And from that, you take it that your restrictions had
29 some effect of limiting his access to children through his
30 work as a priest?

31 A. He did resent them deeply.

32

33 Q. You didn't get on, I take it?

34 A. Well, we did to a point, but he resented the way he
35 was being treated - I know that.

36

37 Q. And you had told him why it was he was being treated
38 in that way?

39 A. Oh, yes. He was in no doubt.

40

41 Q. Did Bishop Kennedy tell you about Gary Boyle when he
42 was moving Farrell to your area?

43 A. He didn't mention it, but somehow I knew that in that
44 time an arrangement had been made for him to see
45 a psychologist. In subsequent years I learnt it was
46 Gary Boyle, and I knew Gary Boyle. And in more recent
47 times, when the papers have been made available, I've

1 actually read the reports that Gary Boyle sent, but that
2 was much later. I had no idea at the time, and I was
3 surprised to learn the other day, in listening - I've sat
4 through all the statements so far - I was surprised to
5 learn that he was seeing Gary Boyle when he was with me in
6 Tamworth. I didn't know about that. Although he would go
7 to Sydney from time to time.

8
9 Q. Bishop Kennedy didn't indicate to you that he had, as
10 a first step with Farrell, sent him off for treatment?

11 A. No, he didn't confide in me.

12
13 Q. So the leave that Farrell had for those two months -
14 you considered that to be a time just away from being seen
15 in the church?

16 A. Yes, out of ministry. I wasn't aware that the Bishop
17 had arranged for him to see a psychologist in that time,
18 if, indeed, it was at that time.

19
20 Q. Was there talk in Tamworth about the complaints in
21 Moree?

22 A. Well, there was, but I've subsequently learnt there
23 were letters written to the Bishop, but I saw none of
24 those.

25
26 Q. I think there is one letter, which is at tab 38, which
27 I will take you to. This is a letter from a Mr O'Halloran?

28 A. Yes.

29
30 Q. You can see that from the second page signature, but
31 I won't take you to that. You have clearly seen this
32 letter recently?

33 A. Yes, I have. It was in the bundle. And I did learn
34 of it much later, but I had never seen the letter, as such.

35
36 Q. Do you see, if we can scroll down a little, there is
37 a paragraph that - the first paragraph:

38
39 *As a Catholic parishioner of Tamworth, it*
40 *is incumbent upon me to inform you that*
41 *a number of parishioners in Tamworth and*
42 *Moree are aware of the recent conduct of*
43 *the Reverend Father Farrell of Moree.*
44

45 This letter is dated July 1984. I understand you say you
46 haven't read it before, but given the time, you would
47 expect the recent conduct to be the allegations of sexual

1 misconduct with children in Moree?
2 A. Mr O'Halloran had knowledge of that and wrote to the
3 Bishop on the strength that he commuted between Moree and
4 Tamworth. His legal business - they had offices in Moree,
5 so he was in Moree often enough, and I think he had -
6 certainly had knowledge of what was going on up there, the
7 fact that he was removed or the fact that families
8 complained. But on what basis he was assuming that people
9 in Tamworth knew that I do not know, but I don't doubt his
10 judgment.
11
12 Q. From your position as, effectively, parish priest, and
13 your movement around the parish, was it your observation
14 that there was talk about Farrell and what had happened at
15 Moree?
16 A. No.
17
18 Q. No?
19 A. No.
20
21 Q. It wasn't raised by parishioners with you?
22 A. No, it wasn't, and the one time I raised it with this
23 particular family, the mother was indignant at even the
24 suggestion that he might have.
25
26 Q. With that family, did you tell them why you had
27 concerns about Farrell visiting the family so often?
28 A. Yes, I did. That was the reason I went there.
29
30 Q. So you told them about the activity --
31 A. That there were allegations, yes. They couldn't see
32 it.
33
34 Q. That's the only family you had cause to speak to about
35 the allegations?
36 A. Yes, because of the frequency with which he was
37 visiting them.
38
39 Q. In relation to the schools, did you tell the principal
40 or senior teacher at the primary school that you had told
41 Farrell he wasn't to go to schools?
42 A. Yes.
43
44 Q. And you told that person why?
45 A. Yes. His removal from Moree: there was good reason
46 to keep him out of the schools.
47

1 Q. Was there anyone else you told in the parish of the
2 restrictions you had placed on him in order for them to
3 have some role in enforcement?
4 A. No, I don't believe so.
5
6 Q. The fact that the parents knew and the principal of
7 the school knew and Mr O'Halloran knew - it is likely,
8 isn't it, in a small town, there would have been talk about
9 that sort of thing?
10 A. Yes, it was likely, but never surfaced in any
11 meaningful way.
12
13 Q. No, but there clearly were rumours and --
14 A. Oh, yes, there were.
15
16 Q. And did the rumours come to you for you to confirm
17 them or otherwise?
18 A. No, I don't think so.
19
20 Q. You weren't hesitant, from what you have said, about
21 telling people who needed to know about his past?
22 A. There were places he wasn't to go and it was important
23 that those people knew that he wasn't to go there.
24
25 Q. Other than the school, you said that he wasn't allowed
26 to do masses with children; is that what you said?
27 A. Well, school masses.
28
29 Q. School masses?
30 A. Yes. That he wasn't - the school would have certain
31 days on which the school would come down to the church for
32 a mass, on feast days, various occasions. He wasn't
33 permitted to do those. Any association with the school was
34 part of the restricted ministry he was under.
35
36 Q. What about activities outside of the church where he
37 could have access to children?
38 A. They were harder to monitor, but I think if they were
39 in any way consistent or repetitive, I would have
40 eventually known about them. He just had to be watched.
41
42 Q. Did he referee the boys' football?
43 A. I didn't hear - that came up in an earlier discussion.
44 I didn't think it was boys. I thought it was older grades.
45
46 Q. Teenagers?
47 A. No, I think it was the local competition, like third

1 grade or fourth grade or something like that. I don't ever
2 remember thinking that he was refereeing kids' football.
3 I was always under the impression that it was an older
4 group.
5
6 Q. Had it been the case that he was refereeing kids'
7 football, I take it you would have stepped in?
8 A. I think the alarm bells would have gone off had
9 I known that. That's why I don't think it happened.
10
11 Q. So it was difficult to monitor him outside of church:
12 sport would be a key area; any other areas that you were
13 conscious of?
14 A. No, I was always conscious of when he was going off to
15 referee and when he came home. He didn't like it.
16
17 Q. Did he have a car?
18 A. I'm sorry?
19
20 Q. Did he have a car?
21 A. Oh, yes.
22
23 Q. And I take it from the restrictions you put on him, he
24 wasn't able to take altar boys away for overnight trips or
25 weekends and the like?
26 A. Definitely not.
27
28 Q. Who was in charge of the altar boys?
29 A. Myself, with some help from one of the school people,
30 one of the nuns at the time.
31
32 Q. Did that nun know about the restrictions in
33 relation --
34 A. Yes, as to why he wasn't to do that.
35
36 Q. What was the reaction of the nun and the school
37 principal to the fact that they had someone in their parish
38 who was so at risk that they couldn't be around children?
39 A. Well, they acknowledged the risk and they acknowledged
40 the necessity to control that risk and supervise him.
41
42 Q. They didn't say, "Get this man out of our parish and
43 away from our children"?
44 A. I think they very much would have liked me to do that,
45 yes.
46
47 Q. But you couldn't?

1 A. No, it wasn't up to me.
2
3 Q. Because it was the Bishop's call?
4 A. It was, yes.
5
6 Q. Can I show you a letter which is at tab 45. This is
7 from 6 August 1987. You would have seen this recently,
8 I take it, Bishop? It is a letter from John Farrell to
9 Bishop Kennedy, and if we can just scroll down, he is
10 telling the Bishop that he had been informed by you that
11 you had advised the Bishop of your decision to decline the
12 invitation for him to do the forthcoming course conducted
13 by the Institute of Tribunal Practice?
14 A. I've never seen this before.
15
16 Q. No?
17 A. That's not in my bundle, I don't think.
18
19 Q. Gosh. Have a read of it.
20 A. Do you mind?
21
22 Q. No, not at all.
23 A. He has been blessed with an analytical mind. Mmm.
24 No, well, that was a definite no, anyway. There was no way
25 in the world he was going to do that, not under my
26 jurisdiction, anyway.
27
28 Q. Why?
29 A. Totally unsuitable. And, also, he was under
30 restrictions. I wasn't going to permit him to go away and
31 do that. In my view, he would have been totally unsuitable
32 for that kind of work where you have to make judgments
33 about people and their relationships, et cetera.
34
35 Q. What is the Institute of Tribunal Practice?
36 A. The Tribunal Practice is about the process of people
37 who apply for annulments of their marriage in the church,
38 basically. It does have other duties, but that's the bulk
39 of its work.
40
41 Q. He sounds very unsuited to that work?
42 A. Absolutely. I wouldn't have even had to think about
43 that, if you don't mind me saying so.
44
45 Q. Now, he was arrested a few days after he wrote this
46 letter to the Bishop?
47 A. Yes. Is there a date on that, I'm sorry?

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Q. There is. If we can just scroll up, it is 6 August 1987?

A. Oh, yes, that's just a month or two, mmm.

Q. Yes. I think he was arrested on the 12th, or thereabouts, of August?

A. It was August. That's right. I beg your pardon; I was thinking October.

Q. So it's about a week. When did you first hear about his arrest?

A. When I came home from a visit to the hospital. I was on visitation at the hospital and I came home and I think my evidence to Mr Whitlam used the phrase "the housekeeper was 101 not out", and I tried to calm her down so I could get some sense out of her.

Q. I can't say I understand that reference, but I'm sure --

A. Well, highly excitable. Highly excitable, and barely comprehensible.

Q. And she knew about it because he was arrested at the presbytery?

A. Yes, they came to the door. The two police came to the door and they took him away up to the police station. I eventually calmed her down sufficiently to get that out of her.

Q. What did you do?

A. Went straight up to the police station. It's only a block away. And I got there and confronted him, and he said he didn't want to be photographed in his clerical shirt, so I went home and got another shirt and gave it to him and then they photographed him.

Q. The media photographed him or the police?

A. No, the police. Mmm. They waited until I came back, for reasons --

Q. Did you talk to him about the charge?

A. Oh, yes. I immediately rang the solicitor. I had to get legal help, and the O'Halloran family had been looking after the church's interests for a century or something - decades, anyway. So Mr Harry O'Halloran came and took over. I just stepped back, out of the way.

1
2 Q. That's the same Mr O'Halloran who had written the
3 letter?
4 A. Yes.
5
6 Q. What involvement did you have thereafter in relation
7 to the criminal action?
8 A. Nothing. He came home and the charge was made, and
9 I think it was then that we stood him down from all public
10 ministry, and he stayed for a while, but eventually he went
11 back to Armidale during that time.
12
13 Q. So when you say "we stood him down", that was the act
14 of the Bishop?
15 A. That was me. No, I stood him down from all ministry
16 in the parish, I said, "You can't do anything."
17
18 Q. So what was the effect of being stood down? What
19 could he not do?
20 A. Couldn't do any public ministry at all.
21
22 Q. He could walk around in his priestly garb?
23 A. Well, yes, if there was any point.
24
25 Q. He could call himself a priest?
26 A. He did, yes, and he could. He wasn't laicised, no.
27
28 Q. If I can just turn to tab 47, this is a letter to the
29 Bishop from "Paul", on the letterhead of St Mary's of the
30 Angels Parish?
31 A. Yes, Paul McCabe.
32
33 Q. Who is Paul McCabe?
34 A. Another priest.
35
36 Q. Of that parish?
37 A. Of the diocese. Yes, at Guyra. He was the parish
38 priest of Guyra.
39
40 Q. You see in that first paragraph he said that he heard
41 from another priest that that priest in Canberra - that he
42 would be very happy to welcome John Farrell to his "house
43 of hospitality" in Sydney?
44 A. I see. Yes, I know what that is.
45
46 Q. What is that?
47 A. That was a disused convent at Bondi which Brian Yates

1 founded for priests who were, for one reason or another,
2 out of ministry, and they would live there and gain
3 something from counselling and support. I've never seen
4 this letter either, actually, but I know at some stage
5 Farrell was offered the opportunity to go to Bondi, to that
6 house for priests in the situation as he was in, but he
7 refused, is my understanding - just wouldn't consider it.
8

9 Q. And I take it couldn't be ordered to do it?

10 A. I couldn't, but the Bishop could.
11

12 Q. And he didn't?

13 A. No.
14

15 Q. Just moving down to the next paragraph, there is
16 reference there to a contact in Waverley, in Sydney,
17 a person who could refer people in John's position to an
18 eminent professor of psychology at Sydney University.
19

20 A. Mmm.
21

22 Q. Was that familiar to you at that time?

23 A. No, I've never seen this letter before.
24

25 Q. Did you know of a Professor Alex Blaszczyński at that
26 time?

27 A. No, subsequently I did learn of him, but not at that
28 time, no.
29

30 Q. So he didn't go to the "house of hospitality"?

31 A. No, he didn't. Well, if he did, I didn't know about
32 it.
33

34 Q. If we can turn to tab 50, this is a letter from you to
35 the Bishop, 17 October 1987. I take it you have seen this
36 letter?
37

38 A. Yes, that's October, isn't it?
39

40 Q. It is. It is October. Now, you refer in the first
41 paragraph to having finalised arrangements for his
42 departure from Tamworth?
43

44 A. Yes.
45

46 Q. This is a couple of months after he was arrested and
47 charged?
48

49 A. Yes.
50

51 Q. And in that intervening couple of months, he stayed
52

1 with you in the presbytery in Tamworth?
2 A. Yes, but he was in and out. He would go up to
3 Armidale and come back. His people lived up there. But he
4 had no ministry at all.
5
6 Q. But you were paying him?
7 A. Absolutely, yes.
8
9 Q. It was your job, obviously, to organise for him to
10 leave Tamworth?
11 A. I was still open to the idea of him going to that
12 house for priests at Bondi, and we were prepared to cover
13 him for that.
14
15 Q. Was it your view that he shouldn't be in Tamworth?
16 A. Yes.
17
18 Q. So just scrolling down the letter, in the second
19 paragraph you suggested to Farrell that he speak to
20 a Father Johnson and Bishop Bede Heather --
21 A. Yes.
22
23 Q. -- as both of those had indicated a willingness to
24 help. Now, what had you done to ascertain whether or not
25 there were other people out there who were happy to help
26 him?
27 A. I'm wondering. Yes, I'm not sure where that knowledge
28 came from. Grove Johnson - I remember who he was. He was
29 the rector of a seminary at one stage, but at that stage
30 I'm not sure if he wasn't at that house in Bondi.
31 Bishop Heather was the Bishop of Parramatta. And
32 Gerry Iverson was a priest in Wagga Wagga, and I think he
33 had moved to Sydney, but I couldn't be sure of the timeline
34 for that.
35
36 Q. So were you looking, at this stage, to place him
37 somewhere as a priest, or to move him somewhere out of the
38 way where perhaps he could get some counselling, perhaps
39 not?
40 A. I certainly wasn't looking to place him anywhere.
41 I was looking for people who might be able to talk to him
42 and get through to him. He was just immovable when it came
43 to, you know, accepting that there was something seriously
44 wrong here and that he has - that I had every reason to put
45 him on restricted duties, to regard him as a risk. It
46 didn't compute at all, and I thought at the time that there
47 must be someone he can talk to, who can get him to see

1 that. And that was my initiative, not the Bishop's.
2 I just can't remember how I came up with those names,
3 that's all.
4

5 Q. It suggests that you spoke to them in order to
6 determine that they were willing to help; that's how it
7 reads?

8 A. You would have to assume that, I just don't have any
9 recollection of doing that.
10

11 Q. Did you have an opinion as to his guilt or innocence
12 of the charge?

13 A. Yes.
14

15 Q. What was it?

16 A. In my view, he was quite capable of doing the things
17 he was alleged to have done.
18

19 Q. If we can just move to the next document, which is
20 tab 51, this is the Bishop writing back to you a couple of
21 days later, and he speaks of you indicating what
22 arrangements you had made regarding his movements -
23 Farrell's movements - for the next month or more. So does
24 that suggest that the intention was for him perhaps to find
25 someone whom he could talk to or get some form of treatment
26 from?

