<GEORGE PELL, on former oath: [8am]

<EXAMINATION BY MS FURNESS CONTINUING:

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

Q. And you can see us, Cardinal?
A. I can.

Q. Thank you. Cardinal, yesterday you were asked questions in relation to the Consultors Meetings and what was said at those meetings and you referred a number of times to paedophilia or paedophilic tendencies, in what was said at the meetings. When you were using that term, were you using it to mean all sorts of activity that could be described in a number of ways including paedophilia, or just that word "paedophilia"?
A. No, I was - I think I said that was not discussed at the Consultors Meetings and by that I meant what is sometimes - it's under-age sexual activity, what is sometimes described as paedophilia and ephebophilia.

Q. Were you also intending to mean language that would generally describe sexual activity with children, such as interference with children, that sort of thing?
A. Yes.

Q. Including being overly affectionate with children?
A. Yes, I can't remember that being mentioned either.

Q. So your intention was to give evidence that at those meetings nothing was said that could be interpreted as being sexual activity, misconduct or interference with children, in a broad sense?
A. That - that's - that's my recollection.

Q. Thank you. I asked you yesterday about whether the Consultors Meetings were either preceded or whether afterwards there was a discussion about priests and other matters that might have been on the agenda of the meetings. I think I particularly referred to outside of those meetings. Do you remember that topic generally?
A. Yes.

Q. Can I ask you whether, outside of those Consultors Meetings and, in particular, the 1982 meeting, there was
discussion among one or more of the consultors about what
was known of complaints against Ridsdale?
A. I wasn't aware of such discussions.

Q. Did you participate in any such discussion?
A. No.

Q. And you weren't aware of any of the consultors
speaking among other consultors, not in your presence,
about such matters?
A. No, I have no such recollection.

Q. Thank you. Now, just turning to Brother Dowlan, you
gave evidence on Monday that you heard there were problems
at St Pat's College, and you said you "could have heard it
from one or two of the students and certainly I think one
or two of the priests mentioned that there were problems".
Do you remember that evidence?
A. I do.

Q. Can you tell us who was the other student you referred
to?
A. The other student?

Q. You referred --
A. Can I mention - you asked me yesterday not to mention
his name.

Q. We have now obtained his name from those who represent
you, so you don't need to mention the student's name that
you referred to on Monday. There was a second student. Do
you remember the name of the second student?

MR DUGGAN: I object to that question. The answer was
"one to two". It wasn't definitely two, so perhaps that
could be clarified, your Honour, with respect.

MS FURNESS: The answer was one or two.

MR DUGGAN: The assumption in the question is that it was
definitely two. Perhaps that can be clarified.

MS FURNESS: Q. Did you hear that, Cardinal?
A. I did.

Q. Was there a second student?
A. I was aware of the claims of Mr Green.
Q. Mr Green was the second student you're referring to; is that right?
A. I - yes, that was in the back of my mind. I don't have any recollection of that incident, but that was the other possibility I was referring to.

Q. So do you accept that Mr Green spoke to you in or about 1974 about Brother Dowlan?
A. No, I don't. I have no such recollection of such a dialogue.

Q. But it may have happened?
A. I - pardon?

Q. It may have happened?
A. I have no recollection that it happened. I'm certainly not suggesting that Mr Green is telling lies, but I am suggesting that I have no such recollection.

Q. So your reference on Monday to you "could have heard it from one or two of the students" is a reference to the man whose name you gave us yesterday and Mr Green?
A. That is correct.

Q. Now, you went on to say:
... and certainly I think one or two of the priests mentioned that there were problems ...

Can you help us with the names of the one or two priests?
A. No, I'm - I can't, but I can mention the priest that I mentioned it to.

Q. Who was that?
A. That was Father Brendan Davey.

Q. Yes, you mentioned that. That was the chaplain?
A. That is correct.

Q. Now, the one or two of the priests mentioned, are they likely to have been priests you were living with at the time?
A. That is certainly a possibility.

Q. Do you know whether the one or two priests you
referred to did anything with the information?
A. No, I don't.

Q. You said that you mentioned it to the school chaplain and he told you that he thought the brothers had the matter in hand. Did you take any further action in relation to that information to determine what the brothers did?
A. No, I didn't, but I soon became aware that Dowlan was shifted.

Q. Did you become aware that Dowlan had admitted the allegations?
A. No, I did not.

Q. You didn't know one way or the other?
A. I --

MR DUGGAN: I object to that question. What allegations are we talking about, I would ask that to be clarified?

MS FURNESS: Q. I'm talking about the evidence you've given, Cardinal, you understand that, about what was said to you.
A. They were - it was a generalised suggestion, accusation. There was nothing specific.

Q. Did you understand that the allegations that you indicated were told to you were admitted or otherwise by Brother Dowlan?
A. No, I didn't know what his response was other than eventually the effect.

Q. The effect being that he was moved?
A. Correct.

Q. And did you know whether that was to another - I'm sorry, Cardinal?
A. I - I would say that in the light of my present understandings, although - I would concede I should have done more.

Q. What do you now say you should have done?
A. Well, I should have consulted Brother Nangle and just ensured that the matter was properly treated.

Q. Can you tell us why you didn't do that?
A. Because, one, I didn't think of it and, when I was
told that they were dealing with it, at that time I was quite content.

Q. Thank you.

THE CHAIR: Q. Just before you move off, Ms Furness -
Cardinal Pell, you said you were told of generalised
allegations by the priests. What were you told?
A. I can't remember. There was - I can't remember in any
detail except that there were unfortunate rumours about his
activity with young people. It was always vague and
unspecific.

Q. But you I assume understood it to be rumours in
relation to sexual activity with young people?
A. Yes, that, and possibly excessive discipline or
violence, but certainly the first was - the first element
was present.

Q. You said the matter was resolved by him being moved;
correct?
A. I think he was moved at the end of '74.

Q. Well, did it not cause you concern that a brother
against whom you had heard rumours of sexual activity with
children was dealt with by being moved from one place to
another?
A. No. One, I didn't know exactly what he was accused
of, but 40 years ago, or more than 40 years ago, I did not
think that was unusual or inappropriate.

Q. Do you mean that it was not inappropriate to move
someone who may be offending against children to a
different location where they could continue to offend, but
against different children?
A. No, I don't believe that now, and I didn't believe
that then. My whole assumption would - or was - that the
brothers would be dealing adequately with the matter.
I was not aware then that they - of their poor record,
which I learnt about later, in dealing with such things.
I presumed that when they shifted him, they would have also
arranged for some appropriate help.

Q. You made these assumptions, but I gather that you
didn't make any inquiry to see whether your assumptions
were correct?
A. No, I did not.
Q. Did you tell the Bishop?
A. No, I did not.

Q. Can you tell us why you didn't tell the Bishop about this issue?
A. Firstly, because it came under the control of the Christian Brothers and I was told that they were dealing with it.

Q. You were the Bishop's representative in relation to education, weren't you?
A. I - I was.

Q. But you say that, even in that role, you didn't feel any necessity or responsibility to tell the Bishop about this problem?
A. No, I - I didn't. I - I certainly would not have presumed that he definitely would not have known, but anyhow, I didn't. I regret that I didn't do more at that stage.

MS FURNESS: Q. Cardinal, can I turn now to your time in Melbourne. You were appointed parish priest of Mentone in April 1987?
A. That is correct.

Q. And you were shortly thereafter ordained as an Auxiliary Bishop of the Archdiocese of Melbourne?
A. That is correct.

Q. And in your role of Auxiliary Bishop you were a member of the Curia with the Archbishop, the Vicar General and some others; is that right?
A. And the other auxiliaries, that is correct.

Q. Were there any others on the Curia other than the auxiliaries, with the Vicar General?
A. The business manager came along for part of the meeting and the Archbishop's secretary was, I think, the secretary of the meeting.

Q. You were also a member of the Personnel Advisory Board?
A. That is correct.

Q. And that was because of your position as Auxiliary
Bishop?
A. That is correct.

Q. And the purpose of the Personnel Advisory Board?
A. Is to do what its name suggests, and that is to advise
the Bishop on placement of the priests.

Q. Was that its only role?
A. I can't off the top of my head think of any other
roles, but if there were and you would like to put
something to me, I can say "Yes" or "No". I can't think of
other activities.

Q. In relation to the placement of priests, did it have a
similar role to that of the consultors in Ballarat, leaving
aside property for the moment?
A. No, because I think it had even less status than
consultors, but it certainly did similar work.

Q. When you say "less status", it nevertheless advised,
in this case, the Archbishop on whether priests should be
appointed or transferred from particular parishes?
A. It provided that advice when it was asked, that's
certainly true.

Q. In what way did it have less status?
A. Because a Personnel Advisory Board is not recognised
in canon law.

Q. But it nevertheless carried out the same function of
the consultors, which was recognised in canon law, in
relation to priests and personnel matters?
A. Well, one of the matters to be established is exactly
what the role of the consultors is and I think advising on
personnel changes is not mentioned, to my recollection, in
the church law on the role of consultors.

Q. I'm sorry, when you say "one of the matters to be
established", what do you mean by that, Cardinal?
A. Well, I think it's very relevant to our discussion to
become clear just what the church law says, if anything,
about the Personnel Advisory Board, about consultors and
about auxiliary bishops.

Q. I take it that the evidence you gave yesterday as to
what was done in the Consultors Committees is your
understanding of what happened on the occasions that you
were there - that's right?
A. In Ballarat, yes.

Q. And are you suggesting that there may have been some
non-compliance with canon law or church law during those
meetings?
A. No, I'm not.

Q. So when you indicate that you think it's relevant to
see what the church law says about the Personnel Advisory
Board and about consultors, what do you say the church law
says about those things?
A. It says that the Personnel Advisory Board has -
because it's not mentioned in canon law, has no authority,
it's not a cabinet, to endorse the decisions of the
Archbishop about the placement of clergy, and I believe
that there is a similar silence on that topic on the role -
in the description of the role of the consultors.

Q. How does that affect the evidence you gave yesterday,
Cardinal?
A. I think it reinforces what I said about the
predominant role of the Bishop.

Q. And you --
A. But let me just say - let me just say by way of
background, I was an Archbishop for 18 years and in the
decisions that I took on personnel matters, I would never
think of attributing blame to either the consultors or the
advisory board, because I recognised that, as Archbishop,
they were my decisions.

Q. Blame about what?
A. I would not have believed that it is appropriate if,
for example, I had made a wrong decision, that something
didn't work out, I didn't think it would have been
appropriate to blame my advisers for the decision that
I had taken and, in that, this would reflect the church
law.

Q. The role of the consultors and the advisers is to
advise, isn't it?
A. I've explained that their status is quite different
and, actually, the matters on which the two bodies give
advice are also different. The personnel advise on clergy
appointments. The consultors do have specific roles,
mentioned I think in canon law, on property matters and
financial matters.

Q. Well, the consultors also advised the Bishop, didn't they?
A. Yes, I just said that.

Q. Well, with respect, you didn't, but your evidence is clear that the role of the consultors in Ballarat was to advise the Bishop on - including matters of priests and where they were appointed; isn't that right?
A. That is right, and what I am saying is that in church law they had no official role in providing such advice. It was advice that was sought and was given, but it's quite clear that it's nothing like a cabinet decision.

Q. Are you suggesting that the fact that in church law they had no official role affects any of the evidence you gave yesterday?
A. No, I don't, but I think it reinforces the point I was trying to make about the prime responsibility of the Bishop in making appointments, and I think it demonstrates the point that I was making about different levels of responsibility.

Q. Now, the Auxiliary Bishop is referred to in canon law; is that right?
A. That is correct.

Q. And what does canon law tell us about the role of the Auxiliary Bishop?
A. I think the first - and I'm not trying to be flippant - the first point that the canon law makes I think is that ultimately the Auxiliary Bishop has no authority to take decisions against the will of the Archbishop.

Q. The Auxiliary Bishop is appointed with responsibility for a particular region; isn't that right?
A. No, that is - that is not right. An Auxiliary Bishop in some dioceses was given almost, within some limitations, the functions as defacto Bishop of that area. In Melbourne, for example, there were four regions. We were - each of the Auxiliaries was allocated to a region. We had the role there of providing pastoral support to the priests, the people, communities, and especially to provide the sacrament of confirmation.

Q. So your role as Auxiliary Bishop in relation to the
region that was allocated to you was to provide pastoral
support to the priests, people and communities and
especially to provide the sacrament of confirmation -
that's right?
A. Yes, that's what I said.

Q. And what region were you allocated?
A. The southern region.

Q. What parishes were encompassed by the southern region?
A. I - those parishes that run down the eastern side of
the bay.

Q. They included Doveton, I take it?
A. Yes, it did.

Q. Now, as Auxiliary Bishop, the meetings of the Curia
that you were present at with the other Auxiliary Bishops
and the Vicar General from time to time dealt with
complaints or concerns about priests?
A. Yes, that is correct.

Q. In your time as Auxiliary Bishop, is it the case that
the Catholic Education Office had primary responsibility
for dealing with administrative matters within schools and
parishes insofar as the parishes had schools - is that
right?
A. Yes, the Catholic Education Office had educational
responsibility for the parish schools and for those
diocesan high schools. The religious order high schools
were led by the religious order superiors.

Q. The head of the Catholic Education Office when you
were Auxiliary Bishop, and in relation particularly to
Doveton, was a priest?
A. That is - that's right.

Q. And the Catholic Education Office ordinarily reported
matters to the Vicar General?
A. When they touched on priests or parish life, that's
correct.

Q. And had the capacity to report to the Auxiliary
Bishop, but they didn't do so with the same frequency as
they did with the Vicar General?
A. With nothing like that frequency - quite rarely, in my
experience.
Q. The evidence seems to suggest, Cardinal, that it depends upon the accessibility or approachability of the Auxiliary Bishop as to whether, in the case of Doveton, those in the Catholic Education Office approached the Vicar General or the Auxiliary Bishop. Do you understand that?
A. I - I understand what you're saying, but the Auxiliary Bishops, to my knowledge, were never normally consulted and, in some cases, if an Auxiliary Bishop was not particularly open to dealing with this, they mightn't go near him on almost any - any occasion.

Q. So was it the case, when you were Auxiliary Bishop, that you were particularly open, or not particularly open, to dealing with complaints of a sexual nature against priests?
A. I was there to - to receive complaints from whoever wanted to complain.

Q. So were you particularly open to dealing with those complaints, or not?
A. I was certainly open to dealing with those complaints, as with any other complaint.

Q. Now, you said that Auxiliary Bishops were normally never consulted and, in some cases, if the Auxiliary Bishop was not particularly open to dealing with this, they might not go near him on almost any occasion. Now, I take it, given your answer to the subsequent question, that the Catholic Education Office people did come to you on occasions in relation to matters in Doveton?
A. They certainly did.

Q. And, from time to time, in the Curia and the Personnel Advisory Board, matters concerning Doveton and the parish priest were brought to attention.
A. They were discussed on some occasions, yes.

Q. Now, Bishop Connors gave evidence about what he described as Archbishop Little's blind spot in relation to priests and taking action against priests. Now, do you consider that Archbishop Little, when you were there as his Auxiliary Bishop, had such a blind spot?
A. I didn't - I was never Vicar General - a Vicar General. Obviously, I was never Director of Education, so I very rarely, if ever, had one-to-one
discussions with him on these matters, so I - I wouldn't have been able to say so succinctly that he had a blind spot on those matters.

