

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

**Public Hearing - Case Study 44
(Day 214)**

Level 17, Governor Macquarie Tower
1 Farrer Place, Sydney

On Thursday, 22 September 2016 at 10am

Before:

The Chair: Justice Peter McClellan AM
Commissioner: Justice Jennifer Ann Coate

Counsel Assisting: Ms Gail Furness SC

1 <JOHN JOSEPH USHER, on former oath:

[10am]

2
3 <EXAMINATION BY MS FURNESS CONTINUING:
4

5 MS FURNESS: Q. Father Usher, there are just a couple of
6 matters I want to take you to in one of your statements.
7 Unless you need me to, I won't put it up on the screen.

8 A. Sure.
9

10 Q. The first is paragraph 56. You noted that
11 Father Peters' letter was dated 11 September, some eight
12 days after the meeting and the day after your telephone
13 conversation with Bishop Manning. Do you generally recall
14 that?

15 A. Could I just - can I see it?
16

17 Q. Certainly. We can have it up on the screen.

18 A. No, if you just tell me the tab?
19

20 Q. Tab 320, and it is paragraph 56. Perhaps we should
21 have it up on the screen as well.

22 A. No, you're right.

23 Q. Do you have it?

24 A. Yes.
25

26 Q. Do you see that you note that the letter was dated
27 11 September, some eight days after the meeting and the day
28 after your telephone conversation. Are you suggesting
29 there that because the letter was some eight days later,
30 that makes it less reliable than otherwise?

31 A. No, no. What would have been in my mind when I made
32 that statement was that this was not a verbatim report on
33 the meeting, you know?
34

35 Q. Well, it didn't say it was.

36 A. No, it didn't say it was, but eight days later it's
37 probably difficult to remember everything; that's all.
38

39 Q. What about 20 years later, Father?

40 A. Of course it is difficult to remember all the details
41 20 years later.
42

43 Q. And eight days later is far more reliable than
44 20 years, isn't it?

45 A. Sometimes.
46

47 Q. Sometimes?

1 A. Not always. Not always. Probably in theory it's - it
2 is.
3
4 Q. In theory, but you say not in this case?
5 A. Well, it depends what you're trying to remember. If
6 you're trying to remember, you know, specific details, yes,
7 of course, a more recent memory is much more reliable. Big
8 issues you don't forget.
9
10 Q. In the next paragraph you make the comment that the
11 letter was written on the letterhead of the Tribunal and
12 signed by Wayne Peters as Judicial Vicar. That was his
13 position, wasn't it, Judicial Vicar?
14 A. It was.
15
16 Q. And that was the letterhead that was available to him?
17 A. That's correct.
18
19 Q. He was sent as a representative of the Bishop?
20 A. That's correct.
21
22 Q. And he was sent as a representative of the Bishop
23 relevant to his position within the diocese?
24 A. That's correct, yes.
25
26 Q. So there's nothing remarkable about him having written
27 it on that letterhead, is there?
28 A. Not really. He later became the Vicar General, but he
29 was still writing on the Tribunal letterhead, but
30 I wouldn't like to make a big issue of that, no.
31
32 Q. The three of you met on a second occasion; is that
33 right?
34 A. Yes.
35
36 Q. That was on 24 September; is that right?
37 A. Yes.
38
39 Q. You were all present at that meeting, I think, weren't
40 you?
41 A. Yes. Could I just say --
42
43 Q. Certainly.
44 A. -- in studying my diary, there was a second meeting,
45 and my diary indicates that I was absent.
46
47 Q. That's 12 October I think you're referring to?

1 A. I think so, yes.
2
3 Q. Can I ask you to assume that Farrell didn't turn up.
4 A. I can assume that. If I wasn't there I wouldn't know
5 that, yes.
6
7 Q. That hasn't come to your attention more recently, that
8 Farrell didn't turn up to the 12 October meeting?
9 A. Yes, I read that in a document somewhere.
10
11 Q. You don't doubt, do you, that there was no meeting on
12 12 October, without you?
13 A. No, I don't - I presume a meeting took place, but
14 Farrell didn't arrive or something.
15
16 Q. So you're assuming a meeting took place without
17 Farrell but with who?
18 A. I presume Brian and Wayne were there. Look, I'm
19 sorry, I don't know, I wasn't there.
20
21 Q. So you're not suggesting that there was a meeting at
22 which you weren't present and something relevant to these
23 events took place?
24 A. No, I'm not suggesting that at all.
25
26 Q. There were two reports back to Bishop Manning, one
27 from Father Peters and one from Father Lucas?
28 A. Yes.
29
30 Q. Perhaps we could turn to Father Lucas's, first, which
31 is behind tab 167. That's dated 25 September. Do you have
32 that?
33 A. Yes. No. 167, I'm sorry. I'm right now.
34
35 Q. His letter refers to a document which was attached and
36 indicates that the basis for the discussion with
37 Father Farrell, as he then was, was the points of
38 discussion?
39 A. Yes.
40
41 Q. If you turn over the page and if we have the next
42 document on the screen, do you see they are the points for
43 discussion?
44 A. That's correct.
45
46 Q. That was discussed at the second meeting, the
47 24 September meeting?

1 A. That's correct.
2
3 Q. Do you see that the first paragraph indicates:
4
5 *For the reasons previously explained and*
6 *taking into account all the circumstances*
7 *there is no possibility of an appointment*
8 *at this stage.*
9
10 A. Yes.
11
12 Q. That was fairly emphatic, wasn't it?
13 A. It is emphatic.
14
15 Q. It was certainly your view, by the second meeting,
16 that he shouldn't get another appointment?
17 A. At this stage.
18
19 Q. So you thought there was still a prospect?
20 A. Because I didn't know about any crime at that stage,
21 but that's - you know, that's my position.
22
23 Q. I thought your view in 1990 was that he shouldn't ever
24 get a position?
25 A. No. After - not be considered until after he went
26 into therapy, you might recall.
27
28 Q. And your view, from the first meeting, was that he was
29 much worse - from the first meeting in September. Your
30 view from the September meeting was that he was much worse
31 than in the 1990 meeting?
32 A. Yes, more - more full of himself; more saying "I'm
33 right and everyone else is wrong" and all that sort of
34 strange behaviour.
35
36 Q. Thank you. If we can then just go further down, do
37 you see there are seven steps recommended under paragraph
38 5?
39 A. Yes, 5.1 to 5.7.
40
41 Q. That's all your recollection of what was discussed at
42 that meeting?
43 A. That's correct.
44
45 Q. It is the case, from your recollection, that Farrell
46 responded to some, perhaps not all, of them with his
47 position?

1 A. That's correct.
2
3 Q. Coming back to the letter, which is the document which
4 is on the reverse side of that?
5 A. Yes, Father Lucas's letter.
6
7 Q. Did you see this letter before it went?
8 A. No, I don't think I did.
9
10 Q. You've had a chance to read it recently?
11 A. Yes.
12
13 Q. You accept what Father Lucas said as a reasonable
14 summation of the meeting?
15 A. Yes. I think - I think so, yes.
16
17 Q. Thank you.
18 A. I don't have any major dispute, except when Brian says
19 "John" - John Farrell - "has indicated that he is 'not
20 adverse'", well, there were a lot of reservations in
21 Farrell's head, but, you know, generally he was prepared to
22 think about it and go along with it.
23
24 Q. That's in quotation marks, isn't it?
25 A. It is. I'm sorry, I'm probably being pedantic, that's
26 all, sorry.
27
28 Q. But he was not averse to various matters; perhaps not
29 every matter?
30 A. Sure. That's exactly what I'm trying to say, I'm
31 sorry.
32
33 Q. Just turning to tab 171, this is Father Peters'
34 account of that meeting?
35 A. Yes.
36
37 Q. Do you see it is on Tribunal letterhead?
38 A. Yes.
39
40 Q. And signed as Judicial Vicar?
41 A. Yes.
42
43 Q. There are no inferences that should be drawn from that
44 with respect to the reliability of that?
45 A. No, not at all.
46
47 Q. Just going down that letter, do you accept that the

1 first paragraph was an accurate account of what was
2 happening?
3 A. Yes.
4
5 Q. As is the second paragraph?
6 A. Yes, that's correct.
7
8 Q. And you accept that Father Lucas took the discussion
9 through the various points that I've taken you to already?
10 A. Well, that is true, except that was not - it reads as
11 if that's where we started the meeting. That was way later
12 in the meeting, in this two-hour meeting. That reads as if
13 this is where Brian started. He didn't start there.
14
15 Q. Where did he start?
16 A. Oh, we started by asking Farrell, "How are you?"
17 I was interested in asking how his therapy had gone with
18 Dr Blaszcynski, "What have you been doing?" - those sort of
19 questions. Very broad-ranging questions. But this was not
20 the opening gambit of that meeting, as I recall.
21
22 Q. No, but the point of the meeting was to go through
23 those various points, wasn't it?
24 A. Are you talking about the first meeting or the second
25 meeting?
26
27 Q. This is the second meeting we're referring to.
28 A. Oh, the second meeting, yes, I'm sorry. I'm sorry,
29 I was confused.
30
31 Q. Were you talking, then, about the first meeting?
32 A. I was, I'm sorry, yes.
33
34 Q. Let's leave that to one side and come back again to
35 this document. This was about the second meeting.
36 A. Yes, this was the point of the second meeting.
37
38 Q. And it is the case, isn't it, that the second meeting
39 went through each of those dot points I've already taken
40 you to?
41 A. You're correct; that's correct.
42
43 Q. That was the purpose of the meeting?
44 A. That's correct.
45
46 Q. And you accept that the account that is set out here
47 by Father Peters, albeit being a summary of a meeting that