27 A. Yes, and reinforcing with the Bishop that I was not
28 going to give him a job in Tamworth.
29

30 Q. Did the Bishop want you to give him a job in Tamworth?

31 A. He wanted him to stay there.
32

33 Q. In what capacity?

34 A. Somewhere to live, I suppose. I'm not even sure the
35 Bishop agreed with the fact that I took it upon myself to
36 remove him from all ministry, but I was prepared to support
37 his livelihood and that's all.
38

39 Q. Did the Bishop --

40 A. I needed - sorry.
41

42 Q. I'm sorry, go on.

43 A. I needed the Bishop to understand that I wasn't giving
44 him a job.
45

46 Q. Did the Bishop believe, as far as you knew, that he
47 should remain as the assistant priest in Tamworth while the

1 legal matters proceeded?
2 A. Yes, he did.
3
4 Q. And rather than talk him out of that position, you
5 just moved Farrell on?
6 A. Yes, I did.
7
8 Q. Just turning to the next tab, tab 52, this is from
9 Ron Perrett to the Bishop. Who was Ron Perrett?
10 A. Ron Perrett was a priest in the Diocese of Armidale.
11 Very active in the social justice area, committed to the
12 Aboriginal apostolate. A down-to-earth, sympathetic man.
13
14 Q. This is December, so a couple of months on from moving
15 him on to somewhere.
16 A. I have never seen this letter.
17
18 Q. No?
19 A. No, I haven't.
20
21 Q. If we can just scroll up to the third paragraph,
22 beginning "No doubt", what he is saying there is:
23
24 *No doubt John is being asked to stay away*
25 *due to possible embarrassment to the*
26 *church, or particular people in the church,*
27 *and that is to some extent understandable;*
28 *there is also the question of possible*
29 *scandal of some kind.*
30
31 Then he continues:
32
33 *But people in Tamworth and Armidale have*
34 *expressed to me a feeling of being*
35 *scandalised by the lack of compassion being*
36 *shown by church authorities; if the central*
37 *message of the Gospel is related to "good*
38 *news" of a merciful and forgiving Father,*
39 *it seems there can hardly be a worse*
40 *scandal than the church community being*
41 *seen to be seriously lacking in compassion*
42 *and support for one of its own clergy.*
43
44 Is that a common view that was held at the time?
45 A. No, that's Ron's view, and I - had I not been told
46 that this was written by Ron Perrett, I would have guessed
47 that it was.

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Q. So it wasn't a view in the community, as he suggests, but more --

A. That's the only expression of that view that I've seen, and, as I said, that letter I have not seen before.

Q. Just scrolling down a little, he refers to an understanding that John is known to have had problems, "with certain deviant behaviour, but has sought and received treatment for those problems." Now, at that stage, I don't think you knew, did you, that he had received treatment?

A. No, my question would have been when and who - in December.

Q. And then the reference to, as far as he knew, no evidence of further problems since that treatment. Was Father Perrett in a position to know such things, were they to have occurred?

A. No.

Q. Perhaps if we can scroll down to the end of that page, he there says that he realises that there are complications and legal issues that could arise, but wonders if all avenues have been explored - medical clearance and the like. Now, a medical approach to the sexual deviancy, for want of a better term, of Farrell, wasn't something that was on your mind at the time, or was it?

A. No, it wasn't.

Q. The houses that you referred to and the Bondi place were not so much about treatment as about a place to perhaps reflect?

A. In my view, he would have benefited from going there and speaking to people who may have helped him see the reality of his situation.

THE CHAIR: Q. The tension revealed in the views of the writer of this letter is a tension that we have seen elsewhere, you understand - the compassionate response of the church to one of its own who has failed?

A. Your Honour, I don't know about that.

Q. I was going to ask you. In your experience, would that be a widespread view in relation to offending priests in the church?

A. You see, in the mind of general people, what does

1 compassionate mean? Does it mean you just kind of, you
2 know, whitewash things and support them and tell them not
3 to worry, it will all go away, "Just keep your mouth shut"?
4 What does it mean? I mean, we have to act positively in
5 these cases. Now, we haven't done that well. But
6 certainly we were, at that time - at least, I was - and
7 I may not have been very compassionate, but surely I was
8 doing something that, in the long run, was the best for
9 him, to get him to realise that he had to face these
10 realities, his own failings. To me, that's compassionate.
11 To me, it's compassionate to take him out of danger and
12 remove him in such a way that he couldn't continue his
13 exploits. To me, that's compassion. Nice, fuzzy feelings,
14 or whatever, didn't come on to my screen, I'm sorry.

15
16 Q. And were you one out, as it were, in this sort of view
17 at the time, or --

18 A. No, I don't believe so. I think Ron might have been.
19 I have great admiration for Ron, he has been a very
20 dedicated priest, as I said, particularly, he blazed
21 a trail as far as in the Armidale Diocese, our approach and
22 our dealings with the Aboriginal population, and I admire
23 him greatly for that.

24
25 MS FURNESS: Q. You were responsible for funding the
26 legal defence of Farrell?

27 A. No, I wasn't. I was the first port of call.
28 I reassured Mr O'Halloran that we would meet the expenses,
29 and I did that in the knowledge that, actually, the diocese
30 would pay for it, even though I hadn't spoken to them about
31 it or even spoken to the Bishop. But I was determined the
32 Parish of East Tamworth, of which I was in charge - we
33 didn't have the capacity or the means to do that, but the
34 diocese did, and I assumed that until I finally approached
35 the Bishop and said, "I will be sending you the bill".

36
37 Q. Did he pay it?

38 A. Yes.

39
40 Q. You had the local solicitor handle it for you?

41 A. Mr O'Halloran, yes.

42
43 Q. And I take it he advised you as to the sort of
44 representation that he believed Farrell should have?

45 A. Yes, he got a barrister from Sydney, whom I'd never
46 heard of before.

47

1 Q. And you accepted his advice?
2 A. Absolutely. I didn't even question him. I didn't
3 know who Mr Porter was. Many years later I read the book
4 "Porter Walks on Water". That gave me some insight as to
5 who he was, but I didn't know at the time, no.
6
7 Q. Were you involved in any way as to discussions as to
8 whether Farrell would plead guilty or not guilty to the
9 charge?
10 A. No, I didn't operate at that level. I left that to
11 the solicitor and his advisers.
12
13 Q. You were ultimately advised, no doubt, that he was
14 pleading not guilty?
15 A. Yes, I was.
16
17 Q. Did you have any reaction to that?
18 A. No, I didn't interfere.
19
20 Q. It was a matter for him?
21 A. I believe so, yes.
22
23 Q. Then the charges came to be heard in February, 1988?
24 A. 1988, yes. Early 1988, at Narrabri, where the alleged
25 offence occurred.
26
27 Q. Between August, when he was charged, and February,
28 when the case was heard, he was more or less in Sydney
29 during that period?
30 A. I lost track of him to some extent. I think he
31 travelled around a bit. He had a priest adviser on the
32 North Coast, I know, and he was in Armidale. I don't know
33 what his presence in Sydney was related to.
34
35 Q. He wasn't living with you in the presbytery?
36 A. No, he wasn't.
37
38 Q. And he wasn't living in Tamworth, as far as you knew?
39 A. He wasn't, no.
40
41 Q. The spiritual adviser you referred to was
42 a Father Rex Brown?
43 A. Yes.
44
45 Q. In Lismore?
46 A. Yes, that's the name.
47

1 Q. Did you know him?
2 A. No, I didn't.
3
4 Q. Did you know anything about him?
5 A. No, I didn't.
6
7 Q. The case came on in February 1988. Did you attend?
8 A. No. Mr O'Halloran told me not to go.
9
10 Q. You weren't asked to provide a reference of any sort?
11 A. Not at all.
12
13 Q. And after the decision was made to dismiss the
14 charges, what happened?
15 A. I was not happy about somebody representing the priest
16 not being there. I rang the parish priest of Narrabri to
17 go, and he rang me after the decision. It was a committal
18 hearing, and the committal hearing judged that there was
19 insufficient evidence to warrant a trial. The parish
20 priest that I asked to go rang me with that information.
21 And then he spoke with some passion about the way in which
22 the boy was treated.
23
24 Q. The parish priest spoke?
25 A. Who went to observe on my behalf.
26
27 Q. Was that Harry Leis?
28 A. That's Harry Leis. And he was passionate about the
29 fact that it was an injustice for the young man to have to
30 face what he faced. When I remarked on this at
31 Mr Whitlam's Independent Inquiry and used the words "Harry
32 Leis said the barrister made mincemeat of him", Mr Whitlam
33 said, "I have read the transcripts of the trial and I would
34 not agree that that would be an accurate description of
35 what happened." But Father Leis was certainly agitated and
36 very upset about the way he was treated.
37
38 Q. What happened next?
39 A. He came back to Tamworth and I wrote to the Bishop and
40 said I could not see how we could give him a placement
41 anywhere in the Armidale Diocese, because it was
42 a committal hearing and all it said was there was
43 insufficient evidence to warrant a trial. What does that
44 say? It doesn't say he's innocent. It doesn't say he's
45 guilty. But it says that he continues to be a risk and we
46 should be vigilant. So the Bishop said, "Keep him till
47 Easter", which was another three weeks away, I think, three

1 or four weeks, but I didn't give him any duties.

2

3 Q. So he came back to live in the presbytery?

4 A. He did, for that three weeks. Made an awful nuisance
5 of himself.

6

7 Q. He would have been quite pleased with himself, no
8 doubt?

9 A. Well, not in my presence, he wasn't.

10

11 Q. Can I take you to tab 55. This is a letter from
12 Farrell to the Bishop, 10 March 1988?

13 A. March 1988.

14

15 Q. Have you seen this? Perhaps if we can scroll up a
16 little.

17 A. Okay. "Sadly, I must inform you" - can I take
18 a moment to read it? I don't know that I have seen it?

19

20 Q. Certainly, it's not long?

21 A. "I'm a broken man". I don't think I've seen that, but
22 I'm aware of the fact that I was - I had to go back on one
23 of my decisions that he not say a public mass, because the
24 Vicar General said, "He's been vindicated and he should be
25 allowed to say public mass." I said, "Well, he can say
26 one, the first weekend." And that was it. Now, he didn't
27 really want to stay there at all, after that, because
28 I just said, "Well, you can't - I can't return you to
29 public ministry. You can stay here and live", but he
30 wanted to leave.

31

32 Now, I have seen a letter where he wrote to the Bishop
33 and said, "Gerard Hanna and I have come to an agreement
34 that I return." Well, that was a kind of yes and no. He
35 wasn't going to stay there. I was determined to do that -
36 of necessity. I mean, I was - for months, I'd been
37 thoroughly convinced that he really could not enter in
38 public ministry in Tamworth.

39

40 Q. Because so much was known about him?

41 A. By this time, people were very suspicious. The fact
42 that he had now gone through a committal hearing, that
43 somebody at last had come forward - yes, I think the
44 general mood was that it was better if he wasn't around.

