ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE

Public Hearing - Case Studies 28 & 35 (Day 160)

Level 17, Governor Macquarie Tower
1 Farrer Place, Sydney

On Tuesday, 1 March 2016 at 8am

Before
The Chair: Justice Peter McClellan AM
Commissioners: Justice Jennifer Ann Coate
Mr Andrew Murray

Counsel Assisting: Ms Gail Furness SC
Mr Angus Stewart SC
Mr Stephen Free

Transcript produced by DTI
<GEORGE PELL on former oath: [8am]

<EXAMINATION BY MS FURNESS CONTINUING:

MS FURNESS: Q. Cardinal, can you see and hear me?
A. I can, thank you.

Q. When we adjourned yesterday, I had taken you to
a statement of [BWA] and in that statement he had said that
he had spoken to Father Tom Brophy who had told him that
Monsignor Fiscalini would go to Bishop Mulkearns about what
was described as occurred to him by Ridsdale, and which, by
any account, was a serious sexual assault. Now, do you
recall that's where we ended yesterday?
A. I do.

Q. If I can show you tab 9 of the Ridsdale bundle.
A. Yes, I have that.

Q. Thank you, Cardinal. You recognise that as
a handwritten note of a diocesan council meeting for the
Diocese of Ballarat?
A. I do.

Q. And do you see present are Bishop Mulkearns,
Monsignor McInerney, who I think was present in relation to
the movement of Day to Timboon; do you recall that from
yesterday?
A. Yes.

Q. As I think was Father O'Brien, McMahon, Fiscalini,
O'Keefe and McKenzie. Does that accord with your
recollection?
A. That does.

Q. And who is new, I think, is Reverend K Arundell and
Very Reverend Culligan?
A. Not Melican and Madden?

Q. No, Madden and Melican were not new, but Culligan and
K Arundell were new?
A. Very good.

Q. And McInerney was present there as well and was noted
as the secretary?
A. Yes.
Q. If we can scroll down towards the end of that first page, firstly, there is reference to a letter from Father Ridsdale applying for a position in Port Fairy which becomes vacant, and then if we can turn to the next page, do you see a reference there to Ridsdale being appointed to Apollo Bay?
A. Yes.

Q. From the statement of [BWA], he said that he told Brophy, who he says told Monsignor Fiscalini, about a serious assault by Ridsdale. So it seems, doesn't it, from this document, that Bishop Mulkearns and Monsignor Fiscalini moved Ridsdale to Apollo Bay with knowledge of that earlier complaint against Ridsdale?
A. That is correct.

Q. What is your view of the conduct of Bishop Mulkearns and Monsignor Fiscalini in that regard?
A. That is unacceptable.

Q. If we can turn to tab 107 of Ridsdale, you will see, Cardinal, that this is a transcript of an interview with Ridsdale. Do you see the top of the page?
A. Yes.

Q. If I can ask you to turn to page 0049 - perhaps someone might help you with that. It is after the first red tab and before the second.
A. I think I have it. 0049.

Q. Thank you. There is an area redacted at the top of the page?
A. That's correct.

Q. And it is page 25.
A. Yes.

Q. Do you see that the question is "You left Apollo Bay in the normal course of events?" And Ridsdale says, "No" - he left Apollo Bay because someone came to see him and he was drunk, brought a lot of grog with him and wanted to have a drink, "I got rid of him as quickly as I could and in the course of the conversation he said, 'They are saying things down at the pub about you and kids'" and so he put in for a transfer. And he was asked whether it was talk about "you interfering with kids", and he said:
Yes, there must have been talk about the town, so I put in for a move ...

Now, stopping there, this is while he was in Apollo Bay. Now, Apollo Bay is a parish towards the south of Victoria; is that right?
A. It's on the southern coast.

Q. Did you, in the course of your time in the Diocese of Ballarat, hear about the circumstances in which Ridsdale put in a transfer to leave Apollo Bay?
A. No.

Q. According to his account of it, he says that there was talk about the town and that they were saying things "down the pub"; do you see that?
A. I do.

Q. So at least on his view, the knowledge about him interfering with kids was certainly not limited to himself or perhaps the child or children themselves - do you accept that?
A. That is correct.

Q. If I can ask you to put that to one side, or if someone can assist you in that, and then go back to the first volume at tab 10, again, you would recognise these as diocesan minutes?
A. I do.

Q. And we can see again who was present, and it seems to be the same as those who were present on that previous occasion when Ridsdale was appointed to Apollo Bay - that seems right, doesn't it?
A. Yes. I suppose they are exactly the same - I suppose.

Q. And Bishop Mulkearns and Monsignor Fiscalini are there?
A. Correct.

Q. And do you see the first item of correspondence is a letter from Ridsdale regarding the sale of various property, and he has given permission to sell the blocks?
A. Yes.

Q. That was generally the sort of items that came to the Diocesan Consultors Committee in relation to property...
matters?
A. That is correct.

Q. If we can then turn to the second page, and at the end of the second page, you see there is reference to appointments?
A. I do.

Q. And at the bottom, we have Peter Taffe appointed to Edenhope - and he was somebody you knew well?
A. Yes, I knew Peter well enough, for sure.

Q. And Ridsdale was appointed to Inglewood?
A. Yes.

Q. Now, it is again the case, isn't it, that Bishop Mulkearns and Monsignor Fiscalini moved Ridsdale to Inglewood knowing of the complaint by [BWA]?
A. That is correct.

Q. And again, what is your view of that conduct?
A. That - I repeat, it's unacceptable.

Q. Just tell us why it's unacceptable.
A. Because of the risk that it presented to the children in Inglewood and that was exacerbated by the fact it doesn't seem as though any effort was made to withdraw Ridsdale at least for a period for counselling or advice or help, but - at least as far as I can see.

Q. Is that the extent of what you think should have happened - that is, to remove him for counselling or the like?
A. No, according to today's standards, that would be clearly insufficient. It was probably insufficient then. But it was at least a minimum then, and of course another very important factor in such a thing is whether the Bishop knew this was a first offence or not. These were different times with different sets of predispositions.

Q. What difference would it make whether --
A. But --

Q. I beg your pardon, Cardinal, continue.
A. But whatever the predispositions, it's unsatisfactory. In those times, if it was a first offence, they would have thought that there was more justification in them being
sent away for counselling and for help with the possibility of return.

Q. And that possibility of return would be one judged by the Bishop, or someone else?
A. I would imagine that it would usually have been by the Bishop on the advice of the expert or counsellor.

Q. Now, I take it from your answers that that was your experience at the time - that is, where there was perhaps the first offence, the offender was sent away for treatment for a time?
A. That was not my experience at the time. It was something I discovered subsequently.

Q. How far subsequently, Cardinal?
A. I couldn't say precisely at all.

Q. While you were at Ballarat East?
A. I don't think so, because I don't think there were many of these - this at all.

Q. Sorry, many of what?
A. Anybody being sent off for counselling or medical help that I was aware of.

Q. So your knowledge that at the time that was the general approach comes from what?
A. It comes from reading and studying and examination of the records.

Q. More recent times?
A. Well, it's 31 years since I left Ballarat East, so - and just when I started to read more on these matters, certainly from the middle 1980s onwards, this was a topic of fairly regular discussion at the Bishops Conferences.

Q. Thank you. In terms of tab 10, that's on the screen, if we can go back up to those who were present, which is on the first page, Father Melican was somebody who you lived with in the presbytery at Swan Hill - is that right?
A. That is correct. That is correct.

Q. Did he have any discussions with you prior to your becoming a consultor about Ridsdale and his movements?
A. No, he did not.
Q. By this stage - which is 1975 - Ridsdale had moved from Mildura to Ballarat East, and then to Apollo Bay and to Inglewood. From your experience in Ballarat East, was that a number of movements which was common or uncommon?
A. No, it was something somewhat unusual, certainly, but in those days, when there were many assistant priests, the practice was generally to give them a variety of experiences over a three-year period at a place and then put them somewhere else to broaden their experience before they became parish priest.

Q. The fact that it was somewhat unusual would, I suggest, give rise to some discussion about why he was moving in a pattern that was somewhat unusual; do you agree with that?
A. One would presume that. I'm not - I can't remember any such discussion. It would depend a bit on the attitude of the Bishop as to whether he just made this clear that he wanted this to happen. So to summarise, I don't remember such discussions but, by the same token, the pattern of movements, even by the standards of the time, is somewhat unusual.

Q. If I can ask you to look at the second Ridsdale bundle, and this is at tab 113, if that can be opened for you, Cardinal, this is a report of the Child Exploitation Squad from the Victoria Police. Is this a document you have seen before?
A. I don't think so. That's possible, but I don't think so.

Q. Can I ask you to turn to the page with 0031 at the top, and underneath that, 15. Can I draw your attention to the last paragraph, paragraph (d)?
A. I'm having a little difficulty. My documents are not in order. Perhaps they are - the wrong way.

Q. Perhaps somebody who is sitting there can assist you.
A. They have, thank you.

Q. If you can see paragraph (d), there is a reference to a Colin Mooney, who states that when he was in charge at Bendigo in approximately 1976 he was informed of an indecent assault on the son of the complainant committed by Ridsdale and then there is a description --
A. I do --
Q. I am sorry, Cardinal. There is a description of the indecent assault.
A. Correct.

Q. This was in 1976 when Ridsdale was in Inglewood - do you understand that?
A. When Ridsdale was in?

Q. Inglewood?
A. Inglewood. Yes.

Q. If we can turn over the page, the item continues that the police officer, Mooney was told to approach Mulkearns and inform him of the complaint, and that, indeed, happened.
A. Yes.

Q. That tells us, doesn't it, that in Inglewood there was a complaint of indecent assault which was brought to the attention of Bishop Mulkearns?
A. Yes.

Q. Then, if I can ask you to turn to tab 107, or have someone who is assisting you turn to tab 107. This is at page 0050, which is the page after the page I took you to earlier.
A. Yes.

Q. About a third of the way down that page, there is reference there to a question:

Inglewood, 1975, the local Policeman went to the Bishop, didn't he?

And then what follows is Ridsdale's account of what happened after the local policeman, who is referred to in the Operation Arcadia I just took you to?
A. Yes.

Q. Ridsdale says:

... what happened there was, a lady came to me one morning after the morning Mass and she said, "There is talk around the town that you have been interfering with the boys and she said the Police have been around making inquiries".
So Ridsdale panicked, packed up a few things and then probably about midnight called in to stay with a priest and then went straight down to the Bishop the next day. Again, that tells us that in Ridsdale's view there was now talk about town in Inglewood about interfering with boys. Do you see that from what he says?

A. Correct.

Q. And he had said that before about his appointment at Apollo Bay, hadn't he?

A. Correct.

Q. There were also reports in The Age at a later time also referring to it being common knowledge around Inglewood when the police came to make inquiries. I can take you to that article, if you wish, Cardinal.

A. I'm happy for you to do so, of course.

Q. It's tab 108A and its page number is 0010. I think you have a large version, which is useful.

A. Yes.

Q. Do you see there is a photo of Ridsdale on the left-hand corner?

A. Yes.

Q. Then, to the right of that, there is a paragraph beginning "Bill Sampson" - do you see that paragraph?

A. Yes.

Q. It says:

*Bill Sampson, now retired, was at the time the sergeant of police at Inglewood.*

He refers to getting a call from Detective Sergeant Mooney. Mooney was the fellow whose entry I took you to in the Operation Arcadia report, Cardinal?

A. Yes.

Q. "Asking me what I knew about him", being Ridsdale. Then he was told what he knew and then a paragraph down the police officer said:

*It was pretty common knowledge all through*
the Catholic congregation, everyone you
would speak to knew about it.

Do you see that?
A. I do.

Q. So that suggests, doesn't it, that it was not only
Ridsdale's view that everyone knew about it at Inglewood,
but it was also the police officer's view, and that that
common knowledge extended to the Catholic congregation.
A. That's what is asserted.

Q. Did it come to your attention that it was common
knowledge in Inglewood, including through the Catholic
congregation, that Ridsdale was interfering with children?
A. Not at that stage at all.

Q. At a later stage?

MR DUGGAN: Your Honour, I interject at this stage. This
witness is being asked about a particular time, but he has
been taken to an article which is in 1994 and that should
be drawn to his attention, because he wasn't taken to the
first page of the article, in my submission.

MS FURNESS: Your Honour, it is a 1994 article but it is
written about events in 1976.

MR DUGGAN: That's all right. That just should be
explained, in my submission.

MS FURNESS: Q. You understood, didn't you, Cardinal,
that the events the subject of this article were in 1976?
A. Yes, I knew they were early, at any rate.

Q. I was asking you about knowledge you had that Ridsdale
was interfering with children in Inglewood, and you said
"not at that stage", and then I asked you "at a later
stage?"
A. Yes.

Q. When?
A. Well, I couldn't say precisely, but after he was tried
and gaol'd.

Q. So after 1993?
A. Yes.
Q. Is it the case in 1993, or after that year, you understood that he had been committing offences for which he was now convicted and sentenced - is that what you understood in 1993 or thereafter?
A. I did.

Q. That's a different question from the one I asked you, Cardinal. It was whether you had knowledge that it was common knowledge at Inglewood at that time.
A. I did not know that it was common knowledge at Inglewood at that time because, if I'd known that, I would have known that there were offences.

Q. Did you subsequently --
A. Possible offences.

Q. Did you subsequently know not that he offended at Inglewood - leave that to one side - but that it was common knowledge of his interfering with children at Inglewood?
A. I - I couldn't say that I ever knew that everyone knew. I knew a number of people did. I was - I didn't know whether it was common knowledge or whether it wasn't. It's a sad story and it wasn't of much interest to me.

Q. What wasn't of much interest to you, Cardinal?
A. The suffering, of course, was real and I very much regret that, but I had no reason to turn my mind to the extent of the evils that Ridsdale had perpetrated.

Q. In order, Cardinal, to not have the offences and misconduct of the past repeated, doesn't one need to understand the circumstances in which those offences were committed and the structure and personnel that permitted that to occur?
A. Yes, and obviously you approach such a task differently according to the level of responsibility that you have.