1 took some hours - two and a half hours, is --
2 A. Are you talking about the second meeting?
3
4 Q. Yes. We're only talking about the second meeting.
5 A. That didn't take two hours.
6
7 Q. If you look at the beginning of the letter, the second
8 paragraph says that it began at 7.30pm. Do you see that?
9 A. I see that.
10
11 Q. And the last paragraph says it closed at 10pm?
12 A. I think there's a little bit of confusion. I mean,
13 that's the time frame of the first meeting, not - it's not
14 my recollection that that's the time frame of the second
15 meeting, but I'm prepared to accept this letter may be
16 correct, but that's not my recollection.
17
18 Q. You will see at the end of this letter there's
19 reference to the meeting adjourning for a break at about
20 9.30. That's on the last page?
21 A. Yes. Yes.
22
23 Q. So that makes it a somewhat shorter meeting, less than
24 two hours?
25 A. Yes, sure. Sure. I just think Wayne's a little bit
26 confused. I'm not saying it does anything to discredit
27 what he - some of the things he says here, but it is -
28 I think he's a little confused in his mind about the first
29 meeting and the second meeting.
30
31 Q. How long do you say the second meeting went for?
32 A. Certainly not for two hours.
33
34 Q. Less than two hours?
35 A. Yes, I think so, but does it matter?
36
37 Q. It matters to you, clearly, Father?
38 A. Well, it does, it matters to me - I'm just challenging
39 the fact that I don't think it was that long a meeting.
40
41 THE CHAIR: Q. Father you're giving us a recollection
42 24 years after the event, aren't you?
43 A. Yes, that's right, your Honour.
44
45 Q. This letter was written four days after the event?
46 A. That's correct.
47

1 Q. Do you think that the letter might be more accurate?
2 A. That is possible. I'm just - as you just said, and
3 rightly so, I'm - I'm trying to recollect what happened
4 24 years ago.
5
6 Q. That's hard for any of us, isn't it?
7 A. Absolutely right. I don't - I don't see why it's that
8 substantial; I'm just saying that that's not quite my
9 recollection, that's all. Does it - Ms Furness, does it
10 matter?
11
12 MS FURNESS: Q. You've raised it, Father?
13 A. I'm sorry.
14
15 Q. So it clearly matters to you.
16 A. Oh, okay.
17
18 Q. You're not suggesting that your different recollection
19 of the timing than Father Peters', some month after the
20 event, is more reliable, are you?
21 A. No, I'm not suggesting about that matter, no. There
22 are some other matters in his letter that I would
23 challenge.
24
25 Q. Coming back to the first page, he refers to there
26 having been little or no discussion on the first two
27 points; that's right, isn't it?
28 A. Yes. Yes, I think that's correct.
29
30 Q. And then in relation to the third point, which was the
31 application for laicisation, Farrell was effectively
32 opposed to that, wasn't he?
33 A. Yes.
34
35 Q. And no doubt he said it in emphatic terms?
36 A. What he was - again, this is my recollection, but I'm
37 much more certain about this than time frames. He was
38 concerned that if he was not a priest in the future, then
39 all of the talk and rumours about him would be vindicated.
40 People would say, "Oh, that's right. What we thought about
41 him, what we have been saying about him must be true,
42 because he has now been stood down." That seemed to be his
43 objection.
44
45 Q. That's a rational point of view, isn't it?
46 A. Yes, certainly, yes.
47

1 Q. Coming back to the letter, there is discussion in
2 relation to 5.2 in relation to the full-time secular
3 employment?
4 A. Yes.
5
6 Q. And that's similar to what you've just said - he was
7 concerned about the impression of being outside the
8 priesthood?
9 A. That's correct.
10
11 Q. Then if we continue over to the next page, he was not
12 happy with Dr Blaszcynski?
13 A. That's correct.
14
15 Q. For the first time it is spelt correctly?
16 A. Yes.
17
18 Q. You remember him telling you he wasn't happy with
19 Dr Blaszcynski?
20 A. In both meetings.
21
22 Q. Thank you. And then coming down --
23 A. Though, in fact, he was much stronger than what's
24 written here. You know, his dissatisfaction or complaints
25 about the doctor were much stronger than what's written
26 here.
27
28 Q. Coming down to the bottom of that page, do you see
29 that last paragraph where it says:
30
31 *It was hard to ascertain just what emotions*
32 *were going on in Father Farrell. He seemed*
33 *to act in a calm and business like manner*
34 *throughout.*
35
36 That's consistent with how he appeared in that second
37 meeting?
38 A. In the second meeting, yes.
39
40 Q. Very different, as you would say, from the first
41 meeting?
42 A. From the first meeting.
43
44 Q. So he'd had some sort of epiphany between the first
45 and second meetings, Father?
46 A. I don't think so. I think he was - he had calculated
47 that this is a meeting which he must present much more

1 rationally at.

2

3 Q. So it follows from that --

4 A. That's my - that was my estimation and still is my
5 assessment.

6

7 Q. So it follows from that, that he was equally
8 calculating in the first meeting, although with a different
9 result?

10 A. Yes.

11

12 Q. Coming over to the next page, at the top of the page:

13

14 *On a couple of occasions there were some*
15 *small indications that Father Farrell is*
16 *perhaps beginning to appreciate in some way*
17 *the very difficult position ... [he was*
18 *in].*

19

20 A. Yes.

21

22 Q. That was the impression you had as well?

23 A. I think so, yes.

24

25 THE CHAIR: Q. I think all the word are, "in some way
26 the very difficult position his actions of the past" - do
27 you understand that?

28 A. I do understand that.

29

30 Q. That's talking about what he has done in the past,
31 isn't it?

32 A. Yes. But what actions are being referred to I don't
33 know.

34

35 Q. Well, that, perhaps, is the question.

36 A. It is.

37

38 Q. But nevertheless, you agree that he was concerned that
39 his actions had had consequences?

40 A. Yes, "actions", behaviour, whatever. I'm not going to
41 dispute it, your Honour.

42

43 MS FURNESS: Q. That sentence continues:

44

45 *... very difficult position his actions of*
46 *the past have placed him ...*

47

1 number one, and you've answered some questions in relation
2 to that, and the second was "those offended against". Do
3 you see that?
4

5 THE CHAIR: I think the second was "his Bishop", wasn't
6 it.
7

8 MS FURNESS: Q. Well, it says:
9

10 *... have placed him, his Bishop, those*
11 *offended against ...*
12

13 A. Could you just bring me to it?
14

15 Q. Certainly. This is the first sentence in the top
16 paragraph on the last page?

17 A. Yes - "beginning to appreciate in some way".
18

19 Q. We ought to start at the beginning, then:
20

21 *On a couple of occasions there were some*
22 *small indications that Father Farrell is*
23 *perhaps beginning to appreciate in some way*
24 *the very difficult position his actions of*
25 *the past have placed him, his Bishop,*
26 *those ...*
27

28 A. I'm sorry?
29

30 Q. Do you see there's a comma between --

31 A. I'm sorry:
32

33 *...beginning to appreciate in some ... way*
34 *the very difficult position his actions of*
35 *the past have placed him, his Bishop, those*
36 *offended against, the priesthood and the*
37 *church.*
38

39 Yes.
40

41 Q. So the difficult position was in respect of each of
42 those, did you understand that?

43 A. I understood that, yes.
44

45 Q. You were asked what "his actions" meant, and coming
46 down further in that sentence, it refers to "those offended
47 against".

1 A. Yes.
2
3 Q. Do you see that? So clearly, by the time of this
4 letter, there was a discussion about those offended
5 against; is that right?
6 A. Look, even way back then, my prime concern in any of
7 these matters was the victims of any abuse that took place,
8 so if anything had happened then victims should have been
9 our prime concern, not the - what's he say?
10
11 Q. "The priesthood and the church"?
12 A. Not the priesthood and the church or the Bishop, but
13 victims should be first. That was always my - I don't
14 know, but I suspect I might have pushed him a bit on that.
15
16 Q. So there is clearly reference to his victims in this
17 paragraph?
18 A. Yes. I mean, I would have pushed the fact that when
19 these things happen, the most important persons to think
20 about are victims.
21
22 Q. And that's --
23 A. That's how that would have got in there.
24
25 Q. So that's reflected in this paragraph, albeit at a
26 lower level than perhaps you would have put; you would have
27 put the victims perhaps before him and his Bishop?
28 A. I would have - look, as his Honour has been saying,
29 I'm recalling 25 years ago, but I do know, from other
30 things that I said and wrote back in those years, that when
31 we're considering the matter of sexual assault by a member
32 of an institution that we call the church, I used to keep
33 saying, "We've got to put the victims first." Now,
34 I probably gave a little speech like that at this meeting,
35 and that's what I presume, how that got into this
36 discussion.
37
38 Q. Because it was the case that what you were considering
39 in relation to Farrell was the matter of sexual assault by,
40 as he was, a member of the institution?
41 A. Anyone.
42
43 Q. But you said you would have said something like that,
44 a little speech like that, at this meeting, and you said a
45 speech like that - that is, the matter of sexual assault by
46 a member of an institution that we call the church -
47 because that applied to Farrell?

1 A. No, not because it applied to Farrell. Look, you're
2 right, your Honour, I'm trying to recall what would have
3 happened 25 years ago. I would have made a little - said a
4 little statement like that, not just for Farrell but for
5 the other two, because there was in those days, and there
6 still is in some places today, an inclination to handle
7 these matters as if we're looking after the church or the
8 institution, and of course that applies to other
9 professions too.

10
11 THE CHAIR: Q. I accept what you say, Father: you were
12 seeking to ensure that the others at the meeting,
13 Farrell --

14 A. And, your Honour, you're absolutely right: I'm
15 recalling this 25 years later. That's the sort of thing
16 I would have done.

17
18 Q. Yes, indeed, but even so, the assumption in that, as
19 counsel is putting to you, is that Farrell had offended and
20 there were victims?

21 A. I can't deny what you're saying.

22
23 Q. No.

24 A. Except that - except that my recollection - and
25 I agree with what you say, but my recollection, "If you had
26 offended, or if anyone had offended, this is what happens";
27 that's all I can say.

28
29 Q. What counsel is putting to you here is that
30 Father Peters has recorded what appears to be the state of
31 mind of Farrell at this meeting, and that is that he was
32 coming to appreciate, amongst other things, the impact that
33 his actions had had on those whom he had offended against?

34 A. I do understand that that's what Wayne is writing
35 there.

36
37 Q. And the assumption in that is that all of you
38 understood that Farrell was accepting he had offended
39 against some people?