45

46 Q. Well, if we go to tab 56, this appears to be the
47 response of the Bishop to Farrell's request. He indicates

1 in the middle paragraph that he intends to seek the
2 consideration and advices of the Council of Consultors.
3 Have you seen that letter?
4 A. No, I haven't seen this letter. All this was going on
5 between the Bishop and John Farrell with no reference to me
6 whatsoever, as if there was any possibility of coming back
7 to Tamworth, which there wasn't, not as long as I was the
8 parish priest. The Bishop didn't get that, I don't think.
9
10 Q. The Bishop didn't get that?
11 A. I don't think so.
12
13 Q. He didn't understand your position was firm?
14 A. Well, he doesn't seem to have. I haven't seen this
15 letter before. It surprises me, though.
16
17 Q. Well, he talks about the Council of Consultors. Were
18 you on that?
19 A. March 1988? I believe I was.
20
21 Q. Do you remember any meeting talking about Farrell at
22 about this time?
23 A. No, I don't. I don't remember if there was
24 a Consultors meeting and if that's - I have no recollection
25 of that, to be honest.
26
27 Q. Well, let's go to the next tab, tab 57, which is
28 a letter from the Bishop to Farrell dated 28 March.
29 A. Yes.
30
31 Q. If we can just make that a little bigger, now, have
32 you seen that?
33 A. No, that's between Farrell and the Bishop. I haven't
34 seen that.
35
36 Q. The Bishop is telling Farrell that it was discussed -
37 that is, what he wanted to do was discussed - at a meeting
38 of the Council of Consultors?
39 A. Yes.
40
41 Q. And it was decided to accede to his request to be
42 relieved from performing his ministry?
43 A. Yes.
44
45 Q. It didn't seem to be his request, did it?
46 A. "Accede to your request" - that was his request?
47

1 Q. His request to go on leave?
2 A. Yes.
3
4 Q. Was that equivalent to being relieved from performing
5 his ministry?
6 A. Yes.
7
8 Q. You were, no doubt, told about that?
9 A. I don't think I was.
10
11 Q. No?
12 A. I don't - I can't remember that meeting, to be honest.
13
14 Q. Let's go to the next letter. That's 30 March. So
15 they are reasonably prompt in replying to each other?
16 A. Mmm.
17
18 Q. This is at tab 58. Have you seen that? You are
19 mentioned in the third paragraph?
20 A. Yes, "I have spoken with Father Gerard Hanna, the
21 administrator, and together we decided I would step down
22 after Easter." Yes, I have seen this.
23
24 Q. Is that right?
25 A. Yes. I don't know what he meant by he "would have
26 completed the rounds of the various masses in the parish".
27 I've got no idea what he was referring to.
28
29 Q. So he did speak with you and you did agree that he
30 would step down after Easter?
31 A. No, there was no conversation. I made it very clear
32 that he would be stepping down. I think he was just being
33 self-serving by making out as if it was a decision we
34 arrived at. It certainly wasn't.
35
36 Q. Just coming down to the rest of that paragraph, he
37 says that you were going to continue to pay him.
38 A. Yes.
39
40 Q. You were obliged to pay him, weren't you?
41 A. Yes, I was, yes, to continue his livelihood.
42
43 Q. Just continuing down towards the end of the page, the
44 second-last paragraph, he talks there about that the
45 administrator of the cathedral has invited him to reside
46 there. Is that a cathedral in Armidale?
47 A. Yes, he was the administrator at the time.

1
2 Q. And he "would like to record his gratitude to the
3 three priests at the cathedral and the Bishop for the warm
4 support shown to him during the traumatic times". I take
5 it you weren't one of the three priests he was referring
6 to, Bishop?
7 A. No, I wouldn't have been, and the priests in the
8 cathedral were willing for him to stay there.
9
10 Q. Now, the next paragraph refers to his doctor and the
11 recommendation that he continue to see Mr Boyle, the
12 psychologist. Now, at that time, did you know he was
13 seeing Mr Boyle?
14 A. This was --
15
16 Q. This is October?
17 A. -- October 1988. I may have --
18
19 Q. March 1988?
20 A. March 1988? No, I don't think even then I knew that
21 he was. That arrangement had been made by the Bishop
22 without any reference to me.
23
24 Q. It's unusual, isn't it, that he is responsible to you
25 in the parish, you have put restrictions on him because of
26 the risk the Bishop told you of, and yet the Bishop didn't
27 tell you that he was taking some steps in order to treat
28 Farrell?
29 A. No.
30
31 Q. It didn't come up?
32 A. No, there's no letter extant indicating that, and
33 I have no memory of it.
34
35 Q. If we can just turn to the next page, which is tab 59,
36 this is a letter to you from "Paul", who I gather is
37 Paul Perrett that you referred to?
38 A. No, Paul McCabe.
39
40 Q. I'm sorry, Paul McCabe. I beg your pardon.
41 A. Yes, he informed me of the - I have a copy of that.
42
43 Q. You have seen that letter?
44 A. Yes, I have.
45
46 Q. What is he telling you there?
47 A. That he spoke with John Farrell, who was very angry

1 and outspoken and accusatory, and in Paul's view, he
2 regarded the Consultors as, you know, a bunch of idiots,
3 basically.

4
5 Q. A "bunch of unqualified lot of plotters"?

6 A. Something to that effect, yes.

7
8 Q. "Presiding on things about which we have little
9 expertise and knowledge". So he's reporting back what he
10 had heard from Farrell, is he?

11 A. Yes, he is, and he is writing about his fears that
12 unless the Bishop acts in a more decisive way, this will go
13 on and it will just get worse.

14
15 Q. The suggestion that the Bishop be prepared to grasp
16 the nettle and, as you say, act decisively - what do you
17 think he should have done?

18 A. I think he should have decided that there was no place
19 for John Farrell in the diocese - in fact, anywhere where
20 he would exercise priestly ministry.

21
22 Q. He had control over his own diocese, but did he have
23 control as to elsewhere?

24 A. Inasmuch as he would have informed other bishops who
25 might have expressed an interest in giving John Farrell
26 a second go.

27
28 Q. Would the Australian Catholic Bishops Conference be
29 a forum in which such a thing might be discussed?

30 A. No.

31
32 Q. No?

33 A. One to one, more likely.

34
35 MS FURNESS: Your Honour, I note the time.

36
37 THE CHAIR: Yes. We will take the luncheon adjournment.

38
39 **LUNCHEON ADJOURNMENT**

40
41 MS FURNESS: Q. Thank you, your Honour. Bishop, I was
42 taking you to the letter behind tab 59, which was the
43 letter from I think Paul McCabe. Can I take you now to the
44 next tab, which is 60, which is another letter from the
45 same person. In fact, it is dated the same date. Have you
46 seen that letter?

47 A. No, I haven't.

1
2 Q. It seems from these letters that Bishop Kennedy was
3 actively trying to find somewhere or someone to treat
4 Farrell, doesn't it?
5 A. It definitely does.
6
7 Q. You weren't aware of these activities of his?
8 A. No, I wasn't.
9
10 Q. Had you heard of Dr Seal by this stage?
11 A. No, I hadn't.
12
13 Q. Could we just scroll down. There is reference to
14 another centre, the Hoffbauer Centre in East St Kilda. Had
15 you heard of that centre?
16 A. No, I hadn't at the time.
17
18 Q. Further down there's a reference to a vacant
19 chaplaincy at the Presentation Convent in Windsor, a home
20 for elderly Sisters?
21 A. I see that.
22
23 Q. It seems that they were seeking to place him somewhere
24 where the risk was less than it might otherwise have been?
25 A. I understand that, yes.
26
27 Q. And that wasn't discussed with you?
28 A. Not at any time.
29
30 Q. I asked you before about Mr Boyle and I think you said
31 that you hadn't recalled knowing about Mr Boyle when
32 Farrell was being treated by him?
33 A. Yes. I thought about that. At some stage I became
34 aware of Mr Boyle. A report to the Bishop that, in
35 essence, recommended that he continue in ministry as he
36 wasn't to be regarded as a danger. I've seen the letter
37 and I can't place it in the timeline as to when I saw it
38 exactly.
39
40 Q. The letter is dated 30 July 1988. I can put it up if
41 you'd like to see it again?
42 A. Yes, 30 July 1988, yes.
43
44 Q. Perhaps we can have it up - tab 65. You can see that
45 it begins:
46
47 *Further to my phone call of July 1984....*

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Which tells the reader that Boyle's been involved in Farrell's life for some four years at this stage?

A. Yes, practically day one of the problems.

Q. So this is the report you were referring to?

A. Yes, it is, and I think I read the Bishop was looking for something more formal by way of a report of the treatment Farrell received. I think this is as close as he got.

Q. Perhaps if we have the second page and the second paragraph. Mr Boyle then records his hope that "Father Farrell be given every assistance in putting this difficult period behind him and is allowed to return to full ministry in the church."

A. Yes.

Q. From what you said, is that the sort of report that Bishop Kennedy was looking for?

A. His convictions about Father Farrell would have been confirmed by the positive response of the psychiatrist.

Q. Psychologist, I think he was?

A. I beg your pardon.

Q. If you go further down in that paragraph there's reference to you - obliquely, if nothing else?

A. Yes.

Q. It says:

From discussions with Father Farrell, his placement at Tamworth, rather than reducing trauma, appears to have increased his stress and depression due to the lack of trust and support that he received.

A. That would be true.

Q. That's likely to be a reference to you, isn't it?

A. It is an indirect reference but an obvious one.

Q. Could I have the next tab, 66. This is a letter from you, Bishop, to Bishop Kennedy, dated 2 August 1988?

A. Yes.

1 Q. You've read that recently?
2 A. Yes, I have it in my folder that they gave me, and
3 I have read it, yes.
4

5 Q. Can you tell us what that letter is about?
6 A. That was after the - after the committal hearing there
7 were a group of citizens who initiated some kind of appeal
8 against the findings, I'm not sure what the technical term
9 is, but it did go to the Director of Public Prosecutions,
10 and the submissions were looked at again and a conclusion
11 was drawn that there was no further evidence to reverse the
12 decision of the committal hearing.
13

14 Q. And you were communicating that to the Bishop?
15 A. I was saying that to the Bishop, that the matter was
16 finally finished from a legal point of view, but I think
17 I went on to say that, from the church's point of view, the
18 matter is far from being finished.
19

20 THE CHAIR: Can we just see the rest of the letter?
21

22 MS FURNESS: Certainly.
23

24 THE WITNESS: I think that's the letter in which I said
25 that.
26

27 MS FURNESS: Q. You refer there in the second paragraph
28 to:
29

30 *As far as the civil law is concerned, the*
31 *matter is at an end.*
32

33 A. Yes.
34

35 Q. That was to distinguish it from church law?
36 A. Well, the church situation. We couldn't presume that
37 the rigour of the law as it applied could be taken as a
38 sure guide that it would be safe for Father Farrell to
39 resume duties.
40

41 THE CHAIR: Perhaps we can see the rest of the letter
42 then, which I think talks about that.
43

44 MS FURNESS: Q. The final paragraph on this page:
45

46 *I wish I could say the same for the church.*
47

1 Do you see that?

2 A. Yes.

3

4

Q.

5

6

7

8

9

*It continues to be delicate and given the
small nature of our diocese, personnel and
population wise, difficult to see how an
appointment could be possible for
Father Farrell in the near future.*

10

11

12

That, I take it, is by reference to the outcry that may
persist if he was appointed?

13

14

15

16

A. Yes, and I was making the point that even though the
rigour of the law had been observed, that it would not be
advisable to appoint him in the diocese.

17

18

19

20

Q. Over the next page you refer to the "widest possible
professional consultation and the most careful course of
deliberation". By "professional consultation" are you
meaning of a medical/psychological nature?

21

22

23

24

25

26

27

28

29

30

31

A. Well, see, I wasn't aware of what was going on.
Clearly, the Bishop had been trying to get him some kind of
consultation, some kind of counselling of which I wasn't
aware, so I was saying, "He needs help of some kind in
order to come to terms with his condition and why, in fact,
we are proving difficult for him." We just didn't believe
that he should continue. He couldn't see that, nor could
he see why. Professional consultation may have brought him
face to face with his problems, and I don't believe anybody
had achieved that at that point.

32

33

34

Q. At this stage, did you believe that you were
effectively free from him because you would not have him
back?

35

36

37

A. Yes, I allowed myself to think that the Bishop
wouldn't force him upon me against my will.

38

39

40

Q. And he didn't, did he?

41

42

43

44

A. He didn't, no.

Q. Just continuing to the end of your diocese's
involvement with Farrell, could you turn to tab 71. These
are the Consultors minutes for September 1988. Do you
recognise that document as --

45

46

47

A. No, I haven't seen - that's the Bishop's minutes.

Q. Yes.

1 A. The only one I'd seen is the one you showed
2 previously.
3
4 Q. Perhaps if we can go under the heading "Discussed" and
5 there's a paragraph (d):
6
7 *Rev J Farrell's future after his completion*
8 *of studies at the New England University at*
9 *the end of November next.*
10
11 That suggests that that was discussed, doesn't it?
12 A. Yes.
13
14 Q. You went to these meetings at about this time, didn't
15 you, Bishop?
16 A. Yes, I did.
17
18 Q. Do you remember this meeting?
19 A. "A transfer for Reverend Wilkes", "Rev J Farrell's
20 future after his completion of studies at New England
21 University at the end of November." I'm not sure of the
22 point you're making. Are you saying that --
23
24 Q. Do you recall that meeting?
25 A. No, I don't.
26
27 Q. Do you recall there being a discussion about what
28 would happen to Farrell after he'd finished his studies?
29 A. No, I don't.
30
31 Q. You know now that he ended up at Parramatta soon after
32 this?
33 A. Relatively quickly, in fact, yes.
34
35 Q. A year or so. You were not party to any discussion as
36 to going to Parramatta?
37 A. No, I was not, at any stage.
38
39 Q. So effectively, at the end of the letter I've just
40 taken you to, that period of time --
41 A. Yes.
42
43 Q. -- you were out of the picture in terms of what the
44 diocese was doing with Farrell?
45 A. I was, yes. Well, I was, except I did take a few
46 initiatives off my own bat.
47

1 Q. What were those initiatives?
2 A. I met him a few times. Well, I can remember once when
3 I met him to have lunch with him.
4

5 Q. What happened?
6 A. My family lived in Armidale, about an hour from
7 Tamworth. I would regularly return home to see them, maybe
8 a couple of times a month. On one occasion, I decided to
9 meet John Farrell and speak to him over lunch at the
10 St Kilda Hotel. We had lunch. My purpose was to speak to
11 him about his situation.
12

13 Q. Sorry, his situation at that time was what?
14 A. Yes - he was getting the sense that somehow it was all
15 finished, because the findings of the committal hearing
16 were not upheld by the public prosecution. I was trying to
17 say something that I'd felt on and off for a long time:
18 somehow, he has to admit that he has seriously failed, and
19 that he needs to be honest with himself.
20

21 Very early in the piece I think he was schooled by his
22 barrister, way back, not to in any way incriminate himself
23 or admit anything. He never did, to me; he never indicated
24 that he'd ever done anything wrong, as he'd said to others.
25 My purpose was to try and get through to him that if he is
26 guilty of these charges, and "if you alone know that, then
27 it is in your interests and the interests of the church for
28 you to honestly acknowledge those, that guilt." The
29 conversation was informal. I tried not to be accusatory,
30 but I felt if I was not going to see him again, and it was
31 likely that I wouldn't, that I would like to make that
32 point with him.
33