Q. Well, isn't it the case, Cardinal, that every adult in the church is responsible for ensuring the safety of children going forward? It's not a question of structural responsibility; it's a question of being an adult and being responsible, isn't it, Cardinal?
A. Well, an individual can only do what it is possible to do and everybody has a responsibility to try to preserve the moral health of the community in ways that are real and
practical.
Q. But it's the case, isn't it, within the church that every priest or ordained person is responsible for ensuring the safety of children who are taken in by the church to be looked after?
A. No, that's much too general a statement.
Q. Well, then who --
A. A parish priest has got --
Q. I am sorry, Cardinal, continue.
A. A parish priest has got responsibilities primarily for his parish. A Bishop has got primary responsibilities for what is happening in his Diocese. He has an entirely different and diminished level of responsibility for those areas outside his leadership and control.
Q. So who isn't responsible in the church to ensure the safety of children who are taken in by the church either as parishioners or as altar boys or in any other way operate within the church? Who isn't responsible in the church --
A. Well, it's very different - it's very difficult to answer these questions where we swing from one extreme to the other. Everybody has some sort of general responsibility. Individuals, and especially office holders, have particular responsibility for their areas of concern.
Q. So if it was the case that a parish priest heard of events dangerous to children happening in a neighbouring parish or a parish distant from them, based on what you have said they have no responsibility in relation to the children who are in danger; is that right?
A. Well, very obviously I said nothing of the sort. I said that a person from a neighbouring parish or a distant parish has less responsibility for the care of children in those distant parishes than he does in his own. I'm not suggesting for a minute, especially in a neighbouring parish, that a neighbouring parish priest would have no responsibility at all. I never suggested that.

THE CHAIR: Q. Cardinal, should we understand you to be saying that every member of the church has a responsibility to do what they can to protect children?
A. I think I would agree with that.
MS FURNESS:  Q. And that is regardless of where that member of the church sits in the hierarchy of the church?
A. No, I think office bearers have greater responsibilities and of course people can do something, and that depends on the role and position and location they have.

Q. Can I turn to tab 11 of the first bundle, if someone can provide that to you?
A. Yes.

Q. Again, you recognise those as minutes of the Consultors Committee in January 1976?
A. I do.

Q. Again, the same consultors are present as on the last occasion?
A. Yes.

Q. And some of them were present in relation to the decision to move Monsignor Day in 1973 - that's right?
A. That's correct, yes.

Q. If we can move down to the third paragraph beginning "After stressing", do you see what is written in the minutes there:

"After stressing again the confidentiality of all matters dealt with in Consultors Meetings, Bishop Mulkearns announced that some matters had arisen in the Diocese which might make it advisable to delay making many appointments. At this stage, moves should be kept to a minimum."

From your later experience in Consultors Meetings, is that entry in relation to stressing confidentiality unusual?
A. Only partially. There was always a great stress by the Bishop to keep the meetings of the consultors - the contents, the matters discussed, to keep it - to keep them confidential.

Q. If that was the case --
A. I think they --

Q. I beg your pardon, Cardinal, continue.
A. I think consultors were even asked to promise to
maintain confidentiality.

Q. And that's confidentiality within the consultors
themselves?
A. That is correct.

Q. From the documents I have taken you to, at this
stage - that is, January 1976 - you have Bishop Mulkearns
knowing about a complaint in 1972; do you agree with that?
A. Yes.

Q. You have Monsignor Fiscalini knowing about a complaint
in 1972; that's right?
A. Yes, yes.

Q. And you have Bishop Mulkearns knowing about
a complaint in 1976; is that right?
A. Yes, yes.

Q. And then if we turn over the page, you will see at the
top of the page there is a heading "Parish Priests", and
there is reference there to Ridsdale being given
a temporary appointment, until the end of February, at
Bungaree?
A. Yes.

Q. Where is Bungaree?
A. Ten or 15 kilometres outside Ballarat.

Q. It was surprising, wasn't it, for Ridsdale, having
been a parish priest and having been in a number of
parishes, and, indeed, having been to Inglewood for
a relatively short period, to be given a temporary
appointment?
A. Yes, it was somewhat unusual but not completely
unusual. I'm not sure why there was a vacancy at Bungaree
at that time, but when a priest was moving from parish to
parish it's not unusual for him to have filled a gap before
taking up a new appointment.

Q. You said before that the number of moves that Ridsdale
had up until being appointed to Inglewood was somewhat
unusual; is that right?
A. It was somewhat unusual.

Q. And that is extended, isn't it, by knowing now that he
was at Inglewood for only a period of a year or so before moving to a temporary appointment?
A. That is correct.

Q. So a consultor, doing his job properly, would want to know why Ridsdale had so many moves, wouldn't he?
A. I think that is correct.

Q. You will see that above Bungaree there is reference to an appointment to Inglewood. Whose name is that?
A. I do.

Q. It says --
A. Is it McMullen.

Q. And then "Columban on loan"?
A. McMullen. Yes.

Q. Do you see reference to "Columban on loan"? Does that mean anything to you?
A. I do. The Columbans are a missionary order and some of their members live in Australia, work there, do explain the work of the missions. Often, when the Columban fathers would come home for rest and recreation at home, they would work in the Australian parishes.

Q. That's your understanding of the person who was appointed to Inglewood, is it?
A. That is the first such possibility.

Q. Did you know Father McMullen?
A. I don't think so.

Q. The fact of the temporary appointment suggests, doesn't it, that it was not known where --
A. I'm having difficulty hearing.

Q. I am sorry.
A. I am sorry.

Q. Is that better, Cardinal?
A. Thank you.

Q. It suggests, doesn't it, that the reason that Ridsdale was given a temporary appointment until the end of February was because they just didn't know - that is, the consultors just didn't know - where to put him?
A. That might not have been the case. There might not have been a suitable opening at that time, but that one was expected soon. So there were - there's a number of reasons possible for such a short appointment.

Q. One reason is that he wasn't suited to parish life and, therefore, the consultors needed a temporary appointment to think what to do with a priest who was not suited to parish life because of complaints of sexual assault against him? That's one possibility, isn't it?

A. Well, that would be very strange logic, if they were wondering whether he was suited to parish life and they put him into a parish for a six-week term.

Q. Well, it would also be very strange logic, wouldn't it, for consultors, knowing about sexual assault complaints, to put him in a parish, albeit permanently - wouldn't that be equally strange logic, Cardinal?

A. Yes, and as a matter of fact I would be tempted to say it is worse.

Q. It is not just a question of logic; it is a question that is answered that the consultors - that is, those who knew of his past and the allegations - were acting in defiance of their responsibility to be safe in relation to children, to make decisions that made children safe; isn't that right?

A. That is correct.

Q. At this stage, 1976, you were still in Ballarat East, weren't you?

A. I was.

Q. And you were still living at the presbytery?

A. Correct.

Q. I think you became a consultor in January of 1977?

A. '77 certainly, yes.

Q. And Bishop Mulkearns appointed you as a consultor?

A. He did.

Q. I take it you were told that your role was, along with fellow consultors, to meet and advise Bishop Mulkearns on the appointment and movement of priests, as well as property matters?

A. Yes. The understanding was that we would be asked to
give advice in both these areas on some occasions regularly; not always.

Q. And you understood that in order for priests to be in the appropriate place, that the consultors should ensure that the advice they were giving was frank, honest and complete?
A. Obviously a consultor has an obligation to be as well informed as could be reasonably expected, and - I'm sorry, I will leave it at that.

Q. And I suggest that the consultor had an obligation to keep his ears and eyes out in order to properly advise the Bishop.
A. That is correct.

Q. There was a meeting in July 1977 at which you were present. Could tab 13 of that bundle be turned to, please.
A. Yes.

Q. You are noted as present.
A. Correct.

Q. As is Bishop Mulkearns, Monsignor Fiscalini, Father Madden, Father McKenzie, Father K Arundell and Father Torpy?
A. Correct.

Q. You knew each of these consultors, didn't you?
A. I did.

Q. You had known each of them, I suggest, for some decade or more?
A. Yes, you - well, you could say that, except, as I said, I was away for most of that decade.

Q. What, the decade of the '70s?
A. I returned home in 1971.

Q. So that for that period, from '71 to '77, you knew each of them well?
A. No, I didn't know each of them well. I knew each of them and - it's a country Diocese, it is quite dispersed, but I certainly knew each of them.

Q. If we can turn down to the second page, there is reference there in the middle of the page to you as
principal of Aquinas College making a recommendation in
relation to property?
A. I see that.

Q. And you gave reasons for why you recommended that that
property be bought?
A. Yes, I did.

Q. And then that motion was moved and seconded - in fact,
it was moved but failed for a lack of a seconder. Do you
see that?
A. I'm just --

Q. It's the last three lines on the screen but the last
three lines under that heading. Do you see "Motion 1" to
the left?
A. "Failed through lack" - I certainly do.

Q. It was the case, was it, from time to time that there
was disagreement among the consultors and, as a result,
what was proposed didn't happen?
A. That did - if the Bishop accepted the advice, either
minority advice or - it would depend on what the Bishop
decided.

Q. It suggests here --
A. There was no decisive power - there was no decisive
power in the vote itself.

Q. Although it suggests here that the motion failed not
because the Bishop didn't want to do it but because no-one
else on the Consultors Committee seconded it; isn't that
right?
A. Yes, but there's quite a distinction between whether
the motion failed and whether the Bishop decided to do
something as a result of that failure or not.

Q. Well, surely that would be reflected in the minutes,
wouldn't it?
A. Yes, and it is.

Q. Well, where is it reflected in the minutes?
A. Because they move on to accept the proposal in
principle but not to put it into place.

Q. Is that the item that is crossed out that you are
referring to? If we can just scroll up the page --
A. No, the two lines that are crossed out are then followed:

That the Consultors agree in principle ...

That for the time being it would be better to stay at Mair Street.

Q. What is above it - that is, that they agree in principle to buy it - is crossed out and replaced with "staying put".
A. That's correct.

Q. It suggests, doesn't it --
A. And --

Q. -- I am sorry, Cardinal, what were you going do say?
A. Could you move on to paragraph 3?

Q. Certainly.
A.

That the Consultors agree in principle to buy the Mair Street property and that negotiations be started with ... the terms and price.

A. The motions 1, 2 and 3 that are set out there suggest that there is a process within a meeting of there being discussions of the pros and cons of whatever is under consideration; isn't that right?
A. No, that's not the case, because the pros and cons of some matters weren't discussed. It would depend on whether the Bishop wanted the discussion, and certainly discussion of property matters would be much freer than it might be on other matters.

Q. Well, it wouldn't be freer than on matters such as the important matter of where priests are appointed to, would it?
A. That would depend on the information that the Bishop made available to the meeting.

Q. It's not only the Bishop making available, it's those consultors making available their knowledge as well, isn't it?
A. Yes, the consultors have an obligation to share the knowledge they have.
Q. And what this entry shows us is there was a degree of discussion that began with the motion being lost through lack of a seconder and then the agreement in principle having been discussed and crossed out, then there being a different agreement in principle and then, finally, an agreement to buy. That's how those three motions can be read?
A. That is correct.

Q. Now, if we can turn to the next page, do you see the underlined part which is about halfway down?
A. I do.

Q. And that is that Father Ridsdale was formally appointed as parish priest of Edenhope. His original appointment was as administrator, and he should have been confirmed on 14 January 1977.
A. Correct.

Q. Do you recall this meeting?
A. I don't recall - I did not recall any of the meetings at which I was present where Ridsdale was discussed, but obviously reading these minutes has refreshed my memory.

Q. And what memory do you now have?
A. That what is - I understand and accept what is written before me. I would say this, that as far as -- it is understanding what has happened, the fact that a person moves from being administrator to being parish priest is an expression of confidence and, for example, when I was Archbishop, we would not do that if there were continuing problems. So the fact that that was proposed and then accepted I took as an endorsement of what Ridsdale was doing.

Q. So it's the case --
A. And that would be --

Q. I am sorry, Cardinal, "that would be"?
A. I think that would be a common understanding.

Q. So it's the case, isn't it, that if he went from being parish priest to administrator, that would be a sign that there was something wrong with his ministry; doesn't that follow?
A. He would not go from being parish priest to
administrator in the same parish. If he was parish priest and was then regularly appointed or was appointed as administrator, it would be a sign that there was some sort of problem or difficulty, yes.

Q. Cardinal, it's the case, isn't it, he went from parish priest to administrator and then back to parish priest again. There was clearly a period between each of those parish priest appointments where there was some problem with him; isn't that clear?
A. No, it's not entirely clear to us - it wasn't entirely clear then, and when a person was taking a short-term appointment he would never be made a parish priest, he would be just made administrator. The parish priest has got considerable rights and can't be removed easily by the Bishop at all.

Q. Well, "removed" or "moved" is a different concept, isn't it?
A. No, they are basically the same thing. To be removed as parish priest or asked to move from the parish amounts to the same thing, except if a person is an assistant, they are moved more easily.

Q. But we know by this stage, don't we, that he - that is, Ridsdale - had been moved more than was usual for a priest to be moved?
A. That is correct.

Q. If we go back and look at who was at this meeting - and that's at the top of the first page - Bishop Mulkearns presided?
A. Correct.

Q. Bishop Mulkearns knew of a complaint against Ridsdale in 1972 - that was the serious sexual assault complaint - didn't he?
A. That's correct.

Q. He knew of a complaint in 1976, and that was the complaint in Inglewood; is that right?
A. Correct, yes.

Q. And Fiscalini knew of the complaint in 1972, didn't he?
A. That's correct.
Q. In relation to Monsignor Day, Bishop Mulkearns, Monsignor Fiscalini, Father Madden and Father McKenzie all were aware of serious sexual assault complaints against Day and, with that knowledge, moved him to another parish; isn't that right?