Q. You have, in the past, been critical of Archbishop Little's handling of sexual misconduct cases against priests?
A. Yes, I'm - I have to say that I am strongly critical of it.

Q. What aspects are you strongly critical of?
A. That on some occasions, one which - in the Searson case, for example, that he had a lot of information which he never made available to me when I took the Searson matter to him and asked his advice.

Q. So that's in relation to one case. Are there any other cases about which you're strongly critical of him?
A. I've studied these papers for the inquiries and I'm aware of publicity, and what I know now and what I knew subsequently and what emerged from the Melbourne Response hearings was sometimes deeply disturbing.

Q. Perhaps you can explain that.
A. Yes. Well, it was that Archbishop Little on some occasions did not act when he should have and certainly did not make appropriate information available to the Personnel Advisory Board on some occasions.

Q. Now are there other aspects of his handling such complaints that you're critical of? You've described the provision of information.
A. Yes, allowing people to remain in place and sometimes transferring such people.

Q. And who are you referring to in particular?
A. I'm - one such example I think would be Bill Baker. Another such example would in fact be Searson.

Q. What did he do wrong with Searson?
A. Well, I've only fairly recently discovered the extent of the problems at Sunbury. I discovered that somebody had prepared a list of infractions - a page and a half. I was never informed that this had been prepared and I was never informed about the variety and the seriousness of the problems in Sunbury.
Q. So from the answers to the last few questions, it seems that your criticism of Archbishop Little is largely about the provision of information to others, primarily yourself - is that fair?
A. I'm - I'm not sure that it is, because I think I said that he made wrong decisions. I - I might say - give you a little bit of background on my relationship with Archbishop Little.

Q. Can you hear me, Cardinal?

(Pause in video link)

MS FURNESS: No doubt we'll be told shortly whether the problem is short or longer term.

Q. Cardinal, can you hear me?
A. I can hear you and see you, counsel.

Q. You were about to provide us with some background on your relationship with Archbishop Little.
A. Yes, I was. We had quite different approaches to theology. I was a Ballarat priest, so I had come into the Archdiocese, so I had not worked with him for years, I had not worked closely with the other Melbourne priests. His method of operating was quite different from mine and our relationship - we were not close friends in any sense. Our relationship was professional and courteous.

Q. Now, Archbishop Little ultimately resigned on grounds of ill health, didn't he?
A. That - that was what was said and he certainly had four or five different health problems.

Q. When you say "that was said", are you suggesting that there were other reasons for his resignation, other than what was said?
A. I - I can't give any book, chapter and verse on this, but he resigned four years early and I suspect his situation would have paralleled that of Bishop Mulkearns who resigned early, perhaps eight years early, and has pointed out that one of the reasons for this early resignation was the problems with the treatment - the way he handled paedophilia cases.

Q. Bishop Mulkearns gave evidence that he decided for himself that he wasn't handling those matters well and,
therefore, resigned. Was it the case with
Archbishop Little that he decided for himself, or that it
was suggested to him that his handling of those complaints
was deficient?
A. Both the Bishops would have had to offer their
resignation. As I said, I can't give book, chapter and
verse, but it would not surprise me if Archbishop Little
was requested to put in his resignation, but he certainly
was sick.

Q. Can you help us with who requested him to put in his
resignation?
A. No, I can't.

Q. Who would have had the, if not power and authority,
influence to be able to do such a thing in 1996?
A. The Apostolic Nuncio.

Q. Who was the Apostolic Nuncio at the time?
A. I think he was an Archbishop called Brambilla.

Q. Was it the Apostolic Nuncio who suggested to
Archbishop Little or requested that he put in his
resignation?
A. No, I can't, as I said, give book, chapter and verse
on that, but it would have had to have been worked out in
consultation with him.

Q. It wasn't worked out in consultation with you?
A. No, it wasn't.

Q. Just coming back to your position as Auxiliary Bishop
with responsibility for, I think you said, the southern
region, that was your first position in the Melbourne
archdiocese?
A. Yes, that was my first position in the Archdiocese,
because I entered the Archdiocese as a - I had been a
Ballarat priest; when I entered I became an Auxiliary
Bishop of Melbourne.

Q. Did you have any particular knowledge or understanding
of the region before you were appointed to it?
A. I had no particular knowledge or understanding of it,
no.

Q. What did you do to acquire knowledge and understanding
of that region when it was allocated to you?
A. I immediately took up a busy schedule of activities and visits and moved around the Diocese, and I would have slipped in immediately into the program of confirmations, which were for most of the year, during term time, would be three confirmations a weekend.

Q. Did you speak with the Vicar General at the time, or the former Vicar General, to understand more about what was happening?
A. He would have been one of the people I spoke to.

Q. Did you seek access to any files in relation to what was happening in that region?
A. No. That was not a possibility offered to me, but if I had - if problems came and I wanted a bit of background, I would, of course, ask the Vicar General or possibly the Archbishop.

Q. You didn't ask them for access to files relevant to matters in your region?
A. No, I didn't, because as I have said, the auxiliary is not in the normal executive line of authority.

Q. But you didn't doubt that had you asked for them, access would have been granted?
A. I'm not - that's probably the case. I couldn't have been sure that they would have given me access to all the information. As a matter of fact, knowing what I know now, I'm pretty certain that I would not have received it on some cases.

Q. But you didn't seek it? But you didn't seek it, Cardinal?
A. On what matter?

Q. On any matter.
A. Oh, yes, I would regularly have inquired about the different priests, the different activities in my region.

Q. No, seek access to the files, Cardinal, was my question.
A. No, I did not feel any need to request access to files.

Q. Now, about a year after you were appointed, there was an Australian Catholic Bishops Conference meeting at which Father Usher and Father Lucas presented information they had acquired about, broadly, sexual misconduct of priests.
Do you remember that?
A. I do - not in any detail, but I certainly remember their work.

Q. Perhaps if I can show you tab 59 - it's the Searson bundle if that's not otherwise clear. You recognise this document. Is it in front of you yet, Cardinal?
A. It's just arrived, thank you.

Q. That's a document that you've seen before?
A. It was presented at the Bishops meeting, was it?

Q. It was?
A. Well, I would have - I would certainly have seen it.

Q. Did you understand at about that time that the problem, as set out at the bottom of that page, refers to, in the sixth dot point:

[The] bishop must be able to demonstrate to the community and secular law that he has taken some action once he knows of the problem.

A. Yes, that is correct.

Q. Do you remember being aware of that at the time?
A. I do - I do remember that.

Q. And then the final dot point is:

advise priests to act prudently e.g. careful about kids in presbytery, not being alone with kids.

A. I do remember that.

Q. And you remember those being issues that were drawn to the Bishops' attention at that time?
A. Yes, I do.

Q. Perhaps if we could turn to tab 60, is that a document that's familiar to you?
A. I haven't seen it in my preparation. If it was presented to the Bishops I certainly would have read it and studied it.
Q. Turning to the second page, third paragraph, there is reference to the possibility that a claim could be brought against the church on the basis of negligence in that the authorities reasonably could foresee the likelihood of a child being at risk and negligently failed to take steps to prevent it. Then the document provides that the possibilities could be at the time of recruitment, at the time of investigation prior to ordination or inappropriate action following a complaint, such as further appointments or inadequate treatment. Now, was that concept familiar to you at or about this time?
A. Yes.

Q. Being about a year into your position as Auxiliary Bishop, and having those pieces of information drawn to your attention, what did you do in the Archdiocese of Melbourne in relation to your responsibilities to find out whether or not you had any offending priests in your patch?
A. I think it was the late '80s or early '90s a Special Issues Committee was set up in Melbourne. I supported that. I did not make any specific inquiries about any specific person. Those matters - it was a heavily centralised Diocese. Those matters were dealt with, first of all, by the Vicar General and I was certainly free to ask him about this priest or that.

Q. Was any attention paid, after this information was provided to you, to make sure that circumstances of risk such as set out in the document were identified and the risk reduced by preventive or precautionary events?
A. I'm not sure at that stage explicit policies were introduced, but certainly, as a result of these meetings, all the Bishops were much more alive to these matters, and certainly I think the Education Office was ahead of the - of the parish system in their dealing with these matters.

Q. In particular, this document suggested that priests be advised to act prudently, "careful about kids in the presbytery and not being alone with kids". Did you, or to your knowledge, your Archdiocese, take any action to advise priests in this particular way?
A. I can't remember explicitly on this, but my recollection was that the information conveyed to the Bishops was brought to the attention of the priests at clergy meetings, but I couldn't give book, chapter and verse that this - when and where this was done in
Melbourne.

Q. Your understanding was that because of the conveying of that information, you would expect priests to be aware of those risk situations, as were described in that document?
A. Yes, that - because in many ways the document did not break new ground. It set it out very clearly and comprehensively and concisely, but it wasn't entirely new by any way of thinking.

Q. So that you were conscious by that time about kids in the presbytery and priests not being alone with kids?
A. Yes, that is correct.

Q. And that that was a risk factor in relation to the work carried out by priests.
A. Yes, that is - that's right.

Q. Now, when you were appointed Archbishop, you appointed the now Archbishop Hart as your Vicar General?
A. I - I certainly did. It was a very successful appointment.

Q. And, clearly, you trusted his judgment and valued his advice.
A. Certainly.

Q. And Monsignor Cudmore had previously been the Vicar General. What was your view of the way in which he had carried out his work?
A. I think his work as Vicar General, especially in the matter of sexual abuse, constituted a very, very significant advance and improvement. I knew him a bit. I spoke to him off and on. I encouraged him. I think he extended his staff in this area. We had a woman expert and a canon lawyer who spent at least some time helping him on this area, so he, in my judgment, represented a considerable improvement.

Q. And you didn't keep him on for what reason?
A. Because I thought Archbishop Hart as he became, Father Hart, would be better.

Q. And that proved to be the case, in your view?
A. Yes, I think it did. Father Hart is a formidably good - was a formidably good administrator, but
my personal relationship with Cudmore - it was a sensitive issue. I worked hard to try to avoid him being hurt and I'm grateful for his cooperation and for his contribution.

Q. Turning, first of all, to the Parish of Sunbury, that's not a parish that you ever had any responsibility for - it was never allocated to you in any way, was it? A. No.

Q. I take it from what you said earlier that you have seen some of the documents relevant to Father Searson's time at Sunbury? A. I have - that's right.

Q. Perhaps if I can just take you to a couple of those. This is tab 4 in the Searson bundle. You'll see that this is a letter to Archbishop Little. A. I do.

Q. The author is redacted, but perhaps if we can just deal with the first paragraph for the moment, firstly, the author speaks of the intolerable situation at Sunbury? A. I read that, yes.

Q. And then, coming down, it refers to the personal experience, which is the third paragraph from the bottom. Do you see that paragraph? A. Thank you, yes.

Q. Referring to the "extreme provocation from autocratic decisions and lack of sincere communication from Fr Searson" and then in the next -- A. Yes, I do.

Q. -- paragraph the author says:

I have, much to my spiritual discomfort, instructed my children to refuse to be called to Fr Searson's office unless accompanied by another child or adult.

A. I see that, yes.

Q. If you were Archbishop at the time, how would you interpret that? A. That - I would say that it would be sufficient ground for some sort of official investigation quickly.
Q. The author of the letter on the last page expresses the opinion that Father Searson must be removed from parish duties. Do you see that in the third-last paragraph?
A. Yes, I do.

Q. The response from the Archbishop is in the next tab, tab 5. In the third paragraph the Archbishop replied:

You will understand that I, through my Regional Bishops, Consultors and advisers continually monitor the progress of the various parishes within the Archdiocese.

That was how the Archbishop worked at that time in 1982. You've got no reason to doubt that?
A. No, I haven't.

Q. Then, in the final paragraph:

The matters you have raised with me will be given further consideration by me in discussion with my advisers.

From your answer before, you say that that letter should have resulted in an investigation. What do you say about the response of Archbishop Little at the time?
A. I think the style and the content are absolutely unsatisfactory and it's that style of letter that helps explain my differences with him and lack of enthusiasm for the way he ran the Archdiocese.

Q. Now, the next tab is a letter again to the Archbishop from a priest at the Sunbury Catholic Parish Centre. I take it you'll have seen this letter in your preparation?
A. I'm not absolutely sure that I did. No, I don't think I've seen such a long letter.

Q. The author of this letter is, or was, the assistant priest to Father Searson at Sunbury. You understand that?
A. Yes, I do, and I'm aware - if not of the explicit content, I'm aware that such a complaint was made.

Q. Generally, the complaint was in strong terms, including expressing the view that Searson was psychologically unsuitable to be a pastor, or the pastor of that parish.
A. Yes.

Q. If you can just turn to the last page of that letter, which is 0016, there is reference at the top of that page - he is referring there to "they", being people in the parish, asking that there must be something that can be done, somewhere he can go that causes less damage. The assistant priest said he suggested to Joe O'Connell an appointment to the Armed Forces. Joe O'Connell was an Auxiliary Bishop at the time?
A. Yes, he was. He was a Regional Bishop, I think for the western regions.

Q. So he was the Auxiliary Bishop who had been allocated the region in which Sunbury was a parish?
A. Yes, I think that's the case.

Q. And then if we can turn to the next tab, these are minutes of the Diocesan Consultors. You understand that the Diocesan Consultors was the body that existed prior to the Personnel Advisory Board?
A. I - I see that now.

Q. And had similar functions?
A. Yes, similar functions in this - in this area.

Q. Turning to page 3, item 13, there is a reference to the Parish of Sunbury. What is noted there is:

   It was agreed that the personnel situation in the Parish of Sunbury requires constant review.

A. I see that.

Q. So that tells us that those present at the meeting of the consultants agreed to that outcome, doesn't it?
A. They did. How much they knew about the content of the letter and the true issues, I wouldn't have any idea.

Q. No, but from these minutes, they knew something of the personnel situation?
A. That's correct.

Q. You would say that that decision - that is, to constantly review the situation without doing anything more - was an inadequate response to the concerns that had
been raised?
A. Yes, I think it was completely inadequate.

Q. Now, you would be aware from Archbishop Hart’s evidence and his statement that he was critical of Archbishop Little's response. Would you like me to take you to that, Cardinal, or are you aware of his criticisms?
A. I - not in specific, in detailed form, but I'm aware of that, yes, but I'm happy to - obviously, whatever you wish.

Q. Perhaps if we can go to tab 15 of the statement bundle, which is now Archbishop Hart’s statement.
A. Yes.

Q. Do you have that, Cardinal?
A. I do, thank you.

Q. We're waiting for it to come up on the screen. If we can go to paragraph 101 - do you have that, Cardinal?
A. I do.

Q. The Archbishop says that based on the material he has reviewed - and you'll see from what precedes it that that includes the documents I've taken you to - the response to the general complaints being raised was inadequate and that there seems to have been no investigation of the matters being raised against Searson at the time. You would agree with that criticism, I take it?
A. Yes, of course.