34 Q. What was his response?
35 A. I can't exactly say what, but the tenor of his
36 response is, "Well, I've heard you".
37

38 Q. And he was going to do nothing to change his conduct?
39 A. Nothing happened.
40

41 Q. Was that the last time you saw him?
42 A. Almost certainly the last time we had a serious
43 conversation of any kind.
44

45 Q. He applied to go to Boggabri in about mid-1990. Did
46 that come to your attention?
47 A. No, it didn't.

1
2 Q. Had you been on a Consultors committee meeting where
3 his request to go to Boggabri was raised in mid-1990, can
4 you give us any indication as to what your view might have
5 been?
6 A. I knew nothing of the request. I don't believe I was
7 at a Consultors meeting where that was proposed. If I was,
8 I would be confident that I would have objected strongly to
9 that move.
10
11 Q. Thank you. Could I ask you to consider tab 94. This
12 is a letter to "Wayne" from Gerard Hayes. Gerard Hayes,
13 I take it, from the location from which he wrote, was a
14 priest in Boggabri?
15 A. Yes, he was at one stage. He was at Boggabri,
16 I recall that.
17
18 Q. This letter is dated September 1990. It is directed
19 to "Wayne". Is that likely to be Wayne Peters, do you
20 think?
21 A. Yes, it would be Wayne Peters. They were well known
22 to each other.
23
24 Q. As at this date, September 1990, what role did
25 Wayne Peters have in the diocese?
26 A. In 1990, I think he was the head of the Tribunal.
27
28 Q. Head of the Tribunal?
29 A. The Marriage Tribunal.
30
31 Q. That was involved with annulments and the like?
32 A. Yes. He was posted somewhere - it may have been
33 Uralla, although I think that came much later.
34
35 Q. Did he have a role in the diocese at this time, formal
36 or informal, whereby he received complaints or otherwise
37 became involved if there was --
38 A. He would have been involved in issues that required a
39 good knowledge of Canon Law and what the Canon Law directed
40 on issues that would be brought to his attention.
41
42 Q. Have you seen this letter before?
43 A. No, I haven't.
44
45 Q. It relates to an encounter that occurred while
46 John Farrell was at Kenthurst in Parramatta?
47 A. Yes.

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Q. A person from Moree spoke with Father Hayes about Father Farrell wanting to take boys on a camping trip in Kenthurst and, ultimately, parents interceded and it didn't happen?

A. Yes.

Q. Did that ever come to your attention?

A. No, it didn't. I lost - I virtually lost contact with John Farrell when he left the Diocese of Armidale.

Q. Could I then take you to tab 99. This is a letter from Reverend Peters to the Bishop in October 1990 in relation to the possible appointment of John Farrell to an appropriate ecclesiastical office. Were you aware of this at the time?

A. No, I wasn't.

Q. And there's reference there to a Dr Blaszcynski. He was not someone you knew at that stage?

A. No. I have known of him subsequently. At that time I didn't know him at all.

Q. If you come down to the second-last paragraph of that first page, do you see there's the second last paragraph:

Dr Blaszcynski also believes it may be valuable to have some briefing on the situation from someone from the Diocese of Armidale who is familiar ...

with the case. Then it was suggested by Reverend Peters that you might be a possible suitable person to further brief the doctor. Did that happen?

A. No, it didn't.

Q. Did anyone ask you to do that?

A. I don't believe so.

Q. You didn't have any involvement with Farrell and treatment after the time he left Tamworth?

A. No.

Q. Were you aware when he was appointed to Kenthurst, in the Diocese of Armidale?

A. Post factum. After the fact.

1 Q. How far after the fact?
2 A. Relatively soon, I imagine. There was no secret.
3
4 Q. Did you have a view?
5 A. Oh, yes I did.
6
7 Q. Did you express it to anyone?
8 A. No, I don't think so. I just assumed that the Bishop
9 had taken the matter over and he'd had other discussions.
10 I was no longer involved in discussions and deliberations.
11 My role was as the administrator, later parish priest, of
12 Tamworth. I did what I was expected to do. But I wasn't
13 in any way consulted on what should happen or where he
14 should go and if I had an opinion about it. It all
15 happened without any reference to me.
16
17 Q. Did you subsequently learn that he went from Kenthurst
18 to Merrylands?
19 A. Subsequently, I learnt that. It was general
20 knowledge.
21
22 Q. And then he had his appointment I think affected by,
23 first of all, the Diocese of Parramatta - they refused
24 continuing appointment for him, and then his faculties were
25 removed in Armidale?
26 A. That was by a subsequent Bishop, by that time.
27
28 Q. Were you involved with Bishop Manning in any way in
29 talking about --
30 A. Not in any way.
31
32 Q. Some time later you sought, from I think
33 Mr O'Halloran, the transcripts or other records he had of
34 the Farrell proceedings. Do you remember that?
35 A. Yes, I did, on behalf of Bishop Manning, who asked me
36 to supply him with any records that we had in relation to
37 John Farrell's process. We had very little in our own
38 records in the presbytery. I sent him what we had, but
39 I did approach the solicitors for copies of records they
40 may have held at the time Bishop Manning was assessing the
41 situation. I think he was looking at the possibility of
42 the laicisation of John Farrell.
43
44 Q. But you weren't involved in further discussions with
45 him about that?
46 A. No. I approached the legal firm on his behalf for any
47 records and I gave them - I gave him the name of

1 Harry O'Halloran. I think they had dealings then, after my
2 initial approach.

3

4 Q. Thank you. Bishop, is there anything you want to
5 volunteer to the Commission about the episodes with
6 Father Farrell?

7 A. The decisions I took were mine. I had to presume, on
8 more than one occasion, that the Bishop would respect the
9 decisions I made. They weren't made in consultation with
10 him or as a result of him requesting me to do something,
11 but I acted on my own initiative and it was accepted.

12

13 I have subsequently thought about the process, the
14 self-inflicted wounds that the church is currently dealing
15 with. In my view, consultation between a Bishop and his
16 Consultors should not end up with a position where the
17 Bishop can exercise discretionary judgment as to whether he
18 will hear the Consultors' advice or not. On matters such
19 as this, I think we have to review the law, and I do
20 believe that in matters such as this, the advice of the
21 Consultors should be mandatory in terms of the Bishop's
22 response.

23

24 Q. That would be completely inconsistent with the role of
25 a Bishop in a diocese, wouldn't it?

26 A. Yes. I think that presumption has to change. If we
27 look back and say what could we have done differently,
28 among other things that people would mention, I personally
29 would mention the fact that had Bishop Manning heard the
30 Consultors about --

31

32 Q. Bishop Manning or Bishop Kennedy?

33 A. I beg your pardon, Bishop Kennedy - had he heard the
34 Consultors about their view of ordaining Father Farrell, if
35 he had listened to the discussion around the premature
36 nature of his appointment to East Tamworth, I expect that
37 things may have been different.

38

39 MS FURNESS: Thank you. Thank you, Bishop, I have nothing
40 further.

41

42 THE CHAIR: Does anyone else have any questions? Mr Gray?
43 Anyone else? Yes, Mr Gray.

44

45 <EXAMINATION BY MR GRAY:

46

47 MR GRAY: Q. Bishop, my name is Gray and I represent the

1 Truth, Justice and Healing Council and the Dioceses of
2 Armidale and Parramatta. There are only two matters
3 I wanted to ask you about, Bishop. The first is to take
4 you back to mid-1984 when Farrell is removed from Moree.
5 Can you cast your mind back to that point? What did you
6 know then, at that time, as to whether one or more than one
7 boy or family had complained to Monsignor Ryan about
8 Farrell?

9 A. I had no knowledge of that, that people had actually
10 complained or how many had complained. When news came
11 through that Farrell was removed more or less overnight,
12 I think we thought, then, that rumours that had been
13 circulating at that time had some ground of credibility.
14

15 Q. But in terms of what, if anything, one or more people
16 had said to Monsignor Ryan, you simply didn't know?

17 A. No. Whatever was said to Monsignor Ryan about the
18 number of offences, the nature of the offences, whatever he
19 knew, I believe he took to the grave with him. I'm not
20 even sure the Bishop knew the information in detail.
21

22 Q. Secondly, moving three years forward to the time of
23 his arrest in August 1987 - Farrell's arrest - and before
24 we got to the committal hearing early the next year, at
25 about the time of his arrest or soon after, what did you
26 know then, at that time, as to what he was actually alleged
27 to have done, in physical terms?

28 A. The information wasn't precise, but it confirmed our
29 worst fears that what had happened at Moree was worse than
30 we had presumed; that it was at this stage more than just
31 rumour or clergy chitchat or whatever term was used.
32

33 Q. You knew he had been charged with an offence or a
34 offences?

35 A. Yes.
36

37 Q. But what did you know yourself, at that time, as to
38 what Farrell was actually being accused of physically
39 doing?

40 A. No, I had no idea of the nature, the exact nature.
41 The precise information you're asking about was not there
42 in the public arena at all, but the rumours gained
43 credibility because of the arrest. We had to assume that
44 they had something on him.
45

46 Q. Yes. Subsequently, at or soon after the time of the
47 committal, when the charges were dismissed, you've told us

1 that you were not in the courtroom but Father Leis was, and
2 he gave you a report and you've told the Commission about
3 that this morning.

4 A. Yes.

5

6 Q. By that time, or later, did you, yourself, know what
7 the actual misconduct was, in physical terms, of which
8 Farrell was being accused?

9 A. No, we were told the nature of the crime of which the
10 young man accused Farrell, so there was some precision
11 around that for the first time.

12

13 Q. What's your memory as to what you knew of that
14 precision?

15 A. I found it credible, particularly --

16

17 Q. No, what was it, though, what did you know or learn at
18 that time?

19 A. Well, they did describe

20

21

22

23

24

25

26

27 Q. Yes. Did you learn, or were you told, what the nature
28 of the sexual interference was?

29 A. The precise detail of the offence I don't believe was
30 in the public forum, as far as I know.

31

32 Q. Was it in your mind? Did someone tell you?

33 A. No.

34

35 MR GRAY: I have nothing further, your Honour.

36

37 MS FURNESS: Nothing further, your Honour.

38

39 THE CHAIR: Thank you Bishop, that concludes your
40 evidence. You're excused.

41

42 THE WITNESS: Thank you, your Honour.

43

44 <THE WITNESS WITHDREW

45

46 MS FURNESS: Your Honour, I call Bishop Bede Vincent
47 Heather.

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<BEDE VINCENT HEATHER, sworn:

[2.33pm]

<EXAMINATION BY MS FURNESS:

MS FURNESS: Q. Would you tell the Royal Commission your full name?

A. My full name is Bede Vincent Heather.

Q. Are you currently retired?

A. Currently retired yes.

Q. You're a retired Bishop.

A. Yes.

Q. You were Bishop of Parramatta from 1986 to 1997?

A. That's correct, yes.

Q. Prior to that, you were Auxiliary Bishop of Sydney in 1979?

A. That's right, yes.

Q. And before that you were involved as a lecturer at the seminary, or various seminaries?

A. That was my main occupation, yes.

Q. The seminaries you lectured at were Springwood and St Patrick's College, Manly?

A. And also overseas.

Q. Your time at Springwood was 1957 to 1962. Does that sound about right?

A. I think I went to Springwood first in 1955 and I was there, I believe, until 1961.

Q. I have you as an assistant priest at Willoughby in 1955?

A. Yes, my memory of it is that I came home from studies in Rome in August 1953; I spent about six or eight months at Brighton Le Sands and then went to Willoughby in 1954, and I believe I began Springwood in February 1955, that's my memory of it.

Q. And you were at Springwood for five or so years?

A. Yes.

Q. Then you went overseas to study for three years?

1 A. Yes.
2
3 Q. The study that you did overseas was in relation to
4 formation and seminary work?
5 A. No, biblical theology.
6
7 Q. Then you came back in the mid-'60s and you were a
8 lecturer at Springwood and then into the early 1970s at
9 Manly?
10 A. That's correct, yes.
11
12 Q. In the time between leaving your lecturing at
13 Springwood in the early 1960s and coming back in the late
14 1960s to Manly, was there any difference in the way in
15 which formation occurred?
16 A. I would say people were holding their breath. The
17 Second Vatican Council was taking place during the '60s,
18 people knew that discussions were in progress during the
19 Second Vatican Council about the liturgy, about ecumenism,
20 about the relationship of the church to the world, and the
21 expectation was that these discussions were, in the long
22 run, going to have repercussions across the church and
23 including in priestly formation. So people were, as it
24 were, waiting, I would say, to see what was going to be the
25 outcome of that. There had been some minor changes.
26 I noticed, I think, when I went back to Springwood that the
27 liturgy was rather upgraded from what it had been during my
28 earlier stay, but changes were at hand but had not yet
29 generally been implemented.
30
31 Q. So at the time you left teaching on the second
32 occasion, things were pretty much as they were when you
33 began, save for, as you've said, a change to the liturgy?
34 A. I was transferred to St Patrick's at Manly, I think in
35 1969. I think 1968 was my last year at Springwood. In
36 1969 there was new leadership at St Patrick's, Manly, and
37 immediately changes started to be made.
38
39 Q. What were the changes?
40 A. There was a great deal more consultation with the
41 students about their ongoing formation. There was a group
42 type of formation that was introduced in which students
43 were able to discuss within groups their progress, under
44 the leadership, often, of one of the members of the staff.
45 A new spiritual director had been brought in, with very
46 considerable experience in his own Diocese of
47 Wilcannia-Forbes and in his relationship with priests. So

1 there were changes that started to come in in the late '60s
2 and early '70s.

3

4 Q. You considered those changes to be positive?

5 A. I certainly did, yes. Yes.

6

7 Q. You then had a few years doing different work.

8

9 THE CHAIR: Q. Sorry, Bishop - in concept, what was
10 changing at that time? Yes, there were different people
11 and so on, but what was changing?