A. Madden and McKenzie were part of that, were they?

Q. They were.
A. Thank you. Good.

Q. They did that, didn't they? With that knowledge, they moved Day to another parish?
A. They did.

Q. Dan Torpy has given evidence that he knew of allegations in Mildura of sexual activity against Day. You understand that was the evidence I took you to earlier?
A. That Father Torpy knew that?

Q. Yes, he gave evidence that he knew of allegations in Mildura of sexual activity by Day.
A. Good. I accept - I can't recall that exactly. I accept what you are saying.

Q. In this meeting, if Monsignor Fiscalini was doing his job properly, he would have told you all of what he knew from 1972, wouldn't he?
A. He should have.

Q. And Bishop Mulkearns would have told you what he knew from 1972 and 1976?
A. Yes, well he certainly didn't.

Q. He didn't?
A. He did not.

Q. Bishop Mulkearns said nothing at that meeting of the allegations in 1972 and 1976?
A. Certainly not.

Q. He didn't tell you why Father Ridsdale had been made an administrator for a short time?
A. One, I can't remember what reasons were given, but there are many possibilities other than paedophilia for the removal or the translation of a priest.

Q. Well, there may be, but in this case it was
paedophilia, wasn't it?
A. In this case, we now know it was paedophilia.

Q. Well, when you say "we now know", Mulkearns and Fiscalini knew at the time, didn't they?
A. That is correct.

Q. And each of the other members of the consultors, with the exception of you and K Arundell, had knowledge of sexual assault allegations against at least one priest - that is, Day - or one and two priests - that is, Day and Ridsdale? Is that right?
A. That is correct. Yes, that is correct.

Q. And you say that none of those people shared with you any knowledge they had about Ridsdale?
A. That is correct. And these matters were not discussed at the Consultors Meetings and I think that is the - very close to the unanimous evidence of the consultors.

THE CHAIR: Q. Cardinal, as I understand your evidence, the consequence is you say the Bishop deceived you; is that right?
A. Unfortunately, correct.

Q. And also, Monsignor Fiscalini deceived you as well?
A. Yes.

Q. It is surprising, isn't it, that a Bishop and a senior cleric, who joined with you in a committee to advise in relation to appointments, would deceive a member of that committee?
A. It is - it is surprising.

Q. It is even more surprising, isn't it, if they deceived you in relation to allegations that the priest under consideration had been said to have sexually abused children?
A. Yes.

Q. It's hard to imagine a greater deception, isn't it?
A. Well, it probably would be possible to imagine a greater deception, but it is a gross deception.

MS FURNESS: Q. Cardinal, you said:

And these matters were not discussed at the
Consultors meetings and I think that is
the - very close to the unanimous evidence
of the consultors.

Are you referring to the evidence of the consultors before
this Royal Commission, or somewhere else?
A. I was referring to the evidence of the consultors
before this Royal Commission in relation to Ridsdale.

Q. You understand, don't you, that the evidence of the
consultors - that is, other than you - as to what was said
is not relevant to your account as to what was said; isn't
that right?
A. I would have thought that it had some corroborative
strength.

Q. Your job, Cardinal, with respect, is to give evidence
about what you know. What you are seeking to do is to
effectively make submissions about the findings that should
be made based on other people's evidence. Is that a fair
proposition?
A. No, I don't think so. I have repeatedly told you what
I know.

Q. Your answer that the questions asked of the other
consultors and their answers had some corroborative
strength to your evidence suggests that your evidence is
affected by the evidence of others rather than telling us
just simply what you know. What do you say about that?
A. It suggests nothing of the kind. It suggests nothing
of the kind. I express what is the truth about my position
and I think there is a set of facts about what they said
too. Whether they are corroborative or not is for others
to judge, but those facts are on the table.

THE CHAIR: Q. Cardinal, Ms Furness has put to you the
movements that were made of Father Ridsdale from parish to
parish and his administrative appointment rather than
appointment as a priest. I assume that you knew of all of
those movements at the time that you were at this meeting;
is that right?
A. I would have had certainly some knowledge, probably
not a detailed knowledge.

Q. Well, why did you think that strange pattern of
movements had taken place?
A. Because I've studied it in retrospect.
Q. No, no, at that meeting --
A. At - why --

Q. No, no, Cardinal, forgive me.
A. I am sorry, I misunderstood your question, I think.

Q. Why, when you were sitting at that meeting, did you think that Ridsdale had been moved in this irregular way?
A. Because, obviously, there was a series of difficulties, but it certainly was not stated that those difficulties touched on paedophilia and crimes.

Q. Did you ask what the difficulties were?
A. I can't remember specifically asking, but there would have been some generalised explanation.

Q. "Generalised explanation"? Could you help me to understand what that might be?
A. Well, there might have been difficulties with the school principal; there might have been difficulties of personalities; there might have been a difficulty of an inappropriate adult relationship; it could have simply been that the man was perpetually restless. These are all possibilities.

Q. Well, did someone tell you that those possibilities had materialised in Ridsdale's case?
A. Well, they certainly did not mention that the reason he was being shifted was because of paedophilia.

Q. Cardinal, would you answer my question, please?
A. Could you repeat it, please?

Q. Yes. Did someone tell you that the possibilities that you have referred to had materialised in Ridsdale's case?
A. I can't remember exactly what was said, but it would have been quite clear that there were difficulties of some sort.

Q. Well, if the difficulties were identified but paedophilia was not, the deception becomes a lie, doesn't it?
A. My - I think that's correct.

Q. So we're in the position where you were deceived by the Bishop and deceived by Monsignor Fiscalini and
someone - possibly the Bishop - has lied to you; is that right?
A. That is correct.

MS FURNESS: Q. You said earlier that the question of Ridsdale's offending prior to this appointment was not discussed in the Consultors Meetings. Now, was Ridsdale the subject of talk among priests, including those present at this meeting, outside of the Consultors Meetings?
A. Obviously there would have been some discussion, but there was never any discussion about him and paedophilia in my hearing.

Q. You see, it must have been somewhat notorious now, in the mind of at least Fiscalini, that there had now been two complaints in relation to Ridsdale and they had both been of a serious nature.
A. Correct.

Q. And given that notoriety, it would be surprising, given that priests do talk among themselves and gossip, that was not the subject of discussion with others including yourself?
A. Well, I think you are making a number of jumps there. What priests might talk about between themselves is not necessarily what would be discussed in other circles. There is a saying in the church and elsewhere that those who know don't say and those who say don't know. Priests, because they hear confessions, can be and must be about certain matters amongst the most secretive of people. I do not remember much discussion about the secret failings of priests, and certainly at that stage there was never any discussion in my presence about the dreadful story of Ridsdale.

Q. The dreadful story of Ridsdale wasn't secret, was it?
A. It was known to the people you have listed. It wasn't known to many, many people.

Q. It was common knowledge, as described by the police, in one parish, isn't that right, and common knowledge among the Catholic congregation?
A. That was the claim, and obviously I don't think that's been contradicted.

Q. And Ridsdale says it was common knowledge among those in his previous parish as well - Apollo Bay - didn't he?
A. He said there was discussion at the hotel.

Q. No, he said --
A. And obviously that presumes some level of knowledge.

Q. Well, no, I will take you back to what he said, Cardinal. He spoke not just about discussion at the pub. He spoke further than that, and I will come back to that.
A. Good.

Q. But it's also the case in relation to Day - you've given evidence of talking to other priests about Day's activities, haven't you?
A. Yes, certainly, especially after there was a long newspaper article.

Q. It's the case, isn't it, that priests are human?
A. I hope so.

Q. And human beings talk among themselves about their colleagues, don't they, Cardinal?
A. Human beings in different categories have very different approaches to these matters. We work within a framework of Christian moral teaching. Pardon?

Q. And what does that mean --
A. Would you like me to continue?

Q. I would, indeed.
A. We work within a framework of Christian moral teaching, or certainly we should, and discussion of the secret faults of others is not encouraged. Certainly we were always encouraged to have a concern for the general health and wellbeing of the community.

Q. The problems with Ridsdale were not secret, Cardinal. They were known, the evidence says, by two communities. In Apollo Bay Ridsdale says there must have been talk about town; in Apollo Bay there was also talk about things down the pub; and the evidence in relation to Inglewood is similar - that it was known and it was common knowledge. Now, to suggest, Cardinal, as you have repeatedly, that knowledge about Ridsdale was secret is just not true.
A. I wasn't suggesting for a minute that it wasn't known amongst the people you have listed. I was speaking generally. It wasn't known to me and I believe it wasn't known to quite a number of others.
Q. Well, it was known to Bishop Mulkearns, wasn't it?
A. It was.

Q. And it was known to Monsignor Fiscalini, wasn't it?
A. It was.

THE CHAIR: Q. Cardinal, we've already discussed the fact that you say that neither the Bishop nor Monsignor Fiscalini told you, and, as a consequence, you were deceived and one of them lied to you - we've already discussed that. Do you understand?
A. I do.

Q. When, as Ms Furness points out, Ridsdale's behaviour was common knowledge in at least two of the parishes of the Diocese, can you give us any reason why Bishop Mulkearns would choose to deceive you about Ridsdale's behaviour?
A. Yes, I can. He might have wanted to protect us from his wrongdoings. He might have feared that if he told us the truth, that people like myself would have said "Well, look, is that correct? I'm not sure we should be going in that direction at all." The reasons why he did these things repeatedly are a great mystery to me.

Q. Regrettably, Cardinal, I don't understand your answer. Could you help me to understand what you are telling us?
A. What part don't you understand, your Honour?

Q. I don't understand your explanation as to why the Bishop would choose to deceive you or, indeed, lie to you, a member of his consultors, about Ridsdale's behaviour when it was common knowledge in at least two of the parishes. Given that it was common knowledge amongst many people, why would he choose to deceive you?
A. Because he would realise that I didn't know and he did not want me to share in his culpability. And also, I think he would not have wanted to mention it to me and some - at least some other members of the consultors because, at the very minimum, we would have asked questions about the propriety of such a practice.

Q. Well, what is wrong with that? That was your job, wasn't it?
A. I'm trying to explain why he didn't do it. Of course it was our job, and almost certainly it would have been done.
Q. You see, you speak of the Bishop's culpability. If we were to come to the view that you did know, you would be culpable too, wouldn't you?
A. That's correct.

Q. So we have to --
A. That's --

Q. We have to determine a very serious issue, don't we?
A. That is taken for granted, your Honour. It is very clear, of course, that the decision is one of the bishops, that the consultors only have an advisory capacity and, of course, all of us have to respect the evidence.

MS FURNESS: Q. Cardinal, did you know a Sister Kathleen Mary McGrath when you were in Ballarat East?
A. Slightly, yes.

Q. She was a Sister of Mercy?
A. Correct.

Q. And she taught at St Alipius Girls School in Ballarat East from 1975 to 1977? Do you accept those dates from me, Cardinal?
A. I accept that. I accept that.

Q. Do you recall her being at St Alipius Girls School?
A. In general terms, yes.

Q. In your role of Episcopal Vicar of Education, did you have dealings with her in her role at that school?
A. I would have to some extent but I can't remember what they were particularly.

Q. She has provided a statement in which she says that when she was at Edenhope, where she was a teacher in 1978 to 1979, a parent of a student at the school told her that her friend who was also a parent of a child at the school, had said to her in relation to Ridsdale words to the effect of, "Just mind your children". Now, she went on to say that she didn't think that this was a sexual issue. However, did that come to your attention, that that was said to her when she was a teacher at Edenhope?
A. No, I wasn't aware of that.

Q. In 1978 to 1979 your role as Episcopal Vicar was in

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relation to diocesan schools; is that right?
A. Yes, that is certainly correct. I would like just to
repeat, as I have previously, that I had a full-time job as
an academic and, therefore, the amount of time I devoted to
my duties as Episcopal Vicar was restricted.

Q. You are not suggesting you didn't carry out your job
as Episcopal Vicar to the best of your ability, are you?
A. I am suggesting that I was able to devote very little
time to it, and this was understood by the Bishop and all
concerned.

Q. Did you say to the Bishop "Let somebody else be
Episcopal Vicar because I just don't have enough time to do
it"?
A. No, I didn't, because he was quite happy with the
limited amount of time that I was devoting to it because
I was not in the executive chain, as I have explained.

Q. The executive chain is irrelevant to the job of
Episcopal Vicar, isn't it?
A. It is, because I've explained what my job as Episcopal
Vicar was. That was to chair the Education Board, to
represent the Bishop on some occasions and, as I said,
increasingly my work was tied up with what we then called
the Catholic Teachers College.

Q. In your own language, you were the essential link
between the bishop and the parents, teachers, children and
principals of Catholic schools?
A. I find that an extraordinary claim in the light of the
discussion that we had yesterday where we did a detailed
study of the passage where it was pointed out very clearly
that the Episcopal Vicar was one part of an essential
linking between the Bishop and the educational
institutions, and that linkage was a religious linkage.

Q. Ultimately, it will be a matter for the Commissioners
to decide the meaning of your words in that document,
Cardinal. Can I turn now to --
A. I would - could I suggest - could I suggest that for
both of us the obligation is to study the words in the
document and to conclude from that.

Q. Thank you, Cardinal. I suspect some lawyers have an
understanding of that concept. Can I ask you to turn to
tab 15 of the Ridsdale bundle. Do you have that?
A. Yes, I do.

Q. They are the minutes of the Consultors Meeting on 25 September 1979?
A. Yes.

Q. And those present are known from other meetings, save for W Keating. Who was that?
A. Father Keating.

Q. Who was he at the time?
A. Pardon?

Q. Who was he at the time? Was he a parish priest, an assistant priest? Did he have any particular function?
A. I think he might have been an assistant priest. I'm not absolutely sure.

Q. Thank you. If we can turn to the second page, and if we can scroll up, what is recorded there is that Reverend Ridsdale from Edenhope has applied for study leave in 1980, and he wishes to resign as the parish priest of Edenhope and, on return, desires a central parish. Do you recall this meeting?
A. Now that I have the notes in front of me, yes, certainly.