40 A. Yes, I accept that that's an assumption, but I just
41 have a different recollection, and, your Honour, your
42 comment about a 25-year recollection is not as reliable as
43 a more contemporaneous one.

44
45 MS FURNESS: Q. And what is here is a more
46 contemporaneous one?

47 A. That's correct, yes.

1
2 Q. I think you made a note in your diary, after this
3 meeting; is that right?
4 A. I believe so.
5
6 Q. Would you have a look at tab 166, Father. Could that
7 go on the screen.
8 A. "A seven point plan was presented to John following
9 CSA re his laicisation."
10
11 Q. So that's 7.30pm on the 24th - that's when the meeting
12 started; isn't it?
13 A. Yes.
14
15 Q.
16 *Met with John Farrell, Brian Lucas & Wayne*
17 *Peters. A seven point plan was presented*
18 *to John following CSA re his laicisation.*
19
20 A. "Re his laicisation".
21
22 Q. "CSA" means child sexual assault; doesn't it?
23 A. It does, yes.
24
25 Q. And that was a short-form that you used frequently?
26 A. That's right, and even up until recent times I would
27 say, "I'm going to a CSA meeting." That didn't mean I was
28 going - had made an assumption that any crimes had been
29 committed; I just used to describe these meetings as "CSA
30 meetings".
31
32 Q. Because it was about sexual assault, wasn't it?
33 A. I beg your pardon?
34
35 Q. The meeting was about child sexual assault?
36 A. Look, that - yes, it was to determine whether child
37 sexual assault had occurred.
38
39 Q. Well, it wasn't about determining whether it had
40 occurred, was it? You couldn't determine whether it had
41 occurred, could you, Father, at the meeting?
42 A. No, of course not, but maybe he could have made some
43 admissions that gave us a strong indication that it had
44 occurred.
45
46 Q. He did, didn't he?
47 A. No, I don't believe so, that's my point.

1
2 Q. Now, I think you have given different versions as to
3 what this entry means. You've told us now that "CSA" means
4 child sexual assault; is that right?
5 A. Yes.
6
7 Q. And you've said to us that "child sexual assault" was
8 there because that's what you said in relation to these
9 meetings that you went to with priests and clergy?
10 A. Correct, yes.
11
12 Q. Because these meetings --
13 A. Oh - sorry.
14
15 Q. These meetings invariably were in relation to a priest
16 or Brother in circumstances where there was a knowledge or
17 belief that they had misconducted themselves sexually with
18 children, and the purpose of the meeting was to move them
19 out of the priesthood or order?
20 A. The purpose of the meeting might be to ascertain
21 whether it had occurred or not.
22
23 Q. You weren't investigators, Father?
24 A. No, but --
25
26 Q. Your job was to find out whether or not the man needed
27 treatment and to make that happen?
28 A. And could he return to ministry, yes.
29
30 Q. That's right, and could he return to mystery.
31 Father Lucas's job was to try to persuade him that it was
32 best for all if he resigned; is that right?
33 A. I'm not sure. If Brian said that, that's what he had
34 in mind.
35
36 Q. The seven-point plan was all designed to get him out,
37 wasn't it?
38 A. It was also designed to get him therapy.
39
40 Q. Certainly, but therapy and get him out?
41 A. Didn't it say that he would not be considered for a
42 re-appointment until a positive outcome of the therapy?
43
44 Q. The point of your note is that a seven-point plan was
45 provided or presented to John "following CSA re his
46 laicisation"?
47 A. Absolutely.

1
2 Q. It couldn't be clearer than that, could it?
3 A. No.
4
5 Q. That was the point of the meeting?
6 A. Could I just go back?
7
8 Q. Certainly.
9 A. This is, as I said I think yesterday, these little
10 notes are aides-memoire for me. They are not file notes
11 or, you know, anything more for me to try and remember what
12 was - what the meeting was about, that's all.
13
14 Q. And what this tells you the meeting was about was that
15 you presented a seven-point plan; it was about child sexual
16 assault; and it was heading towards his laicisation?
17 A. That's correct, except that there were many things in
18 the seven-point plan which I mention there, other than the
19 laicisation question.
20
21 Q. Certainly, but clearly, as an aide-memoire, the
22 laicisation was significant enough for you to put it in
23 there?
24 A. I'll accept that.
25
26 Q. "Following CSA" clearly means following there having
27 been a view that, in fact, he had committed child sexual
28 assault; is that right?
29 A. Well, I don't believe that. I think it means
30 following a CSA meeting, which was the previous meeting,
31 and that's all I can say, Ms Furness.
32
33 Q. Even though the word "meeting" doesn't appear there?
34 A. It doesn't appear.
35
36 Q. You told Mr Whitlam in relation to this entry that you
37 didn't know what it meant. Do you remember telling him
38 that?
39 A. I don't, but I did read the transcript.
40
41 Q. Perhaps we can have that up on the screen. It's at
42 tab 8.
43 A. In the Whitlam bundle?
44
45 Q. Yes. It's behind tab 8, Father.
46
47 THE CHAIR: Page?

1
2 MS FURNESS: Page 29, your Honour.
3
4 THE WITNESS: I'm sorry, am I looking at the Whitlam
5 bundle?
6
7 MS FURNESS: Q. We will help you, Father.
8 A. Tab 8? Right.
9
10 Q. Page 29.
11 A. Page 29. Thanks very much.
12
13 Q. Do you have that?
14 A. Yes.
15
16 Q. At the top of that page there's reference to
17 annexure 7 and you can assume, Father, that annexure 7 is
18 the note we've just been speaking about.
19 A. Yes.
20
21 Q. It is noted to you that you used the expression "CSA"
22 and it was put to you:
23
24 *Would that mean that he did admit to an*
25 *assault?*
26
27 Your response:
28
29 *Look, I can't answer that.*
30
31 Then Mr Whitlam says:
32
33 *It is conceivable with what you said*
34 *earlier that it would.*
35
36 Do you see that there?
37 A. Yes. Yes.
38
39 Q. You said you realised that. Yes?
40 A. Yes.
41
42 Q. And that's because you had earlier said to him what
43 your understanding was in relation to Wayne's first letter,
44 hadn't you?
45 A. Yes.
46
47 Q. Perhaps we can go back to that. It is on page 18. It

1 is at line 18 on page 18.

2 A. Yes.

3

4 Q. Your answer begins that you had:

5

6 *... met him before and we were talking to*

7 *a man who was quite crazy. He was*

8 *difficult to understand.*

9

10 A. Yes.

11

12 Q. You say:

13

14

15

16

17

18

[REDACTED] - and he
went on and on and on and on.

19

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A. [REDACTED]

Q. Then you go on:

Now, I can understand how Wayne might write something like this in the light of what Farrell said, but I don't recall him mentioning any names of people.

A. Yes

Q. Now, Father Peters didn't mention any names of people in his letter, did he?

A. No, I'm not talking about Wayne mentioning names of people; I'm talking about Farrell mentioning names of people.

Q. That's right, but there was nothing in Father Peters' letter --

A. Oh, no.

Q. -- that suggested that Farrell had mentioned names of people?

A. You're quite correct.

Q. And you say that you don't recall him mentioning any

1 places; is that right? But he did refer to Moree, didn't
2 he?

3 [REDACTED]
4 [REDACTED]

5
6 Q. So the place Moree was clearly mentioned?

7 A. I think so, yes.

8
9 Q. And "Moree" appears in Father Peters' first letter,
10 doesn't it?

11 A. Yes.

12
13 THE CHAIR: Q. Father, if you were going to a meeting to
14 talk to a priest about allegations of child sexual assault,
15 be it Farrell or be it anybody else --

16 A. Yes.

17
18 Q. -- why wouldn't you ask the priest what they'd done?

19 A. Well, you would. You would.

20
21 Q. You told Mr Whitlam that you didn't?

22 [REDACTED]

23
24 Q. Why didn't you ask him what he had done?

25 A. [REDACTED]
26 [REDACTED]
27 [REDACTED]

28
29 Q. [REDACTED]

30 [REDACTED]
31 [REDACTED]
32 [REDACTED]
33 [REDACTED]
34 [REDACTED]
35 [REDACTED]

36
37 Q. [REDACTED]

38 [REDACTED]
39 [REDACTED]
40 [REDACTED]
41 [REDACTED]
42 [REDACTED]

43
44 Q. No, I'm not sure I follow. You accept that there were
45 other rumours around about him?

46 A. Yes.

47

1 Q. Did you ask him whether any of those rumours were
2 true?
3 A. The only rumours that were around about him were
4 rumours that he told us about. I had no access to any
5 other information at the time.
6
7 Q. When you go and talk to a priest - not Father Farrell
8 but another priest - about allegations of child sexual
9 assault, do you ask them what they've done?
10 A. Look, in nearly every case I've ever dealt with over
11 those whole long years, I already knew what they've done
12 because the matter had already been reported to me or to
13 someone else by one of the most unfortunate victims of that
14 person or by the police. In this case, I hadn't - I wasn't
15 aware of any victims or any victims' whereabouts, and none
16 of them had spoken to me, and I thought they hadn't spoken
17 to Brian Lucas either.
18
19 Q. But in those other cases, do you ask the priest what
20 they have done?
21 A. By the time I speak to them I know what they've done.
22
23 Q. Don't you ask them, "Well, look it is said that you've
24 done this: did you do it?"
25 A. Oh, yes, yes.
26
27 Q. You ask them that question?
28 A. Yes, yes.
29
30 Q. Because you want to know what they've done, don't you?
31 A. I've got - you know, I can't ask those sorts of
32 questions if a police investigation is still --
33
34 Q. Leaving aside the police --
35 A. That's all right. As long as you appreciate that.
36
37 Q. Yes. Leave that to one side.
38 A. There are limits to what you can ask, sometimes.
39
40 Q. But you've had a victim come to you, you get the
41 priest, you sit the priest down to discuss child sexual
42 assault: do you ask the priest, "What have you done?"
43 A. Yes. May I give you an example?
44
45 Q. Mmm, but, firstly, do you ask them that question?
46 A. Yes. Yes.
47

1 Q. All right.

2 A. Do you want me to go on?

3

4 Q. Yes.

5 A. As recently as a couple of years ago, a priest -

6 I had - I had met with some victims, they had made some

7 allegations against a priest. We reported the matter to

8 the police but we called him in, myself and

9 Mr Michael Salmon, and we put the question to him, "This is

10 what these people said about you: is this true?" He said,

11 "Yes." I then told the police that this man has made an

12 admission to me. What I didn't know was that there were a

13 whole host of other victims out there, and the police found

14 that out. I was only dealing with one victim at the time.