12 A. I think a much greater sense of personal
13 responsibility was being conveyed, your Honour. Students
14 were being led to take a greater responsibility for
15 themselves, to make more decisions for themselves, rather
16 than being instructed all the time on doing this or doing
17 that; times of prayer, times of exercise and that sort of
18 thing, use of the library - more autonomy was being given
19 to the students in those areas and a greater sense of
20 responsibility, one hoped, would result.

21

22 MS FURNESS: Q. You were the Auxiliary Bishop of Sydney
23 for some seven or so years?

24 A. I was, yes. I was responsible for the outer western
25 region of Sydney, principally.

26

27 Q. Who was the Archbishop at the time?

28 A. Initially, Cardinal Freeman - for most of those years,
29 in fact - but in the latter few years, Cardinal Clancy.

30

31 Q. As Auxiliary Bishop, you were a member of the
32 Consultors?

33 A. I was, yes.

34

35 Q. You then went to be the first Bishop of Parramatta?

36 A. That's right, the new diocese was established, yes.

37

38 Q. Prior to that, how was the diocese operating
39 geographically?

40 A. There was a regional system in action. We actually
41 had five regions, if I remember rightly - northern and
42 western regions, inner west and inner regions, and I think
43 a south western region, I forget just the titles.

44

45 Q. This was within the Archdiocese of Sydney?

46 A. Within the Archdiocese of Sydney, yes. There were
47 five regional bishops.

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Q. And what changed for you to be appointed in Parramatta in 1986?

A. Well, a diocese, in the canonical procedures of the Catholic Church, has a self-standing type of independence. It stands on its own feet and relates directly to the Holy See in Rome and that was not the case, of course, when we were simply a region. So when the two new dioceses were established of Broken Bay and Parramatta, well then they started to relate directly to the Holy See and had a self-standing status in the church of their own.

Q. Was the change related to the growing size of the area being administered by the Archdiocese?

A. It was, yes. I remember at the time being on a committee in Sydney that looked at the projected development in the Sydney City area and developments were projected which, at that time, seemed impossible to us, but I noticed just lately that some of those projections are becoming a reality in areas such as Camden and Appin - things which we would never have believed possible when I was looking at those things on a committee in 1969 and 1970. So it was largely related to the intense growth of the Archdiocese, yes.

Q. When the Diocese of Parramatta was formed, was there a process whereby records kept in the Archdiocese which were relevant to the geographical area that was now the Diocese of Parramatta were transferred?

A. Not as far as I recall. We did have some founding documentation, decrees from Rome and that sort of thing, which we kept in our archive in Parramatta, but I just don't remember materials being sent across from the Sydney Archdiocese. No, I have no memory of that.

Q. Was it likely to be the case that the documents held in your archive at the diocese were documents created from April 1986 onwards?

A. I think so, yes. Yes, I believe so.

Q. If there was cause for you to seek documents going back further in relation to priests or the like, you'd have to go to the Archdiocese archives?

A. You know, I'm uncertain about this, whether some of the priests' documentation was handed over or not. I don't recall that happening, but it could have happened. I just don't recall after all this time.

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Q. So your record as a priest and the work that you did in your various appointments was held in the Archdiocese of Sydney?

A. I think so, yes.

Q. It didn't go back to Parramatta with you?

A. No.

Q. You must have had a very light-on archive?

A. Initially we did, yes.

Q. When you began as the Bishop of Parramatta, was it the case that you took upon yourself and the diocese all of the processes and procedures that were adopted in the Archdiocese of Sydney?

A. I would say we took our lead mainly from our tradition, coming out of Sydney, but each diocese has its own autonomy and has the capacity to generate its own processes, so we did start to make our own way in some regards.

Q. And what was your own way was largely dependent upon your views of how a new diocese should operate?

A. Well, we did fairly early in the piece set up the structures. We had a Consultors group, we had a Diocesan Pastoral Council, a Council for Religious, and so processes of consultation began fairly early in the piece, yes, and so I don't believe I made those decisions alone, but I guess I would have initiated many of them, yes.

Q. Those sorts of groups would have been operating in the Archdiocese, wouldn't they?

A. They were, yes, and they continued in the Archdiocese, but they were not the Diocese of Parramatta's groups.

Q. Did you create or initiate any processes or procedures that were not followed at the Archdiocese?

A. I would say from the outset we embraced an ecumenical endeavour that didn't have its parallel in the Archdiocese. We set up an Ecumenical Commission in the Diocese of Parramatta. That would be one initiative that we took, and there were some others of a financial type, too, that we initiated - setting up a development fund, for example, in the diocese, which did not parallel something in the Archdiocese at that time, although the Archdiocese now has gone that way also, I believe.

1
2 Q. So you were a forerunner to some of the work that the
3 Archdiocese --
4 A. Well, of some things, yes, but I think we took our
5 pattern mainly from what we had known in the Archdiocese.
6
7 Q. Thank you. As the Bishop you were a member of the
8 Bishops Conference?
9 A. I was, yes.
10
11 Q. And you attended those meetings when you were an
12 Auxiliary Bishop as well?
13 A. I did, yes.
14
15 Q. So from the late '70s, throughout?
16 A. Yes, from the late '70s.
17
18 Q. And you would have been present throughout the Bishops
19 Conferences' attempts to grapple with the issue of child
20 sexual abuse in the clergy?
21 A. I can recall those reports first being brought to our
22 attention, yes, mainly from North America.
23
24 Q. Were you, yourself, either as Auxiliary Bishop or
25 Bishop of Parramatta, involved in any particular role in
26 relation to those issues being developed?
27 A. No, I wasn't. I heard with horror those accounts of
28 some cases in North America and I remember thinking to
29 myself at the time that that would not be likely to happen
30 in Australia in clerical and religious life as I was
31 familiar with it. But of course as time went on, I was
32 proved to be quite wrong in that, and as cases started to
33 come to my attention, I shared the shock of many others,
34 I think.
35
36 Q. When did you first hear of John Joseph Farrell?
37 A. I think it was after the meeting of the Bishops in
38 1989 that Bishop Kennedy spoke to me about a priest in his
39 diocese - he probably mentioned the name Farrell at that
40 time - who had had some charges of a sexual nature made
41 against him from which, however, he had been acquitted, but
42 due to the fact that it was a small diocese and there was a
43 lot of talk going on, it was impossible to place him in the
44 diocese at that time, and would I consider taking him for a
45 short period until he could return to the ministry in his
46 own diocese. I think that was certainly during 1989,
47 possibly at or after the Bishops Conference.

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Q. What inquiries did you make of him as to the nature of the charges and the nature of the disquiet that continued, notwithstanding that he had been, as you were told, acquitted?

A. Yes. I'm afraid I have to acknowledge that I didn't make the careful inquiries that I should have made, and that is a cause of great regret to me, that I didn't do so. It led to one of the great mistakes of my life.

I was inclined to - well, I did accept the fact of his acquittal, to begin with, and then the assurance of the Bishop, Bishop Kennedy, reinforced by the consultation he'd had with a psychologist whom I knew of and respected. So those three factors came together and I was satisfied with that. I was thinking of things like a person being innocent until proved guilty, without realising that in a matter of this nature, far more careful discernment is necessary, and, of course, I think even in the protocols of the church, now, bishops would be required to seek much stronger assurances than that. But at that time, unhappily, I was satisfied with that threefold type of evidence. In short, I considered that Father Farrell was innocent and that his Bishop was commending him for a short time to service in our diocese, and that the Bishop's assurance was supported by the opinion of a respected psychologist.

Q. Did you inquire why there was continuing concern in the community such that he couldn't be placed there, notwithstanding, as you understood, he was innocent?

A. I didn't know that there was continued concern in the community.

Q. Isn't that what the Bishop told you as to why he couldn't place him in Armidale?

A. He said only there was a lot of talk in the community, not that - I became aware of the degree of concern in the community only at the time of the Whitlam Inquiry.

Q. But certainly, Bishop, if the talk had been of a positive nature, there would be no difficulty placing him. It was only if the talk was of a negative nature that there would be a problem placing him in Armidale; isn't that right?

A. That's correct, yes.

1 Q. So you didn't consider, because of the comment by the
2 Bishop that because of talk he couldn't be placed there,
3 that there might be something more to this?

4 A. I didn't, no, unwisely. I considered that what the
5 Bishop referred to was ill-founded rumour that was probably
6 going around among people, gossip, and without foundation.

7
8 Q. At this time, 1989, there had been at least two, if
9 not three, mentions or presentations at the
10 Bishops Conference about child sexual abuse in the clergy?

11 A. There had been, yes.

12
13 Q. Were they in your mind at the time Bishop Kennedy
14 approached you about this fellow?

15 A. I was aware of those discussions taking place and the
16 processes of developing a protocol or a manner in which the
17 bishops would consistently deal with this issue that was
18 arising. I was not myself involved in those, I didn't have
19 that sort of competence, but I knew those matters were in
20 progress. But considering the three factors that
21 I mentioned to you, I didn't think it was necessary to
22 refer any further.

23
24 Q. You knew by that stage that Fathers Lucas and Usher
25 were at the forefront of the church's developing approach
26 to this area, didn't you?

27 A. They had spoken to us at the Bishops Conference, yes,
28 but I think the development of the protocol was in the
29 hands of a group of bishops who were competent in the area
30 of Canon Law and probably consulted with Fathers Usher and
31 Lucas, but the process was actually in the hands of those
32 bishops I think.

33
34 Q. Prior to the development of the protocol, as at this
35 time, 1989, you had had a couple of presentations by the
36 two Fathers, had you not?

37 A. Yes.

38
39 Q. And they were put forward as being people with
40 knowledge in this area and people who would assist the
41 church in moving forward; is that right?

42 A. Yes.

43
44 Q. Did you think of talking to Father Usher about whether
45 or not this fellow Farrell should come to your diocese in
46 circumstances where you knew he'd been charged with sexual
47 offences against a child, and given his knowledge,

1 particularly as a social worker, of what that might mean
2 going forward for your diocese?
3 A. No, it didn't occur to me to consult them, and
4 I suppose here I have to confess my ignorance at the time,
5 that I was on a slow learning curve. I don't think
6 I understood at the time that paedophilia is a condition
7 that is probably going to be compulsive and repetitive and
8 addictive. I didn't understand the nature of the condition
9 at the time. I guess I was inclined to see it as a moral
10 failing in which this person had been involved and from
11 which this person could, with proper guidance, recover.
12
13 THE CHAIR: Q. What do you mean by, in that context, "a
14 moral failing"?
15 A. A person has a moral failure in some area. It might
16 be in greed or in pride or any of the known capital sin
17 areas, and the goal of the church's mission would be to
18 help that person, your Honour, to recover from that moral
19 failure.
20
21 Q. What was the character of moral failure of sexual
22 activity with a child that you could see? How could that
23 be a moral failure?
24 A. It was much more than a moral failure as it turned out
25 and as I recognise now.
26
27 Q. How was it ever capable of being seen as just a moral
28 failure?
29 A. I think in the mentality of the time I did not see it
30 as having the gross consequences that I now recognise that
31 it has.
32
33 Q. It is not a question of the consequences, it is a
34 question of the act, the character of the act?
35 A. Yes.
36
37 Q. How did you ever rationally see it as only a moral
38 failure?
39 A. Yes, I suppose it is the lack of my adequate formation
40 in matters legal that --
41
42 Q. I don't know about matters legal: wouldn't it have
43 been a common understanding of everyone that you don't
44 engage, as an adult, in sexual activity with a child? Or
45 am I misunderstanding?
46 A. No, I hope that that would have been the mentality of
47 people, yes. I don't think that I understood it as clearly

1 as you're putting it, your Honour.
2
3 Q. We're talking about a time when you were a Bishop?
4 A. Yes.
5
6 Q. We're talking about the 1980s?
7 A. Yes.
8
9 Q. You say even then you didn't understand that sexual
10 activity by an adult with a child was more than a moral
11 failure?
12 A. I knew it was wrong, of course, but that's as far as
13 I would have seen it at the time. I knew it was wrong,
14 yes.
15
16 Q. Is it because of something to do with the dogma or
17 doctrine of the church that you end up in that mind space?
18 A. I couldn't put it down to that, no. No, I think
19 that's simply the way I saw it at the time.
20
21 Q. Well, what do you think about it now?
22 A. Well, I can see now - see it very differently, of
23 course. I've learned a great deal since the late 1980s
24 about this whole issue and the tragic consequences it has,
25 and I have to say it weighs heavily on my conscience that
26 I know that one person at least in the Parramatta Diocese,
27 one child, was abused as a result of my giving permission
28 to Father Farrell to work in our diocese, and for that
29 I have to apologise to the family concerned and express my
30 sincere regret that my negligence led to that. But that
31 was my mentality at the time: it was a moral failure,
32 could be corrected with proper guidance, and I hoped it
33 would be.
34
35 Q. At the time, if one of your priests had stolen
36 property from the church, would you have seen that as just
37 a moral failure?
38 A. I think I would have, yes. Yes, I wouldn't have run
39 down to the police about that, no.
40
41 Q. What if he stole from the corner store?
42 A. Well, again, I would seek to bring about his reform.
43 If the owners of the corner store brought the case to the
44 police and he was charged, well, he would have to accept
45 his responsibility for what he'd done, but I as a pastor
46 saw myself engaged in the area of his moral correction.
47

1 Q. You see, what you're telling me now has been said to
2 us by a number of senior and not so senior members of the
3 church, you understand?
4 A. Yes.
5
6 Q. What I think we're getting to is that you only thought
7 in a space which involved the relationship between the
8 priest and God but didn't see the priest's action in terms
9 of the civil law. Is that what it amounts to?
10 A. Largely I would agree, yes, that I had no formation in
11 the civil law and didn't assess the actions of the clergy
12 or, indeed, of others mainly in relation to the civil law
13 or at all in relation to the civil law. I didn't see that
14 as my role.
15
16 Q. Why is it a matter of formation? You were brought up
17 as a normal child in Australian society and went to school.
18 These sorts of things, at least in my generation, were
19 known long before I left school as things that the civil
20 law said shouldn't happen.
21 A. Yes, well, I think you were fortunate, your Honour, to
22 have a formation of that sort. I didn't have such a clear
23 perception of where the civil law and moral responsibility
24 intersected.
25
26 Q. You'll forgive me for saying, Bishop, that what that
27 means is you, in your intellectual framework, left out an
28 understanding of civil society. Do you understand?
29 A. I understand what you're saying, yes, and --
30
31 Q. How did the church end up in a space where it could
32 only see these matters in moral terms and not understand
33 the responsibility of adults in civil society?
34 A. Yes, it's a good question, and I think someone may be
35 more competent to answer that than I am. The whole
36 development of moral theology in the history of the church
37 and the type of moral theology that we studied in our
38 preparation for the priesthood - I remember very little
39 reference at all to civil law in the course of those
40 studies.
41
42 Q. What age were you when you first started your studies
43 in the seminary?
44 A. I went to the junior seminary when I was 13 years of
45 age.
46
47 Q. So should we understand that from then on, your

1 intellectual framework was confined by the teachings of the
2 church?