Q. What do you recall about this meeting?
A. Following on from the notes, I recall that he asked for study leave, and this was certainly very much encouraged by the Bishop, for the priests to do that. Many priests were reluctant to take study leave. The fact that he wanted a central parish and a role as spiritual director to the Catholic Women's League, I would have taken those as a vote of endorsement and suitability, if these were accepted as positives - setting out a positive view of what he was doing.

Q. He had only been in the position for some two years, hadn't he, at that stage?
A. Two years is not completely unusual.

Q. But when you put the two years together with all of his various other appointments we have discussed, it extends the pattern of unusual movements, doesn't it?
A. Yes, it certainly does.
Q. And by this stage, the consultor, who was efficiently and effectively doing his job, would be asking why this man is continually changing his position with the assent of the Bishop on the advice of the consultors, wouldn't you?
A. Yes, but it would be asked in a different way when someone was asking for study leave, because that was encouraged and that wasn't taken up widely by the clergy, to the regret of the Bishop.

Q. The effect of him going on study leave was to remove him from parish life, wasn't it?
A. I think we now know that that is the - that was the real reason. That certainly wasn't clear to me or known to me at the time.

Q. If it wasn't known to you at the time, it was certainly a matter that should have been raised, shouldn't it, in the Consultors Meeting, given the unusual pattern you have described?
A. The - yes, there would have been some reason. Probably the Bishop would just have said "Look, he wants to take leave. He wants time for a bit of prayer and reflection". That in itself was not a cause for alarm.

Q. You know, don't you, that Bishop Mulkearns and Monsignor Fiscalini, who were at this meeting, each knew of complaints in '72, and Mulkearns in '76 - we know that, don't we?
A. That's so. Yes, that's correct.

Q. Did either of them share that knowledge with the meeting when deciding on a course that would effectively take Ridsdale out of the position of parish priest?
A. No, certainly not.

Q. Would you agree that it was known to the consultors at that time that the reason was to take Ridsdale out of parish work?
A. For what reason?

Q. Well, did you know - do you agree that it was known that the reason was to take him out of parish work? That's the question, Cardinal.
A. It is, and it's a bit open ended and difficult. Let me try to unpack it a bit. I can't be sure what the other - what the other consultors knew or did not know. Secondly, I could only know what was told me about why he
wanted to do - to take study leave.

Q. You knew, didn't you, that the reason he had applied for study leave was to remove himself from parish work? You knew that?
A. I think that is something much influenced - that view is much influenced by hindsight. I think it's a jaundiced view. At the time, what we knew was that he wanted to take a course of spiritual and intellectual and personal renewal at the NPI.

THE CHAIR: Q. Cardinal, what we do know, as Ms Furness has pointed out, is the knowledge within parts of the community and the knowledge of the Bishop and Monsignor Fiscalini, don't we - we know that? And we have discussed the meeting in July 1977, where you were present - you remember that discussion?
A. I do.

Q. And now we are looking at a meeting in September 1979, more than two years later. You understand?
A. I do.

Q. Between those two dates there have been multiple meetings of the consultors, have there not?
A. I'm not sure how often we met - two or three, perhaps four times a year, but the minutes could verify just how frequently we met.

Q. Well, I used the word "multiple" because I didn't want to put a particular number on it, but there were multiple meetings between those two dates, weren't there?
A. In the terms in which I - and you - have described it, yes.

Q. And I assume that you, on many occasions, had met with the Bishop between those two dates, either on a personal occasion or on an official occasion?
A. Perhaps not as much, not as frequently as you would imagine. We both led busy lives and most of my life was spent outside parish life.

Q. Very well. And you also, I assume, would have had social interaction and official interaction with Monsignor Fiscalini; would that be right?
A. Very - very little - very little social interaction. And I suspect at this stage he was at Warrnambool, so
I wouldn't have had much to do with him at all, given that I was based in Ballarat.

Q. And as you have said, you were party to gossip within the Diocese from time to time; correct?
A. I would like to think that I was very rarely part of gossip. I did hear things, but I have explained that myself, like many priests, did not indulge ourselves in that type of conversation.

Q. Very well. As Ms Furness has pointed out, as far as Ridsdale was concerned, at least in two parishes in the Diocese the secret was out, wasn't it?
A. That is correct.

Q. And are you saying to this Commission that between 1977, when you say you were deceived, and 1979, you never heard anything in relation to the misbehaviour of Ridsdale?
A. I am saying that. I would like to remind your Honour, of course we are talking about a different age. There was no social media; I don't think there were mobile telephones; we are talking about a country diocese. There was certainly not the flow of information in society that there is now, and certainly on a topic like this, there were enormous social inhibitions on discussing such matters.

Q. But there were telephones in the Diocese, weren't there?
A. Of course.

Q. And priests spoke to each other by telephone, I assume?
A. Of course.

THE CHAIR: Very well. We might take the morning adjournment, Ms Furness.

SHORT ADJOURNMENT

MS FURNESS: Q. Are you right, Cardinal?
A. Thank you.

Q. Cardinal, you moved from Ballarat East presbytery and went to live with Bishop O'Collins for a period; is that right?
A. That is correct.
Q. When did you do that?
A. I think it was in 1990. Unfortunately, the Bishop was sinking into dementia and they wanted somebody there to help support him.

Q. 1990 or 1980?
A. That's - I'm sorry. 1980, of course.

Q. When you lived with him, did he talk to you about Ridsdale and his experience with Ridsdale?
A. No, right from the time at which I got there and progressively it got worse, he was unable to remember much coherently at all.

Q. You understand from, I gather, the documents you have read that Bishop Mulkearns spoke of destroying a letter from Dr Seal to Bishop O'Collins in relation to Ridsdale's treatment? You understand that?
A. I have heard that.

Q. Bishop O'Collins didn't say anything to you about having received a complaint against Ridsdale?
A. No, certainly not.

Q. What about arranging treatment for Ridsdale?
A. Could I just repeat, he was - it was significant dementia when I started and the poor man, by the time - after a couple of years he couldn't even remember what job he had. So it was - it went from significant dementia to radical, radical dementia over the two or three years I was with him. So it was difficult to say that I had a coherent conversation with him during my time there.

Q. Cardinal, can I take you to tab 17 of the first bundle. Do you have that?
A. Thank you.

Q. You see that's a Consultors Meeting on 16 January 1981, and you are noted --
A. I do.

Q. You are noted as an apology.
A. I do.

Q. When you don't attend meetings, do you ordinarily have access to the minutes from the meeting you didn't attend?
A. I'm not sure they were always or regularly distributed. I think - I think the practice was the minutes would be read out at a subsequent meeting, but I stand to be corrected on that.

Q. If we can have the second page, there is reference, you will see, at the top of that page to "Parish Priests". Do you see that, Cardinal?
A. I do.

Q. For Edenhope you have Reverend H Nolan. That's Henry or Hank Nolan?
A. That is correct.

Q. He was a cousin of yours?
A. A first cousin.

Q. And, for Mortlake, we see Reverend G Ridsdale was appointed.
A. Correct.

Q. Was it made known to you that he had been appointed to Mortlake?
A. I would have - I would have learnt that, yes.

Q. You will see again that Bishop Mulkearns and Monsignor Fiscalini were present at that meeting, if we can scroll to the top of the page?
A. Yes.

Q. It is the case, isn't it, that each of them was aware of the 1972 complaint and Bishop Mulkearns was aware of the 1976 complaint?
A. Correct.

Q. Again, they have moved Ridsdale to another parish?
A. Correct.

Q. And you would be critical of that for the reasons you have given before?
A. Correct.

Q. Can I ask you to look at tab 84, which is in the second bundle. Do you see, Cardinal, that that is a transcript of an interview with Father Brian Finnigan, who was then the Vicar General?
A. I do.
Q. You knew Brian Finnigan?
A. Yes, certainly.

Q. What were your dealings with Brian Finnigan in the 1980s?
A. Well, I left Ballarat at the end of '84. Obviously I would have seen more of him in the early 1980s than later. But we were, and are, friends, although I haven't met with him for years.

Q. Thank you. Now, if we can turn to page 0110, on the foot of the previous page, Monsignor Finnigan - was he Father Finnigan or Monsignor Finnigan?
A. I'm not quite sure when he became Monsignor.

Q. Monsignor Finnigan is asked, from the National Pastoral Institute, Ridsdale went to Mortlake, and the questioner says, "It's Mortlake that we are very concerned about." And "Can you tell me anything about it". Then on the top of the next page, Monsignor Finnigan begins:

All this is very confidential, but one of the subsequent [parish priests] at Mortlake would say that Mortlake is one of the real trouble spots and whether he is given to a bit of dramatisation, "kids in classes" ... "all kids in a couple of classes".

And the question is:

All kids, all boys in a couple of classes?

And the answer is:

Well that is what he would say.

If we can continue down, he, in answer to a question says that a colleague or relative of his is a parishioner there and his son was certainly molested. Then he was asked about when he was the Bishop's Secretary in 1981 to 1982 - when I understand he was a Father - he describes people coming to him to complain, and then a few lines down, do you see there is reference there to three or four people having come to him and complained and they were disturbed by Ridsdale's behaviour in that he used to invite all these
lads around to his place to play pool and those sorts of things, and they felt he was over friendly to them, and he confronted Ridsdale and Ridsdale was most crestfallen. "He said 'I thought I was going along very well'." Then further down --

A. I --

Q. I am sorry, Cardinal, are you following?

A. Yes, I was just going to say I see I see that.

Q. Then, when asked whether he admitted to anything, the answer was that the things that were said to him were sort of very general?

A. Correct.

Q. Now, that's a delegation or deputation, as it is described, to Father Finnigan, as the Bishop's secretary, and if we can turn over to page 8 or 0111, if we can go down to the bottom of the page, in that last answer --

A. Yes.

Q. -- he refers to people from Mortlake having approached the then Vicar General, Monsignor Fiscalini. Do you see that?

A. I do.

Q. So from what Father Finnigan had to say, there was an approach to him of three or four people concerning Ridsdale's behaviour at Mortlake, and there was an approach to Monsignor Fiscalini again concerning Ridsdale's behaviour at Mortlake.

A. Yes, correct.

Q. If we can go to tab 10 of the statements - do you have that, Cardinal?

A. I do.

Q. If you look on your list of pseudonyms, you will find out who [BPF] is.

A. Yes.

Q. Is that somebody who was known to you?

A. I don't think so.

Q. Scrolling over to the second page, down to paragraph 11, there is reference from [BPF] to driving to see Monsignor Fiscalini and telling Monsignor Fiscalini
about a problem in Mortlake, and in paragraph 13 he says, "We didn't even get a chance to say that it was Father Gerry who was involved". Stopping there, from the earlier documents it is clear, isn't it, that Fiscalini was aware of at least two complaints against Ridsdale - no, I withdraw that. One complaint against Ridsdale in 1972.
A. Yes, I accept that.

Q. And [BPF] says that "Monsignor Fiscalini said, 'I will deal with it', and dismissed us". And then, later, the children came home with a letter from Father Gerry apologising to them, although Father Gerry didn't admit anything in the letter, which suggests, doesn't it, that Monsignor Fiscalini spoke to Father Ridsdale and Father Ridsdale sought to apologise? That's the suggestion in that statement, isn't it, Cardinal?
A. Yes. That is very plausible.

Q. If we can turn to the next page, page 3, at the top of that page, [BPF] is now referring to another mother who rang her, and it became clear to her that both [BPC] and herself, [BPF], were aware that each other's children had been abused, and it was arranged for the two sets of parents to go and see Bishop Mulkearns?
A. Yes.

Q. Then coming down to paragraph 20, this is a reference to the meeting with Bishop Mulkearns, and [BPF] said that she or her husband said:

... "We've got big problems in Mortlake".
Before we said anything more,
Bishop Mulkearns replied, "How am I to take the word of a child over one of my priests?"

Now, stopping there, that's an attitude that you accepted yesterday was an attitude that was, if not prevalent, tended to be the case in the church; is that right?
A. It was - that's certainly true to this extent, that if there was no contrary evidence or the evidence was pretty equivocal, people would be inclined to support the priest, but for this to be said after so much evidence being presented on previous occasions is astounding.

Q. You also, I think, said yesterday that you would be very inclined to accept the word of a priest who denied an
allegation; is that right?
A. Let me try to recall. I was talking about the very early '70s and I hope I would have said that my first instinct would have been to accept the protestation of innocence from the priest until it was disproven, but that I - especially through my experience as a bishop, I came to see this was a quite unreliable criteria.

Q. We will bring up the reference in the transcript, but my recollection certainly, Cardinal, is that you put forward a period of time up to the mid to late 1980s as when these views were views held by the church.
A. Well, I wouldn't have described them as views held by the church. I would have been talking about my view and the view of a number of the other priests. I certainly acknowledge that from the middle 1980s we got much greater clarity on these things, but all along there was - it should have been a presumption that we went with the truth. Your starting point might have been, or is, I think, different now, but the obligation of the truth is exactly the same.

Q. Can I just quote your evidence from yesterday. This is at transcript page 16206, beginning at line 10:

I must say, in those days, if a priest denied such activity, I was very strongly inclined to accept the denial.

A. Yes, and I think I was talking about the early 1970s, and that was my - that truthfully explained my view at that time and for some little time.

Q. And by "that time" you say the early 1970s?
A. I was speaking, first of all, about that time, but always it was very clear in my mind that the truth prevailed. I'm talking about an initial starting point, even before examining the evidence.

Q. Thank you. If I can take you now in the statements folder to tab 7 - do you have that, Cardinal?
A. I do.

Q. That is a statement of Paul Levey?
A. It is.

Q. If we can turn to page 3 of that statement, which is
0003 at the top - do you have that?
A. I see that.

Q. What Mr Levey is saying is that around Easter 1982, when he was 14, he was sent to live at the presbytery at Mortlake with Ridsdale, and he lived there from about Easter to October 1982 and he was sexually abused all the time, just about every day. He describes --
A. Yes, a terrible and sad story.