15 That's just an example of how it worked and, look, I would

16 be the first to admit that the Catholic Church has not got

17 this right yet. That's all I can say.

18

19 MS FURNESS: Q. You continue on in the next part of your
20 answer - perhaps if we can scroll down to the next answer -
21 to say:

22

23 *You know, in a sense, Wayne's letter makes*
24 *a bit of sense ...*

25

26 but that, in your judgment, they weren't admissions; is
27 that right?

28 A. Yes.

29

30 Q. Coming back to page 29, you accepted with Mr Whitlam

31 that it was conceivable that your use of the expression

32 "CSA" in the context of your note meant that he did admit

33 to an assault - you accepted to him that that was

34 conceivable?

35 A. Yes, conceivable.

36

37 Q. If we can move further down, you were asked further
38 about that note and you say:

39

40 *It's just a very cryptic note.*

41

42 And if we can scroll further down, at line 42 you say:

43

44 *Look, I honestly don't recall what that*
45 *means.*

46

47 Now, there's no doubt what it meant, is there?

1 A. Not in my mind, no.
2
3 Q. Why didn't you tell Mr Whitlam that?
4 A. Well, we - I knew what it meant, that the term "CSA"
5 means child sexual assault. What I'm probably saying to
6 Mr Whitlam - Ms Furness, I can't say any more, I don't
7 think - I can't be more honest than that.
8
9 Q. More honest than saying nothing more?
10 A. I don't recall why I said that.
11
12 MR DUGGAN: I object at this stage. The witness really
13 has to be taken to that whole answer, because I'm not sure
14 it has been accurately put so far. There is a bit more to
15 that answer, and I don't want to say any more about it, but
16 in fairness it should be shown to the witness.
17
18 MS FURNESS: My friend can put the whole --
19
20 THE CHAIR: I don't think that's right, but as Ms Furness
21 says, can you ask questions if you wish to, later.
22
23 MR DUGGAN: Your Honour, it is not a matter --
24
25 THE CHAIR: I am going to allow the question.
26
27 MR DUGGAN: If it please the Commission.
28
29 MS FURNESS: Q. Can I just turn to what you said to the
30 police this year. I have taken you to that before. It's
31 at tab 333, Father. Have you got that? It is
32 paragraph 19, towards the end of the statement.
33 A. Yes.
34
35 Q. Do you have that?
36 A. Yes, I have it.
37
38 Q. That's in relation to the diary entry we have been
39 speaking of?
40 A. Yes.
41
42 Q. You note that:
43
44 *The note makes reference to Farrell's*
45 *laicisation because of child sexual assault*
46 *... offences.*
47

1 A. Right.

2

3 Q. So it is the case, isn't it, that at that meeting
4 there was reference to Farrell and his child sexual assault
5 offences and that that was leading to laicisation?

6 A. Is that said there somewhere, sorry?

7

8 Q. You can read what it says. It says, "The note makes
9 reference" --

10 A.

11

12 *The note makes reference to Farrell's*
13 *laicisation because of child sexual assault*
14 *... offences. In my mind I was referring*

15

16

17

18 Q.

19

20

21

22 Q.

23

24

25 Q. So what you're saying now is the reference to "CSA",
26 firstly, is a reference to a child sexual assault offence?

27 A.

28

29

30

31 Q.

32

33

34 A. That's correct.

35

36 Q. That's not something you told Mr Whitlam some four
37 years previously?

38 A. I appreciate that. I mean, I've got no explanation
39 for that, Ms Furness.

40

41 Q. For the fact that we've got three different accounts
42 as to what that file note means?

43 A. Yes, yes. I'm only human and I made some different
44 comments on it.

45

46 Q. And this, of course, is the most recent?

47

A. That's the most recent, yes.

1
2 Q. Now, there was a third meeting in relation to
3 Father Farrell, in November?
4 A. Yes.
5
6 Q. You were present at that meeting?
7 A. I understand I was, yes.
8
9 Q. In fact, you were all present, weren't you?
10 A. Yes.
11
12 Q. Perhaps if we can have tab 175.
13 A. Yes.
14
15 Q. You recognise that as a letter from Father Peters
16 again to Bishop Manning?
17 A. Yes.
18
19 Q. This is dated 25 November?
20 A. Yes.
21
22 Q. Did you see that letter either before it was sent or
23 soon after?
24 A. No.
25
26 Q. The first time you saw it was in relation to --
27 A. To this inquiry, yes.
28
29 Q. To this inquiry?
30 A. The Whitlam Inquiry, I meant.
31
32 Q. The first paragraph and the second paragraph, I take
33 it, are accurate as to what happened? Yes?
34 A. Reasonably accurate, not absolutely.
35
36 Q. Well --
37 A. That's true - Brian Lucas explained to John Farrell.
38
39 Q. No, no. I'm talking about the first two paragraphs,
40 not the numbered paragraphs?
41 A. I'm sorry. Oh, yes, yes.
42
43 Q. Thank you. You will see that he indicates that it is
44 an outline of what took place. He's not suggesting it is a
45 verbatim account, is he?
46 A. No, an outline.
47

1 Q. He says that the meeting finished at 9.40, so it was a
2 two-hour meeting?
3 A. That's what he says. I'm not going to dispute it.
4
5 Q. Thank you. This meeting followed the end of the
6 previous meeting where Farrell said he was going to go away
7 and think about things, including laicisation. So this
8 meeting was to hear back from him?
9 A. Yes.
10
11 Q. Is that right?
12 A. Including laicisation, but to think about many
13 things - all of the whole seven points, yes.
14
15 Q. Certainly. Now, in the first paragraph he said that
16 voluntary laicisation and the five-year plan, including the
17 voluntary return to secular living and therapy, was not
18 acceptable to him?
19 A. Not acceptable to?
20
21 Q. That's right?
22 A. To Mr Farrell?
23
24 Q. Yes. And you understood that was the tenor of the
25 meeting: he was rejecting what had been put to him at the
26 previous meeting?
27 A. Yes. He'd gone away and thought about it and had
28 said, "No, I'm not going to agree to any of that", or most
29 of it, anyway.
30
31 Q. Then there's reference to what Father Lucas explained
32 to him?
33 A. Yes.
34
35 Q. And then there's further reference to the harm to the
36 priesthood and the harm to John Farrell?
37 A. Yes.
38
39 Q. That was referenced in the previous letter as well?
40 A. Yes.
41
42 Q. And then:
43
44 *[Father] Lucas emphasised that there were*
45 *young men out there who could still come*
46 *forward and lay charges through civil*
47 *proceedings.*

1
2 Do you see that there?
3 A. Yes, I saw that, yes.
4
5 Q. Father Lucas said that at the meeting?
6 A. Look, I don't recall, but I read it there.
7
8 Q. Do you accept it as an accurate account by
9 Father Peters as to what Father Lucas said?
10 A. What Brian actually said at the meeting I don't know.
11 I would think he would have said - because I can recollect
12 the tenor of the meeting - he said, you know, "There could
13 be other men out there", not "there are other men out
14 there", or --
15
16 Q. Well, again --
17 A. I don't know.
18
19 Q. -- Father, you're speaking some 24 years after the
20 event --
21 A. You're absolutely right. I'm not disputing that.
22
23 Q. -- and this letter is days after the event.
24 A. I'm not disputing that, but having spoken to Brian,
25 you know, more recently, around the Four Corners matter,
26 and asked him very definitively, "Did you recall Farrell
27 making an admission?", he said, "No".
28
29 Q. And that, I think you've given evidence --
30 A. This is not consistent with that, if you follow what I
31 wrote.
32
33 Q. Let's just take that in pieces. Have you spoken to
34 Father Lucas before you've given evidence in these
35 proceedings?
36 A. No.
37
38 Q. The last time you spoke to him about these matters was
39 around Four Corners; is that right?
40 A. Well, I've spoken to him a number of times --
41
42 Q. About this --
43 A. About this matter? No. I have not gone through this
44 letter with him at all.
45
46 Q. You have given evidence earlier that the first
47 occasion or the first of one or two occasions you spoke to

1 Father Lucas, you've said he said to you no admissions were
2 made; is that right?
3 A. That's right.
4
5 Q. And then we went yesterday to other occasions where
6 what he had said differed from that; is that right?
7 A. Slightly, yes.
8
9 Q. As you understand the material that has been put to
10 you, Father Lucas gave more than one account as to what he
11 recall being said at the meeting?
12 A. Well, I think it's a bit strong to say more than one
13 account; from time to time he'd qualified no admissions.
14
15 Q. In relation to what's in paragraph 2, you accept that
16 this is Wayne Peters' honest account as to what he recalled
17 being said at the meeting a few days before the letter?
18 A. I'm not going to dispute that that's what he recalled.
19
20 THE CHAIR: Q. Father Usher, is this a summary of the
21 position - that you had this series of meetings and
22 ultimately actions were taken, all of that occurring in
23 1992. Then Four Corners turns up 20 years later and in
24 anticipation that Four Corners would allege that the three
25 of you, that is, Lucas, Usher and Peters, received
26 admissions from Farrell, you had to and did talk to each
27 other about what your response would be to that assertion;
28 is that the first step?
29 A. We did - I did - I don't know what the others talked
30 about. All I did was ring them both and say, "Do you
31 recall?", because all we knew at the moment - I'm sorry, at
32 that time --
33
34 Q. That's all right. You talked to each other about --
35 A. A very brief conversation.
36
37 Q. That may be. What you didn't realise and Father Lucas
38 didn't realise, and it would seem that Father Peters didn't
39 remember, was that there was actually a written record of
40 these meetings --
41 A. You're absolutely correct.
42
43 Q. -- made at the time the meetings occurred?
44 A. You're absolutely correct.
45
46 Q. All of you had put yourselves in the position where
47 you had publicly asserted, through the Archbishop or