Q. In his oral evidence he also said that the Vicar General was responsible for conducting an investigation - not alone but also responsible - and you would agree with that?
A. That would have been the normal practice then.

Q. If we can just put that document to one side, when did Father Searson first come to your attention after you were made Auxiliary Bishop?
A. I - I can't recall exactly. I presume it would be the first time I visited the parish, probably in connection with a confirmation.

Q. Do you recall now whether you had formed an early view of him?
A. Yes, I - he was a disconcerting man. In fact, at his
worst moments he could be described as one of the most unpleasant priests that I've met, although he didn't show that side of his personality to me very often, but I quickly learned that he was a difficult customer.

Q. Did you learn that from your observation of him, or from others?
A. I'd say both.

Q. Did you have any engagement with him where he sought to enlist your help to achieve any particular outcome in the parish?
A. He - I think he was keen for me to support his plans either for a new church or a renovated church, and I was happy to do that.

Q. Cardinal, can I take you to some documents that are relevant to Searson in the time before you became Auxiliary Bishop. I'm sure you'll have seen some of these. If we can have the first tender bundle of Searson and if we can have tab 15 put in front of you. Do you have that, Cardinal?
A. Yes, I do, thank you.

Q. You'll see it's a letter to Archbishop Little dated 15 August 1984?
A. Yes.

Q. One of the concerns raised under paragraph A, if you could scroll down a little, there were criticisms of the sermon that was given by him.
A. Yes, I see that.

Q. Do you see that the author says "the sermon was based on pornography/censorship". Was there more than one way in which to conduct a sermon based on different aspects of the learnings of the church at that time?
A. Well, Bishops' - priests' styles varied, but the directions were that, especially on the Sunday Mass, they should be based on the scripture readings of the day, at least as a starting point, generally as a theme.

Q. Thank you. If we could turn over to page 2, the last paragraph on that page.
A. Yes.

Q. Page 2. Do you have page 2, Cardinal?
A. I do, thank you, yes. About the handgun?

Q. Yes, perhaps we can have page 2 here, the last paragraph. There is reference there, if we can scroll to the end of that paragraph:

Father has pointed a handgun at a couple of people who will not come forward for fear of repercussions as many have been...

A. "As many have been intimidated by him".

Q. Yes. What's your reaction to the Archbishop having received a letter like that?

A. I think at the very - well, there are two parts to that. If this had been new, you would at least have discussed the possibility of an investigation. Given that this came after the Sunbury matters, I think it's extraordinary that, at the very least, there was no official inquiry.

Q. Well, it certainly suggests, subject to the outcome of the inquiry, that this man is unsuitable to be a parish priest, doesn't it?

A. Yes, it does.

Q. Now, if we can turn to tab 18 of the same bundle - do you have that?

A. Yes.

Q. Do you see that's a memo to Father Doyle - at the top?

A. I do.

Q. Father Doyle, when you began, was the effective head of the Catholic Education Office?

A. Yes, I think that's correct.

Q. In the first paragraph there is a reference to an Allan Dooley, and you understood he was one of the officers at the Catholic Education Office?

A. That's - that's correct.

Q. If we can have paragraph (i) completely on the screen, that's reference to a mother having phoned Allan Dooley to report that her grade 6 daughter was spoken to by Father Searson on the playground yesterday about her size and that he'd tickled her stomach and made remarks to another girl saying, "Don't you ever look at yourself in
the shower", and then further that --
A. That's terrible. That's terrible.

Q. The first girl was the same one whom the father had
cuddled in the sacristy in February. The conduct described
in that paragraph is conduct that should not be found in a
priest - isn't that right?
A. That's correct.

Q. Then in the next paragraph, there is reference to the
father wanting a child to sit on his knee and that she
didn't want to go to confession because of that.
A. That's correct.

Q. Putting those two paragraphs together, there is
certainly at least the suggestion of over-familiar conduct
by the father with girls?
A. That's right.

Q. And there would be the suspicion that the father was
engaging in improper conduct with those girls.
A. That's correct.

Q. A suspicion that would require further investigation?
A. Yes, I agree.

Q. If we can go to tab 17, which is prior to the tab
you've just looked at, and these are the minutes of the
meeting of the Personnel Advisory Board.
A. Yes.

Q. On page 2 at paragraph 6 there is reference to the
Vicar General, in relation to the Parish of Doveton,
informed the members that he would receive a delegation of
concerned parishioners from the parish in May of that year.
Do you see that?
A. I do.

Q. So that's indicative that from time to time the
Vicar General would bring to the attention of the Personnel
Advisory Board matters in relation to
priests?
A. That's correct.

Q. Because there would be little doubt that the
delegation was in relation to Father Searson's conduct, at
least of a general nature.
A. Yes, that is correct.

Q. Now, if we can turn to tab 22, firstly, this is a memo from Monsignor Connors, who was then the Vicar General, to the Archbishop in relation to the Parish of Doveton in late October that year. Monsignor Connors refers to a memo that he had received from Mr Norm Lalor. Just stopping there, he was an officer of the Catholic Education Office when you were Auxiliary Bishop, wasn't he?

A. Yes, he was.

Q. You knew who he was at the time you were Auxiliary Bishop?

A. That's - that's correct.

Q. The Vicar General effectively summarises a complaint, which I'll take you to, and he firstly refers to having spoken to Father Searson about a tape-recorder being used for the playing of hymns while he was celebrating the sacrament. If we can just turn to tab 23, and we'll come back to that - tab 23 you can assume is the memo that's referred to in tab 22 and it's signed by Norm Lalor. If we can just scroll up a little, it refers, firstly, to the concern that Father Searson had a tape-recorder going while having confession. And then the second item, which is further down the page, is that Father Searson asked children to kneel between his legs when they go to confession. They are the two matters that were raised by a parent, or a set of parents, to Monsignor Connors, who, in turn, in tab 22, raised them with the Archbishop. If we can come back to tab 22, do you see in that paragraph I took you to before Monsignor Connors refers to discussing the allegations with Father Searson and in relation to the tape-recorder he accepted that he had a tape-recorder in the confession. However, he said the purpose of the tape-recorder was to play hymns. Do you see that?

A. I do.

Q. He spoke to Father Searson about the second matter and Father Searson, from this sentence, accepted that he had done so, but assured him that he would insist upon the use of a kneeler - do you see that?

A. That's for the confession, yes.

Q. Just stopping there, those complaints, taken together with the previous complaints I referred to, increased the
suspicion about Father Searson in relation to his conduct
with girls, don't they?
A. Yes, both as far as the Doveton evidence goes, and
doubly so because of Sunbury as a prelude.

Q. And particularly having children kneel between his
legs when giving confession is quite abhorrent, isn't it?
A. Yes, it is.

Q. I am sorry, Cardinal, were you going to add something?
A. No, what that meant, it would have to have been
established by the - by an inquiry, but it is abhorrent and
something certainly to be investigated.

Q. When you say it needed to be established by an
inquiry, it's clear from this, isn't it, that
Father Searson accepted that he had been playing the
tape-recorder and accepted that he had the children kneel
between his legs, but then indicated the reason for playing
the tape-recorder was hymns and, secondly, that he would
remedy having children between his legs by insisting on the
use of a kneeler. Do you see that?
A. Yes, I do.

Q. In fact, you don't need an investigation, because you
have the allegation and the allegation being admitted,
don't you?
A. I said at least an investigation that should have been
referred to some person in authority for effective action.

Q. Well, it was, wasn't it, because it was from the
Vicar General to the Archbishop. It's hard to imagine more
authority than that?
A. That's correct.

Q. So isn't it the case that the lack of action is lack
of action by the Archbishop who knew of the information
from the Vicar General?
A. That's correct.

Q. If we go down to the end of that page, you see that
the Vicar General said he told Mr Sleeman, who was the
principal of the school, that there was nothing to be done
other than to monitor the situation?
A. That is correct.

Q. And he says further up that letter that he had to
accept the explanations given by Father Searson. Do you see that in the middle of the fourth paragraph?
A. Very good. Yes, I do.

Q. And, in fact, Father Searson had admitted the allegations. It was not a question of accepting his explanations. He had admitted that he had the tape-recorder and did not use a kneeler.
A. Yes, but I don't want to be drawn into defending Father Searson, but he did say he was using the tape-recorder to play hymns.

Q. He did indeed, but the allegation was not the purpose of the tape-recorder, but the fact of the tape recorder and it was recording material so, indeed, the acceptance that there was a tape recorder, albeit he was saying he was using it for a different purpose.
A. If he was using the tape-recorder to record the confessions, that is sacrilegious. If he was using it simply to play hymns, it was something that was an error of judgment, because obviously such a machine could be used for other purposes.

Q. If I can ask you to turn to tab 26 - do you have that in front of you, Cardinal?
A. Thank you, yes.

Q. It's a letter from Allan Dooley, who is the educational consultant we talked about earlier, to Reverend Doyle, who was the director of the office, in November 1985. If we can have that on the screen.
A. That's correct.

Q. In the second paragraph it refers to "Graeme", who you can accept is Graeme Sleeman:

... met with Father Searson to discuss the subject of a phone conversation ... The parent had indicated concerns about what they saw as a sexual advance to their daughter by Father Searson.

A. Yes.

Q. That is an extremely serious allegation, is it not?
A. That's correct.
Q. And an allegation that should have resulted in immediate investigation?
A. Correct.

Q. And that he should have been stood down while that investigation occurred.
A. That's correct.

Q. And neither of those things happened.
A. That's - that's right.

Q. If we can turn back to tab 25, this is the letter from the principal to the director of the office, and in this letter the principal refers to in that first paragraph a staff member, who has informed him that she will not take her class to reconciliation with Father Searson again:

Her reasons for this stand is for the safety of the children because she fears that Father Searson may make advances of a sexual nature to the children.

Do you see that?
A. That's correct, yes.

Q. So there is a complaint by a parent and then the teacher has taken that complaint to the consequence that she won't allow her children to take a class with Father Searson.
A. That's correct.

Q. All that does is strengthen the concerns about Father Searson, doesn't it?
A. Yes, it does.

Q. That a teacher was so concerned as to not let the children in her class alone with Father Searson?
A. Yes.

Q. It's the case, isn't it, Cardinal, that at this stage, having regard to the information from Sunbury and the information available either to the Archbishop, the Vicar General, or the head of the Catholic Education Office, Father Searson should have been stood down, at the very least?
A. That's correct.
Q. Do you think this is an example of what Bishop Connors referred to as Archbishop Little's "blind spot"?
A. Archbishop Little for some reason seemed incapable or unable to deal with Father Searson, or even to provide any adequate level of information about the situation. Yes, you could say - one way of describing it is "a blind spot".

Q. Do you think that blind spot he had was in relation to protecting the church from the scandal that would arise from standing down a priest, or otherwise removing a priest from parish life, because of his conduct generally and with children?
A. Yes, that was probably one part of it. Whether that was the whole of it, I just don't know.

Q. That approach, assuming for the moment that it was one part of it, is similar, isn't it, to the approach that Bishop Mulkearns took in Ballarat?
A. Yes, it is.

Q. So it's the case that we don't have just one leader in this part of the world - that is, Victoria - we have two leaders who are taking, at least in part, the approach that I've suggested.
A. Yes, they were both very reluctant to act and both of them did not provide adequate information to their advisers.

Q. Are you referring there particularly to your role as an adviser?
A. I'm speaking more generally, but obviously that touches on myself.

Q. If I can turn to tab 36, this is a letter to the Archbishop which attaches a petition from members of the parish in relation to Father Searson. If I can take you to a number of paragraphs, and if we can go to page 2, the second paragraph refers to Father Deakin having been in discussion with the parishioners about the problem. Father Deakin at this stage was standing in, I understand, for Auxiliary Bishop Kelly who was not well. Does that fit with your understanding of the timing of things?
A. Yes, it does.

Q. Continuing on to the second-last paragraph one concern raised was:
Parents, especially women, feel that Father intimidates them and looks down on them. Women appear to be afraid to be alone with Father and many will not allow their children to be alone with him.

That, again, extends the concern about Father Searson and the safety of children with him, doesn't it?

A. Yes, that's true.

Q. By this stage - that is, in October 1986 - given the complaints since Sunbury about him, some being of a sexualised nature and some not, again I suggest that Father Searson should, at the very least, have been stood down, or, if stronger action was taken, removed from the parish. Do you agree with that?

A. I do.

Q. There was ample evidence at this stage to invoke those two canons which permit a priest to be removed if he has - and I'm paraphrasing - lost the reputation and good standing in the community. You understand the canon I'm referring to, Cardinal?

A. Yes, I do, but it would be no easy matter to use that particular canon for that purpose, but that's - they wouldn't necessarily, I believe, have to have used that to stand him down.

Q. No, you wouldn't have necessarily used it, but certainly that was an available avenue to take, notwithstanding that it may not have been easy, wasn't it?

A. That's correct. That's correct.

MS FURNESS: Your Honour, I note the time.

THE WITNESS: That is correct.

THE CHAIR: We'll take the short adjournment.

SHORT ADJOURNMENT

MR DUGGAN: Your Honour, just before we begin, Counsel Assisting said yesterday she would deal with the transcript corrections after Ridsdale. I just invite her to do that now, if it is an appropriate time.

THE CHAIR: I don't think it's an appropriate time but it
will be dealt with in due course.

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

Q. Cardinal, I was taking you to tab 36, which was a letter containing a petition. Could I take you now to tab 36Q, which is an attachment to that letter.
A. Yes.

Q. Do you see this is addressed to the Vicar General and about three-quarters of the way down the page the author of the letter said that Searson made her child sit on his knee. He also pushed her against him:

He also pulled a gun out of his pants and handed it to a boy from our class to go down and turn off the sprinklers ...

and he said "he wanted me to take my first reconciliation" in his house. His mother said no. On the second page:

None of the teachers will let us go and see him alone. There has to be three or four of us.

Further down, do see where it starts "Father", about two thirds of the way down?
A. Yes, I do.

Q. It says:

... he sexually assaulted my friend and it's not going to happen again.

Stopping there, you can see it's a letter to the Vicar General?
A. I do.

Q. I suggest that that letter alone is grounds for the priest to be removed from the parish. Do you agree with that?
A. Yes.

Q. If we can turn to tab 50, these are minutes of the Archbishop's Personnel Advisory Board in November 1986. There is reference in paragraph 4 on page 2 to the Parish
of Doveton. Father Searson sought a transfer and it is noted that:

He is to be advised... that he considers that he ought to leave his present appointment for the sake of the Parish. Meanwhile he is to be informed that no suitable Parish is available.

Now, that didn't happen, did it?
A. Well, he didn't leave the parish. I don't know whether he was informed or not there was no parish available.

Q. Which becomes redundant if he didn't leave the parish, doesn't it?
A. Yes, I suppose so.

Q. That is up to the time before you became Auxiliary Bishop, Cardinal. Can I take you to the information that was available to the Archbishop, the Vicar General, or the Catholic Education Office after you became Auxiliary Bishop. Firstly, if I can ask you to turn to tab 56, do you have that?
A. I - I do.