3 A. Yes, and my studies in moral theology, as in other
4 areas of theology, were through manuals of Catholic
5 theologians, yes.
6

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

9 A. No, no, and I see this as one of the great issues that
10 has now arisen through the work of the Commission. As
11 I say, this intersection between the moral demands of the
12 gospel as we understood them then and the demands of civil
13 society as now understood.
14

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

21 A. Yes, I do, yes. Yes.
22

23 MS FURNESS: Q. Bishop, you referred earlier to your
24 meeting and discussion with Bishop Kennedy at the Bishops
25 Conference in probably 1989 and that he told you that
26 Farrell had been acquitted on sexual offence charges in
27 relation to a child; is that right?

28 A. Well, as far as I recall, that's what he said. I now
29 know, of course, the distinction between dismissal of
30 charges and acquittal.
31

32 Q. Leaving that to one side?

33 A. Yes, that's how I understood it at the time.
34

35 Q. Did he tell you about complaints that had been
36 received in the diocese before the charges?

37 A. No, he didn't, no. No.
38

39 Q. Did you know by way of the clerical grapevine or other
40 networks and talks among bishops and other clergy at the
41 time that there had been complaints or problems with him
42 before the charge?

43 A. No, I didn't know that at the time. The
44 Whitlam Report opened my eyes to that. I suppose the Four
45 Corners program too, I did see the Four Corners program,
46 but then that was followed by the Whitlam Report and I gave
47 my testimony there. But when I read the report, I learned

1 of all that was going on in the Armidale area about this
2 matter before I ever spoke with Bishop Kennedy, and that's
3 where I first learned of it, in the report of
4 Justice Whitlam.

5
6 Q. Did you think Bishop Kennedy was less than frank with
7 you in not telling you of the complete history of Farrell?

8 A. I wouldn't make any assessment of that. I wouldn't
9 want to push the blame on to anybody but myself for
10 accepting Father Farrell into our diocese. I must accept
11 responsibility for that and, as I say, it weighs heavily
12 upon my conscience. I wouldn't pass any judgment about
13 Bishop Kennedy's action.

14
15 Q. Leaving aside passing judgment on Bishop Kennedy's
16 actions, isn't it the case that in an ordinary workplace,
17 if one person was to be transferred from one part of the
18 business to other part of the business, geographically
19 distant, it would be expected, if not required, that the
20 person wishing to pass the other would tell all she knew
21 about the person before passing that person to someone else
22 in the business?

23 A. I think that's correct, and I would suppose that that
24 is probably required now in the Catholic Church, if a
25 priest is to move from one diocese to another. But back in
26 the late 1980s we hadn't reached that level of
27 sophistication in our canonical operations and, hence,
28 I was not informed of the whole history of Father Farrell.

29
30 Q. It is not particularly sophisticated, I suggest,
31 Bishop, for Bishop Kennedy to have said to you, "He was on
32 these charges, he has been acquitted, but there were lots
33 of rumours and allegations beforehand"; that's not
34 particularly sophisticated, Bishop?

35 A. Right. Well, all I can say is that I pass no judgment
36 nor push any blame on to Bishop Kennedy, but he didn't
37 inform me of that.

38
39 Q. It is also not relevant to canonical law whether or
40 not Bishop Kennedy told you the whole story, is it?

41 A. To canonical law?

42
43 Q. Your reference was that you hadn't reached the level
44 of sophistication in your canonical operations?

45 A. Yes.

46
47 Q. And I'm suggesting to you that the passage of

1 information from him to you in these circumstances has got
2 nothing to do with canonical operations, has it?
3 A. They may have now, I think. I think there may be
4 canonical requirements.
5
6 Q. Then?
7 A. Then there were not, no.
8
9 Q. Did you say to Bishop Kennedy, "I want to meet this
10 fellow and get my own sense of him before I accept him"?
11 A. No, I was unwise enough to accept him on the Bishop's
12 word.
13
14 Q. At that time - this is 1989 - did you have any
15 information of another priests offending against children
16 sexually?
17 A. Not in 1989 I think. I would only have read in the
18 press of cases that occurred, but there had been none in my
19 immediate surroundings, no.
20
21 Q. You'd never had to deal with somebody with such
22 allegations against them?
23 A. No, I hadn't, no, at that time.
24
25 Q. Did you take the view that Father Farrell was
26 effectively coming to you with a clean slate, having been
27 acquitted?
28 A. I took it that he was innocent, yes.
29
30 Q. I take it you wouldn't take that view now?
31 A. Obviously not, no. Obviously not.
32
33 Q. Did Bishop Kennedy tell you that Farrell had seen
34 Gary Boyle?
35 A. Yes, he did.
36
37 Q. And this was at the same conversation?
38 A. I'm not sure whether he told me then, but in October
39 1989 I received a letter from Father Farrell asking me to
40 consider him for a placement in the Diocese of Parramatta.
41 I then phoned Bishop Kennedy, and I think the record of
42 that phone call is in a file note that I left, and it was
43 during that phone call that Bishop Kennedy told me that
44 he'd seen Gary Boyle, yes.
45
46 Q. Did you ring Gary Boyle?
47 A. I did. I think you'd find on the bottom of

1 Father Farrell's letter there's the name, the phone number
2 and the address of Gary Boyle. I did ring Gary Boyle, I'm
3 sure. I can't remember whether I went to that address or
4 not. This was not the only dealing I ever had with
5 Gary Boyle. There were other instances in which I had to
6 deal with him on other matters, and I did go to that
7 address. I know exactly where it is.

8
9 Q. Just stopping there, you accepted what the Bishop had
10 told you about this fellow's history?

11 A. Yes.

12
13 Q. And that it was implicit in it that he was safe to
14 come to you?

15 A. Yes.

16
17 Q. Why did you bother ringing Gary Boyle; why didn't you
18 just accept what the Bishop had told you?

19 A. I thought it was wise to confirm the Bishop's views.
20 Since he'd given me the name of Gary Boyle and I knew him,
21 I thought it was wise to confirm that view there with the
22 psychologist.

23
24 Q. Why wasn't it also wise to confirm in your own mind
25 your assessment of this man, the man you were taking on?

26 A. Yes, it would have been wise, it should have been, but
27 at that time I did not have the discernment in this matter
28 to take that step that would have been wise to take.

29
30 Q. There was clearly an element of concern for you to
31 have taken the step with Gary Boyle rather than just
32 accepting what the Bishop had told you?

33 A. Yes, when the Bishop told me that he'd been to
34 Gary Boyle, I thought that was an obvious line to pursue.
35 I may have even understood that the Bishop was suggesting
36 that I confirm with Gary Boyle the observation the Bishop
37 was making that he's made a great recovery, that he will be
38 welcome back in the diocese in 12 months time, and that he
39 had a few problems of arrogance, perhaps, at this stage,
40 but was no risk to children.

41
42 Q. Was it implicit in that discussion that the reason
43 that he would be welcomed back in 12 months was because all
44 the fuss would have died down?

45 A. I think so, yes.

46
47 Q. Was Parramatta, do you think, suggested as being one

1 of the diocese furthest from Armidale?
2 A. Oh, no, there could have been other dioceses, but it
3 was a city diocese.
4
5 Q. The expectation was that the talk in Moree, and
6 Armidale Diocese more generally, wouldn't have found its
7 way down to Parramatta?
8 A. That would, I suppose, be the assumption, yes.
9
10 Q. What did Gary Boyle tell you, do you remember?
11 A. I don't remember what he told me, beyond confirming
12 what the Bishop had said.
13
14 Q. Did you know the nature of the treatment that Mr Boyle
15 had provided to Farrell?
16 A. No, that was never disclosed to me.
17
18 Q. You said you had other dealings with Mr Boyle?
19 A. I did, yes.
20
21 Q. Was that in relation to priests seeking his assistance
22 for various psychological matters?
23 A. I think so, yes, as far as I recall. Yes, I had
24 contact with Gary Boyle on more than one occasion.
25
26 Q. Did you see his report?
27 A. When I received the Whitlam Report, there I found the
28 letter that Gary Boyle had written to Bishop Kennedy in
29 1988.
30
31 Q. Bishop Kennedy didn't give you a copy of that report?
32 A. No.
33
34 Q. Gary Boyle didn't refer you to the report?
35 A. No.
36
37 Q. Were there any documents that Bishop Kennedy did give
38 you about Farrell?
39 A. No documents at all, no.
40
41 Q. So all of his records as a priest would remain in
42 Armidale?
43 A. Yes.
44
45 Q. And any documents you either created or gathered
46 during his time with you would stay with you or go back to
47 Armidale?

1 A. No, they stayed with us, yes.
2
3 Q. Copies don't go back to Armidale?
4 A. I copied a few letters occasionally to Bishop Kennedy
5 to keep him up to date with what was happening, I think.
6
7 Q. So if one was to seek documents relevant to
8 Father Farrell, the Diocese of Armidale would be the first
9 place to go, because that's where he was ordained as a
10 priest, and you'd have to know that he had a period of time
11 at Parramatta in order to go there for the records as well?
12 A. Yes. Yes. Yes.
13
14 Q. You have made a statement to your lawyers, I think, or
15 your lawyers took a statement from you - this is tab 247C.
16 Do you see that statement?
17 A. Yes.
18
19 Q. That statement was signed on 14 January 2005?
20 A. Yes.
21
22 Q. Would you like to see the end of the statement,
23 Bishop?
24 A. Well, what does the - yes. In the year 2005 I was
25 asked by the lawyers, Makinson & d'Apice, lawyers for
26 Parramatta Diocese, to form a statement in relation to
27 civil action that was being taken out of time by a person
28 who had been offended by Father Farrell.
29
30 Q. Is "abused" the word you're looking for?
31 A. Yes, abused, had been abused by Father Farrell.
32
33 Q. So it was in the context of that litigation that you
34 prepared this statement?
35 A. That's right, yes.
36
37 Q. Presumably, from the statement, you were asked to set
38 out your dealings in respect of Father Farrell?
39 A. I think so, yes.
40
41 Q. Could we turn to the second page. You refer in
42 paragraph 6 to having written to Farrell on 10 November and
43 offered him a position as assistant priest at Kenthurst
44 Parish?
45 A. Yes.
46
47 Q. Did you place any restrictions or supervision or

1 anything of that nature in respect of Father Farrell?
2 A. Not beyond the general supervision that any parish
3 priest would have of an assistant had priest in his parish.
4 The parish priest is responsible for the ministry of the
5 church in the parish and, in a general way, the assistant
6 priest works under his supervision, but I didn't place any
7 particular restriction on Father Farrell in addition to
8 that, no.
9
10 Q. Perhaps I could show you tab 78A. This is a meeting
11 of the Consultors?
12 A. Yes.
13
14 Q. 25 October 1989?
15 A. Yes, that's right.
16
17 Q. You have seen this document recently, I take it?
18 A. I have, yes.
19
20 Q. Perhaps we could scroll down to page 3. There is a
21 reference at the top of the page to Father John Farrell?
22 A. Yes.
23
24 Q. And the reference is that you gave details of a letter
25 received from Father Farrell who was seeking a position in
26 the diocese for a time, and you felt an appointment for
27 12 months would be helpful. Various possibilities were
28 suggested, you commenting that there was obviously no
29 objection to "our", presumably the diocese's, endeavouring
30 to be of assistance?
31 A. That's right, yes.
32
33 Q. Did you tell your Consultors what Bishop Kennedy had
34 told you?
35 A. I did, yes.
36
37 Q. And what was the reaction?
38 A. Well, I took it that the reaction was much the same as
39 my reaction, but I may have misunderstood that. It did
40 emerge in time that some of the Consultors were rather
41 critical of my accepting Father Farrell, but at the time
42 I think they accepted what I had told them of the
43 assurances of Bishop Kennedy and the support of those
44 assurances from Gary Boyle.
45
46 Q. Did you ask any person who was working in the
47 Kenthurst Parish what view they had on accepting Farrell?

1 A. No, I didn't. That wouldn't be the normal way in
2 which a Catholic parish would operate.
3
4 Q. It is your say and you say where someone is going?
5 A. Yes, generally - the Bishop appoints a priest to a
6 parish and we don't have the consultative process that is
7 sometimes practised in other Christian churches.
8
9 Q. I'm sure you have been shown some of the transcripts
10 of interviews with Mr Whitlam in order to give evidence
11 today?
12 A. Yes, I have, yes.
13
14 Q. Perhaps I can show you one which is with Bishop Robert
15 McGuckin, which is tab 13 of the Whitlam bundle. I will
16 tender that whole bundle shortly, your Honour. That's up
17 on the screen. You can see the first page, Bishop. Can
18 you tell us who Bishop Robert McGuckin was?
19 A. "On behalf of the Catholic Diocese" --
20
21 Q. Perhaps if we can make it slightly larger for you?
22 A. "The Catholic Diocese of Parramatta".
23
24 Q. Would you like it to be --
25 A. Oh, that's the introduction to Mr Whitlam's report,
26 yes, I see.
27
28 Q. Yes, it is. Would you like a hard copy?
29 A. No, that's fine, I can read that now.
30
31 Q. We can make it larger if you prefer?
32 A. No, that's fine.
33
34 Q. Who was Bishop Robert McGuckin?
35 A. Robert McGuckin was a priest of the Diocese of
36 Parramatta who has now, for some years, been the Bishop of
37 Toowoomba.
38
39 Q. Sorry, the Bishop of?
40 A. The Bishop of Toowoomba, in Queensland
41
42 Q. At the time of the interview he was the Bishop of
43 Toowoomba, and at the time we're speaking of he was a
44 parish priest?
45 A. No, he was working in the Tribunal. He was a
46 qualified canon lawyer and he was working in the Tribunal,
47 the Marriage Tribunal of the Diocese Parramatta.