1 through the Cardinal, that no admissions had been made;
2 correct?
3 A. That's correct. I would just say that's what
4 I honestly believe.
5
6 Q. I'll leave that to one side for the moment. You were
7 in the position where you had given information to the
8 Cardinal about your combined recollection, which was that
9 no admissions were made?
10 A. That's correct.
11
12 Q. And then, to your surprise, letters emerge recording a
13 contemporaneous record of what actually did occur?
14 A. That's correct.
15
16 Q. And your recollections are not consistent with those
17 letters?
18 A. That's correct.
19
20 Q. But you felt obliged to continue, did you, to assert
21 what you asserted?
22 A. No, no, I didn't feel obliged. That's what I honestly
23 believed, your Honour.
24
25 Q. You see, if you didn't continue to make that
26 assertion, the Cardinal would be seriously embarrassed,
27 wouldn't he?
28 A. That wasn't a particular concern of mine, but I didn't
29 just stick to my story simply because the Cardinal had said
30 something, that's not true; but what I can say is I only
31 stayed consistent to my story because, honestly, that's
32 what I believed.
33
34 Q. And is it right to assume that each of you have had
35 discussions with each other, or others, about whether or
36 not you might be criminally liable --
37 A. No.
38
39 Q. -- in the circumstance where admissions were made?
40 A. No, we didn't have those discussions.
41
42 Q. And you didn't go to the police?
43 A. No.
44
45 Q. You've never had a discussion with anyone about that
46 possibility?
47 A. I've had discussions with my - with lawyers.

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Q. Yes, about that possibility?
A. Yes, but not with Wayne Peters at the time, poor Wayne died, nor have I had discussions with Brian Lucas about that.

Q. But you've talked about it with your own lawyers?
A. Yes, when I became aware of it, yes. That's fair enough, isn't it?

Q. I am not suggesting otherwise, I just wanted to get the sequence of events correct.
A. Sure, sure, but that's much more recent - much more recently.

MS FURNESS: Q. It is also the case, Father, that if you didn't continue to make the assertion that no admissions were made, your reputation as a person who stood out, perhaps, from others in the church about going to the police would be affected?

A. No, no, I can't agree with that, with respect.

Q. Coming back to the letter, can I suggest that what is said in paragraph 2, attributed to Father Lucas, is consistent with what Father Peters said in his first letter. Do you accept that?

A. Yes, I accept that.

Q. Similarly, in relation to paragraph 3, where John Farrell indicated that he was fearful that if he was laicised or no longer seen to be a priest, the chance of the young men he had offended against bringing civil charges against him was greater than if he remained a priest, that is also consistent with the fact of admissions being referred to in the first letter, isn't it?

A. It is.

Q. And then continuing down, Farrell is recorded as having:

... indicated that he had heard that the reason the families of the victims did not bring charges back in 1984 was because they did not wish to publicly hurt the Church by prosecuting a priest.

Do you see that?

1 A. Mmm.
2
3 Q. That's consistent, isn't it, with him making
4 admissions at the first meeting in relation to what
5 happened in Moree in around 1984?
6 A. It reads that way, yes.
7
8 Q. Then you are set out as having explained that the hurt
9 to the victims in these situations was particularly painful
10 because of the breach of trust. That was a view you held
11 very firmly then, wasn't it?
12 A. Yes, I still do.
13
14 Q. And you still hold that firmly?
15 A. Yes.
16
17 Q. You are then recorded as saying you believed that
18 there was less chance of him being further prosecuted if he
19 was not a priest than if he continued to be seen in the
20 public forum as one. That was because of your view of the
21 view that victims would take, that they would be appalled
22 if he was still a priest and, therefore, more likely to
23 take action; is that right?
24 A. Yes. But could I say --
25
26 Q. Certainly.
27 A. -- when I read this recently, that's not the way I -
28 I did say something like that, but I would have been
29 talking generically. You know, I would have said something
30 like, you know, "When a priest has allegations or
31 accusations made against him, he is stood down, but he
32 remains a priest, and some priests go for laicisation", but
33 I would have said, "My experience is that if you remain a
34 priest, there is - you remain a priest. If you are
35 laicised there's no - it doesn't mean people are not going
36 to come forward if anyone needs to come forward, just
37 because you're now not a priest." Am I making sense?
38
39 Q. Yes, I understand.
40 A. Yes.
41
42 Q. Further down that same paragraph there's reference to
43 Father Lucas agreeing that no-one could give any guarantees
44 that the victims would not bring charges in the future -
45 similar to what you've been saying; is that right?
46 A. Yes. And I would have - I can say what my
47 recollection is, but I accept everything you're saying

1 here, that my recollection might be faulty, but I'm sure
2 Brian was speaking generically, too. In other words, he
3 would have been saying things like, you know, "No-one can
4 give a guarantee to anyone" - not just Farrell - "that
5 victims would not, if there are other victims out there,
6 bring charges". That's what I'm saying. I can't - I can't
7 speak for what Brian thought or recalls, but I would have
8 thought that's what he would have --

9

10 Q. But you accept that that could be read as being
11 consistent with the first letter --

12 A. Absolutely, I'm not denying that.

13

14 Q. -- by Father Peters? Coming down to paragraph 5,
15 there's reference to the options being offered. Again,
16 there's reference about halfway down to:

17

18 *The possibility that the young men who had*
19 *been offended against might have to be*
20 *contacted in a canonical process was*
21 *mentioned.*

22

23 Do you see that?

24 A. I see that.

25

26 Q. In order for that possibility to be able to be
27 realised, one would need to either know the names or have
28 access to information about the names; is that right?

29 A. Yes, I would agree.

30

31 Q. And that is entirely consistent with Father Peters'
32 first letter, isn't it?

33 A. Yes. I'm not quite sure what he meant by that,
34 remembering I didn't see this letter until some years
35 later.

36

37 Q. I understand that.

38 A. I'm not sure what Wayne meant - it doesn't make any
39 sense to me, actually. "The offended against might have to
40 be contacted in a canonical process"?

41 A. I don't know what he means by that.

42

43 Q. Is it the case that in a canonical process, that
44 process might be benefited by having accounts from those
45 offended against?

46 A. I don't think so, but, look, I'm not a canon lawyer,
47 but I don't think that, if there are victims out there,

1 that they are used as, what would you call it, supporting
2 evidence for a laicisation.

3

4 THE CHAIR: Q. But if a priest is alleged to have
5 misbehaved, such that a canonical process is commenced,
6 don't you need evidence to prove, or otherwise, the
7 misbehaviour?

8 A. Absolutely, your Honour.

9

10 Q. In relation to child sexual assault?

11 A. But I don't think the - I don't think - I don't -
12 look, I stand to be corrected on this, not being a
13 canonist, but I don't think the church would go and talk to
14 victims and put them through that sort of harassment just
15 to get a chap laicised, that's all I'm saying. Look, I'd
16 have to do some more research on that, but I don't think
17 that's what the canonists would want to do.

18

19 Q. I'm sure no-one would want to do it, but if that's the
20 issue --

21 A. I don't think they do or they would.

22

23 Q. So the church would just let it pass, would it?

24 A. No.

25

26 Q. How would it deal with the situation?

27 A. Well, my understanding is they would have evidence
28 from a source - maybe a matter has been reported to the
29 authorities; maybe a victim has come forward and made a
30 statement and the church has that all in writing - that
31 would be used. But what I'm disputing is that - Wayne is
32 suggesting there that somehow the church personnel would go
33 and interview the poor victims. I'm not - I don't think
34 that's correct, that's all. I don't want to make a big
35 point of that.

36

37 MS FURNESS: Q. It only refers to a "possibility",
38 doesn't it?

39 A. Yes, that's right.

40

41 Q. It could be read as a threat to Farrell?

42 A. It could be.

43

44 Q. Coming over to paragraph 17, what's recorded there is:

45

46 *John Farrell indicated that other people*
47 *had supported him in not seeing the same*

1 *seriousness in the situation as the*
2 *committee saw.*

3
4 Do you see that there?

5 A. Yes.

6
7 Q. That's consistent with documents we talked about
8 yesterday where he had, in a quite calculating way, sought
9 to engage others in support against Bishop Heather and
10 Bishop Manning?

11 A. Yes.

12
13 Q. You're then recorded as having asked whether these
14 people knew the full story, and John Farrell said they did.

15
16 *John Usher stated that it was understood*
17 *that only John Farrell, [Father] Lucas*
18 *[yourself] and [Father] Peters and*
19 *Bishop Manning knew the full extent of the*
20 *story at this stage. John Farrell said*
21 *that those people were indeed the only ones*
22 *who knew the full story.*

23
24 That's attributed to you?

25 A. Yes.

26
27 Q. You said that?

28 A. No.

29
30 Q. He's got it wrong?

31 A. Yes.

32
33 Q. Notwithstanding it was a few days after the meeting?

34 A. That's all I can say. It's not something I would have
35 said, Ms Furness. I don't know what this "full story"
36 means. I don't know what he means by that. But, anyway,
37 I can say no more than that.

38
39 Q. Do you see that Bishop Manning is part of that --

40 A. I did.

41
42 Q. -- paragraph, isn't he?

43 A. Yes, and that file note that you showed me yesterday -
44 of course, it surprised me, but it's quite true that
45 Bishop Manning knew a much fuller story than I knew.