Q. He describes that he always slept in Ridsdale's room and that there was a house keeper and always people coming and going, including people having parish meetings at the presbytery. Then he refers to it being common knowledge in Mortlake "that I lived at the presbytery". Cardinal, in 1982, if you can take your mind back to that time, you were at the Aquinas College - is that right - the Aquinas campus of the college?
A. I was director of the Aquinas campus and at that stage I was principal of the entire Institute of Catholic Education, which had a couple of campuses in Melbourne.

Q. You were living at that stage with Bishop O'Collins?
A. That is correct.

Q. Are you able to take your mind back and tell us what you would have thought, particularly given your educational background and interests, about a 14-year-old boy living in a presbytery with a parish priest?
A. I would have thought it was most unusual, even if there was a resident house keeper.

Q. You would have also been concerned, wouldn't you, for the safety of that boy?
A. Yes, I would have, but I would have - it would have been from the proposition that it was imprudent for any priest to do that.

Q. And the reason it was imprudent was because the risk of sexual abuse of the child was great if the priest was in a one-to-one relationship or in a one-to-one physical situation with the child; is that right?
A. It would not - that wouldn't be the case with every priest at all, but it was imprudent and even in the most innocent of relationships, it could have given rise to gossip.
Q. Well, the risk would exist with any priest living with a child, wouldn't it?
A. It would be --

Q. The reality might be different, Cardinal, but from the outside the risk would skill exist with any priest or religious, wouldn't it?
A. To a very greater or lesser extent, because adults regularly live with children.

Q. Well, priests don't live in presbyteries with children regularly, do they?
A. Certainly not.

Q. In fact, do you know of any other occasion when a priest has had a child, a 14-year-old child, live in a presbytery?
A. I don't think I knew of anything about a long-term living arrangement like that.

Q. If you had discovered that a 14-year-old child was living in a presbytery, you would have done what you could to take the child out, wouldn't you?
A. Well, before that I would certainly have wanted to know why the child was there and what precautions were in place and whether this was something that was temporary or permanent.

Q. Well, what precautions are you suggesting you would be looking for?
A. By having a resident house keeper who would have some commonsense and would be vigilant, and certainly, as a very minimum, ensuring very separate and different sleeping quarters.

Q. And you would do that because of the risk that the child would be abused; isn't that right?
A. That is the principal reason.

Q. If you had known that there had been complaints about Ridsdale of a sexual nature before the child was placed in the presbytery, you would never have put that child there, would you?
A. Certainly not.

Q. And once you had discovered that the child was there, it would be wrong to do anything other than take the child
out; isn't that right?
A. That - to recommend the child be taken out, that's right, if it wasn't in my power to do so.

Q. Well, you would do more than recommend, Cardinal, wouldn't you?
A. I would do whatever was in my power in such a hypothetical situation.

Q. It is not a question of power or authority or structural responsibility when it comes to children, Cardinal, is it?
A. I think we are all surrounded by real constraints and sometimes we are able to say this must be done, sometimes we are able to ensure that it is done, sometimes such a recommendation would be rejected and you would have to appeal to another party. Because something is wrong, you can't wave a magic wand and correct the situation easily in every situation.

Q. We are talking about the safety of children, Cardinal. Does that answer apply to the safety of children in the church?
A. Of course it does. Everything practical must and should be done to provide for the moral and physical safety of children.

Q. You don't need a magic wand; you just need a group of adults who are responsible, don't you?
A. I have explained that different people are able to do different things in different situations and what I am attempting to say is that nobody can do the impossible. Everybody has an obligation to do what they can to provide appropriate safety precautions.

Q. You accept, I think, Cardinal, that the church collectively failed to protect children during the 1970s and 1980s in the Archdiocese of Ballarat - you accept that?
A. Well, in the Diocese of Ballarat there - certainly there was a gigantic failure of leadership.

Q. It was more than just leadership, wasn't it, Cardinal?
A. In this matter. Pardon?

Q. It was more than just leadership, wasn't it? It was all parish priests, assistant priests, advisers, consultors who all collectively failed to protect children who were
living and under the care of the church in that diocese in
the 1970s and 1980s?
A. I think that is a vast and misleading overstatement.
It goes far beyond any evidence. Where there is evidence
that people knew of misbehaviour, where they knew of
a practical danger, they should have acted. We are not
permitted to go beyond the evidence.

Q. There is evidence, isn't there, that more than one
parish priest knew of allegations against Ridsdale?
A. That is correct.

Q. It is the case, isn't it, that at least one assistant
priest knew of allegations against Ridsdale?
A. That assistant priest being?

Q. Father Torpy in Mildura in relation to Day, and there
was an additional assistant priest in relation to
Ridsdale - and I will get you that name. In relation to --
A. Thank you, yes.

Q. In relation to advisers, it's the case, isn't it, that
Monsignor Fiscalini was aware of complaints in relation to
Ridsdale?
A. That is correct.

Q. And in terms of consultors, again, Monsignor Fiscalini
and others we will come to, were aware of complaints
against Ridsdale?
A. That is correct.

Q. And in terms of an assistant priest, Father Tom Brophy
in Warrnambool was aware of a complaint against Ridsdale?
A. Yes. The only clarification there is to note when
Father Brophy died. He died suddenly fairly early on, but
I can't remember the year.

Q. Well, he learnt of the complaint in 1972, didn't he?
A. So - I take your word for that.

Q. So it's the case, isn't it, that there was
a collective failure in the Diocese of Ballarat, including
parish priests, assistant priests, advisers and consultors
in relation to Ridsdale?
A. There was clear evidence that there was knowledge
amongst all the people that you have mentioned. I am not
aware of evidence that other people, other clergy, knew
these things.

Q. Is it your position, Cardinal, that it’s necessary for every member of the clergy to have personal knowledge in order for there to have been a collective failure in the Diocese?

A. No, not everybody needs to know. A universal failure would mean that everybody knew. A collective failure would be that primarily those with the effective responsibility knew and did not act. For those who were ignorant, I think it is improper to impute responsibility to them.

Q. In relation to your definition of a collective failure, it was those who had effective responsibility knew and did not act; isn’t that right?

A. Some of those who had effective responsibility. In fact, the first and primary man with effective responsibility is the Bishop. Some of the others who also had executive positions, like the Vicars General - if they knew, they were certainly responsible. And some moral responsibility for tendering advice from a basis of knowledge is certainly incumbent on the members of the Consultors.

Q. I take it from that that the moral responsibility is limited to those, in your mind, in the Consultors who knew of allegations against Ridsdale; is that right?

A. If we are talking about Ridsdale, yes.

Q. So any consultor who you say knew nothing has no responsibility, including moral responsibility, for what happened in the Diocese in relation to Ridsdale; is that your view?

A. That is stated very baldly, but when there is ignorance, when the ignorance is not wilful, when the ignorance does not represent somebody not doing their authority, I can’t see that responsibility can be imputed to them.

Q. Is it the case, Cardinal, that all of your answers over the last little while have been designed to exclude yourself, in your mind, from any responsibility in relation to Ridsdale and the Diocese of Ballarat?

A. My answers were designed to answer your questions accurately and completely.

Q. Is it your view, Cardinal --
A. And --

Q. I am sorry, please continue.
A. I do recognise that anyone who was in my situation is covered by my answer.

Q. So is it the case, then, that in your view, one, you were ignorant; two, your ignorance wasn't wilful; three, your ignorance didn't represent you not doing your job or acting within your authority - is that how you would describe your conduct as a consultor?
A. That is correct.

Q. And is there any consultor that fits that description, in your mind?
A. You would have to ask them and study the case. I can't, off the cuff, list those who did or did not know. I know - you have clearly pointed out to us some people who did know.

Q. Cardinal, do you accept any responsibility at all in the Diocese of Ballarat for Ridsdale being moved from parish to parish, particularly in the time when you were a consultor?
A. No, I don't.

Q. Moving on to Mortlake, I have taken you to the statement of Mr Levey, that he was living in the presbytery and he says that there were always people coming and going and he remembers on one occasion that Bishop Mulkearns came to visit.
A. Good, yes.

Q. You have seen that statement?
A. Yes.

Q. Did you yourself know that a boy was living in the presbytery in Mortlake?
A. No, I did not.

Q. If we can turn to the next tab, which is tab 8, this is a statement of Mrs Levey, who is the mother of Paul Levey.
A. Yes.

Q. Could we turn to page 4, Cardinal. Do you see in the second paragraph she refers to speaking to Bishop Mulkearns
and saying, "How can you let a child live in a presbytery with a priest? That's not appropriate. I want Paul taken out of there." And she describes the Bishop's response as there was nothing he could do, as Ridsdale had Paul's father's approval, and he hung up on her. Do you see that?

A. I do.

Q. We know, don't we, from the evidence, that by this stage there had been two complaints that Bishop Mulkearns was aware of in relation to serious sexual assaults by Ridsdale?

A. Yes.

Q. You accept that from the evidence?

A. I do.

Q. Bishop Mulkearns' response here was nothing short of scandalous, wasn't it?

A. That is correct.

Q. There was something he could have done about it, wasn't there?

A. There was.

Q. And he should have taken the action of immediately moving the boy from the presbytery.

A. Correct.

Q. And in doing so, I suggest that he knowingly and deliberately left that boy in danger. What do you think of that?

A. Correct. Correct.

Q. And you knew nothing of these actions or these events when you were a consultor?

A. No, nothing.

Q. As you know, Father O'Toole and Monsignor Finnigan gave evidence to the Royal Commission. Are you aware of that?

A. I am.

Q. Have you had an opportunity of reading their evidence?

A. I did.

Q. You will know, and I will put up the transcript reference if you would like that to happen, Cardinal, that
Father O'Toole gave evidence that while Father Ridsdale was at Mortlake he, Father O'Toole, was aware that Ridsdale had a boy living in the Mortlake presbytery with him during some of that time?
A. Yes.

Q. Now, stopping there, Father O'Toole lived with you in the presbytery at Ballarat East; is that right?
A. He certainly did for a number of years from about 1974, 1973 - late '73, I think, or '74.

Q. And you kept in contact with him after he moved, I take it?
A. Once or twice a year.

Q. Did he tell you at any stage of his knowledge that there was a boy living in the presbytery with Ridsdale?
A. I've got no such recollection of ever hearing that when it was happening and I can't remember when I subsequently heard about it.

Q. When you say you can't remember, was it in relation to preparing to give evidence either at the Royal Commission or the Victorian inquiry, or earlier?
A. No, I would have heard about it earlier, say plus or minus 1990.

Q. When you say "plus or minus 1990", is it the case that you may have known about it in the 1980s?
A. In the late 1980s. I can't remember exactly when I heard about the cohabitation.

Q. Can you help us with the circumstances or context of your hearing that?
A. No, I'm sorry, I can't recall that at all.

Q. Do you remember now whether you heard about it prior to understanding that Ridsdale was being charged?
A. I can't answer that clearly, but I suspected that there was something gravely wrong with Ridsdale when I discovered that he was at an institution in the United States where most of the people were being treated for this criminal behaviour.

Q. Just coming back to Mr Levey and the presbytery, Bishop Finnigan, as he then was, gave evidence in a private hearing that he knew also that there was a boy living with
Ridsdale in the presbytery. Now, did Bishop Finnigan at
any time tell you that?
A. I don't recall him doing so.

Q. And he was a person who you kept in contact with from
time to time?
A. That is correct.

Q. And during your time as a consultor, was it brought to
your attention by Bishop Mulkearns, Bishop Finnigan or
Father O'Toole that there was a boy living in the
presbytery with Ridsdale?
A. I don't think so.

Q. If we can go back to the statements - which I think
you still have in front of you - and if you can turn to
tab 9, that should be a statement of [BAI]. Do you have
that, Cardinal?
A. Yes, I do.

Q. If we can go down to paragraph 6, she refers to one
night not long after Father Ridsdale came to Mortlake, her
eldest son came home from the presbytery, and he was about
14, and he looked very pale, like he was going to be sick.
She asked him what was wrong, and he blurted out, "I think
our friend Father Gerry is gay", and he said that Ridsdale
had grabbed him and said he wanted to feel his vibes. Now,
[BAI], if we can turn over the page, rang the Bishop's
office the following day and ended up speaking to
Father Finnigan, who was the secretary to Bishop Mulkearns.
If we go down to paragraph 14, [BAI] states that she and
her husband asked Father Finnigan whether they needed to be
concerned in relation to the welfare of their child in
relation to Ridsdale, and he said there was no need for
concern, and there had been no reports of improper
behaviour by Ridsdale. Stopping there, and leaving aside
Father Finnigan's own knowledge, it was certainly not the
case that there had been no reports of improper behaviour
by Ridsdale; isn't that right?
A. That's correct. That's correct.

Q. And as Bishop secretary, he, I suggest, should not
have responded in that way without ensuring that he was
aware of any reports or any knowledge by anyone else of any
reports of such behaviour?
A. He should certainly have checked with the Bishop what
the situation was if he didn't know what the situation was.
Q. Turning to paragraph 18, [BAI] refers to a second incident, and she describes what was happening in the household, and then in paragraph 19 her youngest son told her that the boys - that is, the two younger sons - had been touched by Father Ridsdale in the church in the presbytery, and he named two other boys from a local family, and [BAI] says that she then rang the mother of those boys, who confirmed that her children had been affected. Just stopping there, by this stage - that is, about 18 months or so, between 18 months and two years into Ridsdale's time in Mortlake - we have two sets of parents aware that their children had been abused by Ridsdale; do you accept that?
A. Yes.

Q. And Father Finnigan had been told, in a way that I suggest made it clear to him, that there was a concern about Ridsdale's conduct in relation to at least one of those children; do you see that?
A. Yes.

Q. It is inevitable, isn't it, that if a priest was told whether a parent needed to be concerned about the welfare of a child in relation to Father Ridsdale, that that priest would come to the view that the conduct of the other priest - in this case, Ridsdale - was wanting?
A. Correct.