1
2 Q. As somebody working in the Tribunal, his status was as
3 a priest in the diocese?
4 A. Qualified especially in the area of canon law.
5
6 Q. So equivalent to a parish priest in terms of status?
7 A. Yes, certainly.
8
9 Q. Senior, more senior?
10 A. No, equivalent of a parish priest.
11
12 Q. You've no doubt read this interview recently?
13 A. I haven't read the interview with Robert McGuckin, no.
14
15 Q. Perhaps if we can --
16 A. I've only read the transcript of my own interview with
17 Mr Whitlam.
18
19 Q. You understand that he was interviewed in much the
20 same way that you were?
21 A. Yes.
22
23 Q. Coming over to page 12, on that page there's comment
24 about when the now Bishop came to Parramatta and the work
25 that he was doing, and then towards the bottom of that
26 page, at line 35?
27 A. Yes.
28
29 Q. He says there:
30
31 *Then later on, I became more specifically*
32 *just involved with Parramatta. So I was*
33 *running the tribunal office here in*
34 *Parramatta, which was in that building next*
35 *door there.*
36
37 Presumably, a location relevant to the interview. Then you
38 asked "whether I would have him work for me." Do you
39 remember that?
40 A. Would have who work for whom?
41
42 Q. Farrell work for McGuckin?
43 A. "... I would have him work for me." Yes, I don't
44 recall that, no. There were many - there were several
45 phases in this that I find hard to distinguish. There was
46 what I knew at the time of Father Farrell coming to the
47 diocese and over the course of his stay there, and then

1 I learned more through that investigation of Makinson &
2 d'Apice in the year 2005, and then I learned more still as
3 a result of the Whitlam Inquiry. So different phases - my
4 knowledge of this has either been filled in or recalled.
5 Now, I don't specifically remember that, but if
6 Bishop McGuckin says that, well, that must be true, that I
7 suggested he might work for him in the Tribunal.

8

9 Q. And then his response is over on the next page,
10 page 13, and Mr Whitlam said about Farrell:

11

12 *He wasn't a brilliant canon lawyer or*
13 *anything at this stage?*

14

15 And his response was:

16

17 *No, and I informed the bishop that I would*
18 *not have him anywhere near me.*

19

20 A. Right.

21

22 Q.

23 *People that we deal with in the tribunal,*
24 *many of them there may be victims of sexual*
25 *abuse within the family and I didn't think*
26 *he was an appropriate person to have there.*

27

28 Now do you have any recollection of that?

29 A. I don't, no, but I take it if that's what Bishop
30 McGuckin said, that must be true.

31

32 Q. From what we know of the events, Farrell wasn't
33 appointed to the Tribunal, but was appointed to a parish?

34

A. Mmm. Yes.

35

36 Q. So you weren't persuaded from now Bishop McGuckin's
37 view that Farrell should be nowhere near the diocese?

38

A. He doesn't say there that Father Farrell was himself
39 guilty of sexual abuse. He says only that some people
40 coming to the Tribunal would have such matters and he
41 didn't think Father Farrell, given his history, was a
42 suitable person to deal with them.

43

44 Q. He didn't have to say he was guilty or not, did he:
45 his views clearly expressed he didn't want the man anywhere
46 near him?

47

A. I don't think he expresses any view about

1 Father Farrell's guilt or not.

2

3 Q. But he didn't have to, Bishop?

4 A. No.

5

6 Q. What he was saying to you was, "I know his history,
7 like you do, in terms of there being a charge and a
8 dismissal, and I wouldn't have him anywhere near me."

9 A. I think it is important to understand that
10 Father Farrell does not have an engaging type of character.
11 He did not relate well to the priests and perhaps to a
12 number of other people around him over the course of his
13 history, so there could be a number of reasons why
14 Father McGuckin might say, "I didn't want to have him near
15 me".

16

17 Q. There may well be, but the fact that his next sentence
18 is in relation to victims of sexual abuse suggests strongly
19 that the charges that were against Farrell, notwithstanding
20 their dismissal, were the reason he didn't want him
21 anywhere near him?

22 A. That may have been in Father McGuckin's mind at the
23 time. I can't say.

24

25 Q. You don't now remember this discussion?

26 A. I don't remember this discussion, no. If that was in
27 his mind at the time, well, I don't recall him reporting
28 that to me.

29

30 Q. Accepting, as you do, that he said that, it didn't
31 change your course of action in terms of having Farrell in
32 the diocese?

33 A. No, no.

34

35 Q. Just coming down further to line 34, you'll see the
36 question at line 29 from Mr Whitlam is whether you
37 volunteered anything to Bishop McGuckin about the
38 particular circumstances of the case, and then
39 Bishop McGuckin says:

40

41 *Well, he then said to me he might appoint*
42 *him a chaplain to Marist Brothers at*
43 *Westmead, which brought a more violent*
44 *reaction from me - from my expression. And*
45 *Bishop Heather said, "I don't know why*
46 *I said that." So I think there was an*
47 *awareness that this guy needed to be*

1 *watched.*

2

3 Do you remember that?

4 A. I don't recall that, no.

5

6 Q. But again, you don't doubt that?

7 A. I suppose that's true, yes. I --

8

9 Q. Do you remember thinking whether you could put him at
10 a school?

11 A. No, no, I don't, no.

12

13 Q. Coming down further, Bishop McGuckin says that
14 Marist Brothers at Westmead was the boys' high school.
15 That would have been highly inappropriate --

16 A. Yes.

17

18 Q. -- wouldn't it?

19 A. I think I've said that in my view at this time,
20 Father Farrell was innocent. I had no reason to believe
21 otherwise.

22

23 Q. But even if you didn't believe otherwise, the fact
24 that there were charges against him, dismissed as they
25 were - why would you put him in a position at a boys'
26 school when you could have had alternatives that weren't as
27 risky?

28 A. As I say, I believed he was innocent at the time and
29 I had no reason for prejudice against his appointment to a
30 position like that, although, in the event, I didn't
31 appoint him there.

32

33 Q. When you say "prejudice against his appointment",
34 prejudice to whom?

35 A. I didn't accept him in the diocese on the view that,
36 "Here is a man likely to be guilty of sexual abuse, and
37 where am I going to place him?" I did not accept him in
38 that way to the diocese. I accepted him as a person who
39 was innocent, had not been proved guilty, against whom
40 there had been charges that had been dismissed and that,
41 therefore, I would hold nothing against him over that
42 regarding his prospects of appointment.

43

44 Q. Nevertheless, from a risk management point of view,
45 Bishop, for a manager of an organisation, such as you as
46 Bishop of the diocese, it would have been prudent, wouldn't
47 it, to think about the least risky situation to someone

1 with his background and put him somewhere where he didn't
2 have access or had less access to children than he would
3 be, for example, as a chaplain in a boys' school?
4 A. If I was accepting a person who was a risk, yes.
5
6 Q. You didn't think he was risk at all?
7 A. I didn't think he was a risk, I thought he was
8 innocent.
9
10 Q. Now you obviously have a different view?
11 A. I've got good evidence for another view now.
12
13 Q. When did that evidence come to your attention?
14 A. I think in the interviews with Makinson & d'Apice in
15 2005 I learned of the terrible events surrounding a victim
16 in Merrylands, a boy who had been abused, and the very
17 serious consequences that had resulted from it. I think
18 that was the first time I came to recognise that he was a
19 paedophile and an abuser.
20
21 Q. Just coming back to what Bishop McGuckin said, he
22 said - and he starts at, again, line 34 - he reports that
23 you said to him, "I don't know why I said that." That
24 seems to suggest that you knew of the inherent risk
25 involved in putting Farrell at a school?
26 A. Yes. Well, as I say, I don't recall saying that.
27 I don't know if there's any recorded record of my saying
28 that, but Bishop McGuckin seems to have remembered, in
29 2012, that I said that in 1989. I suppose he must have a
30 better memory than I have.
31
32 Q. Thank you. Coming over to page 18, do you see at the
33 top of this page there is reference to problems in relation
34 to his appointment at Kenthurst and Father Dixon's time,
35 which we'll come back to, and then further down the page at
36 line 31, this appears to be at a time when he was leaving
37 Kenthurst and ended up in Merrylands. Do you understand
38 that, Bishop?
39 A. Yes.
40
41 Q. By all means, read the exchange, if you wish to.
42 A. Yes. He had a feeling that Farrell shouldn't have
43 been here in the first place.
44
45 Q. That's right. And he said he would have said those
46 things to you - that is, that he should have left the
47 Parramatta Diocese - and he said, quite rightly, not that

1 you had to take any notice of what he said, because you
2 were the Bishop and he was a priest. That part is right,
3 isn't it?

4 A. But he personally didn't say it, I suppose.

5
6 Q. No. Well, there are a number of ways to read it:

7
8 *Well, I think he should have been relocated*
9 *out of the Parramatta Diocese,*
10 *personally ...*

11
12 That was his view:

13
14 *... and I would have said these things,*
15 *I believe, to [you], not that he had to*
16 *take any notice of what I had to say, but*
17 *I personally didn't - I had a feeling he*
18 *shouldn't have been here in the first*
19 *instance.*

20
21 A. He personally did not say that to me.

22
23 Q. Is that how you read it?

24 A. Yes.

25
26 Q. Does that mean that you have a positive recollection
27 that he didn't say this to you?

28 A. No, but I think that's what the sentence means.

29
30 Q. Can I suggest another version is, "But I personally
31 didn't" - that is, he didn't think he should have been in
32 the Parramatta Diocese?

33 A. That's what he says in the next instance, yes, in the
34 next sentence, yes.

35
36 Q. Do you remember the conversation?

37 A. Well, no, there wasn't a conversation. He says he
38 didn't say it to me.

39
40 THE CHAIR: Q. I think, Bishop, it's not the next
41 sentence. Do you see the person who has prepared the
42 transcription has just put a dash in there?

43 A. Yes.

44
45 Q. I think that's suggesting the thoughts are the same
46 but differently expressed, isn't it?

47 A. Yes. Well, I would read it as "I personally didn't

1 say it to him".

2

3 Q. But how do you then reconcile that with the dash and
4 the rest of the sentence?

5 A. He did have a feeling, and that was shared by others,
6 too, that he should not have been in our diocese. Now,
7 we're talking about 1990, at this stage, and certainly an
8 amount of feeling had generated against the presence of
9 Father Farrell in our diocese.

10

11 MS FURNESS: Q. And you knew of that --

12

13 THE CHAIR: Q. Isn't the "didn't" the same as the
14 "shouldn't"?

15 A. That's not how I would read it, your Honour.

16

17 THE CHAIR: Very well.

18

19 MS FURNESS: Q. And the feeling that had generated
20 against the presence of Farrell clearly came to your
21 attention?

22 A. It did, yes, at several Consultors meetings, as you
23 would have seen.

24

25 Q. And Bishop McGuckin, as he now is, was a Consultor at
26 the time?

27 A. I can't recall whether he was.

28

29 Q. If he had that view and if you were aware that there
30 was that view in the diocese, it is likely, isn't it, that
31 he conveyed that view to you - that is, that Farrell
32 shouldn't be in the diocese?

33 A. A number of people were critical of Father Farrell in
34 the diocese, but none of them at any stage presented to me
35 any positive evidence of any failure on his part that would
36 have warranted my action against him.

37

38 Q. Just going back, the number of people who were
39 critical of Father Farrell included how Bishop McGuckin?

40 A. Yes.

41

42 Q. And it is likely, isn't it, that Bishop McGuckin told
43 you that he was critical of Farrell being in the diocese?

44 A. I don't know whether he told me or not.

45

46 Q. A number of people told you. Do you accept that he
47 could have been among them?

1 A. He could have been, yes.
2
3 Q. You say that no-one brought any proof to you or
4 positive evidence of failure on the part of Farrell. Is
5 that what you would have required before you took notice of
6 the concerns expressed to you?
7 A. I would have looked for a complaint with some
8 evidence, yes. Yes, I would have looked for a complaint
9 with some evidence.
10
11 Q. Some evidence being of what nature?
12 A. Well, if the - it would depend on what the complaint
13 was, but if it were a serious matter regarding children,
14 I certainly would have taken notice of it and sought what
15 evidence there was, but there was never any complaint of
16 that sort made to me.
17
18 Q. "Sought what evidence there was". So if there was a
19 complaint, you would have wanted it investigated before you
20 did anything in relation to Farrell; is that how I am to
21 understand your evidence?
22 A. I certainly would have investigated it, yes, depending
23 on the nature of the complaint. Of course, if it had been
24 a complaint about sexual assault of a child, I would have
25 had to stand him down immediately while the investigation
26 took place.
27
28 Q. Father Chris Dixon, who was referred to earlier, at
29 this time - that is, 1989-1990 - he was a parish priest?
30 A. Yes, at Kenthurst.
31
32 Q. At Kenthurst. Was he a consultor as well?
33 A. He wasn't a consultor, no.
34
35 Q. You, I take it, had discussions or a discussion with
36 him about placing Farrell in his parish?
37 A. I did, yes. I asked would he welcome having an
38 assistant priest.
39
40 Q. Did you tell him what you knew about Farrell?
41 A. I told him he had had problems in Armidale and that
42 the Bishop had asked me to take him for a short period of
43 experience with us until he returned to his own diocese.
44 I don't think I mentioned the nature of the problems in
45 Armidale.
46
47 Q. Why not?