46
47 Q. And you accept that Bishop Manning clearly knew more

1 than you did about Farrell?
2 A. That's right.
3
4 Q. At stages prior to this meeting; is that right?
5 A. That's right.
6
7 Q. That phrase could suggest that, in fact, Fathers Lucas
8 and Peters and you knew what Bishop Manning knew?
9 A. It could suggest that but that is definitively untrue.
10
11 THE CHAIR: Q. Why do you say "definitively", because
12 the Bishop's note would be consistent with what
13 Father Peters says was discussed at the first meeting?
14 A. Your Honour, all I can be is as honest as I can.
15 I knew nothing about what Bishop Manning knew --
16
17 Q. Yes, I understand that.
18 A. -- until yesterday.
19
20 Q. I understand that.
21 A. Yes, so I can say I didn't know.
22
23 Q. But Bishop Manning's note - what he in that note says
24 he knew is consistent with what Father Peters said was
25 discussed at the first meeting?
26 A. I am not disputing that.
27
28 Q. To say that Bishop Manning definitively knew more than
29 you all did doesn't sit with that proposition, does it?
30 A. Yes, I didn't know what - I didn't know what Farrell
31 had said to Manning; I honestly didn't.
32
33 Q. That may be true, too. Anyway, I'll leave it there.
34
35 MS FURNESS: Q. You commented to Mr Whitlam in relation
36 to this paragraph, and perhaps if we can have that on the
37 screen - it is tab 8. I think it should still be close by.
38 A. Yes.
39
40 Q. Would you turn to page 27.
41 A. Okay. Yes.
42
43 Q. Again, you say at line 10 that you can't recollect
44 that and you don't know what he means by "the full story"
45 and then further down --
46 A. I just said that, I think.
47

1 Q. Yes, you did, and that's what you told Mr Whitlam.
2 Coming down to line 23, you say there:

3

4 *He sort of talked about many things, many*
5 *things that would be wrong if he did them,*
6 *but to actually hear him say he actually*
7 *did them was, I think, difficult to detect.*

8

9 Now, by "difficult to detect" you mean that your
10 interpretation of them was that he didn't do them, and you
11 accept that others could have interpreted them as
12 admissions?

13 A. Certainly Father Peters, yes.

14

15 Q. Can I turn to another topic with you, Father, and
16 that's in relation to the Gerard Majella - you understand
17 that?

18 A. Yes, sorry. I thought you were turning to another
19 topic about this matter.

20

21 Q. Of course, I can understand why you thought that.

22 A. Sorry.

23

24 Q. Perhaps it will help you if we remove those.

25 A. Yes, I see a bundle here that's marked
26 "Gerard Majella". Would you bear with me a second?

27

28 Q. Certainly. I'm interested in your bundle, I have to
29 say, Father?

30 A. I thought I saw something here. No, I don't have
31 something here.

32

33 Q. No.

34 A. But anyway, go ahead.

35

36 Q. You would recall well, I suspect, the events of the
37 early 1990s in relation to the Society of St Gerard
38 Majella?

39 A. Yes, I recall what I was involved in, yes.

40

41 Q. You remember that there were various allegations of
42 misconduct in relation to one or more of the Brothers?

43 A. Yes, and one in particular.

44

45 Q. Who was subsequently convicted?

46 A. I'm sorry, one particular allegation, that's what
47 I was saying, yes.

1
2 Q. There was an inquiry that Bishop Heather commissioned
3 in May 1993 by two canon lawyers?
4 A. That's correct.
5
6 Q. And then there was --
7 A. That was --
8
9 Q. I beg your pardon?
10 A. That was Father Austin, I think, and Father --
11
12 Q. Father Austin and Father Blayney?
13 A. And Blayney, yes; they're both canonists.
14
15 Q. There were people who were removed from the ministry.
16 Then there was a further complaint made in December 1993
17 alleging ongoing abuse by Brother - they're called
18 Brothers, aren't they?
19 A. Yes.
20
21 Q. By Brother Sweeney - that was in relation to a child,
22 that is, the victim was 16 at the time?
23 A. That's correct.
24
25 Q. And then you were commissioned to conduct an inquiry
26 in relation to that allegation?
27 A. That's correct.
28
29 Q. That was in January 1994?
30 A. Yes.
31
32 Q. And you provided your report in February 1994?
33 A. Yes.
34
35 Q. And Bishop Heather then stood Brother Sweeney down -
36 that's as you understand it?
37 A. Yes, I wouldn't be aware of the time frames. Could
38 I just make it clear that --
39
40 Q. Certainly.
41 A. -- that the Brothers of St Gerard Majella existed in
42 the Diocese of Parramatta. I, by this time, am a priest of
43 the Archdiocese of Sydney.
44
45 Q. You were asked to do it because of your knowledge of
46 child sexual assault and clergy or Brothers?
47 A. Yes, that's right, and Bishop Heather knew me well.

1
2 Q. Did you talk about Farrell at any time when you were
3 doing this with Bishop Heather?
4 A. Oh, no.
5
6 Q. The report you provided was a report not made public
7 by you but provided to the --
8 A. To the Bishop.
9
10 Q. -- Bishop. I take it in that report you were
11 satisfied, to whatever degree you needed to be, that
12 Bishop Sweeney [*sic*] had misconducted himself in relation
13 to that child?
14 A. Father Sweeney.
15
16 Q. Father Sweeney, I'm sorry?
17 A. No, I wasn't. I wasn't convinced because he denied
18 it. He said - he said that, yes, he had - he had - he had
19 had sexual relationships with that man, as an adult, but he
20 denied having a relationship with him when he was a boy,
21 and also had all sorts of evidence that they were living in
22 different houses and all that sort of thing.
23
24 Q. What conclusion did you draw?
25 A. I drew a conclusion that he made no admissions on that
26 occasion, but I wrote the report to Bishop Heather in such
27 a way that he needed to look into it further, take it very
28 seriously.
29
30 Q. Did you recommend what he should do?
31 A. No, but I did follow up on what should be done.
32 I remember clearly ringing Father McGuckin in the Diocese
33 of Parramatta and saying, "What had been done about that
34 specific allegation?", and he told me the matter was now
35 being investigated by the police.
36
37 Q. And that was when?
38 A. That was a few days after my interview - after I wrote
39 my report, sent my report off. I was very concerned that
40 something - someone in the Parramatta Diocese, specifically
41 the Bishop, should do something and he obviously did.
42
43 Q. Did you consider, during or when you completed the
44 report, reporting Brother Sweeney or Father Sweeney to the
45 police?
46 A. Yes, as my report says, he denied everything to me,
47 but I was very concerned that the matter be investigated.

1 I hadn't spoken to the victim, or to the alleged victim,
2 and someone needed to do that in more detail.

3

4 Q. It must have been the case that you were engaged with
5 other priests or Brothers where they had denied the
6 allegation and, nevertheless, you went to the police; is
7 that right?

8 A. Yes, yes, that's correct.

9

10 Q. You didn't need an admission, in your mind to --

11 A. I didn't need an admission, but I would have - I would
12 have - had spoken to a victim or a member of the victims
13 family and would have believed them and had some firm
14 evidence, but I didn't spoken to the man who made the
15 allegations at the time. But it all happened - you know,
16 he was spoken to, I believe, and the matter was reported to
17 the police. The outcome was quite, in my mind,
18 satisfactory.

19

20 Q. Because the fellow was convicted?

21 A. Well, not - yes, the matter was investigated by the
22 police; that's the first step.

23

24 Q. When did you understand it was reported to the police?

25 A. I understand it was reported to the police shortly
26 after my report was received and I think Sweeney was
27 arrested about a month later.

28

29 Q. Who reported him to the police?

30 A. As I told you, I spoke to Father McGuckin and he told
31 me it had been reported to the police.

32

33 Q. And the purpose of speaking to Father McGuckin was, in
34 part, to find out if it had been reported to the police?

35 A. Yes, and also because I was very concerned about it.
36 I was afraid at the time that - what's his name? - Sweeney
37 would be kept on. Because I understand that after - after
38 the report by Blayney and Austin, there was a
39 recommendation that Sweeney be, you know, stood aside from
40 his role, and that didn't happen, and I was anxious now
41 that it should happen.

42

43 Q. Can I show you a letter. Perhaps we can provide
44 copies to your Honours. This is a letter to
45 Professor Blaszczyński?

46 A. Yes.

47

1 Q. In relation to a psychological assessment of
2 Brother Sweeney and somebody else?
3 A. Yes.
4
5 Q. It is dated 20 April 1994.
6 A. Mmm-hmm.
7
8 Q. That was a couple of months, I think, after you
9 reported?
10 A. Yes.
11
12 Q. Do you see at the bottom there are initials?
13 A. They're my initials, yes.
14
15 Q. How did your initials come to be on it?
16 A. It is a letter from me to Dr Blaszczyński.
17
18 Q. I see. So you're the author of the letter?
19 A. Yes. There doesn't seem - I've seen this recently.
20 There doesn't seem to be a second page anywhere.
21
22 Q. You don't recall there being a second page?
23 A. There would have been. That letter doesn't finish
24 properly.
25
26 Q. Perhaps if those who produced it to us can either
27 produce the second page or indicate there is no second
28 page, that would be useful. This letter of yours, in the
29 last paragraph - and it is on the screen - notes that
30 Brother Sweeney is now being interviewed by the police in
31 the wake of the allegations by the former member who he
32 discussed with you. I don't quite understand that
33 sentence, Father. "In the wake of allegations by the
34 former member" - so that's someone other than Sweeney?
35 A. Yes.
36
37 Q. Whom he, being Sweeney, discussed with
38 Dr Blaszczyński, is that how that's to be read?
39 A. Yes, I think that's correct.
40
41 Q. So you're recording to Dr Blaszczyński that the matter
42 was in the hands of the police?
43 A. Yes.
44
45 Q. And that was based on your discussion with
46 Father McGuckin?
47 A. I believe so, yes.

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MS FURNESS: I tender that letter, your Honour.

**EXHIBIT #44-010 LETTER FROM FATHER USHER TO DR BLASZCZYNSKI
DATED 20/04/1994**

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

THE CHAIR: Does anyone else have any questions?

MS GERACE: I do.

THE CHAIR: Anyone else?

MR DUGGAN: I have some too, your Honour.

MR SKINNER: Not as I'm presently informed, but I will await --

THE CHAIR: I think we might take the morning adjournment and then we'll take questions.

SHORT ADJOURNMENT

THE CHAIR: Yes, Ms Gerace, I think you can go first.

<EXAMINATION BY MS GERACE:

MS GERACE: Q. I act for Bishop Manning. I just have a few questions to ask you. I think you just said before the break that Bishop Bede Heather knew you well; is that correct?