Q. And, I suggest, would need to be followed up, if with no-one else, with the Bishop?
A. Correct.

Q. This is in 1982/1983, Cardinal. By this time, there had been discussion in the broader community about sexual abuse of children, hadn't there?
A. Correct.

Q. And it wasn't the case, as it was in the 1970s, that there was little discussion in the community about such matters?
A. Yes, there wasn't as much discussion then as there was later in the 1980s, but there was an increase in discussion.

Q. Coming back to [BAI], if we can turn over to the next page --
A. Which is page 5?

Q. No, page 4, I'm sorry.
A. Yes, good.

Q. You will see that [BAI] rang the family doctor and asked him what he could tell about people who molested children. She doesn't recall if she named Ridsdale, but he was the only priest in Mortlake. So again, stopping there, we have now at this stage, in Mortlake, the family doctor being aware there was a problem with Ridsdale, a number of people knowing that there was a boy living in the presbytery with Ridsdale, and Father Finnigan being aware that one set of parents was concerned about the welfare of their child around Ridsdale. Do you agree with that?
A. I do.

Q. It is getting close to common knowledge, isn't it?
A. Certainly those people knew. Could I just repeat something I've said partially before, but some time around 1980 I became principal of the Institute of Catholic Education, which had 2,000 students in Ballarat and Melbourne. It's not a small job. I was in Melbourne at least a couple of times a week, so I certainly wasn't plugged in to the life of the Diocese like somebody who would be working full time in parishes.

Q. And coming back to paragraph 24, [BAI] says that the doctor who she had told told Bishop Mulkearns. Do you see that?
A. I do.

Q. So Bishop Mulkearns now, according to [BAI]'s statement, knew from the doctor as well as from another - that is, Mrs Levey - that there was a boy living in the presbytery. So he had two sources of information about problems in Mortlake with Ridsdale: do you accept that?
A. I do.

Q. And in addition, we have parents visiting Monsignor Fiscalini and three or four people visiting Father Finnigan. Do you accept that?
A. Correct.

Q. At this stage, can I suggest, Cardinal, someone in the Diocese within the church should have accepted responsibility to do something about Ridsdale. Do you
accept that?
A. I would say that anyone, especially in a leadership
group who knew what the situation was, had such an
obligation.

Q. And that includes Father Finnigan, Father Fiscalini,
and also Father O'Toole, doesn't it?
A. Yes.

Q. As well as, of course, Bishop Mulkearns?
A. Yes. The primary responsibility for action always
lies with the Bishop.

Q. But of course that doesn't preclude others from
accepting responsibility to do the right thing, does it?
A. No. They should have done what could be done to
remove these dangers, prevent this awful situation.

Q. And would you describe among those who I've named as
being part of a collective failure on behalf of the
Diocese?
A. Yes, with the varying degrees of responsibility as
I've pointed out, but yes.

Q. Coming back to the statement, you will see the heading
"Sister Kate McGrath" - do you have that in the statement
in front of you?
A. I do. I do.

Q. She is someone who we have talked about before as
a teacher at a local school, St Alipius Girls School?
A. Yes.

Q. And I think you had some recollection of her; is that
right?
A. Yes. She - yes. I don't know whether she was
principal of the girls school or the new joint school, but
she was in the east, yes, and I know of her.

Q. Now, [BAI] says in her statement that she rang
Sister McGrath and said to her, "I believe we've got
a practising paedophile priest." Do you see that? That's
what Sister McGrath said to [BAI].
A. I do.

Q. No, I withdraw that. That's what [BAI] said to
Sister McGrath. Now, we have the situation that in
addition to those people I've named with knowledge of wrongdoing by Ridsdale in Mortlake, Sister McGrath, don't we?
A. We do.

Q. Turning to paragraph 30, [BAI] says that they went to the Bishop's office and told him that they were there because of the actions of Father Ridsdale and that other boys had been affected. Now, moving down --
A. Could I - yes, could I just go back? I might be mistaken, but in the interests of fairness to Sister Kate McGrath, I think she did go to the Bishop about the problem. Is that correct?

Q. I will take you to what Sister Kate McGrath had to say shortly, Cardinal.
A. Very good. Very good.

Q. At the moment, [BAI] is giving her account by her statement of what she did, and you will see in paragraph 30 she says that she went to Bishop Mulkearns and told him about her children as well as other boys?
A. Correct.

Q. And she then describes Bishop Mulkearns' response.
A. She does.

Q. What do you say about Bishop Mulkearns' response, according to [BAI]? She said, "He just sat there and stared at us."
A. Yes, well, that's extraordinary and reprehensible.

Q. Do you think Bishop Mulkearns is just one bad apple, as it were, within the Catholic Church as a bishop, by conducting himself in the way that he has up until this date?
A. Unfortunately, I would have to say that I can't nominate another bishop whose actions are so grave and inexplicable. There might be some, but they don't come to mind. His repeated refusal to act is, I think, absolutely extraordinary.

Q. So you think that his conduct was aberrant?
A. I think that is something of an understatement.

Q. It is the case, isn't it, that part of the reason that his conduct in respect of complaints went without challenge
is because of the structure of the church in relation to
the power of the Bishop?
A. I'm not sure, as I've said before, whether it is
a structural problem, but the authority of the Bishop is
very powerful and especially in climates where free
discussion is not encouraged and where information is kept
very tight, that these abuses were able to go on.

Q. Well, isn't that part of the structural problem, that
the authority of the Bishop was such that there was no-one,
either within the Diocese or outside of the Diocese, who
felt able, if otherwise were not able, to do anything?
A. That's not quite accurate. In many situations like
that, when people are dissatisfied with the response of the
Bishop, they would write possibly to the Archbishop, as
happened to me in Sydney on quite a few occasions, or, more
usually, to the Nuncio in Rome, asking - the Nuncio in
Canberra, the Australian representative of the Holy Father,
asking Rome to intervene. And there have been quite a few
examples of people doing that.

THE CHAIR: Q. Cardinal, I assume from your answers to
Ms Furness that you accept that there was a responsibility
on any ordained member of the church, priest or religious,
to do what they could to influence a bishop to make the
right decision in relation to the misbehaviour of a priest;
is that right?
A. That is correct, based on the degree and nature of
knowledge they had. But that's absolutely correct.

Q. So that if a priest or other religious person had some
knowledge or, indeed, rumour had come to them, they were
duty bound to go to their Bishop, were they not?
A. Certainly when knowledge came to them, they were.
With rumour, they would I think be obliged to find out what
the basis of the truth was.

Q. And if they had knowledge but failed to go to the
Bishop and impress upon the Bishop the need for the Bishop
to act, to use your word previously, there would be
a culpability in their behaviour, would there not?
A. That is correct.

MS Furness: Q. Coming to Sister McGrath's statement
behind tab 14, if we can turn to paragraphs 42 and 43,
which are on page 6 --
A. Yes.
Q. -- Sister McGrath then sets out the circumstances of her telephone call with [BAI], as [BAI] has said, and then in --
A. Yes.

Q. -- paragraph 45 says that she went to the convent and had a conversation with Sister Patricia. I think that is Sister Patricia Vagg - did you know her?
A. Yes, I did.

Q. In what capacity did you know her?
A. I went to school with her brother, and I knew many of the Ballarat East Mercy Sisters. As a generality, the priests and the nuns worked closely together, not always harmoniously but generally harmoniously.

Q. So it is the case now, according to Sister McGrath's statement, that we add another person who knows about abuse by Ridsdale in Mortlake, and that's Sister Vagg. Do you understand that from that paragraph?
A. Yes, Sister Patricia, yes.

Q. Then Sister McGrath asks Sister Patricia to ring the Bishop, and then, in paragraph 47, she is told that the Bishop's office was sending somebody to Mortlake to deal with the matter. That person was Father Nolan. Do you see that in paragraph 48?
A. I do.

Q. Father Nolan, I think, was your first cousin?
A. That's correct.

Q. She describes in paragraph 49 what she told Father Nolan, and that was that a mother had said that Ridsdale had been molesting children. Do you see that?
A. I do.

Q. So we now add Monsignor Nolan to the knowledge about Ridsdale in Mortlake; is that right?
A. Correct.

Q. You will see then in paragraph 50 she describes Father Nolan as having said that he was concerned about the boy who was living in the presbytery with Father Ridsdale - do you see that?
A. Yes.
Q. And that he, indeed, had seen the boy sleeping on a stretcher in Ridsdale's bedroom.
A. Yes.

Q. And that Father Nolan said he had demanded of Ridsdale that the child be removed, and was. Now, that's an example, isn't it, of a priest who didn't have structural responsibility of taking a responsible course of action and having the child removed?
A. Yes. I don't - was he Vicar General at that stage? But what he did was excellent.

Q. Well, what he did was available to any priest with a concern, I suggest to you, to demand action be taken to protect children.
A. Who had the level of knowledge that Nolan did.

Q. Well, he saw the boy in the presbytery. Wasn't that enough?
A. Of course.

Q. He was Vicar General at the time. Does that suggest to you that he had some structural responsibility in relation to Ridsdale?
A. Yes, certainly a greater responsibility as Vicar General than, say, one of the local nuns.

Q. Now, continuing with Sister McGrath's statement, over the page at paragraph 56 she says that after the initial complaint there was virtually a stream of parents who came forward to her, and her recollection is that they were coming because Ridsdale was being discussed among the school community and parents had been asking their children whether they had been abused. Do you see Sister McGrath's statement there?
A. I do.

Q. From the material contained in her statement, and that of [BAI]'s statement, it can be safely concluded, can't it, that there was community knowledge in Mortlake of Ridsdale's abusing?
A. That - that is correct, but we shouldn't easily draw conclusions about how widely this was known, because people were very reticent to talk about these things. But, obviously, with parents whose children had been abused, they would certainly have spoken about it.
MR DUGGAN: Your Honour, if I can interject at this stage, there are some paragraphs which precede this which, in fairness, the witness should be taken to.

THE CHAIR: If there is a problem in that respect, you can deal with them, Mr Duggan, in due course.

MR DUGGAN: If it please the Commission.

MS FURNESS: Q. Cardinal, it cannot be fairly said that people were very reticent to talk about these things having regard to Sister McGrath's statement in relation to paragraph 56?
A. That is correct on those - in that particular incident where there has been so many acts of abuse. I'm talking generally about society at that time. I'm certainly not wanting for a minute to impugn the evidence in 56.

Q. It is the case, isn't it, in relation to these three parishes - Apollo Bay, Inglewood and Mortlake - that they, in terms of Ridsdale, have been characterised by a lack of reticence rather than reticence; isn't that right?
A. It depends just what you mean by that statement. Certainly there were many parents in those three parishes who knew what was happening and were very upset about it.

THE CHAIR: Q. Cardinal, you speak of society being generally reticent about talking about these matters. To make that judgment you would have to have knowledge against which to assess what society was saying, wouldn't you?
A. Yes, well, I was alive and around at that stage.

Q. No, but you would have to have knowledge of what was not being talked about before you could conclude that people were reticent to talk about it?
A. Yes, and generally there was nothing like the level of discussion about paedophilia then as there is now.

Q. I understand that, but what is implicit in your statement is that you had knowledge which enabled you to say that people were reticent about talking about these matters - do you see?
A. Of course. That follows automatically from what I just stated. People - I was aware that people didn't do that in anything like the way they do now.
Q. But you are therefore aware that they had knowledge but didn't talk about it; is that right?
A. No, I'm not suggesting that at all. They might or might not have had knowledge.

Q. Well, how can you assess whether someone is reticent unless you know whether or not they had knowledge?
A. A person is reticent when he doesn't talk about such a thing. The reasons for the reticence are to be determined. I think it's commonplace, the suggestion that I'm making, that people did not speak as frankly about these matters as they now do.

Q. These matters, of course, were scandalous, weren't they?
A. Of course.

Q. And that scandal was affecting the church of which you were, of course, a member.
A. They were grievous local scandals in Ballarat at that stage.

Q. You told Ms Furness about the gossip you heard in relation to Father Day or Monsignor Day. Do you remember?
A. Yes, that was public knowledge, especially after the newspaper article - especially.

Q. But you have told us that you had heard gossip before the newspaper article. You told us that yesterday.
A. I think that's - yes, I think that's - I - that is correct.

Q. Are you now saying to us that notwithstanding this spreading knowledge through the parishes in relation to Ridsdale, and the scandalous nature of his behaviour, that there weren't any rumours that came to your ears about him?
A. I certainly am.

Q. Do you think that given the nature of the allegations and given the number of people that we can assume have knowledge of them, including senior church people, it might be surprising that you didn't hear any rumour at all?
A. Not necessarily, given the work I was doing. I wasn't working full time in the Diocese. I was very much involved in the world of tertiary education.

Q. Where were you living --
A. In fact, in 1983 I was away on study leave for three or four months.

Q. But where were you living at the time?
A. With Bishop O'Collins.

Q. And whereabouts was that again?
A. Is this - is that the early 1980s?

Q. Yes.
A. Yes, I was with Bishop O'Collins.

Q. And were you saying Mass regularly on Sundays?
A. I was, at Ballarat East.

Q. And that was every Sunday, was it?
A. Yes.

Q. And I assume three times a day - would that be right?
A. Three times a Sunday generally.

Q. And no doubt before and after the Masses you would speak to members of the congregations - would that be right?
A. When that was possible, that was my - that was certainly my practice. But often you had to get from one Mass to another, and that limited the time in which you could speak.

Q. And did you say Mass with other priests - in other words, two of you shared the responsibility at the same time?
A. No, not on a Sunday, because with the number of Masses, just about every priest available was needed to cover the Masses.

MS FURNESS: Q. Coming back to Sister McGrath, if we can just scroll up to paragraph 55, do you see there that Sister McGrath says that after a discussion, which you can assume was with Bishop Mulkearns, she was told she was not to discuss the matter with other staff members or parents, unless they came to her to raise the issue. Do you see that?
A. I do, and it's a perfect example of the reticence that I was pointing out.

Q. But then she talks about virtually the stream of
parents who came forward to her. So the parents weren't reticent, were they?
A. The parents affected certainly weren't, they were furious.