Q. It's a letter again from Mr Dooley to the Director of the Catholic Education Office in July 1987 and drawing his attention to a matter at St Mary's Primary School and referring to a grade 6 student, Julie, who discussed a couple of matters with her teacher and one concerning Father Searson. Then it goes on to say that the matter was detailed to him in a letter on 20 November 1985. If you can assume that that matter is the matter of the child, Julie Stewart, running from the area where reconciliation occurred after being in there with Father Searson. Do you remember that? I took you to that earlier?
A. I remember reading about that.

Q. Can you assume that the reference in this letter is a reference to that?
A. I think that's a safe assumption.

Q. Turning to the second page, "Faye", who is the teacher, it is said:

... raised the matter and the referral with
The letter was then referred verbally to Mr Lalor through the author - that is, Mr Dooley. Again, Mr Lalor was an officer with the Catholic Education Office. That's right?

A. That's correct.

Q. And you'll see at the top paragraph on that page there is reference to a psychologist who saw Julie saying that she was seriously traumatised and in a state of anxiety. One can conclude from that, can't one, Cardinal, that whatever happened to Julie Stewart was of a significant event so as to seriously traumatised her and put her in a state of anxiety?

A. That's correct.

Q. Now, in March 1988 there was a complaint of Searson, that he struck a child and was engaged in animal cruelty. That is in tab 57, if I can take you to that. Tab 57 refers to the attachments and 57A is again a letter to Father Doyle from Mr Dooley and refers in the first paragraph to a complaint from a parent that Father Searson had struck her son in the face with a clipboard and noted that --

A. That's --

Q. I'm sorry, Cardinal, do you see that?

A. I do.

Q. And that the parent approached Father Searson and then told the Vicar General. Do you see that in the third paragraph?

A. I do.

Q. And then over on the second page, the full paragraph beginning "Early one morning", there is reference there to what he did in relation to a cat.

A. Yes.

Q. Which was extreme cruelty.

A. Absolutely.

Q. Again, can I say, Cardinal, that this information was clearly within the Catholic Education Office and certainly the assault allegation was told to the Vicar General - you accept that?

A. I do.
Q. At this stage, he should have been referred to the police, shouldn't he?
A. I believe so.

Q. Because he'd committed a criminal act of assault.
A. Yes.

Q. Well, the allegation was certainly that he had committed that act?
A. Yes.

Q. And the act in relation to the cat probably was a criminal offence as well, I suggest, so there's no doubt that he should have been sent off to the police - that's right?
A. Yes, I'm - I'm happy to take your word for that.

Q. Well, rather than take my word for it, there is an allegation that he assaulted a child, isn't there?
A. Yes.

Q. And that allegation should have gone to the police, shouldn't it?
A. Yes, normally the consent of the parent or the child involved would be obtained before it went to the police - before you took it to the police.

Q. And are you aware from the material you've read that that occurred in relation to the assault?
A. I don't think it did. I don't think so.

Q. And you would say that that essential step should have been taken?
A. Yes.

Q. Now, there was another occasion on which there was an allegation of Father Searson hitting a child. If I can take you to tab 66, this is a memo from Graham Downes to Norm Lalor in the Catholic Education Office. In that second paragraph there is a reference to Father Searson having either pushed or hit a boy who went home and told his mother. Do you see that?
A. Yes.

Q. So that's the second allegation of assault between March 1988 and September 1989. Do you agree with
that?
A. Yes.

Q. And still --
A. Yes.

Q. -- no action had been taken against Father Searson to
stand him down or investigate the allegations.
A. That's correct.

Q. Just further down this memo there is reference in that
second-last paragraph, the last line, to:

Simon caught father in the toilets on one
occasion ...

A. Yes.

Q. If you received that complaint you would see that, at
the very least, as odd behaviour?
A. I would.

Q. There was a delegation that came to you in 1989 -
that's right?
A. That's correct.

Q. And that delegation, as you understood it, came to you
because you were the Regional Bishop?
A. That is correct. It wasn't a usual step, but it was a
step available to them and they took it.

Q. Before that delegation took place, I think you were
provided with a list of grievances. Do you remember that?
I'll take you to the list.
A. Please do.

Q. It's behind tab 62. Is that familiar to you,
Cardinal, from 1989?
A. I think that's correct.

Q. Do you see that that list includes various health and
safety issues?
A. Yes.

Q. Harassment of staff and parents?
A. Yes.
Q. And then, finally, children. Do you see under the heading "Children" there are five matters. The first is:

Small group of children shown dead body in coffin.

A. Yes.

Q. Secondly:

Cruelty to an animal in front of young children.

A. Yes.

Q. Thirdly:

Compulsion on children to attend reconciliation on demand.

A. Yes.

Q. And then:


A. That's correct.

Q. Do you remember being presented with this list either prior to or at the beginning of the meeting with the delegation?

A. I remember being presented with a list and I've got no reason to doubt that this is the list.

Q. Thank you. If we can turn to tab 63, this is a memo to Mr Lalor from Mr Annett within the Catholic Education Office referring to the list of grievances I've just taken you to and noting that it was handed to him by Gerry Palmer, who you can assume was a union representative.

A. That is correct, I believe.

Q. The author notes that it has been discussed with the Vicar General?

A. Yes.
Q. And that Cath, a person within the Catholic Education Office, "will monitor it by providing reports to the Director of Catholic Education who will provide them to the Vicar General". Do you see that?
A. Yes.

Q. That seems to be the way suggested by Catholic Education that they were going to handle this list of grievances?
A. That's correct.

Q. And then the delegation took place in November 1989?
A. Yes.

Q. Prior to the delegation taking place, you were clearly informed that it was to take place?
A. Yes.

Q. And you were given a list of the grievances?
A. Yes.

Q. And you attended the delegation with Mr Lalor from the Catholic Education Office?
A. I think he was present when we met.

Q. When you met with the delegation?
A. Yes.

Q. Now, did you seek to obtain information about problems at Doveton and the list of grievances before you attended the delegation?
A. I did. I spoke with the - with Lalor - is that his name?

Q. Yes?
A. Or Dooley - it would have been Lalor. I spoke with the Education Office.

Q. I take it the Education Office took you through the various matters I've taken you through this morning in relation to the dealings with Father Searson and the complaints against him at Doveton?

MR DUGGAN: I object. Are we talking about the list of grievances, or are we talking about all of the incidents that have been referred to.
THE CHAIR: I think the question is perfectly plain, Mr Duggan.

MS FURNESS: Q. Would you like me to repeat it, Cardinal?
A. Please do.

Q. I take it the Education Office took you through the various matters I've taken you through this morning in relation to the dealings with Father Searson and the complaints against him at Doveton.
A. They certainly did no such thing in any comprehensive way at all.

Q. When you say "in any comprehensive way", in what way did they do it?
A. We discussed the list of grievances that were on the - on the - on that sheet. I had - I had asked - there had been the resignation of Mr Sleeman. I asked what the story was there and I was told that Sleeman was also a difficult person and there were two sides to the story and, of course, he offered his resignation. So I had no adequate background briefing on the long-term problems at all.

Q. When you say "adequate background briefing on the long-term problems", are you speaking about the various matters I've taken you to this morning between the Catholic Education Office, the Archbishop and the Vicar General?
A. Yes, and I'm not sure that I was informed about any of those particular letters and documents. I didn't even know they existed at that stage.

Q. When you were told about the delegation, did you ask the Education Office or the Vicar General if they had any material you should read before you met the delegation?
A. I asked them to brief me adequately.

Q. Did the Vicar General brief you?
A. I'm not sure that he did. I think it was just to the Education Office.

Q. Did you speak to the Archbishop before you met with the delegation?
A. I don't think so. I might have, but I did speak with him afterwards.

Q. From your various activities within the parish that
you described earlier, did any information come to your 
attention in an informal way as to the complaints and 
concerns about Father Searson?
A. Very little, except that he was certainly a difficult 
and eccentric man.

THE CHAIR: Q. Cardinal, I'm not sure I understand. 
You've said to Ms Furness that you sought a briefing from 
the Education Office before the meeting; is that right?
A. Yes.

Q. And you had that briefing?
A. Yes, that's correct.

Q. And that briefing was given to you by which person?
A. I think it was Lalor.

Q. And as Ms Furness has taken you through the material, 
it is plain that the Education Office, in documentary 
material if nothing else, knew a considerable amount about 
Searson's misbehaviour, didn't they?
A. That is correct.

Q. And I assume that, being briefed, you were told what 
they knew; is that right?
A. That's an incorrect assumption.

Q. Well, if you weren't told, are you telling me they 
deceived you?
A. Yes.

Q. So the Education Office decided, through its 
individual person, to deceive you; is that right?
A. The Education Office, through the local person, did 
not give me anything like adequate information. I'm not 
exactly sure how much of the information he was privy to.

Q. Can you give us any reason why the Education Office 
would choose to deceive you in relation to Searson's 
behaviour?
A. Yes, I was a new boy on the block. I was known to be 
capable of being outspoken. They might have been fearful 
of just what line I - I would take when confronted with all 
the information.

Q. What do you mean "fearful of what line" you might 
take?
A. Well, they were very keen to keep the lid on the
situation. The line that was given to me was that
certainly there were problems but they were insufficient to
remove Searson.

Q. You were the Auxiliary Bishop at this stage receiving
a delegation by way of complaint about a priest, weren't
you?
A. That is correct.

Q. Does it strike you as extraordinary that the Education
Office would choose to deceive you about information that
might be relevant to your assessment of that complaint?
A. Yes, it is. Whether they saw not giving all the
information as a deception is a question for them.

Q. Well, obviously, if you were to do your job properly,
you needed to know everything that the Education Office
knew, didn't you?
A. I did.

Q. And, if they didn't tell you, they were deceiving you,
weren't they?
A. Yes, that is correct.

MS FURNESS: Q. Did you subsequently understand that
they had lied to you?
A. No, not - not for a long, long time - even before
the - by the time of the Victorian parliamentary inquiry,
I still had no idea of just how much information was
available to me, especially about Sunbury and about some of
the earlier Doveton incidents.

Q. Do you know whether anybody within the Archdiocese
took any action in relation to the Catholic Education
Office for the way in which they handled complaints against
Searson?
A. By that you mean possibly the Archbishop or the
Vicar General?

Q. Or anyone else, but including those two.
A. No, I'm - I'm unaware of anyone so dealing or speaking
with the Education Office and, at that stage, I had a great
respect for the professionalism of the Education Office and
presumed that what they were saying and recommending was
appropriate.
Q. It's the case, isn't it, that given what you've said about what you were told and what you now know was available, there should have been disciplinary action taken against those in the Catholic Education Office who were responsible for conveying information to you?
A. Yes, that is - that is correct.

Q. Now, do you know one way or the other whether or not those people are still employed by the Catholic Education Office?
A. No, I don't.

Q. Now, coming back to the account you gave earlier of the briefing, you said you were told there were two sides to the story about Sleeman's resignation. Do you remember saying that?
A. Yes.

Q. Do you recall what --
A. Yes, I --

Q. I'm sorry, Cardinal.
A. I'm happy to hear your question.

Q. Do you recall what each side of the story was?
A. On the Sleeman side it was that he was sometimes fiery and a difficult person, and, of course, that Searson was a rude and a difficult person. What I now know of course is that Sleeman was basically justified.

Q. Justified in what?
A. In his side of the argument against Searson. He had much more right on his side than Searson did.

Q. Well, wasn't part of Mr Sleeman's side of the story that he had raised complaints of sexual misconduct by Father Searson and they hadn't been properly dealt with?
A. Yes, that - that is - this happened before my time, but that is correct.

Q. You indicated earlier that part of the briefing was to tell you that there were two sides to the story about Mr Sleeman. Were you told about this part of one side of the story - that is, that he had raised allegations of sexual misconduct against Searson?
A. I might have been in a non-specific way and the implication was that they could not be sustained.
Q. I'm sorry, when you say "a non-specific way", perhaps you can tell us what it was that you were told about allegations of sexual misconduct against Searson.
A. No, I - I can't remember exactly what was alleged.

Q. You say it was in a non-specific way. Perhaps you can help us with what you meant by that?
A. Not a great deal, because - given - I can't give a list of examples such as those that I've read. I'm --

Q. Having - I beg your pardon, Cardinal?
A. Good.

Q. Having had, even in a non-specific way, allegations of sexual misconduct against Searson, that would surely make you want to know more about it and what were the results of any investigation; isn't that right?
A. Yes. That was why I agreed readily to meet with the delegation.

Q. But before meeting with the delegation, didn't you seek from the Catholic Education Office more information about this allegation of sexual misconduct against Searson by Mr Sleeman?
A. No, because I don't think that was mentioned on the - on the list of complaints that came from the - came from the parents, or is it the staff, in this '89 --

Q. But, Cardinal, you indicated that the briefing given to you included the fact that there were two sides to the story about Sleeman's resignation. Now, that's not a matter that's explicitly on the list of grievances, is it?
A. No, that's correct, but it was public knowledge that he had resigned and there had been acrimony before the resignation.

Q. What did you do with the information you were told by the Catholic Education Office in your briefing that there had been allegations of sexual misconduct against Father Searson, albeit that you were told in a non-specific way?
A. Well, at - I asked what was the value of those accusations, to what extent were they proven. At some stage I spoke with Peter Annett and said that even from my limited knowledge it seemed that Sleeman had a lot of right on his side and the minimum we should do was to try to get
him another job, preferably as a principal in the Catholic schools.

THE CHAIR: Q. Cardinal, can we just focus on Ms Furness's question for a moment. You've said that in your briefing you were given non-specific information about sexual misbehaviour by Searson. Now, we're talking about 1989, aren't we?
A. Yes, and I - yes.

Q. By 1989 the Bishops, at the very least, in Australia had been briefed in relation to issues of sexual misconduct by priests, hadn't they?
A. That is correct.

Q. And whatever may have been the position in the past, there would be absolutely no doubt that, in your mind and in the mind of all Bishops by 1989, sexual misconduct by priests was a significant issue, wasn't it?
A. That is correct.

Q. Having been told, as you say, in a generalised way of allegations of sexual misconduct, did you not think it necessary for you as the Auxiliary Bishop to satisfy yourself that those allegations had been properly investigated and had been properly resolved?
A. I asked the Education Office and took their word that they had been dealt with appropriately.

Q. That's not quite my question. I asked you whether you accepted the responsibility to ensure that they had been properly investigated and properly resolved.
A. That was - I didn't have a belief that I had an investigator capacity or role. That was a role which I believed primarily in the schools was taken by the Education Office and I accepted - as I've said, I thought very well of their procedures and accepted their recommendations.

Q. Were you told of the procedure that they had followed in relation to the investigation of these allegations?
A. No, I was given no - no details of that.

Q. Did you not think it important, when satisfying yourself that the matter had been properly investigated, to establish just what they had done?
A. My prime consideration was to prepare myself
adequately to hear what the delegation had to say, and
anything that - I thought that any decision or any further
activity that I was to take would be after hearing the
delegation.

Q. So you're saying to us that you didn't satisfy
yourself that the matter or allegations had been properly
investigated?
A. I believed that they had been properly investigated.

Q. Well, again --
A. And --

Q. -- I ask you, what were you told had been done to
investigate them?
A. I - I wasn't told explicitly what they did, but I was
told that the Education Office had - the officials had
spoken with the parties involved and the matter had been
satisfactorily investigated. That was - I took them on
their word on that.