A. That's correct.

Q. And you know from looking at the documents and other material that at some stage Farrell was in the Parramatta Diocese?

A. That's correct.

Q. So that if at any time Bishop Heather had some concern about Farrell's presence in his diocese, that was a matter he could have brought to your attention; correct?

A. Yes, but he didn't.

Q. I understand. He would have been aware of your involvement in the Special Issues Committee; correct?

1 A. Correct.
2
3 Q. And so if he had any concern whilst Farrell was in his
4 diocese, that was something he could have been brought to
5 your attention; correct?
6 A. I believe he would have, yes.
7
8 Q. Could I just ask you this about Mr Blaszczyński: he
9 was a man that the church had referred people to as a
10 specialist psychologist dealing in sexual deviation;
11 correct?
12 A. Could I just - two clarifications. One is I did more
13 of the referrals to Dr Blaszczyński and it was my
14 recommendation that people see him. I'm not sure that
15 anyone else in the country used him much. The second point
16 is that his expertise was in addictive behaviours and that
17 sort of area.
18
19 Q. He was part of the church setting up or being aware of
20 a program being set up at St John of God dealing with
21 sexual deviation; correct?
22 A. That's correct.
23
24 Q. So his focus was on psychology and its interaction
25 with sexual deviation; correct?
26 A. Yes, I believe so.
27
28 Q. You gave some evidence yesterday suggesting that the
29 referral to Blaszczyński was somehow inconsistent with what
30 was said at the 3 September 1992 meeting. Do you recall
31 that?
32 A. I'm sorry, could you --
33
34 Q. Yesterday you seemed to suggest - and I'm not sure how
35 far you wanted to make the suggestion - that somehow the
36 five-point plan that referred to a referral to Blaszczyński
37 was somehow inconsistent with what was said at the
38 3 September 1992 meeting. What is suggested was said at
39 that meeting?
40 A. Well, I don't --
41
42 MR DUGGAN: Your Honour, I object at this stage. These
43 questions were asked about at some length, particularly in
44 relation to this meeting, and I am just not sure what my
45 friend's interest is in this question, and particularly in
46 circumstances where she's unable to get instructions, as I
47 understand it, from her client.

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THE CHAIR: What do you say?

MS GERACE: It was suggested, both by this witness and another witness, that somehow the reference to Blaszczyński in the five-point plan was somehow inconsistent with what is asserted about what was said at the meetings, or that somehow that reflected on Bishop Manning's response to that letter, and that's really all it goes to. It is not a matter of --

THE CHAIR: I will let you ask the question.

THE WITNESS: I don't think that was my intent, to reflect anything on Bishop Manning.

MS GERACE: Q. You don't seem to suggest anything against Bishop Manning's receipt of a recommendation that Farrell go to Blaszczyński following the 3 September 1992 meeting?

A. No.

Q. All right.

A. If I - I don't think I said that, or, if I did, I didn't intend it to be interpreted that way.

Q. And you don't seek to assert that the recommendation in the five-point plan about Farrell seeing Blaszczyński means anything about what did actually happen at the 3 September 1992 meeting?

A. What I - I can tell you what I thought. I thought that man needed help and I thought if he saw a really top professional, a psychologist or a psychiatrist, then maybe Farrell would get help: that's all I meant.

Q. The only other thing is this: in relation to Bishop Manning's referral of Farrell to the Special Issues Resources Group - I am going to ask you some questions about that, yes?

A. Sorry, what was the last thing?

Q. I am asking you some questions about Manning's referral of Farrell to the Special Issues Resources Group?

A. Yes.

Q. Given that the Diocese of Armidale had been seeking your counsel in relation to Farrell from mid-1990 - you

1 accept that, don't you?
2 A. Yes. I think I was the one who recommended that - no,
3 it was after they sent him to see one psychologist, then
4 they weren't quite content with the report on that, or
5 someone wasn't.
6
7 Q. Yes.
8 A. They asked me to interview him and then I recommended
9 Dr Blaszczyński.
10
11 Q. Yes. You called Dr Blaszczyński to discuss the
12 possibility of Farrell seeing him; do you recall that?
13 A. I did what, I'm sorry?
14
15 Q. Called Dr Blaszczyński to discuss the suitability of
16 Farrell seeing him, yes?
17 A. I think I did, yes. Yes. Yes.
18
19 Q. Given those communications with then Monsignor Peters,
20 then in April 1992 Bishop Manning contacts Lucas in
21 relation to matters involving Farrell. Yes?
22 A. Yes. I was not aware of that but I believe that's the
23 case.
24
25 Q. In those circumstances, can I say this, when you were
26 called to go to that meeting with Farrell and Lucas - yes?
27 A. Yes.
28
29 Q. You were well aware of why Bishop Manning had sought
30 the intervention of the Special Issues Resources Group to
31 deal with problems arising from Farrell and his ongoing
32 place in the priesthood?
33 A. Well aware - look, Bishop Manning didn't speak to me
34 personally prior to that meeting. Brian Lucas rang me a
35 couple of days before the meeting, or maybe it was a day
36 before, and said, "Would you come to this meeting?
37 Bishop Manning wants advice in relation to Farrell."
38
39 Q. Right.
40 A. But, I mean, Brian could tell you more, I think.
41
42 Q. Yes. Of his --
43 A. Conversation with Bishop Manning.
44
45 Q. Yes. You had conversations with Lucas about --
46 A. That's right. That's correct.
47

1 Q. -- why you were going to meet?
2 A. That's correct.
3
4 Q. You were both members of the community at the time?
5 A. That's correct.
6
7 Q. And you were being asked to deal with a problem that
8 you were part of this specialist group to deal with?
9 A. That's correct.
10
11 MS GERACE: They are my questions.
12
13 THE CHAIR: Does anyone, apart from Mr Duggan, have any
14 questions?
15
16 MR SKINNER: Not yet, Commissioner.
17
18 THE CHAIR: Well, now is your chance.
19
20 MR SKINNER: No.
21
22 **<EXAMINATION BY MR DUGGAN:**
23
24 MR DUGGAN: Thank you, your Honour. Firstly, can I deal
25 with exhibit 44-010, your Honour, which was the one-page
26 letter. My understanding and my instructions are that the
27 second page, or subsequent pages, cannot be located and
28 there's only one page that we are aware of.
29
30 Q. Monsignor, my name is Duggan, as you know.
31 A. Mr Duggan, I'm having a bit of difficulty hearing you,
32 I'm sorry.
33
34 Q. Is that better, Monsignor?
35 A. Yes, thanks.
36
37 Q. As you know, my name is Duggan and I, with Mr Rushton,
38 appear for you in this inquiry; do you understand that?
39 A. I do.
40
41 Q. I want to ask you, first, about the letter which is
42 exhibit 44-010, which you may still have in front of you;
43 it is the letter dated 20 April 1994.
44 A. Yes.
45
46 Q. You were asked some questions about that and you
47 referred to a Father McGuckin; do you recall that?

1 A. Yes.
2
3 Q. Who was he in 1994; what was his role in the church?
4 A. 1994? He would have been the - working in the
5 Marriage Tribunal in the Diocese of Parramatta. At some
6 stage he became the Vicar General. I'm not sure whether
7 that was before or after 1994, I'm sorry.
8
9 Q. But he could have been the Vicar General of the
10 Diocese of Parramatta at the time of this letter?
11 A. He could have been, yes. In any event, he had a
12 senior role in the Diocese of Parramatta.
13
14 Q. Yes, I understand. Do you have a bundle of documents
15 in front of you, a folder of documents to be tendered on
16 your behalf?
17 A. I'm sorry, which ones?
18
19 Q. Could a folder be provided to you.
20 A. All right. Sure.
21
22 Q. That has some numbered tabs in it?
23 A. Yes.
24
25 Q. Can I take you to tab 5, please.
26 A. Yes.
27
28 Q. That appears to be a speech, "Sexual Exploitation -
29 A Paradoxical Triangle", and it refers, at the bottom,
30 "Address given to Psychiatrists and Medical Practitioners -
31 25 October 1992". Do you see that?
32 A. I do.
33
34 Q. Is that a speech you gave on that occasion?
35 A. Yes.
36
37 MR DUGGAN: I tender that document.
38
39 MS FURNESS: I have no objection, your Honour.
40
41 THE CHAIR: Are you seeking to have all of these documents
42 come into evidence?
43
44 MR DUGGAN: I am. I am happy to tender them.
45
46 THE CHAIR: Why don't we, unless Ms Furness has any
47 problem.

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MS FURNESS: The last document is the document that I've already tendered. Perhaps tabs 1 to 5 could be tendered.

THE CHAIR: We will mark them together exhibit 44-011.

EXHIBIT #44-011 TABS 1 TO 5 OF FOLDER OF DOCUMENTS

MR DUGGAN: Thank you, your Honour.

Q. Monsignor, there's also another speech behind tab 4. Do you see that?

A. Yes.

Q. It's titled "Violence and the Church - It's Time to Talk"?

A. Yes.

Q. Is that an address you gave?

A. Yes, in Brisbane.

Q. Who did you give it to?

A. To parish priests and pastoral associates. Pastoral associates are people who work in parishes and mainly do pastoral care with people in the parish, yes.