Q. And they were furious at the inaction on behalf of the Bishop of the Diocese?
A. That's correct.

Q. If we can come to tab 18 of the bundle - do you have that, Cardinal?
A. I do.

Q. These are the minutes of the Consultors Meeting on 14 September 1982. Do you see that?
A. I do see that.

Q. Present, Bishop Mulkearns, Monsignor Fiscalini, Father Henry Nolan, yourself, Daniel Arundell, J Martin and E Bryant. Now, Daniel Arundell was new from the last minutes we saw. Who was he?
A. A Ballarat priest, of course.

Q. A Ballarat priest that you knew?
A. Yes.

Q. Do you remember now in '82 where he was - that is, which parish he had?
A. No, I don't - I don't think I do. It might have been up in the Mallee.

Q. And E Bryant?
A. Yes, Eric Bryant, I certainly knew him.

Q. He was a parish priest as well?
A. Know - know him. Pardon?

Q. He was a parish priest as well, I take it?
A. Yes, I think he would have been at that stage. He might have been at Portland then.

Q. Now, scrolling down so that we can see the part that is underlined --
A. Yes.

Q. -- what there is written in the minutes is:
The Bishop advised that it had become necessary for Fr Gerald Ridsdale to move from the Parish of Mortlake. Negotiations are under way to have him work with the Catholic Enquiry Centre in Sydney. A new appointment to Mortlake will be necessary, to take effect after October 17th.

Now, do you remember this meeting?
A. Not explicitly, no. I don't remember any of the meetings - I didn't remember before I came - I didn't remember any of the meetings at which Ridsdale was discussed before I came to study the minutes.

Q. Well, since you have come to study the minutes, do you now have a recollection of that meeting?
A. Yes, in the light of the minutes, certainly.

Q. And that is based on a reconstruction of what happened based on what you have read in the minutes; is that how we are to understand that?
A. Yes, based on what I've read in the minutes and on - there is some other evidence that has been presented which I think is also of interest.

Q. Just coming back to the period of time that Ridsdale was at Mortlake prior to this meeting, now, what is known from the evidence is firstly that Bishop Mulkearns had, by this stage, known of multiple complaints against Ridsdale dating from 1972. That's right?
A. Correct. Correct.

Q. So he had known of complaints that Ridsdale had sexually assaulted children for a decade, hadn't he?
A. That's correct.

Q. And with that knowledge, he had moved Ridsdale on a number of occasions from parish to parish?
A. He had.

Q. He had moved him from Inglewood to Kangaroo Flat, to Bungaree, to Edenhope and to Mortlake. You accept that from Ridsdale's history, Cardinal?
A. Yes, yes.

Q. Now, in addition to Bishop Mulkearns' knowledge, Monsignor Fiscalini knew of the 1972 complaint and was also
told by one or two parents of their problems with Ridsdale while he was at Mortlake. Do you accept that?
A. I do.

Q. In addition to Monsignor Fiscalini and Bishop Mulkearns, Monsignor Henry Nolan was told by Sister McGrath of the complaints by the two mothers while Ridsdale was at Mortlake - you accept that?
A. That's correct.

Q. So three of those consultors - and if we can just move up the page - three out of seven knew of complaints about Ridsdale; two had significant knowledge. That's right?
A. Correct.

Q. From the evidence before the Royal Commission that I've taken you to, it is clear, isn't it, that Ridsdale was taken from Mortlake because of the complaints of a sexual nature against him?
A. Correct.

Q. And from the conversation between Sister McGrath and Monsignor Henry Nolan, it was clear from Monsignor Nolan's point of view that Ridsdale had to come out of there quickly?
A. That's correct.

Q. So it was necessary to move Ridsdale because of the knowledge among parts of the community, as well as three of the consultors, about his sexual abuse of children in Mortlake?
A. Correct.

Q. And the minutes reflect that, don't they?
A. The minutes are quite compatible with that, but I think the minutes are written to distract from that possibility. To suggest - an appointment of the national Enquiry Centre - the Catholic Enquiry Centre is a very worthwhile thing and to suggest - to nominate a person with a record like Ridsdale to such a position is completely misleading. I mean, if I had known for a minute that there was five or six such changes, I would not have tolerated for a second the legitimacy of such an appointment.

Q. You have referred to the second part of those minutes, Cardinal. Can I draw your attention to the first part, which is:
The Bishop advised that it had become necessary for Fr Gerald Ridsdale to move from the Parish of Mortlake.

A. Yes.

Q. Now, there was only one reason it had become necessary for him to move, isn't that right?
A. In fact, there was only one reason, but that presenting statement, there could have been a number of reasons.

Q. Well, three of those --
A. And that would have been - pardon? That would have been - for somebody who didn't know the situation, that would have been the way it was read.

Q. Three of those in the meeting knew the situation, didn't they?
A. That is correct.

Q. They knew it had become necessary because of the number of complaints against Ridsdale of a sexual nature, didn't they?
A. That's correct.

Q. I suggest, Cardinal, that it is implausible that those others, consultors at that meeting, including yourself, were not told why it had become necessary.
A. It would only be implausible if there was evidence that they had been told in some way or other.

Q. I suggest, Cardinal, that it is implausible, given the knowledge of three of those consultors and given the conduct of Ridsdale and the wording of those minutes, that the consultors, including you, did not know why it had become necessary for him to be moved?
A. That is a complete non sequitur. We can conclude about those who had that knowledge; we cannot conclude about the minds of those who were not privy to that knowledge.

Q. You see that the reference to the Catholic Enquiry Centre comes after the entry that it was necessary to move him. Do you see that?
A. That's correct.
Q. And the appointment to the Catholic Enquiry Centre, reading those minutes, was a necessary appointment because it was necessary to move him from the parish.
A. Yes. That has been established and it has been established that three members there knew that - knew why that was the case.

Q. Did you ask, Cardinal Pell, why it had become necessary for Ridsdale to move?
A. I can't remember explicitly asking. One of the priests present said that the reason given was homosexuality. I don't have a recollection of that, but that would be entirely possible.

Q. When you say "one of the priests said the reason given was homosexuality", are you saying the reason given for it becoming necessary for Ridsdale to move; is that right?
A. That is what that priest said, and that would be quite compatible with my not remembering it explicitly one way or the other.

Q. Sorry?
A. Because it wasn't - we weren't talking about what's regarded as a criminal offence.

Q. Well, when you say what the priest said as to one of the reasons given for it being necessary to move was compatible with your not remembering it explicitly one way or the other, what are you not remembering explicitly?
A. That - I didn't remember explicitly that the Bishop said it was because of homosexuality.

Q. Well, what else do you remember from the meeting?
A. Very little.

Q. Well, you remember what Father Bryant said. What else do you remember?
A. I remember what Father Bryant said because I studied the evidence he presented.

Q. So are you saying that you had a recollection at the time in 1982 of what Father Bryant said?
A. No, I can't say that. I have - don't have a clear recollection of this meeting at all, except to the effect that paedophilia was never mentioned.
Q. So you don't have a clear recollection, save for in one respect, and that is that something wasn't mentioned; is that how we are to understand your evidence?
A. Yes, that there was no reference by Bishop Mulkearns to acts of paedophilia by Ridsdale at that meeting.

Q. What about Monsignor Fiscalini, what did he say?
A. I can't recall. But he certainly, also, did not mention paedophilia.

Q. Well, if you can't recall, how can you recall that he didn't mention paedophilia?
A. Because it was the sort of - the sort of category of event which was very clearly quite wrong and a reason for removing a priest at least for treatment.

Q. Now, is your evidence, Cardinal, that you can't recall what was said at the meeting other than to recall that paedophilia wasn't said at the meeting? Is that your evidence?
A. That's - in terms of the reasons that were given for his being shifted, and that recollection is reinforced by the fact that he's being proposed for a job which has some prestige. That's incompatible with, in my mind, somebody with a string of awful offences.

Q. Well, Cardinal, to use your language, it's necessary to read the words on the paper, and the words on the paper are that it had become necessary for him to move, number 1, and then negotiations were under way to put him somewhere else. Do you see that? Isn't the correct or permissible interpretation of that that they were finding an appointment for him because he had to move?
A. Yes, that was certainly the case and that wasn't communicated, and it wasn't communicated why they were - they had to move him.

Q. You knew by this stage that he had had an unusual number of appointments - that's right?
A. I did.

Q. Did you say to the Bishop, "Why is it that his unusual number of appointments are continuing? Why are we moving him yet again?"
A. That - that would have been discussed.

Q. So what was discussed?
A. And some - well, it is - well, the presumption is that it - it's an unusual pattern and people would have said, "Yes, well, what's happening?"

Q. Well, what would have been discussed is why it was an unusual pattern; isn't that right?
A. Yes, and the Bishop would have given some reason.

Q. And what reason do you now recall the Bishop having given?
A. I can recall very clearly that paedophilia was never mentioned and the recollection of another priest there is that homosexuality was mentioned. I can't recall that explicitly.

Q. Well, you say that it would have been discussed why it was unusual he had the number of appointments. Now, do you recall now what was discussed about why he had an unusual number of appointments?
A. No, I don't.

Q. The only truthful answer would be because he kept being moved because he was sexually abusing children - that would have been the truthful answer, wouldn't it?
A. That is the real reason.

Q. And do you say that the Bishop lied to you again in that he didn't give you the true reason why Ridsdale was being moved again?
A. Yes, and every time this is done I think it worsens the fault.

Q. Worsens the - I'm sorry - fault? Of whom?
A. The culpability of the Bishop who was refusing to take action.

Q. Well, Cardinal, was there any responsibility on you, as a consultor, to seek sufficient information for you to be able to give proper advice to the Bishop? There was that responsibility on you, wasn't there?
A. There was such a responsibility, certainly, and I fulfilled that responsibility to the extent that I was able, given my range of duties.

Q. I suggest, Cardinal, that you failed in your responsibility as a consultor if, as your evidence is, you knew nothing about Ridsdale and you didn't inquire. Do you
accept that failing?
  A. I have never suggested that I knew nothing. I've never suggested that I knew nothing about Ridsdale. I've never suggested that I didn't inquire generally. We were being informed implicitly or explicitly by the Bishop that this man was open and available for an appropriate transfer or promotion.

Q. So you now recall that the Bishop at that meeting said that Father Ridsdale was open and available for an appropriate transfer or promotion? Do you now remember that was said at the meeting?
  A. That would have to be said at the meeting. It follows immediately from the minutes that are there.

Q. So do you recollect that was said?
  A. Short of consulting the minutes, I don't.

Q. Well, consult the minutes. They are in front of you. A. I have just done so and I have repeated and explained what is there, and what is there is that it is said that it has become necessary to shift him. There could have been a number of reasons for that, and the minutes say that he was to be appointed to the Catholic Enquiry Centre, which is a somewhat prestigious appointment.

Q. So what do you say you knew in 1982 about Ridsdale?
  A. I knew nothing about his paedophilia. I knew that he was a somewhat difficult person and obviously that he had been shifted around quite a bit. There were other priests who were shifted perhaps not as frequently as him but for one reason or another moved frequently.

Q. In order for you to properly carry out your duties as a consultor, Cardinal, I suggest it was incumbent upon you to seek from the Bishop why Father Ridsdale was being moved yet again.
  A. I was happy to take the Bishop's word that it was appropriate for him to be shifted. It was necessary but appropriate.

Q. So you recall the Bishop telling you why it was appropriate for him to be shifted - or necessary and appropriate?
  A. No, the - the fact that this was proposed by him implied, of course, it was appropriate.
Q. So when you say you were happy --
A. Because the Bishop --

Q. I beg your pardon.
A. Because the Bishop advised this.

Q. So when you say that you were happy to take the Bishop's word that it was appropriate for him to be shifted, I take it you are saying that you recall that's what the Bishop said at the meeting?
A. I'm happy to accept the minutes.

Q. No, no, I'm just referring to your answer, Cardinal. You said that you were happy to take the Bishop's word that it was appropriate for him to be shifted. So is it the case you now recall that the Bishop provided his word to that effect in the meeting?
A. In the light of the minutes I certainly do.

THE CHAIR: Q. Cardinal, you have told Ms Furness on a number of occasions that you don't recall paedophilia being mentioned. Is that your evidence?
A. The evidence is - my evidence is that it was not mentioned by Bishop Mulkearns about Ridsdale during my term as a consultor.

Q. Do you mean to say that the word "paedophilia" wasn't mentioned as opposed to any sexual misconduct?
A. There was no reference to sexual misconduct with minors.

Q. We have heard from others that paedophilia has been understood by some in the church as sexual activity with prepubescent children but not adolescent children. What do you say to that?
A. That wasn't a factor in my thinking.

Q. But are you aware of the discussion about the appropriate use of the word "paedophilia"?
A. Yes, I am.

Q. It is not unknown, of course, for priests to have engaged in sexual activity with adolescent boys, is it?
A. That's correct.

Q. And when, you say, the other consultor refers to the Bishop referring to homosexual activity, many in the church
would see homosexual activity as including sexual activity with adolescents who have not come of age, wouldn't they?
A. I - I don't think people would - that's a theoretical possible classification, but in these sorts of discussions I don't think that decision - that distinction would have been made.

Q. When you say you don't think the distinction would have been made, there would be, would there not, in the church to your knowledge a somewhat different view taken of a homosexual relationship with a post-adolescent but nevertheless minor as opposed to abuse of a prepubescent child?
A. Yes, there is - I think the literature clearly distinguishes that. And there is a recognition in the church amongst some writers and speakers of that distinction.

Q. Now, to your knowledge, there are many priests who have engaged in sexual activity, aren't there?
A. Too many.

Q. If a priest engages in sexual activity, it doesn't follow, as a matter of course, that it is necessary to move him, does it?
A. No, not necessarily, but if there was, say, a long-term adult relationship or a source of what we might describe as temptation, that would be a reason to shift a person.

Q. Well, another reason to shift a person is if the sexual activity becomes a matter of public scandal; correct?
A. That is correct.