Q. And do you now believe that you were not told the
truth there?
A. Yes, I wasn't adequately briefed at all.

Q. So you again were deceived on this issue, were you?
A. Yes.

Q. As we now realise, there could be no more significant
issue for a parish priest who is involved in the parish
school than allegations that he is sexually abusing
children in that school or parish, could there?
A. That's correct.

Q. So are we to understand that your position is that the
Education Office chose to deceive you in relation to this
issue of fundamental importance?
A. I don't know whether they saw it as a deception, but
as it has been defined it was a deception.

MS FURNESS: Q. Now, did Mr Dooley inform you that he
had formed the view by about 1985 that Searson was a
devious and dangerous man?
A. No, I don't think he ever did.

Q. And did the Vicar General at the time,
Monsignor Connors, tell you that he knew enough about
Searson by about March 1987 that he should not be in a parish ministry?
A. No, he never said any such thing to me.

Q. And did Mr Annett say to you that he thought Searson was an extremely dangerous and devious man?
A. No, he did not say that.

Q. So in your discussions with the Catholic Education Office and any of their officials - that is, Mr Dooley, Father Doyle or Norm Lalor - did any of them express any reservations about Father Searson?
A. Yes, they certainly expressed reservations, but as is obvious - not obvious - as is apparent in at least one of these letters, they felt that there was insufficient evidence, or at least they told me there was insufficient evidence to remove him.

Q. That insufficient evidence was in relation to sexual misconduct; is that right?
A. A whole range - right across the board. Most of the things that were mentioned about him were primarily not about sexual misconduct.

Q. And you accepted their advice that they had investigated and found insufficient evidence to support any matter against Father Searson that warranted any action being taken by you against him?
A. That's - that's correct. I didn't actually have the capacity myself to act against him, but I took the material to the Vicar General and I think I mentioned it at the Curia and certainly discussed it with the Archbishop.

Q. Did you form the view from the list of incidents and grievances that there should be action taken against Father Searson, regardless of your advice from the Catholic Education Office?
A. I - I accepted the advice of the Catholic Education Office and on at least one of - from at least one of the delegations, perhaps the next one, or perhaps this one, they did not - they asked - did not ask for him to be removed.

Q. Your job as Auxiliary Bishop was for you to apply your mind and experience to matters that came to you in the role as Auxiliary Bishop; isn't that right?
A. That is - that is correct.
Q. So what did you do to apply your mind to the list of grievances that was provided to you to consider for yourself, as Auxiliary Bishop, what could and should be done in relation to Father Searson?
A. I went and sought advice from the executive arms that were regularly used, and I thought that was adequate.

Q. What do you say about the adequacy of it now, Cardinal?
A. No, it was plainly inadequate.

Q. What should you have done?
A. I don't think I was obliged to do anything more than I did, because I took it to the Archbishop and asked what should be done.

Q. Then when you say that it was plainly inadequate, what was it that was inadequate in relation to your conduct?
A. I'm sorry, could you say that again?

Q. Certainly. I asked you what you said about the adequacy now of your conduct in seeking advice from the executive arm and you said it was plainly inadequate. What was it about your conduct that was inadequate?
A. I'm sorry, I didn't mean to say any such thing. What I said was inadequate was the information and briefing given to me. I believe that in seeking advice from the normal executive bodies that that was sufficient.

Q. So was there any inadequacy in the manner in which you handled the matter of Father Searson as Auxiliary Bishop?
A. Very little - precisely because of my limited knowledge. In retrospect, I might have been a bit more pushy with all the parties involved.

Q. Now, it's the case, isn't it, Cardinal, that on two occasions now you have been deceived and lied to by those you had every reason to expect would be frank with you - isn't that right?
A. Yes.

Q. The first occasion is in relation to Bishop Mulkearns and those consultors with knowledge - they deceived you and, in particular, Bishop Mulkearns lied to you by not telling you what he knew in relation to Father Ridsdale when he came up for appointment when he was leaving
Mortlake?
A. That's correct.

Q. And now, in relation to Father Searson, you were deceived by the Catholic Education Office, or officers within it, as to what they knew about Father Searson?
A. Yes, two different cases but the same practice.

Q. Now, can you help us as to why, in relation to each of those cases, it was that you were deceived by those who you had every reason to expect would be frank with you in order for you to do your job?
A. I think the answer is in your question. I had the reasonable expectation that the authorities, especially the leader of the Diocese or Archdiocese, would give me sufficient truth to be able to make a reasonable judgment.

Q. And why do you think they didn't do that?
A. In both cases it's a mystery, but in both cases, for some reason, they were covering up.

Q. And why would the CEO cover up from you, their Auxiliary Bishop?
A. That - that is a good question. I think they would have covered up from me, as I mentioned earlier, because they would have feared that I would not accept the status quo or what seemed, in retrospect, to be an uneasy truce.

Q. However, you know from the various documents I've taken you to that the Catholic Education Office was very quick to refer all complaints, if not, most of them, to the Vicar General or to the Archbishop?
A. When - when they touched on the priests, I don't know whether they were quick to do so but they did regularly.

Q. And so they weren't fearful of the Vicar General or the Archbishop in terms of what they would say in respect of those complaints, were they?
A. That is correct.

Q. Because in fact it was a matter for the Vicar General and the Archbishop to take action with respect to the matters that the CEO sent to them - isn't that right?
A. That is correct.

Q. And you as Auxiliary Bishop had, as you've said, not
authority in relation to priests, but you were a Bishop who had some responsibility for the parishes. Why would it be that they would single you out not to tell information to when they had readily told it to the Archbishop and the Vicar General who had the power?
A. Because they realised very clearly I was not cut from the same cloth.
Q. So they picked you out as someone who would have taken decisive action, so therefore they would keep from you information to enable you to take that action; is that right?
A. That might be overstating their position, but they - they might not have been certain that I would take decisive action, but they would have been fearful that I would and pretty certain that I would have asked all sorts of inconvenient questions if I had been better briefed.

THE CHAIR: Q. Cardinal, Ms Furness has pointed out to you that the Education Office was quick to tell the Vicar General and the Archbishop about what they were receiving by way of complaint; do you remember that?
A. Yes, and I didn't quite agree with that, but they regularly did inform the Vicar General and the Archbishop.
Q. Now, the person with the authority to actually do something definitive was the Archbishop, wasn't it?
A. That is - that is correct.
Q. So why would the Education Office see it necessary to cover up if, in fact, the authority to act or not act was the Archbishop's?
A. Yes, but they would realise they had a clear obligation to make accurate and appropriate recommendations to the Archbishop on any matters that touched on the school.
Q. Well, there is no suggestion that the Catholic Education Office itself endeavoured to cover up to the Vicar General or the Archbishop, is there?
A. I - I - I don't think there is.
Q. No. So it makes no sense at all for the Education Office to want to cover up to you, does it?
A. I don’t think that follows in any way whatsoever. I was not in the usual chain of command and I represented a very different approach to matters, as became immediately
apparent when I became Archbishop.

Q. Well, the construction that is available from what you're saying is that the Catholic Education Office was acting to protect the Archbishop - is that what you're saying?
A. Yes, I think I am.

Q. Why would the Education Office want to protect the Archbishop?
A. Because they might have come to the conclusion that he had chosen a certain path and felt it was their duty to support him in that.

Q. Or could it be that, in fact, the Education Office told you all that they knew to help you discharge your functions appropriately?
A. I have made it very clear already that that certainly was not the case.

MS FURNESS: Q. How do you say they knew that you had a different approach and, as you say, were not cut from the same cloth as the Vicar General or the Archbishop?
A. Yes, well, I had been ordained a priest for 20 years; I had been rector of the regional seminary for two and a half years; I had been principal of the Institute of Catholic Education for three campuses between Melbourne and Sydney; people - I was known as someone who was critical of the Education Office approach to religious education. They - many of - I got on very well with them at a personal level, but organisationally they were wary about me.

Q. So you say, in colloquial terms, that the Education Office had it in for you because of the views you'd expressed and the criticisms and, accordingly, they kept you in the dark in relation to complaints against Searson so that you couldn't show them up for not having done their job properly, is that it, in short?
A. Well, I wouldn't put it in those terms, but the substance - the substance would be something like that. I don't know whether it was simply because they would have been shown up, but because it would have meant that action had to be taken against Searson and, of course, that would have re-opened the whole Sleeman event.

Q. But, you see, Cardinal, those in the Catholic Education Office who had knowledge had told the Archbishop,
or at least the Director of the Catholic Education Office had told the Archbishop, on his evidence on more than one occasion, that Searson should be removed. Just accept from me that that is his evidence for the moment. If that's the case, why would it make any difference to him what you thought or did in relation to Father Searson and the effect on him? He's already discharged his duty --

A. Who was the --

Q. This is Father Doyle.
A. Who is the head?

Q. Father Doyle, who was the head of the Catholic Education Office?
A. Yes.

Q. He had already discharged whatever duty he had by saying to the Archbishop and the Vicar General, "Here are the complaints and I think he should go"?
A. I only discovered that later.

Q. But he was no threat to you?
A. And just recently --

Q. I'm sorry, Cardinal?
A. Pardon.

Q. I'm sorry, I interrupted you. Go on.
A. Only in preparation for this hearing did I discover that Doyle - Father Doyle had said to the Archbishop that he believed Searson should go.

Q. You could not have been any threat to him at all, Cardinal.
A. Any threat to Doyle?

Q. Yes. Well, the evidence is --
A. No, I would have - if I had known that, I would have enthusiastically supported his request, but I think it became - or he accepted that the Archbishop was not going to do that and he had to go along with it and would not have wanted me making a fuss about it.

Q. But if he wanted the Archbishop to do something, why wouldn't he have used you to that end by giving you all the information so that you could be another voice, as we say, knocking on the Archbishop's door, to have something happen
about Searson - you could have helped him.
A. And I would have if I had thought that was his view, and I think Father Doyle is also on the record as saying he didn't think it would have made any difference or been any help. The fact that I would be advocating something to the Archbishop might, in fact, have been an added debit rather than something which would incline the Archbishop to act.

Q. Cardinal, I have to suggest to you that your evidence in relation to not being briefed properly or adequately by the Catholic Education Office and the reasons for that are completely implausible.
A. Counsel, I can only tell you the truth. The whole story of Searson is quite implausible, and the cover-up is equally implausible. I can only tell you the way it was as far as I'm concerned.

Q. And I suggest, Cardinal, that the evidence you have given has been designed to deflect blame from you on doing nothing in relation to Father Searson that had any real effect after the delegation came to you?
A. That is not accurate, because I took up the matter with the Archbishop himself. You talked about knocking on his door. I actually did, and he told me that there was insufficient evidence to do anything. He then went and asked me to convey the message to Father Searson that he should scrupulously follow all the appropriate directions and protocols. Now, that was quite unusual, because normally he would either do that himself or his Vicar General would. The fact that he asked me was an indication to me that he did not think it warranted his intervention --

Q. Did --
A. -- in the --

Q. I apologise, Cardinal. There is a delay which makes it somewhat difficult.
A. I'm sorry.

Q. No, no, no, my apology. You were continuing. "It warranted his intervention in the"?
A. In this - it didn't warrant - it wasn't sufficiently serious for him or the Vicar General to be involved and so he got me to convey that message.

Q. Did the Archbishop tell you of the correspondence he
had received over the years in relation to Searson, or the
substance of that?
A. No.

Q. He didn't tell you any of those things?
A. Never mentioned - never mentioned a word about it.

Q. So is it the case that he also deceived you by not
telling you the knowledge that was available to him about
the deeds and misdeeds of Searson?
A. That is correct.

Q. Perhaps if I can just show you tab 48. This is a
letter that the Archbishop wrote to Peter Searson
in November 1986, and you'll see that's before you were the
Auxiliary Bishop.
A. I do.

Q. If we can just turn down to the paragraph that begins
"Although in our conversation".
A. Is this the next page?

Q. No, it's page 1.
A. Yes, yes. Good. Yes.

Q. In the paragraph, "Although in our conversation":

Although in our conversation you generally
dismissed that long litany of allegations
carefully garnered to convey an adequate
spectrum of opinion, there still remains in
the minds of many people perceptions which
continue to contribute, I suspect, to the
loss of your good name among upright and
serious-minded parishioners and, supposedly
in a good number, even of aversion to you;
circumstances to this stage would lead me
to believe that these factors will be
unlikely to come to an end.

You will appreciate that such a situation
offers valid grounds for a Parish Priest to
consider offering his resignation.

Do you accept from that letter that that was the view that
the Archbishop held in November 1986?
A. Yes, I have to reason to think otherwise.
Q. And you say that the Archbishop didn't convey to you that view he held about Searson having --
A. No, certainly not.

Q. He didn't? So he deceived you about the views he held about Searson, too - is that right?
A. That's correct.

Q. Would you say that he lied to you about the information available to him about Searson's misconduct?
A. He certainly concealed the information.

Q. So we now have the CEO deceiving you and the Archbishop deceiving you and concealing information from you, as well as Bishop Mulkearns and one or more of the consultors in the Ballarat Diocese?
A. That is correct.

Q. It's an extraordinary position, Cardinal.
A. Counsel, this was an extraordinary world, a world of crimes and cover-ups, and people did not want the status quo to be disturbed.

Q. And you put yourself in this world as being the person who would disturb the status quo, do you?
A. I not only disturbed the status quo but when I became Archbishop I turned the situation right around so that the Melbourne Response procedures were light years ahead of all this obfuscation and prevarication and deception.

Q. I suggest, Cardinal, that indeed you did have knowledge in relation to Father Ridsdale's misconduct either during, in, or shortly after the consultors meeting in 1982. What do you say to that?
A. I've already - I repeat that that is inaccurate.

Q. And I suggest to you that the Catholic Education Office properly and adequately briefed you in relation to Father Searson?
A. That they probably incorrectly briefed me.

Q. Is that what you say?
A. I'm sorry.

Q. I'm sorry, I'll repeat it. I suggest to you that the Catholic Education Office properly and adequately briefed
you in relation to Father Searson.
A. No, they certainly did not properly and adequately
brief me and there is no evidence to that effect
whatsoever.

Q. Now, Cardinal, after the delegation in 1989 there were
various events that continued in relation to Father Searson
that were from time to time brought to the attention of the
Curia. Do you accept that?
A. Yes. You can remind me of those.

Q. Certainly. If I can take you to tab 85, this is a
memorandum on Vicar General's letterhead. This memorandum,
while it's difficult to read, can I say to you that it's in
relation to a piece of information provided to the author
from a teacher or principal at a school in relation to what
he said was sexual interference by Father Searson in the
confessional of a girl, then aged 9, in grade 3. Can you
read enough of that to accept that that was the story that
he was telling in that document?
A. Yes.

Q. And then over to tab 85A, there is reference to "this
could go to court".
A. Yes.

Q. Then if I can take you to tab 88, there is a letter to
Monsignor Deakin, who was then the Vicar General.
A. Yes.

Q. Advising, in the fourth paragraph --
A. I'm sorry, this is a letter of March 1991?

Q. That's it, tab 88, Cardinal.
A. Yes.

Q. In the paragraph beginning "Three years ago"?
A. Yes.

Q. Noting this is dated 1991, there is reference in that
paragraph to Father Searson stabbing to death a bird in
front of the children.
A. Yes.

