



8th February 2016

Reasons for Decision with respect to Cardinal George Pell

The Royal Commission is presently part heard in two case studies. One study, No. 28, relates to the Diocese of Ballarat and the other case study, No. 35 relates to the Archdiocese of Melbourne.

Cardinal George Pell was a priest in Ballarat and for a time was one of the consultors to the Bishop of the Diocese, Bishop Mulkearns. In that role he had responsibilities together with the other consultors to give advice to the Bishop about the appointments of priests to particular parishes and also to advise on other matters more generally relating to the administration of the Diocese. Cardinal Pell was a consultor at a time when some of the priests who have offended against children were serving in the Diocese and was present at meetings where the appointment of priests including at least one who is a known offender were considered.

Cardinal Pell took up a position as Auxiliary Bishop in the Melbourne Archdiocese in 1987. He continued in that role until 1996 when he was appointed the Archbishop of Melbourne. The evidence presently before the Commission indicates that he had responsibilities as an Auxiliary Bishop for areas of the Archdiocese where at least one offending priest was located. He was as an Auxiliary Bishop a member of the Archbishop's Personnel Advisory

Board and a member of the Curia. During his period as Archbishop he of course had ultimate responsibility for the management of the Archdiocese. Because of Cardinal Pell's role in both Ballarat and Melbourne the Commissioners consider it essential that Cardinal Pell give evidence and explain his actions during relevant periods. Apart from his roles in Ballarat and Melbourne, Cardinal Pell was the Archbishop of Sydney. In Melbourne he was responsible for creating the Melbourne Response and gave evidence when the Melbourne Response was examined in a case study. When he was the Archbishop of Sydney, the John Ellis case was litigated and Cardinal Pell has given evidence about that matter and the operation of the Towards Healing program in the Sydney Archdiocese. The matters about which the commissioners presently seek the assistance of Cardinal Pell are separate from the matters about which he has already given evidence.

When Cardinal Pell first gave evidence before the Royal Commission he was resident in Sydney. On the second occasion, when the Melbourne Response was discussed, arrangements were made for him to give evidence by video link to Rome, where he is now resident. The evidence which he will be asked to give in the present hearings is more extensive than he has previously given in relation to the Melbourne Response.

At the hearing in Melbourne on the 11th of December last year counsel for Cardinal Pell indicated that because of his present health the Cardinal had been advised that he should not take long international aeroplane flights and

for that reason the Cardinal sought to have his evidence given by video link.

The Commissioners did not accede to that application. I said

“Given the complexity of the issues involved, and the fact that there are 2 case studies presently before the commission covering an extensive period of time, coupled with the technical difficulties in Rome of the previous video evidence when the cardinal was in Rome, it is preferable that his evidence be given in person in Australia.”

In the hope that the Cardinal’s health might improve we deferred further consideration of the course which should be taken.

Since the matter was considered in December I am advised that the technical difficulties which existed on the last occasion have been addressed and that a feed from Rome should now be satisfactory. However, because of the other matters that I previously indicated to be relevant it would be preferable, but not essential, that Cardinal Pell give evidence in person in Australia.

Mr Myers QC who appears for Cardinal Pell has renewed the application that Cardinal Pell give his evidence by video link from Rome. In support of that application he tendered a medical report from Professor Patrizio Polisca, the director of complex care emergency medicine ‘Tor Vergata’ University Teaching Hospital, Rome dated 29 January 2016.

The report confirms the evidence previously before the Royal Commission and indicates that Cardinal Pell is suffering from hypertension (for which he is

being treated), ischemic heart disease, complicated by a previous myocardial infarction, cardiac dysfunction related to the arterial hypertension and previous ischemia and some other issues not of immediate relevance.

The Professor concluded as follows:

“All the above mentioned functional and clinical changes have a negative synergistic effect with regard to your cardiovascular and respiratory functional capacity, in particular when going on a small walk on [sic] even slight physical exertion, when preparing to spend prolonged periods in a depressurised environment (airplane flight), with consequent relative haematic hypoxia and increase in blood pressure. Due to that outlined above, the undertaking of a long journey could induce an episode of heart failure and were this to occur during a flight it would also be difficult to treat.

In conclusion, the clinical problems which Your Eminence presents therefore make it difficult for you to undertake a flight to Australia, which could entail serious risks to Your health.”

Although people with the conditions that Cardinal Pell has may fly long distances it is apparent from the medical report that in the case of Cardinal Pell there is a risk to his health if he undertook such travel at the present time. Having regard to the nature of his ailments it could not be expected that his health is likely to improve and remove those risks. Although it would be preferable if he gave evidence in Australia, when the alternative that he give

evidence by video link is available the Commissioners are satisfied that course should be adopted.

I am informed by Ms Furness that there will not be time to take the Cardinal's evidence by video in the period set aside for the further hearing in Ballarat. Accordingly we will program Cardinal Pell's evidence to commence on Monday the 29th of February when the Commission will be sitting in Sydney. It is expected that his evidence may take three sitting days. The Commission staff will discuss with those representing Cardinal Pell the precise hearing times which will have to differ from our usual sitting times. As soon as they have been determined they will be announced by the Commission in the usual way.