Q. Now, are we to understand that what you, at the very least, knew, was that Ridsdale's sexual activity had become a matter of public scandal, making it necessary to move him?
A. No, I did not know that, because I did not know that the issue was his paedophilia activities or under-aged sexual activity --

Q. I didn't ask you a question --
A. -- or activity with under-aged people.

Q. I didn't ask you a question in those terms. I just
asked you generally. For it to become necessary to move a priest who has engaged in sexual activity, the fact that the sexual activity - be it with adults or otherwise - has become a matter of public scandal is what would make it necessary to move them; is that not so?

A. That is one reason for such a move.

Q. And when we are looking at the minute, as you have been doing with Ms Furness, when the Bishop advises that it has become necessary for Ridsdale to move from the parish, plainly, one of the likely reasons for him being moved is that his activities have become a matter of public scandal; correct?

A. That is correct.

Q. And the nature of that public scandal would of course be of real interest to you as a consultor, wouldn't it?

A. Yes.

Q. You would want to know --

A. But I --

Q. Sorry?

A. Well, I don't think there's any reference there to a public scandal. Obviously it's - that is one such possibility. It was actually the situation. But the Bishop did not speak explicitly of a public scandal.

Q. No, but you --

A. There could have been - there could have been personal moral reasons or other personal reasons why Ridsdale had to be shifted.

Q. Well, there might have been, but as we have discussed - you and I - one of the real possibilities was that his activity had become a matter of public scandal, wasn't it?

A. That is one possibility amongst a number.

Q. And you, as a responsible consultor, would want to know - you would be very concerned to know whether or not the reason was because Ridsdale's activities had become a matter of public scandal, wouldn't you?

A. I would have been much more - I would have been - it would have been important to know whether the public scandal touched on under-aged sexual activity or the public scandal was of another nature, say drinking or quarrelling...
or adult sexual activity.

Q. Well, whatever it was, public scandal brings real problems for the church, doesn't it?
A. Yes, it does.

Q. And you again, as a consultor exercising your responsibilities, would want to know what the situation was so that you could contribute to resolving it in a way which did not increase the damage to the church, wouldn't you?
A. Yes. The - but as always, the lead was given by the Bishop and the presumption was that the Bishop was basically telling the truth, and I had no reason to think that behind these presenting reasons there was a different world of reality.

Q. Well, as you have told Ms Furness, you actually don't have any recollection of what the Bishop said at this meeting, do you?
A. No, but I do know the basis on which I thought, and I do know the basis on which he should have proceeded.

THE CHAIR: I will leave Ms Furness to take that up, if she wants to.

MS FURNESS: Q. I think where we are up to, Cardinal, is that you don't have any recollection of what was said at the meeting, although you have a recollection of what was not said; is that fair?
A. I have studied the minutes of this meeting that took place over 30 years ago, and in the light of those minutes I am quite happy to accept them.

Q. That was not my question. I will repeat it, Cardinal. You do not have any recollection of what was said at the meeting, although you have a recollection of what was not said; is that right?
A. I wonder whether that is misleading. In the - independent of the minutes, I do know the basis on which we proceeded, and that was that when the - a priest could be shifted for non-criminal activities and the reasons would not necessarily be given. The clear expectation was if there was criminal activity, that would be mentioned. Now, it could be that the consultors would decide to give another chance, but as, for example, in Day's case, the - his moral failures were explicitly mentioned to the consultors. I would have expected that exactly the same
thing would be provided to us as was given to the consultors about John Day.

Q. Is that the end of your answer, Cardinal?
A. Yes, but I'm happy to try to explain it any further if you would - something is unclear.

Q. You said in your answer that the clear expectation was if there was criminal activity, that would be mentioned. Now, what was the basis of that clear expectation? Where did you get that clear expectation from, Cardinal?
A. From my experience, from my general way of thinking and such a conclusion is justified from the minutes of the Ballarat Consultors.

Q. The clear expectation that you refer to can only be properly held if there had been a discussion about criminal activity and that that was mentioned at a Consultors Meeting in respect of someone. That follows, doesn't it?
A. No, I don't think that - I think there are a number of reasons why it could properly be held and I have outlined my reasons.

Q. Well, Cardinal, you have said that the clear expectation was if there was criminal activity, that would be mentioned. There must be a basis for you to have held that expectation and held it clearly, that criminal activity would be mentioned. It must have been discussed at some stage.
A. No, there's no such conclusion necessary at all. We're talking about shifting priests from one position of responsibility to another. It's a commonsense conclusion that if there was a record of criminal activity, the - it's totally reasonable to expect that that would be mentioned so that other people would not be put into danger.

Q. So I take it you've been at a Consultors Meeting where it has been mentioned that there is a record of criminal activity?
A. I don't think that was ever the case in Ballarat.

Q. Well, if that's the case, how can you have had a clear expectation that criminal activity would be mentioned, if it had never happened?
A. I have already explained that two or three times.

THE CHAIR: Q. Cardinal, by the time of this meeting, of
course, the Bishop and other consultors knew that Ridsdale had been engaging in criminal activity, didn't they?
A. Some consultors certainly did.

Q. I take it --
A. As well as Mulkearns.

Q. I take it that it follows from what you have told Ms Furness that you would have expected, as a matter of course, that you would have been told about those criminal activities.
A. I - I certainly do.

Q. And given that you have no recollection of what actually happened at this meeting, is it reasonable for us to assume that you were told?
A. No, it's two completely - that's certainly not my evidence. There was no reference to paedophilia at any of the meetings of the Ballarat Consultors that I attended, that a priest had committed that and people wanted to shift him to another parish.

Q. What about offending against children or abusing children, do you say that wasn't mentioned?
A. That - I certainly do.

Q. But again, we are to understand you actually have no recollection of the meeting and what was said?
A. No, I think that is an overstatement. I think I'm quite happy to accept the minutes of the meeting. I don't think that's at all unreasonable about something that occurred over 30 years ago.

Q. Of course, in minutes of this nature, given the sensitivity of the subject matter, it would not be uncommon for gentle and somewhat euphemistic language to be used, would it?
A. And that gentle and euphemistic language that you describe was regularly used by Bishop Mulkearns on these occasions so that some of us were kept in the dark.

Q. Well, it is open to assume that the language in the minutes is speaking euphemistically, isn't it?
A. I'm not aware of any evidence that suggests the minutes are misleading.

Q. No, but they may not tell all, perhaps?
A. That's the case with all minutes.

MS FURNESS: Q. You said earlier in an answer to a question, Cardinal, that, for example, in Day's case, his moral failures were explicitly mentioned to the consultors. A. I believe that's in the minutes. I believe so.

Q. Well, the minutes in relation to Day referred to the reasons for the resignation being given - and I will tell you the tab in Day's minutes.
A. Good.

Q. While that is coming up, Cardinal, you continued to say, "I would have expected that exactly the same thing would be provided to us as was given to the consultors about Day".
A. Let us see what was said with Day, but I - my basic position is the commonsense one, that if there was criminal activity, repeated criminal activity, that that would be mentioned and obviously that would be a reason why the people would refuse to go along with the appointment.

Q. So, in relation to Day, which is in the Day tender bundle, tab 36 - and these are the minutes of the meeting in 1972 - can someone provide that to you? Do you have that, Cardinal?
A. I do.

Q. It says that:

His Lordship outlined the circumstances which have led to the resignation of [Monsignor] J Day from the parish of Mildura.

Do you see that?
A. I do. Yes.

Q. You gave evidence earlier that you "would have expected that exactly the same thing would be provided to us as was given to the consultors about Day". You accepted yesterday that, from the evidence, the circumstances which had led to his resignation were in relation to a police investigation of serious sexual assaults and that that information was provided to the consultors?
A. That's what I concluded from these minutes.
Q. Now, the minutes in relation to Ridsdale leaving Mortlake are not dissimilar, are they? They are, "It has become necessary to move Ridsdale out of Mortlake." Now, that, I suggest, implies that the necessity was the subject of reasons - doesn't that follow?
A. It does, but in one case these minutes say, with Day, that the Bishop outlined the circumstances. That certainly did not happen with Ridsdale's shifting.

Q. So you are suggesting, are you, that unless --
A. He said the necessity was mentioned, outlined.

Q. I am sorry, Cardinal?
A. In one case, the minutes say that his Lordship outlined the circumstances, which led me to conclude they're talking about the police investigation, whereas on the other one it is simply said that it has become necessary to shift him.

Q. But you know, don't you, that what Monsignor Fiscalini, Nolan and Bishop Mulkearns knew before that meeting was that he had to get out of Mortlake because of the stream of complaints of sexual abuse against him? We know now --
A. I - I do know - I do know now that they knew that.

Q. But they knew that then, didn't they?
A. Yes, and I didn't.

Q. Well, the fact that they knew it then suggests, doesn't it, that similar to Day, that information was the subject of the reason that it became necessary to move him? You accept that, don't you?
A. Could you repeat that, please?

Q. Certainly. You accept from what Fiscalini, Nolan and Mulkearns knew, that in their minds it was necessary to move him because of the complaints of sexual assault against him. You accept that?
A. I do, I do.

Q. In relation to Day, the Bishop provided the circumstances of his resignation because that information was available to him - that is, the police investigation; is that right?
A. Yes, it says there clearly he outlined the circumstances, and I presume that would have been done...
Q. And in relation to the Mortlake minutes, the Bishop knew why it had become necessary to have Ridsdale leave Mortlake, and it follows, doesn't it, that he told those there what those reasons were?
A. It doesn't follow at all, and it's quite compatible with his other practices and that he just said that it was necessary and he never mentioned that it was necessary because of any criminal activity.

Q. So are you saying that if the words in the minutes were "outlined the reasons for the necessity to move", then you would accept that he had told the consultors present? Is that how we are to understand it?
A. No, I would not - no, I would not say that, because I was present at that meeting and if that had been the case, criminal activity had been mentioned, I would certainly have remembered it.

Q. If I can just come back to the criminal activity, Cardinal, can I ask you again, what is the basis for your clear expectation that criminal activity would be raised?
A. Because of the danger that such criminal activity presented to children. At that stage, while there might not have been the sensitivity to the problem that there is now, it was clearly abhorrent.

Q. Well, that's the reason --
A. They recognised --

Q. I am sorry, Cardinal.
A. No, I think - I'm happy to wait for the next question.

Q. What you answered was the reason why criminal activity would be raised, but not the basis upon which you had a clear expectation that it would be.
A. Well, I could just try to repeat what I've said two or three times, and that is that I believed that it is - that is a commonsense expectation, and the basis upon which we have always moved in the church, we do not propose to shift priests, promote them, when it's been shown they have engaged in criminal activity. That's not the basis on which the church has ever acted.

Q. Well, it's clearly the basis upon which Bishop Mulkearns acted for a decade with Ridsdale, isn't
A. It is, and that is totally inexplicable.

Q. And it's not only Bishop Mulkearns. It's also the case that Monsignor Fiscalini had knowledge and still participated in a meeting that had the result of Ridsdale being moved to another parish; isn't that right?
A. That is true, but his responsibility - he is only an adviser. The responsibility lies overwhelmingly with the Bishop.

Q. So do you --
A. The --

Q. As I understand your evidence earlier, if a person had actual knowledge, then they had at least moral responsibility, so isn't it the case that Monsignor Fiscalini had, at the very least, moral responsibility for the continual shifting of Ridsdale when he was a consultor?
A. He had a moral responsibility for not objecting, but he had no authority to propose or make the decisions to change him. So his - his culpability is of a quite different nature from that of the Bishop.

Q. Cardinal, you keep referring back to authority and structural responsibility, but it is the case, isn't it, that within the church, you would expect - and indeed might I suggest the community would expect - that each priest would act responsibly, regardless of their position?
A. To understand the Catholic Church's structure and who has authority, you go to church law, and according to the canon law of the church, you can there identify the different levels of responsibility - it might be a jurisdictional responsibility; it might be a moral responsibility at different levels. But it's from the canon law that you decide what the situation is within the church.

Q. So outside of the canon law provisions, are you suggesting that a priest, who has knowledge of an abuse of a child but has no responsibility under canon law, is entitled, within the structure of the church, to do nothing?
A. Well, I'm not sure that he would morally escape such an obligation, but I'm not sure at that stage there was even a civic obligation to report such a crime.
THE CHAIR: Q. Cardinal, could it ever be that someone in a position of responsibility such as a priest, even if they didn't have a legal obligation, when they had reasonable allegations that one of their colleagues was abusing children, could it ever be that that priest didn't have a responsibility to do what he could to try to stop the conduct from happening?

A. I think I have explicitly acknowledged that moral responsibility.

Q. So it's not a question of not being sure, as you said a moment ago: you are sure that any priest in that position has that responsibility?

A. He has a moral responsibility to do what he - what is appropriate to his position.

Q. Well, isn't it a moral responsibility to do whatever he can to bring the conduct to a halt?

A. I think that's a reasonable proposition.

MS FURNESS: Your Honour, I note the time. Someone has given me a sticky note in relation to the transcript. I don't understand the purpose of that note.

MR DUGGAN: I can clarify, your Honour. The note is from me. There were just a couple of issues raised yesterday in relation to the transcript and Counsel Assisting said that if she was wrong about those references, that she would come back and correct them, and I just invite her to do that now, if she has had an opportunity to review it.

MS FURNESS: I indicated to my friend I would make those corrections after I finished the evidence in relation to Mr Ridsdale, and I intend to do that.

THE CHAIR: Did you hear that exchange, Cardinal?

THE WITNESS: I did.

THE CHAIR: Mr Duggan, I think we will leave it at that at this stage.

MR DUGGAN: Certainly.

THE CHAIR: Ms Furness, is there anything more that you want to ask the Cardinal today?
MS FURNESS: No, your Honour.

THE CHAIR: Very well. Thank you, Cardinal. We will adjourn now until the same time tomorrow.

AT 12 NOON THE COMMISSION WAS ADJOURNED TO WEDNESDAY, 2 MARCH 2016 AT 8AM.