1 A. I thought a man was entitled to his good name.
2
3 Q. He no longer had a good name, did he, being charged?
4 A. And the charges dismissed, yes, I thought his name
5 should have been intact, yes.
6
7 Q. So his good name should have been restored on the
8 dismissal, that was your view?
9 A. My view was that he was entitled to his good name,
10 yes.
11
12 Q. Given that Father Dixon was, effectively, to be
13 supervisor, in a general sense, of Assistant Priest
14 Farrell, wouldn't it have been sensible, even prudent, so
15 that he knew the past that this man was coming with?
16 A. We know a lot more about these matters now, but in
17 1989 he was a priest who was innocent of such matters,
18 coming to our diocese, whose name I felt a duty to respect,
19 whose reputation I felt a duty to respect, and I did not
20 see that I should warn Father Dixon in any special way
21 about a risk that he posed, because I didn't see him as
22 posing a risk.
23
24 Q. Did you turn your mind, at least in your own mind, to
25 thinking about the risks and thinking about how they might
26 be minimised, because there clearly was a risk, wasn't
27 there?
28 A. Of an innocent person coming to the diocese to work?
29 I didn't see a risk, no, but I had my eye and ear open,
30 myself, yes.
31
32 Q. It would have been easier for Father Dixon to have his
33 eye and ear open, given he was closer to the ground, as it
34 were?
35 A. Yes, it becomes a bit difficult to accept a person
36 into the diocese and then start to tell the first place
37 where he works that the pastor should have special
38 surveillance over him because of the risk he posed.
39 I didn't think that was tenable.
40
41 Q. Bishop Hanna had no difficulty doing that some years
42 earlier?
43 A. That's right, yes, I noticed that this morning in the
44 evidence I heard.
45
46 Q. So the period of time - that is, the late 1980s -
47 doesn't preclude one from having knowledge of risk in

1 relation to men like Farrell and doing something protective
2 about it, does it?

3 A. I noticed that the precautions taken by Bishop Hanna,
4 very wisely, were before charges had been laid and in the
5 knowledge of events at Moree. I didn't have that knowledge
6 of events at Moree.

7

8 Q. No, you didn't, you had knowledge of the charge, of
9 which you assumed he was innocent because of the
10 proceedings?

11 A. Yes, that's right.

12

13 Q. Nevertheless, an approach to risk was clearly one you
14 had in mind by the discussion you've accepted with now
15 Bishop McGuckin that, of course, you don't know why you
16 said that, it would be completely inappropriate for him to
17 be put at the Marist Brothers boys' school?

18 A. Yes, I don't recall that, no.

19

20 Q. Coming to Father Dixon's interview with Mr Whitlam,
21 which is at tab 16 - have you read this before?

22 A. I haven't, no.

23

24 Q. You can see that's an interview with Father Dixon?

25 A. Yes.

26

27 Q. Could we go over to page 5 and could we scroll down,
28 starting at line 21, if we can scroll a bit further. This
29 is Father Dixon's answer to a question in relation to his
30 recollection of what you told him about Farrell's
31 background before he came to Kenthurst.

32 A. Yes.

33

34 Q. He says:

35

36 *When Bishop Heather approached me about*
37 *appointing John Farrell, he asked me if*
38 *I would like an assistant priest and*
39 *I said, "Sure." I had had another man*
40 *previously for a short term. So when he*
41 *asked me if I wanted an assistant priest*
42 *and I said, "Yes, most definitely", he then*
43 *mentioned the name John Farrell to me, from*
44 *Armidale diocese ... He didn't say anything*
45 *other than that, but I remember saying to*
46 *him quite clearly, "Is there anything*
47 *I should know?"*

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47

Stopping there, do you remember that discussion with Father Dixon?

A. I remember discussing with him the projected appointment of John Farrell, yes.

Q. Do you recall the question, "Is there anything I should know?"?

A. I think I can, yes, that has brought it back to mind with me. That was a reasonable question for him to ask and, as I say, I think the reply I gave was that there had been some problems in Armidale.

Q. As he sets it out, your response was:

"No, no, no. He is coming here for respite. He has had a bit of trouble up in Tamworth, in Armidale, and he is just coming here for respite for about a year."

Does that fit with your recollection of the sort of thing you would have said?

A. That's likely what I would have said, yes.

Q. That's positively misleading, isn't it, Bishop?

A. I beg your pardon?

Q. That's positively misleading of your priest to say what you said?

A. I wouldn't have said it was misleading, no. I think what I said was correct and it respected the right of Father Farrell to his reputation.

Q. Did you consider the children of Kenthurst and what risk you may have been placing them at by not telling the main person who could have kept an eye out on him what you knew?

A. Well, if I had considered him a person of risk that would be true, and indeed had I seen him as a person of risk, I wouldn't have accepted him as a priest to work in the Parramatta Diocese, but I didn't see him as a person of risk.

Q. You should have, looking back now, shouldn't you?

A. What we've come to know of Father Farrell since then, of course, is quite compelling and in many ways disgusting.

1 Q. Leaving aside what you know about him now, putting
2 yourself in that position with the information that you had
3 then, not now, you should have thought of him as a risk,
4 shouldn't you?

5 A. I should have taken far more care about accepting him
6 into the Parramatta Diocese in the first place. I should
7 have, in greater wisdom, made further inquiries and not
8 been satisfied with the assurance on the three scores that
9 I mentioned to you, but I recognise that now, I did not
10 recognise it then.

11
12 THE CHAIR: Q. What is being put to you, Bishop, is that
13 you confined your consideration to the question of the
14 reputation of the priest and didn't consider whether or not
15 the priest was, having regard to what you had been told, a
16 suitable person for the diocese, notwithstanding his
17 reputation; do you understand?

18 A. Thank you very much, your Honour, for that
19 clarification. That makes the question much clearer. My
20 answer to it would be that when appointing a priest to any
21 parish, consideration is given to the wellbeing of everyone
22 concerned, the married couples, the children, the youth,
23 the elderly folk, everyone in the parish; so in appointing
24 Father Farrell to Kenthurst, I did take into consideration
25 the general wellbeing of the Catholic community in that
26 parish.

27
28 Q. What's being put to you is that you didn't get the
29 balance right; you placed too much emphasis on the fact
30 that his reputation was not ultimately damaged?

31 A. Yes. Well, that's a judgment --

32

33 Q. That is what is being put to you.

34 A. Yes. That's a judgment I have to leave to the
35 Commission, your Honour.

36

37 Q. Very well. You don't want to say anything about it?

38 A. (No response)

39

40 Q. You don't want to say anything about what judgment we
41 should make?

42 A. I don't, no.

43

44 MS FURNESS: Q. Staying with Father Dixon's interview,
45 if we could turn over to page 6, he says, at the top of
46 that page, that if it was a sexual abuse thing that he was
47 getting away from or respite from, it didn't occur to him

1 at all; so that's his response to what was said.

2 A. Yes.

3

4 Q. It's hardly surprising given what you'd said to him,
5 is it?

6 A. No. No.

7

8 Q. And then Mr Whitlam tells him about the charging and
9 the dismissal. He, Father Dixon, said he wasn't aware of
10 that and he was asked:

11

12 *Not even amongst scuttlebutt amongst*
13 *priests?*

14

15 He answers:

16

17 *No. Some months later, I did begin to hear*
18 *that there were voices saying, "What's he*
19 *here for? Why is he here? There has been*
20 *some trouble and there was a court case in*
21 *Armidale, somewhere in the diocese."*
22 *I certainly did hear about those stories.*

23

24 That seems to suggest, doesn't it, that there was talk in
25 the diocese about Farrell and what had happened in
26 Armidale. Did that talk come to your attention?

27 A. It did, eventually, yes, not initially, when he first
28 came, but as Father Dixon says there, in the course of
29 time, he says some months later, that talk started to
30 circulate, yes, among the priests of our diocese.

31

32 Q. How did you deal with that talk among your priests?

33 A. Well, it came to me principally in the consultors'
34 meeting and I repeated, I think, at the consultors' meeting
35 what I'd said initially in introducing the case of
36 Father Farrell, that is, that the charges against him had
37 been dismissed and that I accepted him on the
38 recommendation of the Bishop and with the confirmation of
39 the psychologist.

40

41 Q. In relation to your dealings with your Consultors, the
42 reputation of Farrell was not in the balance more important
43 than taking them into your confidence?

44 A. No, with the Consultors I told them, frankly, what I'd
45 said in the first place, yes.

46

47 Q. Perhaps we could have tab 80 on the screen. This is a

1 meeting of 22 November 1989 and there's a reference to
2 Farrell on page 2. That is a reference to the appointment
3 of Farrell and in the previous Consultors' minutes there
4 had been reference to him having approached you for an
5 appointment?
6 A. Yes.
7
8 Q. "As a result of discussions" - I take it there was
9 discussion about his past and the reason that he was coming
10 to your diocese and the reason you had agreed to him
11 coming?
12 A. "As a result of discussions, Bishop Bede", "said",
13 I suppose, "that Fr. John Farrell has now been appointed
14 for one year" - yes. "As a result of discussions" -
15 I suppose that refers to the discussions I had with
16 Father Dixon.
17
18 Q. Is that what you understand that to be?
19 A. I think so, yes.
20
21 Q. The discussions that Father Dixon was taking him on as
22 assistant priest knowing only that he had a bit of trouble
23 in Armidale?
24 A. Yes. Yes.
25
26 Q. Why would you tell the Consultors that?
27 A. Well, I'm simply informing them there, I believe, that
28 there were discussions prior to the appointment. I think
29 that refers to the discussion with Father Dixon.
30
31 Q. Discussions outside of the Consultors, is that how you
32 read that?
33 A. Yes, that's right, yes.
34
35 Q. That might include your discussions with
36 Bishop McGuckin too?
37 A. Yes. I don't know whether it referred to that at all;
38 I don't know.
39
40 Q. You were interviewed by Mr Whitlam as well?
41 A. Yes.
42
43 Q. That's tab 12. Could we have that brought up? Did
44 you seek any legal advice before attending the interview?
45 A. I did, yes. Yes, the interview was attended, you'll
46 notice there, by a Mr Hamwood from Thomson Lawyers.
47

1 Q. The reference to "Also Present: Mr Mark Hamwood" is a
2 reference to your lawyer being present?
3 A. Yes. Yes.
4
5 Q. Did you seek to have him present because you were
6 concerned at what might transpire?
7 A. Yes, I thought, as a legal process, it merited my
8 having legal advice on the proceedings.
9
10 Q. At this stage, in October 2012, you were retired?
11 A. Yes.
12
13 Q. It was the then current Bishop of Parramatta who
14 jointly was responsible for commissioning the inquiry?
15 A. That's right, yes.
16
17 Q. Did you discuss it with him before he was involved in
18 commissioning the inquiry?
19 A. I didn't, no.
20
21 Q. No?
22 A. No. I think the Four Corners program may have
23 prompted Bishop Anthony Fisher and Bishop Michael Kennedy
24 to set up the inquiry.
25
26 Q. After the inquiry was set up, did you speak to the
27 then Bishop of Parramatta about it?
28 A. I didn't, no. I was advised, however, that I would be
29 requested or required to give evidence at the inquiry and
30 I agreed to do so and then sought legal advice from Mr Mark
31 Hamwood.
32
33 Q. Did you understand that you had to give evidence by
34 virtue of your position in the church or that you had a
35 choice?
36 A. I forget now, but I had no doubt that I should give
37 evidence because if it was serving the mission of the
38 church, as I presume this Commission is, well, then, I had
39 a duty to cooperate in that process. Whether it was a
40 request or a requirement, it didn't matter to me. I saw
41 myself as bound to that.
42
43 Q. Thank you. Just turning if I can, to page 17 of your
44 interview, coming down to line 21, you're referring there
45 to having no recollection of speaking to Father Dixon.
46 Now, that's by reference to the transcript I've just taken
47 you to.

1 A. Yes.

2

3 Q. And I think you accept that what Father Dixon said was
4 pretty much what you had said to him?

5 A. Yes.

6

7 Q. There is a question at 34, or a comment at 34, that
8 you were telling the Consultors in the middle of 1990, this
9 is while he was still at Kenthurst - it is put to you that
10 that would suggest, if you were telling them that he was
11 seeing Gary Boyle, that the purport of the allegations was
12 sexual misconduct. Do you see that? That was what was put
13 to you?

14 A. Yes.

15

16 Q. And earlier, you had agreed that you had told the
17 Consultors that he had been to Boyle and it was suggested
18 that that suggested that the fact that the allegations were
19 of sexual misconduct was known among the priests at that
20 time, that is, mid-1990?

21 A. I think that's very likely. Yes, as I said to
22 Mr Whitlam there, I think that's very likely.

23

24 Q. And you then go on to say that, "There is a very
25 efficient network among clergy"?

26 A. Yes.

27

28 Q. And that you say that "no sooner have appeared in
29 Parramatta then everyone would have known the story from
30 Armidale"; is that right?

31 A. They would have known, I think, some of the story.
32 They would have known the story of the charges made and
33 their dismissal. I don't think they would have known a lot
34 of other things that I only learned myself in the
35 Whitlam Report.

36

37 Q. Why didn't you tell Father Chris Dixon, then, about
38 the charges?

39 A. I didn't think that it was necessary for him to know
40 about the charges. Eventually, he did come to know,
41 of course, as many other priests in the diocese did, so
42 I suppose it may have been reasonable to tell him, but
43 I didn't - I didn't believe at that stage that I needed to
44 tell him and I did have respect for the good name of
45 Father Farrell.

46

47 Q. It seems that there was a very efficient network in

1 Parramatta where people did know?
2 A. Yes.
3
4 Q. People in the church did know?
5 A. People hear - priests have friends, classmates, even
6 from the seminary, in one diocese or another, and so of
7 course information spreads.
8
9 Q. And priests gossip, don't they?
10 A. They do, yes.
11
12 MS FURNESS: Thank you. Is that a convenient time,
13 your Honour?
14
15 THE CHAIR: Yes, very well. Ten o'clock in the morning?
16
17 MS FURNESS: Thank you, your Honour.
18
19 THE CHAIR: How are we doing for time? What is the
20 program?
21
22 MS FURNESS: Tomorrow I expect that the evidence of
23 Bishop Heather and Bishop Matthys will be completed.
24 I understand that there are commitments in the
25 Royal Commission on Friday and I'd propose to, on Monday,
26 proceed with Father Lucas, followed immediately by
27 Father Usher.
28
29 THE CHAIR: And not sit on Friday?
30
31 MS FURNESS: And not sit on this Friday.
32
33 THE CHAIR: Yes. Very well, we will adjourn until
34 10 o'clock in the morning.
35
36 **AT 4.00PM THE COMMISSION WAS ADJOURNED TO**
37 **THURSDAY, 15 SEPTEMBER 2016 AT 10AM**
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