Q. Did that come to your attention?
A. At some stage I think. I don’t know whether the bird
was already dead, but at some stage I certainly was
informed of this bizarre happening.

Q. Does it matter whether the bird was dead, or it was stabbed when it was dead?
A. Not - not really. Not really.

Q. And the paragraph of the letter refers to "proceeded to stab it to death with a screwdriver in front of the children" - do you see that?
A. Yes, yes. Yes.

Q. And then another letter that came to the attention of the Vicar General is behind tab 90, and that sets out a litany of allegations against Searson since being in Doveton.
A. Yes.

Q. Some of those allegations you will have read in previous documents and some are new.
A. Yes.

Q. Did that come to your attention?
A. I did receive two delegations and this might have been connected with the second one of them.

Q. So you received this information around about the time of the letter being written; is that right?
A. I - I think that's - that's likely.

Q. And what did you do with this information?
A. Is this from a delegation that came to me?

Q. Well, it's a letter signed by a number of presumably parents to Father Doyle, with a reference to "copy for the Vicar General".

MR DUGGAN: Your Honour, I don't want there to be any confusion about this. I would ask for the Cardinal to have an opportunity to read the whole letter.

MS FURNESS: Certainly.

THE WITNESS: Yes, I have read the letter.

MS FURNESS: Q. And do you say that you received that or heard about it some time around August/September 1991?
A. I'm not sure that I ever received it. I certainly
became aware at some stage of many of the accusations contained in the letter.

Q. And you became aware of them because of your position as Auxiliary Bishop, or for some other reason?
A. I became aware of them principally as a result of the visit of two delegations.

Q. And the second delegation you say was in about 1991?
A. '91 or '92.

Q. And this information was provided to you by the Catholic Education Office before that delegation?
A. No, never.

Q. Well, then, how --
A. Not by the Education Office.

Q. How did it come to your attention?
A. I'm not absolutely sure that it did, but I'm aware of the - a list of accusations, or most of them, at any rate.

Q. If we could turn to tab 97, and can you assume from me that what follows in the next few tabs is material that was handed to the Vicar General, or perhaps Monsignor O'Connell in September 1992 by the CEO.
A. That's correct.

Q. It's noted that the matters were discussed with Monsignor Deakin. It seems from that that the CEO was providing Monsignor O'Connell and Monsignor Deakin with material they had received from others in relation to Father Searson?
A. That is correct.

Q. Then there are three sets of documents that were provided. If I can just go briefly to them - at 97A, there is a document written by --
A. Yes.

Q. -- or recording the views of the child. This is 97A, if we could have that on the screen. Do you have that in front of you, Cardinal?
A. I do.

Q. And you'll see in the different paragraphs that there are recordings of what individual children told about their
dealings with Searson. Do you see the first paragraph is:

Father has been hitting people ...

The second paragraph:

Father gives me the no feeling when he touches me ...

And:

Once Father felt me.

And also:

... Father hit me in the neck.

Then the next paragraph:

I reckoned Father is gay he hits us he digs his hands in your side he grabs you around the neck. Soon he will be feeling us all over.

A. Yes.

Q. Then the final paragraph:

... Father Peter used to hit the servers on the back, and side of the ribs, in the chest, on your head.

Then the next tab, 97B, again, the accounts of children. The first paragraph:

We are all very scared because we don’t know where he is going to touch us next ...

Father could sexually abuse us. He is dangerous.

And the third annexure, 97C. The first paragraph speaks about:

I feel very uncomfortable and would like others and me to have their own privacy.
These documents were sent to Monsignor O'Connell, who
discussed it with Monsignor Deakin. You understand that
from the front document?
A. I do.

Q. And then the next tab, 98, is the minutes of the Curia
meeting held in October 1992.
A. Yes.

Q. You were a member of the Curia at this time, weren't
you?
A. That's correct.

Q. If you can turn to page 4, section B?
A. Yes.

Q. The reference there under the heading "A certain PP",
which we must take to be "parish priest", mustn't we,
Cardinal?
A. That's correct.

Q. It says:

The Archbishop referred to some material
which had been provided to Bishop O'Connell
by the Catholic Education Office.

It seems likely, doesn't it, that that is a reference to
the documents I've just taken you to?
A. That's correct.

Q. So to the attention of the Curia, including yourself,
as in October 1992 were those frightening and horrendous
accounts by those children in relation to Father Searson?
A. I - I don't remember them being - that list being
presented to the Curia at all. There would have - to the
extent that it was mentioned, it would probably be in terms
of that - that note that we just looked at.

Q. So do you say that when the Archbishop, as recorded in
these minutes, referred to some material which had been
provided, he didn't tell of the detail of that material; is
that right?
A. Yes, I'd be quite sure of that.

Q. And you're quite sure of that because you don't
remember any of this coming to your attention; is that
right?
A. No, because it was not Archbishop Little's practice to
go into any detail on these matters whatsoever.

Q. So is it the case --
A. That might be a bit of a - that might be an
overstatement.

Q. It's clear, isn't it that Monsignor O'Connell and
Monsignor Deakin knew of these stories - isn't that right?
A. That is correct.

Q. And neither of those told you in any forum about those
accounts?
A. Not in a way that led me to think that they thought
further action should be taken against Searson or that he
should be removed. At some stage I would be happy to give
you a little further background information on the general
situation of the church at that time which would help
explain my position, but I'm happy to do that when you -
when you nominate.

Q. Thank you, Cardinal, I'll just leave that invitation
for the moment. In March 1993, you'll no doubt be aware
from the material you've read, Searson held a knife to the
chest of a young girl in the church saying to her, "If you
move, this will go through you." You're aware that that is
a matter that was referred to by the Catholic Education
Office - tab 109, if that helps you?
A. Yes.

Q. Do you have that in front of you?
A. I do.

Q. Now, you see in the first paragraph under the heading
"2nd April" that that's referred to?
A. Yes.

Q. And that the Catholic Education Office immediately
informed Father Doyle and Monsignor Cudmore, who was the
Vicar General and the Archbishop's Secretary?
A. Yes.

Q. And the police were called?
A. Yes.

Q. And then, on the second page, in handwriting at the
bottom of the page, it says:

The matter has been discussed several times
with the Vicar General & by Curia. The
decision was taken that in the absence of
action by the Police & the unwillingness of
the Parents to pursue the matter, nothing
could be done about this incident.

You accept, don't you, that that was the conclusion that
arose after the matter had been discussed by the Curia?
A. Yes, I think I would.

Q. It is outrageous, I suggest to you, Cardinal, that the
Curia could be given information of this sort and do
nothing?
A. The police had been informed, they'd investigated, and
they couldn't proceed.

Q. Well it's got nothing --
A. The recommendation was that nothing could be done.
I'm not quite sure what the reasons were.

Q. But it's irrelevant, isn't it, Cardinal, to the
obligation of the church to take action to prevent its
parishioners and children from being harmed whether or not
the police act?
A. That - that is correct. Obviously, of course, if the
police are unable to proceed for lack of evidence, that is
a significant factor in colouring what the church
authorities might decide to do.

THE CHAIR: Q. Cardinal, as you know, the
Royal Commission has spoken now to almost 5,000 survivors -
you understand that?
A. I do.

Q. And we've learnt - and I assume you are aware - that a
great many people who have been affected by the conduct of
others, sexual or physical assaults, do not wish to involve
themselves in the criminal justice process - you understand
that?
A. I do.

Q. But you understand that for many of those people the
allegations that they would make are absolutely true.
A. That's correct.
Q. Well, is it not the case, when the church has allegations before it, that the church has a responsibility itself to deal with those allegations, irrespective of whether the police are able to take action because they have people who are prepared to give evidence in a court?
A. Because they're not prepared to, yes.

Q. Well, in the handwritten note that Ms Furness has just referred you to, there is a reference to the unwillingness of the parents to pursue the matter. Do you see that?
A. That's right.

Q. Now, again, I'm sure you know, that is a typical response of parents: they don't want their children to become tangled up in the criminal justice process.
A. The brief by Father Doyle --

Q. No, I didn't ask you that. I just asked you whether it was within your knowledge that parents often do not want their children to become involved in the criminal justice process.
A. That is certainly true, and sometimes they don't want to pursue the matter in a church investigation either, and that I think is mentioned by Father Doyle.

Q. Well, nevertheless, whatever be the position of the parents, that doesn't relieve the church of the obligation to deal with priests who are incapable of acting appropriately with children in their parishes, does it?
A. That does not relieve the church of such an obligation, but it is a factor - it is a factor in how you can go forward effectively.

Q. It doesn't relieve the Curia of making a decision - a collective decision - to give advice to the Archbishop to ensure the safety of children within the parishes; correct?
A. Yes, the Curia certainly could have not accepted the advice given to it.

Q. And given what you knew then about Searson, is it not the position that the Curia should have said, "This man has to go."?
A. That - that is a - a possible conclusion, for sure.

Q. And in not giving that advice, the Curia would not have been doing its job properly, would it?
A. I - I think you would have to say that. I would want to just check what sort of information was available to the Curia which would have enabled them to recommend or not to recommend that action be taken. I just can't remember, and I don't know what was said at the Curia to justify inaction.

Q. Cardinal, we have evidence which commends your work in ensuring that you became involved in caring for and assisting the priests within your area of the Diocese. You're aware of that evidence?
A. Yes, I - I tried to support all the different agencies and communities and persons in the Diocese. I can't recall exactly what evidence you're referring to.

Q. Well, we have been told of your work in ensuring personal contact with the priests. We have also been told that certainly by 1993 it was notorious amongst all the priests, at least proximate to Searson's parish, that this man was a serious problem. You would --
A. Yes, we were --

Q. You would have learnt that, too, wouldn't you?
A. Yes, I knew he was a serious problem.

Q. And you knew he was such a serious problem that he shouldn't be a priest, didn't you?
A. No, I didn't come to that conclusion. The position I accepted was the official position given to me that we did not have sufficient evidence to remove him.

MS FURNESS: Q. Cardinal, in relation to those minutes of the Curia that I took you to, they were dated October 1992, and the document I took you to that preceded that referred to - in fact, it's on the screen - the matter having been discussed several times with the Vicar General and by the Curia. As I understand it, you were not in the country between 22 September 1992 and 16 November 1992.
A. Just before we - just before we leave that, the incidents referred to by Doyle and Reynolds were in '93 - March '93 and April '93. I'm not sure how they relate to what we're just doing now. I'm not - I'm a little confused.

Q. I'll clarify that shortly, Cardinal. I take it you've read Archbishop Hart's statement.
A. I have.
Q. And you'll no doubt recall that he expressed criticisms of the process in relation to Father Searson - and I'll draw your attention to tab 15 of the Searson statements bundle. Do you have that?
A. I do.

Q. At paragraph 107, which is on page 15 - do you have that, Cardinal?
A. Yes.

Q. The now Archbishop says that the material he has reviewed "shows a complete failure of process as to the handling of the complaints by the Archdiocese". He then says that "complaints received by the Vicar General, either directly or via the Catholic Education Office, appear in many cases to have been reported to the Archbishop, but the lack of any action appears not to have been re-visited."
Stopping there for the moment, do you accept that there was a complete failure of process as to the handling of complaints by the Archdiocese in relation to Father Searson?
A. Yes, and more generally the procedures were rudimentary and often inadequate.

Q. Now, having received the delegation that we've spoken of, and having, as you've said, spoken to the Vicar General and the Archbishop following that delegation, and the action that was taken thereafter, do you accept that you participated in that complete failure of process?
A. Tangentially, marginally, because I wasn't - I'm not mentioned there, and that's because as an Auxiliary you're not part of the official procedures. I regret that even at this stage I wasn't a bit more vigorous in my questioning or commenting.

Q. But your lack of vigour, you would say, came in part from the fact that you were deceived as to the information that was available within the Archdiocese, particularly by Archbishop Little and the Catholic Education Office?
A. Yes, I certainly would.

MS FURNESS: Your Honour, I understand - and perhaps the Cardinal can confirm this - that the Cardinal is prepared to sit for an extra hour, this morning his time and this afternoon our time.
Q. Is that still the case, Cardinal?
A. That's certainly the case.

MS FURNESS: My suggestion, your Honour, and if it suits the Cardinal, is that we break now for perhaps 20 minutes and then resume perhaps at 10 to 12.

Q. Does that suit you, Cardinal?
A. Certainly.

MS FURNESS: And I will certainly complete my examination of the Cardinal shortly thereafter.

THE CHAIR: Very well, Cardinal, we'll do as counsel suggests and take the 20-minute adjournment now.

SHORT ADJOURNMENT

MS FURNESS: Q. Are you right, Cardinal?
A. I am, thank you very much.

Q. Cardinal, I want now to go to a number of other priests in the Archdiocese and the first is Father Baker. If somebody can provide you with the Baker tender bundle and if you can also be provided with Archbishop Hart's statement. Do you have both of those?
A. I do, thank you.

Q. Just turning first to Archbishop Hart's statement, you'll know from your review of it that he discusses the case of Father Bill Baker and that begins at paragraph 181 on page 27.
A. Yes.

Q. Archbishop Hart sets out the history of events based on the documents that are in the tender bundles, and if I can just summarise that - and tell me if you need to be taken in more detail to it. In 1978 the parents of a boy in Gladstone Park Parish raised concerns with the assistant priest about inappropriate behaviour by Baker towards their son. Then two people attended upon Archbishop Little and informed him of the complaint, and Bishop Connors is aware of that discussion with Archbishop Little, Bishop Connors being the Vicar General at the time. The consequences, according to Archbishop Hart's account of the facts - which I absolutely accept - is that Archbishop Little was dismissive of the complaint and then Archbishop Little
moved Baker to another parish. You accept that summary of
the facts as consistent with what you understand, Cardinal?
A. That is correct.

Q. I think in public comments that you've made you are
critical of Archbishop Little for, as you've described it,
I think, covering up in relation to Baker?
A. That is correct.

Q. And covering up by having received a complaint and
then moving him to another parish?
A. That's correct.

Q. Now, the case of Baker came to the attention, I think,
of the Personnel Advisory Board when you were a member of
it. Perhaps if you can turn to tab 29 of that bundle, and
do you recognise those as minutes of the Personnel Advisory
Board, Cardinal?
A. Yes, yes.

Q. Archbishop Little is present, Reverend Connors is
present and you're present --
A. That's correct.

Q. -- among others. Then if we can turn down to item 5,
there is a reference there to Father Baker being moved to
North Richmond as the parish priest.
A. Yes.

Q. Did it come to your attention, prior to or at this
meeting, that there had been a previous complaint against
Baker?
A. No.

Q. So when you participated in this meeting in relation
to advising on the movement of parish priests, you were not
aware of a prior complaint against Baker?
A. No, I believe not.

Q. Archbishop Little hadn't advised you of that, either
in the meeting or before the meeting?
A. No.

Q. And Reverend Connors hadn't advised you of that either
before or in the meeting?
A. No.
Q. That would have the effect, wouldn't it, that each of
them was deceptive in terms of conveying at least to you
that information, in circumstances where you were an
adviser to the Archbishop?
A. Yes, that's correct.