Q. Do you recall giving this speech in October 1992?

A. Yes.

Q. These two speeches that I've taken you to, did you give other similar type speeches to other groups at various times?

A. Yes.

Q. In 1992 and afterwards?

A. Yes: more afterwards than before.

Q. More afterwards than --

A. Yes.

Q. These were early speeches of that type?

A. That's right.

Q. Within and outside the church?

A. That's right.

Q. I just want to take you to a quite different topic

1 now. Behind tab 1, that's your passport or an extract from
2 it?
3 A. Mr Duggan, that photo doesn't look like me now, but it
4 is me back then.
5
6 Q. Thank you. I won't take you through the various
7 stamps, but if you can assume from me that it has you
8 departing Australia on 13 July 1992 and returning on
9 27 August 1992, does that coincide with your memory?
10 A. It does.
11
12 Q. I think yesterday you gave some evidence that you had
13 a holiday and then you were in Chicago looking at
14 Catholic charities?
15 A. That's correct.
16
17 Q. And that was that trip that's stamped in your
18 passport?
19 A. Yes.
20
21 Q. Thank you. Could I take you to tab 3?
22 A. Yes.
23
24 Q. A few pages in, I am sorry, these pages aren't
25 numbered, but it is 3 September 1992.
26 A. Yes.
27
28 Q. Do you have that entry?
29 A. Yes.
30
31 Q. At 7.30 there's an appointment. Is that your
32 handwriting after the "7.30"?
33 A. Yes.
34
35 Q. What does it say?
36 A. It says "Brian Lucas".
37
38 Q. Thank you. I should ask you, this is --
39 A. Well, it doesn't quite say that, but I can - in a
40 cryptic fashion I know that's what it says, if you know
41 what I mean. It's a bit scrawled.
42
43 Q. It is a bit scrawled, but that's your handwriting?
44 A. That's my handwriting and that's what it says, yes.
45
46 Q. Is this your diary or planner from 1992?
47 A. Yes.

1
2 Q. As I understand it, there were two diaries or planners
3 kept, one that your secretary made entries into and one
4 that you did; is that right?
5 A. Yes, I had a diary and she had a diary, and my
6 secretary at the time, I'd give her my diary and she would
7 try and put them together.
8
9 Q. These are in the days before electronic diaries where
10 you can use the one?
11 A. As far as I knew they were, yes.
12
13 Q. Can I take you to tab 2. There's some handwriting
14 there that you may recognise. Is that also an extract from
15 one of your diaries from 1992?
16 A. That's correct.
17
18 Q. In fact, the first entry has "13 July Departing
19 Australia", do you see that?
20 A. That's correct.
21
22 Q. Could I just take you to about three pages in, to
23 1 September. Do you see that?
24 A. That's correct.
25
26 Q. Is that your handwriting?
27 A. It is.
28
29 Q. What does the first line say?
30 A. "Return to work".
31
32 Q. Does that accord with your memory, that you had a
33 working holiday for about seven weeks, you came back to
34 Australia on about 27 August, and then on 1 September you
35 returned to work; is that correct?
36 A. Yes, that's what the diary says too, yes.
37
38 Q. Could I take you to another topic now. I want to move
39 to a different period, 2012, about the time of the
40 Four Corners episode. In terms of receiving emails, do you
41 recall whether you had remote access to emails at that
42 time? And by "remote" I mean could you view your emails at
43 home or on a smart phone or anything like that?
44 A. No. My emails were all available to me, at that time,
45 in my office in the city.
46
47 Q. Did you usually view emails on the screen?

1 A. Yes. Oh, sorry. Look, I was not very good at emails.
2 My secretary - before I came into work of a morning she
3 would - unfortunately, she would print off emails for me
4 and present them to me, and I would write on the email
5 itself, often, what reply I might like to be sent, but
6 I didn't send - I didn't download or send emails myself.
7 I mean, it was just I was too busy or maybe didn't know
8 how. I'm not sure.
9
10 Q. Would you sometimes put your initials on an email that
11 had been printed out?
12 A. Yes.
13
14 Q. Can I ask you about the Friday night before the
15 Four Corners episode in 2012. Do you recall you gave some
16 evidence about that yesterday?
17 A. Yes.
18
19 Q. You also gave some evidence about a conversation with
20 Wayne Peters that evening?
21 A. Yes.
22
23 Q. And a question was asked as to when he mentioned the
24 letter, why you didn't ask him to fax it to you or email it
25 to you; do you recall that?
26 A. Yes.
27
28 Q. Your evidence was that you were out to dinner on that
29 Friday night. Do you recall where you were?
30 A. I do.
31
32 Q. Where was that?
33 A. It was at the Concord West hotel.
34
35 MR DUGGAN: I have no further questions. Thank you
36 Monsignor.
37
38 THE CHAIR: Q. Thank you. Father, this is, as it were,
39 a side-wind, but I just want to ask you a couple of
40 questions about your speeches?
41 A. Sure.
42
43 Q. You made them in 1992 - the ones we've got here?
44 A. Yes.
45
46 Q. They were very confronting speeches that you made.
47 A. Yes, your Honour.

1
2 Q. And confronting, I assume, to many of your colleagues,
3 in terms of publicly recognising sexual abuse by priests?
4 A. Yes, your Honour.
5
6 Q. What provoked you to make those speeches in that
7 confronting way?
8 A. What provoked me?
9
10 Q. Yes, why did you do it?
11 A. It's what I believed.
12
13 Q. I understand that, but was there a need?
14 A. There was no provocation. I mean, I think certain
15 groups within the church and outside the church knew the
16 sorts of things I was saying, both privately and publicly,
17 and they would invite me to come and talk to them.
18
19 Q. But why did you see the need to express yourself in
20 such a confronting way? What motivated you to do this?
21 A. Well, I felt at the time that - we were trying to move
22 forward. The understanding of church leaders about the
23 issues associated with everything that this
24 Royal Commission is dealing with and the process of bishops
25 committees and special committees and protocols, in my
26 opinion, was moving too slowly, so I was much more of a
27 mover and shaker back then, or something, than I am now, at
28 my age.
29
30 Q. Should we understand that you became concerned that
31 the church wasn't responding as it should be and felt the
32 need --
33 A. Certainly not quickly enough, your Honour.
34
35 Q. And felt the need to publicly confront the church?
36 A. Yes, I think that's correct.
37
38 Q. Did you have any effect?
39 A. The effect was slow, but yes, I did.
40
41 Q. How was that effect demonstrated?
42 A. I think - there's been a number of significant steps,
43 but I think the most significant was when Bishop
44 Geoff Robinson came to appreciate what needed to be done,
45 he understood and began to - like I attribute Towards
46 Healing, that document, especially its first version, to
47 him, and other documents, like Integrity in Ministry, to

1 him, and he - because he was a Bishop he was able to
2 achieve much more than I ever could, and that was an
3 important moment in the process.
4

5 Q. So persuading Bishop Robinson was --

6 A. I wouldn't say I persuaded him, but he was intelligent
7 enough to hear what I was saying. He was a very
8 intelligent man, yes.
9

10 Q. The impression we have - tell me if this is right - is
11 that you and those of like mind with you were not
12 necessarily embraced by the mainstream of the church?

13 A. There would have been parts of the church that - look,
14 I'm not aware of who was not happy with what I was saying
15 or who was happy. I just proceeded ahead.
16

17 Q. Bishop Robinson hasn't, as we understand, always been
18 embraced by the entire church either; is that right?

19 A. That's correct, but I am a --
20

21 Q. Sorry?

22 A. I am an admirer of Bishop Robinson, and especially his
23 courage back in those years, especially in the mid-1990s.
24

25 Q. I can understand what you say, but why did it take
26 courage?

27 A. Well, I know for one, that Bishop Robinson was very
28 concerned that the officials in Rome were not responding
29 adequately, and for a Bishop to stand and criticise Rome
30 was a very brave thing to do.
31

32 Q. I know you're in a different role now, but how does
33 the church, in your opinion, shape up today?

34 A. Well, of course much better, but it's still, as you
35 would have discovered during the course of this
36 Royal Commission - it varies from place to place. I would
37 be a bit biased in saying that I think the Archdiocese of
38 Sydney is probably a leader, in the way they handle these
39 matters, but I'm not sure about that, and I'm not saying
40 that's adequate either. I'm saying there's a lot more work
41 to be done.
42

43 Q. Can you help me with the areas in which work, as you
44 see it, needs to be done? What are the problems that
45 remain, as you see it?

46 A. Well, I still think that the - I always think of it
47 this way: in any matter where the church has got a problem

1 there are three parties involved. There is the
2 institution - in our case it is the church, but it may well
3 be the legal profession or the medical profession, but
4 there's the institution; there's the person against - where
5 there's a complaint about the person doing something wrong;
6 and then there are the victims of that complaint. In most
7 institutions there's a tendency to keep the institution at
8 the forefront, to protect the institution, and so the
9 victim, if you call them the victim, and - the perpetrator
10 of anything that's going wrong comes second, generally, and
11 the victim last. And I think we're getting better at it,
12 but there needs to be more attention given to people who
13 have been hurt by the institution rather than trying to
14 excuse the institution for the hurt, if that makes sense.

15
16 Q. The sentiment that one shouldn't look at the past but
17 now look at the future was expressed to the Commission, you
18 may know, a couple of weeks ago, from within the Catholic
19 Church. Do you hold the view that you shouldn't look at
20 the past?

21 A. Of course not. The only way we can learn is by
22 learning about the mistakes of the past and improving on
23 them.

24
25 Q. Is your view one that you would think is shared by
26 most of the church leaders or not?

27 A. Look, your Honour, I don't know. I don't know what
28 most church leaders think or don't think. I know some
29 bishops who would agree with me, but I don't talk to the
30 bishops much any more.

31
32 Q. No.

33 A. No.

34
35 THE CHAIR: Yes. Does anyone have any questions from
36 those matters?

37
38 MS FURNESS: Thank you, I have no further questions of the
39 witness, your Honour.

40
41 THE CHAIR: Thank you, Father Usher, that concludes your
42 evidence and you're excused.

43
44 THE WITNESS: Thank you, your Honour. Thank you
45 Ms Furness.

46
47 THE CHAIR: You may leave the witness box. You may step

1 down.

2

3 <THE WITNESS WITHDREW

4

5 THE CHAIR: Where do we go from here?

6

7 MS FURNESS: Your Honour, there are further inquiries that
8 those assisting the Royal Commission wish to make in
9 relation to the matters that have been heard over the last
10 two weeks, so I'm not seeking that a direction be made in
11 relation to submissions at this stage. I am submitting
12 that the hearing should be adjourned to a date to be fixed,
13 and all those with an interest will be informed of that
14 date once it has been settled upon.

15

16 THE CHAIR: Very well. We will take that course and we
17 will now adjourn.

18

19 MS FURNESS: Thank you.

20

21 **AT 12.20PM THE COMMISSION WAS ADJOURNED ACCORDINGLY**

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