Q. If I can turn, then, to the case of Gannon, I think
you've also been critical of the Archbishop for allowing
Gannon to retire on the grounds of ill health.
A. Yes.

Q. Paragraph 235 of Archbishop Hart's statement begins
with a description of the Gannon story.
A. Yes.

Q. He summarises in paragraph 248 that "Gannon appears to
have admitted to sexual abuse, yet his resignation was
publicly attributed to health reasons." Can you see that?
A. Yes, yes.

Q. I'm sorry, Cardinal, is there something you wanted to
say?
A. That is in paragraph?

Q. Paragraph 248?
A. Oh, yes, 248.

Q. 248, that's right. Were you informed, in your role as
Auxiliary Bishop and effectively consultor or adviser, of
the reason why Gannon had resigned?
A. Yes, I think I would have been.

Q. And that was prior to or after the resignation?
A. Possibly around the time of the resignation -
probably.

Q. Were you aware at that time that his resignation
either was going to, or had been, publicly attributed to
health reasons?
A. Probably, yes.

Q. Did you have the position or capacity to influence
whether or not that was going to happen, if it was
beforehand - that is, that he be permitted to retire on
those grounds and that the resignation be publicly
attributed to health?
A. No, I don't remember being consulted about it. If
I had been consulted I would have had the capacity to object. Certainly, if - a man to retire on health grounds has certainly to be unwell. I would say, of course, that attributing such a retirement to ill health is misleading and obviously such a person would have to be, whatever the reason given, removed from pastoral activity.

Q. Did you, in your time as Auxiliary Bishop and member of the Personnel Advisory Board, have the occasion to attend a meeting where you had knowledge of previous complaints against a person the subject of an agenda item and agree to his resigning on the grounds of ill health, with knowledge of those complaints?
A. I would have to check the record to see whether that was the case.

Q. And if it was the case, you'd accept, wouldn't you, that that was not the right thing to do?
A. I - I would very clearly now accept such a conclusion.

Q. If we can turn to Daniel, who is also referred to in Archbishop Hart's statement beginning at paragraph 203 - can you find that, Cardinal?
A. Yes, yes.

Q. In paragraph 203 Archbishop Hart, in his summary of the evidence, refers to the first complaint being dated May 1991. Do you see that in paragraph 203?
A. Yes.

Q. The second being dated February 1994?
A. Yes.

Q. And then in paragraphs 206 and 207 what appears to be the third, fourth, fifth and sixth complaints come in.
A. Yes.

Q. And then in paragraph 208 Archbishop Hart refers to Daniel seeking to resign as parish priest claiming ill health in January 1995.
A. Mmm-hmm.

Q. And that the resignation was accepted by Archbishop Little as recorded in the minutes of the PAB on 4 January 1995.
A. Yes.
Q. If I can just take you to those minutes, and perhaps they can be on the screen. They are in Daniel tab 24. Do you have them, Cardinal?
A. I do now.

Q. You see who is present at that meeting?
A. Yes.

Q. And it includes the Archbishop, Reverend O'Connell, Connors, Deakin, yourself - and Monsignor Cudmore is the Vicar General?
A. Yes.

Q. And if we can turn over to the second page, paragraph 8, what is recorded there is:

    The Archbishop read to the meeting a letter from Fr D Daniel... informing him of his resignation due to ill-health.

It refers to a medical certificate.
A. Yes.

Q. It was moved by Bishop Deakin and seconded by Monsignor Murray that the resignation be accepted immediately. Do you have any recollection of this meeting?
A. I have some, yes - some such recollection.

Q. Do you recall at that meeting, or before that meeting, being aware that there had been six complaints, many of them to Monsignor Cudmore, about Daniel's behaviour?
A. I can't remember when I heard about Daniel's behaviour, but it is likely that I heard about it before this resignation.

Q. If that's the case, then you were present at a meeting where his resignation due to ill health was accepted, notwithstanding knowledge in yourself and others of one or more complaints against him for sexual misconduct against minors?
A. Yes, I didn't object. In my mind then the primary consideration was whether in fact the person had been sick rather than whether the explanation was complete.

Q. I beg your pardon? I didn't quite understand that, Cardinal.
A. What I said was that I was happy - not "happy" - I did
not object to that procedure because my primary concern was whether the truth of the claim about the ill health was real.

Q. Well, the case is that you, on your evidence, were aware of one or more complaints of sexual misconduct against minors by this priest and yet didn't object to his resignation being attributed to ill health. Now, that was misleading, wasn't it, to say that his resignation was due to ill health, with the background of complaints?
A. That is at least partly misleading, that's correct.

Q. Did you see the medical certificate that was provided in that case?
A. No, I don't believe I did.

Q. If I can turn, now, to Father Fasciale. His factual material is provided in Archbishop Hart's statement at paragraph 214 - 219. Do you have that?
A. I do.

Q. Again, as with the previous priest, there was a history of complaints against Father Fasciale that were brought to the attention of one or more people within the church. This is paragraph 219.
A. Yes, 219, I'm sorry?

Q. Paragraph 219 is where Archbishop Hart recounts the evidence in the tender bundles which were provided to him.
A. Yes.

Q. There is reference to three complaints on that page. And, then, at paragraph 223 he refers there to the elliptical language employed in some of the correspondence that suggested to the unknowing reader that the knowledge of complaints was not as it in fact was. Now, that language is language that has not infrequently been used by the church in relation to correspondence about and to priests who have thought to have been or are known to have been sexual offenders?
A. That's right.

Q. Just turning over in Archbishop Hart's statement, in paragraph 229 - and this is after an additional complaint - he notes that Fasciale resigned claiming ill health and stress and that that was recorded in the minutes of the Personnel Advisory Board. If I can just take you to those
minutes, that is behind tab 40 of the Fasciale bundle. Can
you see that document?
A. That is the PAB of 8 December 1993.

Q. That's right. You can see who is present including
the Archbishop, Reverend O'Connell, yourself, and
Monsignor Deakin and Monsignor Cudmore?
A. Yes.

Q. In item 6, page 2, there is reference at Yarraville to
a letter of resignation due to ill health having been
received and accepted. Can you tell us whether at this
meeting, 8 December 1993, that by this time you had known
of complaints against Fasciale?
A. No, I can't say that I did. I couldn't be sure that
I didn't, but I'm not quite sure when I heard about
Fasciale's crimes.

Q. Well, you accept, I take it, from Archbishop Hart's
account of the evidence that Monsignor Cudmore and likely
Archbishop Little were aware of previous complaints?
A. That's correct.

Q. Did Monsignor Cudmore or Archbishop Little convey to
you, either at or before this meeting, about their
knowledge of those complaints?
A. I can't remember whether they did or they didn't. It
is possible that they did.

Q. Monsignor Deakin was also, I think from the material
referred to by Archbishop Hart, aware of one or more
complaints. Did he tell you of those complaints?
A. I couldn't say that he did not and I couldn't say
whether he did.

Q. So is it the case in relation to this meeting, you may
or may not have been aware of the previous complaints when
discussing whether or not Fasciale should be allowed to
resign on the grounds of ill health?
A. That - that's correct. Yes, I'm just not clear.

Q. Again, it would be the case, I take it, in your mind,
that if a priest were allowed to retire on the grounds of
ill health when in truth they were resigning because they
had had complaints against them, that would be just wrong.
A. Yes, that would be wrong and inadequate, and another
factor in judging the level of wrongness would be the truth
or otherwise of the health claims.

Q. It's also the case that if that occurred and the public attribution to ill health was made, that would effectively mislead those in the parish as to the real reason for the priest having left and, therefore, leave his name in good health rather than sullied by any allegation - do you accept that?
A. That's - that's the general line, yes.

Q. Finally in relation to Father Pickering, I think you understand that Father Pickering was the subject of complaints and then left suddenly for overseas when it was thought that the police were after him?
A. Yes, that's correct.

Q. If I can ask you to turn to tab 50 in the Pickering bundle --
A. Yes.

Q. -- there's reference on page 3 of that bundle in paragraph 16 to "SPECIAL ISSUES" - do you see that?
A. I do.

Q. This is in December 1993 and there is reference there to a recent meeting to identify means of protecting diocesan assets in the event of successful litigation following allegations of sexual abuse.
A. That is correct.

Q. You recall at this time, 1993, that that was an active issue in the church, how to protect its assets if it is successfully sued in child sexual abuse claims?
A. It was an active issue. I think the basis for all the discussions was that adequate compensation would have to be paid, whatever that was, in whatever way that was decided, but also we had to know just what the legal situation was about the assets, and it says there they spoke about the protection of church assets. That certainly wasn't the only consideration, but that certainly was a consideration.

Q. And this item in the minutes suggests that at that stage all that was being considered was how to protect diocesan assets in the event of successful litigation?
A. No, I don't think that is a justified conclusion either about myself or the other participants, but it was very important to know where we were about the money, but
there is no automatic implication there that proper
compensation or ex gratia payments would not be made.

Q. And that's to be implied in the minutes, is it?
A. Yes, that's an explanation, and it is to be implied in
the minutes and it's not - it's not - that dimension is
certainly not in the minutes.

Q. The minutes probably reflect a lengthy discussion
which results in the outcome as set out in item 16 - is
that likely to be the case?
A. That is correct.

Q. Just turning over to the next page, there is an item
there about Father Pickering.
A. Yes.

Q. At this stage, Father Pickering had left, you can
assume, and --
A. That is correct.

Q. -- he was in the United Kingdom --
A. Yes.

Q. -- and wanting to work in the United Kingdom, and
effectively what was being sought from the Archdiocese was
a letter indicating whether he was held in good stead in
the Archdiocese. You understand that background to that
item?
A. I do.

Q. Can you first help us with the focus on the need to
protect the Archdiocese and the Diocese?
A. Yes, I can. I gather at that stage there'd been no
finding or conviction against Father Pickering, but there
was a strong feeling that he was an offender and, whatever
his technical status, it would have been damaging to the
Archdiocese to say that he was okay and, obviously, it
would have been bad for the people with whom he was to
work. And so, therefore, the ambition there was to ensure
that no misleading endorsement of Pickering would be given
to the Bishop in the UK and, in fact, no such endorsement
was given.

Q. And had such an endorsement been given, the good name
of the Archbishop and the Diocese could have been called
into question, given the knowledge of complaints; is that
how it should be seen?
A. That's correct. That's correct.

Q. If I could just, finally, turn to Archbishop Hart's statement. Do you still have that in front of you?
A. Yes.

Q. Can I ask you to turn to paragraph 18. Do you have that, Cardinal?
A. Yes, I do.

Q. I'm sure you will have read this before. This is an account given by Archbishop Hart arising from his review of the records relating to Doveton and the records relating to the priests that I've taken you to, in addition to a couple of other priests. Now, you see - I'm sorry, Cardinal, do you have that?
A. Yes. Yes, I do.

Q. He refers to "common features emerge which point to the failure of process and the poor handling and response to complaints" - do you see that?
A. I do.

Q. I take it that you would agree with that conclusion?
A. That's correct.

Q. And that the features described relate to the complaint process, as well as:

... the failure by Church leaders to listen when complaints were made and then to have those complaints investigated and acted upon.

Do you see that third dot point?
A. Yes, I do.

Q. Do you accept any failure on your part to listen when complaints were made in relation to Doveton and Searson?
A. No, I listened very carefully and acted on them.

Q. And in relation to the next dot point, do you accept any responsibility for a "failure to act upon credible information which was indicative of risk, but instead requiring 'proof' of allegations or the involvement of police before being willing to act"?
A. I would accept that the executive authorities did - weren't efficient in that way and, as for myself, I perhaps might have pushed a bit harder, but I certainly went to the man who had the last word and explicitly asked him what the situation was and was told that there was not sufficient evidence to remove him. I did not query that, and I believe I did not have sufficient evidence to query it. So in those terms I believe that I have acted responsibly.

Q. Cardinal, is there anything that you did as Auxiliary Bishop that touched upon priests and allegations, rumours or concerns of child sexual abuse by those priests that you consider wanting or deficient in any way?

A. I think the matters you raised about ascribing resignations to ill health - that's one area of regret. Other than that, I don't believe there is.

MS FURNESS: Thank you, Cardinal, I have nothing further, apart from the references to the transcript.

I think on day 1 I suggested that the Cardinal had given evidence that he may have been told about Day by Father Taffe and, in fact, his evidence was that it may have been by a priest but he didn't particularly suggest it was Father Taffe.

Secondly, there was an issue in relation to when the Cardinal was aware of the controversy about Father Day, whether it was before the newspaper article or not. His evidence was that he couldn't recall whether before or after, but I think, your Honour, in a question from your Honour he indicated that it was before. But clearly the issue remains somewhat opaque.

THE CHAIR: Q. Cardinal, I just want to ask you a couple of questions about the structure of the church. You may be aware that I've raised this with other witnesses previously. Archbishop Hart speaks of the management deficiencies in the Diocese, and Ms Furness has just taken you to his evidence which you've just seen. As I understand it, the relationship within a Diocese is directly between the parish priest and the Archbishop or Bishop, in the event that it's not an Archdiocese; is that right?

A. That's basically correct. In fact, a lot of the day-to-day contact might be delegated to, for example, the Vicar General.
Q. I was going to say, the Vicar General acts as an intermediary, in one sense, between the parish priest and the Bishop or Archbishop; is that right?
A. It depends on the decision of the particular Bishop, but that's often the case.

Q. And as far as any Auxiliary Bishops are concerned, as I understand it, you are telling us that, again, depending upon the Archbishop or Bishop, they may or may not have significant or minimal authority; is that right?
A. They always have very limited authority, dependent on the Archbishop. They might have very few, if any, roles or areas of responsibility. For example, when I was Auxiliary Bishop in Melbourne, I had no area of archdiocesan responsibility, apart from my region.

Q. How many parishes are there in the Archdiocese of Melbourne?
A. That's a very good question. It would be 220, 240, I'm sorry, I am a little vague.

Q. In each of those parishes there would be many people, in some hundreds, who participate in the church's activities, wouldn't there?
A. No, there would be tens of thousands.

Q. In total, tens of thousands, yes?
A. No, in each region, there would be tens of thousands.

Q. Tens of thousands participating in church activities in each region in the Archdiocese, is that what you're saying?
A. There's over a million Catholics in Melbourne and in those days the participation rate was 16 or 18 per cent, so back in those days I think we had more people going to Mass than attending the VFL football. I think we've slipped below that, but there's still tens of thousands in every region.

Q. Well, if we were to look at the Diocese in the way that those who are expert in management might do, it would be appropriate to see it as an organisation with more than 200 branch offices responsible for engaging in activities with thousands, tens of thousands, of people, wouldn't it?
A. I'm not sure that's an exact comparison. The church has been going for a couple of thousand years and our
patterns of organisation predate modern corporations and, as a matter of fact, are a bit similar to the patterns of organisation of the Roman Empire where, in fact, there is a lot of responsibility left to the Diocese and to the particular parish priest.

Q. Well, you've got ahead of me, Cardinal, because what Ms Furness has revealed through your evidence at the very least is significant management failure in the Archdiocese of Melbourne, isn't that so?

A. Yes, and I think that's overwhelmingly the fault of the people you describe as managers.

Q. Well, if you had any other organisation with more than 200 branch offices engaging with tens of thousands of people, you would have a significant middle management structure in that organisation, wouldn't you?

A. You would if you accepted your premises. We are not like that. There is a direct relationship between the Bishop and the priests. Obviously there are intermediate unofficial groupings, like the regions, but I myself am not in favour of the imposition of a corporate model, either internationally or within a Diocese. For example, there is no "General Manager, Australia", and within a region of a Diocese there is no parish priest who has - who can direct half a dozen or a dozen parishes around him. That's not our model. We have a very flat model of organisation.

Q. Well, does it occur to you, having regard to the management failures that have been revealed at least in the Melbourne Archdiocese, that it might be time to reflect on whether the structure that mirrors the Roman Empire is appropriate for an organisation such as the church in Australia in 2016?

A. We dealt with - we dealt with this problem in one - in the aspect that is of interest to the Commission 20 years ago when we set up the Melbourne Response, and in Australia when we set up Towards Healing, and such mechanisms are quite compatible with the traditional structure of the church and I would suggest that whatever the Royal Commission recommends, the present structures of the church will be able to accommodate.

Q. But, Cardinal Pell, when you speak of the Melbourne Response and Towards Healing, they are processes set up after a priest has committed a criminal offence. They operate after the event has happened, don't they?
A. Well, they are complemented by very, very comprehensive programs of education and prevention and a care about formation, so it's not just --

Q. No, no, but I'm right, aren't I? Towards Healing and the Melbourne Response are the church's response after the tragedy has occurred, when someone has been abused; correct?
A. Yes. I'm --

Q. And what we're talking about --
A. I'm --

Q. Sorry.
A. But in whatever - I remember when the Melbourne Response was set up. Information - well, it was launched with a press conference and information was sent to every Catholic institution. That obviously is a work that helps prevention.

Q. Well --
A. Whether such activities are within the official ambit of those two groups, they were, and are, certainly being actively pursued in the church now and have been for about 20 years and that is one reason why the Catholic institutions in Australia now are amongst the safest in Australia.

Q. Well, the fact of the matter is that there were gross failures of management in the Melbourne Archdiocese, which allowed priests to abuse children, weren't there?
A. Not after my - not from my time or after my time.

Q. No, but before your time there were these management failures. What I want to ask you is whether or not, if you had had an effective middle management system in place, as would any corporation responsible for more than 200 branch offices, do you think that would have helped?
A. Your Honour, we have a different model. I don't think we need to move to a corporate model. The point you are making about intermediary offices, about adequate procedures, is completely correct, but I don't think we need to abandon the traditional structures to meet the important needs that you are outlining.

Q. At the very least, if you adopted a contemporary management model, you would ensure in that model that
anyone who was an Auxiliary Bishop at the very least was required to be informed about all the material relevant to the discharge of their responsibilities, wouldn't you?
A. Yes, that's a very - that's a reasonable point, but that requirement doesn't require - doesn't make it obligatory to have a change of structure.

Q. What you would have is a reporting structure from the parish through the middle management regime up, ultimately, to the committee who advises the Archbishop or Bishop, wouldn't you?
A. You would, but that is not the Catholic option. The Catholic theory is that the priest answers to the Bishop and the Bishop answers to the Pope and we need intermediate institutions - formal/informal - officials, to expedite that, but this universal structure of the church - I can see no sufficient reason for us even to recommend that it might be changed. Obviously, if it was to be changed, it would be a question for the universal church as well as ourselves.

Q. You suggest to me that your mind is made up about these sorts of issues; is that right?
A. Like everybody who has an opinion has their mind made up. I'm obviously open to argument. I'm very conscious of the status of the structure of the church and particular elements of the church which have been with us for a long time, and in some cases are founded in the New Testament teachings themselves.

Q. Cardinal, just to finish up, I don't know whether you're aware, but these are some of the issues we will take up with those who represent the church in Australia in the course of the summary hearing, which will take place later this year - you understand that?
A. And I'm sure whatever you say, your Honour, will be very, very carefully considered and respected.

THE CHAIR: Thank you.

COMMISSIONER MURRAY: Q. Cardinal Pell, Commissioner Murray here. I just have some questions to you on the protection of the assets of the church and the finances of the church. I'm right, I think, to consider you quite expert in that area?
A. Yes, I can't see you, but I'm happy to answer - thank you, yes.
Q. Just briefly, the inaction concerning priests and religious who offended against children and their movement from school to school or parish to parish resulted, in the end, in many more claims against the church and much greater damage to the reputation of the church than would otherwise have occurred if early action had been taken to address the offending. Would you agree with that broad proposition?
A. I would, but I think the more important action is that if action had been - the more important dimension is that if action had been taken earlier, we would have prevented a lot of the damage and suffering to the victims. That's the overwhelmingly important reason. The other factors are exactly as you've described.

Q. I agree with the effects. However, my question really goes to now and the present view of the church. Has the church realised that it is in its own interests to report and act upon complaints about priests as urgently and early as possible and can you tell us what steps the church has taken in its own laws to in fact change the culture that formerly prevailed of not reacting quickly and of moving offenders around?
A. Well, I hope that we haven't been moving offenders around for 20 years and, to answer your question, I think the best way to do that would be to examine what we have done in Towards Healing and in the Melbourne Response, and I've got no doubt these will be developed and improved further in the light of your recommendations.

Q. Can you tell us or are you able to indicate any work being done in the Catholic Church to ensure that canon law and the practice of its leaders, and, indeed, of the general priesthood or religious people - is now inclined towards early action and reporting on any offender or any allegations of offending taking place?
A. Under Pope Benedict XVI the procedures here in Rome were improved and modified. The traditional function of the Roman authorities is to protect local individuals, priests, religious or laypeople against the abuse of authority by officials. This is sometimes not recognised. So for a long time the overwhelming predisposition of the Roman authorities was to protect the priest who was being disciplined by the Bishop.

Now, Benedict XVI changed that - he transferred the
authority for the consideration of these offences to the Congregation for the Doctrine of the Faith where, in large part, it still lies.

As you would know, Pope Francis has set up a Commission in this area and they are - they have been working and they will make recommendations to work towards the goals increasingly that you have outlined.

Q. Are those recommendations likely to come forward in the next year or so?
A. I think that it's certainly likely we will have some of them.

Q. The Royal Commission concludes in December 2017. Will that Commission report before then?
A. I think it will be - it's not a one-off institution to make a report and disappear. It is going to be an ongoing institution to try to spread understanding about this evil and the ways they can be dealt with, and there would be authorities in Rome, and certainly canon law authorities in Australia, who are much better informed on these particular matters than I am.

THE CHAIR: Ms Furness, has there been a discussion between counsel as to the order of questioning?

MS FURNESS: Yes, Dr Hanscombe will be first.

<EXAMINATION BY DR HANSCOMBE:

DR HANSCOMBE: Q. Cardinal, my name is Hanscombe. I appear for seven victims of clergy abuse in the Ballarat Diocese. They include victims of Christian Brothers and Father Ridsdale. Particularly what I want to ask you about is the evidence given by my client Timothy Green. You know to whom I refer?
A. Yes, I don't remember Timothy himself, either as a boy or as an adult, but I'm well aware of his evidence.

Q. You've read his evidence?
A. I have.

Q. I think you said to Counsel Assisting this morning that you were certainly not suggesting in any way that Mr Green was telling lies to this Commission. Do you recall saying that?
A. That is correct.

Q. So you --
A. I do, and I repeat it.

Q. Thank you. You accept, then, that Mr Green has given truthful evidence?
A. I'm not necessarily accepting that his evidence is accurate. It is uncorroborated and I have no recollection of it, even after hearing his particular description of the unusual conversation where he only spoke to me, he said, with his back to me.

Q. Yes, I see. You've always said you have no recollection of it, I know that. You said that back in 2002 to the press, did you not?
A. I - I did. I'm not sure that in those days I had anything like the information that Mr Green has put up about the purported incident. I'm not sure I had anything like that then.

Q. I want to ask you a few questions based on the obvious premise from my perspective that Mr Green's evidence is both accurate and truthful. For the purposes of answering my questions, can you act on that basis?
A. No, I can't, because I don't accept it, but I'm certainly keen to try to answer any question you propose.

Q. Okay. You told Counsel Assisting on Monday that a person who was ignorant of something, where that ignorance was not wilful ignorance and where that wilfulness [sic] was not the result of not doing a job within your authority, would have no moral or other responsibility for failing to act in relation to Ridsdale? Do you recall that? You were asked questions about the responsibility a consultor might have. I can take you to the transcript if you need it?
A. Yes, I'm not exactly sure what you're saying, but I'm happy to - I'm happy to accept it as a working hypothesis.

Q. I'm happy to read to you the relevant passage of your evidence. At page 16300, line 30, the question was put to you:

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?*

Your answer was:

*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.*

Does that refresh your memory of that evidence?

A. Yes, there's a word wrong somewhere there, which either I said or it's been wrongly recorded, but I'm --

Q. I wonder if you mean the clause "when the ignorance does not represent somebody not doing their authority"?

A. Yes, that's a mistake.

Q. I took that to mean --

A. Not doing their duty - not doing their duty is what I would have hoped to have put.

Q. I took it to mean not doing their job within their authority?

A. That's correct.

Q. Yes, okay. So they are the three criteria which would exculpate a consultor or somebody else in a position to take some action for not acting on information such as was given about Ridsdale - they are the three criteria; is that right? Have I got that right?

A. Yes, I - I think that - that is - that's - I stand by those statements there.

Q. Would that apply to any clergy with respect to information coming to that clergy about clerical or other religious abuse, or would you restrict that just to consultors?

A. No, that's - that would be a general consideration.

Q. Okay. And wilful ignorance could never excuse a failure not to act on information concerning clergy abuse, could it?

A. I don't think it could ever excuse inaction, that's correct.
Q. Okay. Would it be wilful ignorance, in your view, to dismiss as so ridiculous information which had no inherent indicia of being implausible?
A. Well, that would depend on a number of factors. In this particular case, it would depend on whether I heard what was being said; it would depend on whether I understood what was being said. I have got no recollection of hearing anything or of understanding that that was proposed. And I just mention that the evidence of Mr Green is uncorroborated by the gentleman who he said was with him, who did not recall it, and it's just perhaps he didn't hear it. I have got no recollection of the incident at all.

Q. Yes, I know that. You've said that several times. When you say "the gentleman who was with him", you're talking about [BWD] who gave a witness statement saying that he couldn't recall it, but he wasn't saying it didn't happen. Is that who you're talking about?
A. I think that would be correct.

Q. The other person who was present you know is since deceased?
A. Yes, unfortunately.

Q. Yes. In 2002, you said, I accept, that you had no recollection of it, you've always said that. You also said:

   If I was approached and thought the stories plausible, I would have informed the Christian Brothers.

"If I had thought the stories plausible". Now, it hasn't been put to Mr Green by your counsel that it didn't happen. What has been put by your counsel to Mr Green were two propositions: was it possible that you had not heard what was said? And Mr Green has answered that puttage. You've read that?

MR DUGGAN: I object. I'm not sure that's a proposition. It was a question. With respect, it wasn't a proposition that I put to him; it was a question.

THE CHAIR: Sorry?
DR HANSCOMBE: The objection is that my question was poorly phrased. What was put to Mr Green by Cardinal Pell's counsel was not a question, it was a proposition.

THE CHAIR: I don't know it takes us anywhere, Mr Duggan, but.

DR HANSCOMBE: I'm happy to withdraw the question and ask it again. Excuse me a moment, if you would, your Honour

Q. Mr Green was examined last December by counsel briefed to represent you. Do you recall that?
A. I'm sorry, could you repeat that?

Q. Of course. Mr Green was examined by counsel representing you in December last. Did you know that?
A. Yes, I - I accept that is true.

Q. Yes.
A. I'm not sure of the month and time. Yes, yes.

Q. Okay. Just to orient you, it was 7 December last year. He did not put on your behalf that what Mr Green said had happened did not happen. He put two questions, or questions directed to two theories or propositions. The first was that Mr Green was asked was it possible that you did not hear what the boy, Timothy Green, had said. That was the first thing that was put on your behalf. Mr Green said: "No, that wasn't possible because he answered me." Did you know he'd given that evidence?
A. Yes, I'm aware that that question was asked and he gave that evidence.

Q. And the other thing that was put was whether it was possible that you did not grasp what was being said, and the answer was, "I wouldn't have thought so." You knew that that evidence had been given?
A. I - I - I do. I was aware that two questions were asked.

Q. Yes. It was not put on your behalf that this had not occurred. That's the simple proposition I'm putting to you.
A. Yes, well, I wouldn't accept that any propositions were put. There were two questions that were asked and I think they still left all sorts of other possibilities.
Could I just say - see, the possibility is that over this passage of time Mr Green's simply mistaken. For example, he has me coming to Villa in 1971 and '72 - for '72. I was not in Ballarat in 1971 or 1972 and my diaries - I have no recollection of going to Villa in those years and my diaries do not show me going to Villa in those years. So as he seems to have been mistaken on that particular point, there is also the possibility he is in error in his recollections.

DR HANSCOMBE: Well, we'll deal with all of that at another time. I notice that the time has expired. I can probably finish this in another five minutes. I don't know if the Cardinal is prepared to sit another five minutes.

THE CHAIR: Q. Are you happy to sit another five minutes, Cardinal?
A. Of course.

DR HANSCOMBE: Q. Assuming that what Mr Green said happened did happen, there were no indicia that it was inherently ridiculous or implausible. He was a boy of 12 or 13 and he says he knew who you were. So he would have been somewhat in awe of you - you were a figure of some awe in Ballarat, were you not?

MR DUGGAN: I object to that. There are a number of propositions in that.

THE CHAIR: There is only one question, Mr Duggan. Ask the question again.

DR HANSCOMBE: Q. The question is directed to the proposition that you were a figure held in some awe in Ballarat in the '70s - the early '70s; do you agree with that?
A. No - well, it depends what you mean by "some awe", but it was very early days and - certainly I might have been, and would have been, known to some school boys, but --

Q. Yes.
A. -- let's not exaggerate this.

Q. You already knew that there had been problems of a sexual nature with Dowlan at St Pat's - on your evidence at 16232 - in the early '70s. You'd heard it from one or two priests. You had been concerned enough to tell the school
chaplain. And you had heard it from somebody else, not Mr Green, whom you have described as "a good and honest lad", 16241. So you had that knowledge already. That meant that what Mr Green blurted out to you was not only not inherently implausible, but it was likely to be true. That's right, isn't it?
A. I don't - no, I don't think that follows at all. I believe I received some such information some time in '74. If I'd been clearer in my mind at that stage when this incident is alleged to have happened and I had actually heard the accusation, I would - that would have been significant for me and I would have accepted it and done something about it, but I've got no recollection of any such event.

Q. Well, previously you'd said you'd received that information "in the early '70s", and I've given you the transcript reference, but if you now say you'd received it in 1974, this event occurred at the end of the school holidays, at the end of the school year in '74, so it's most likely that this event occurred after you had already received information, and it was consistent, in fact, with the information you had received. Do you want to say anything about that?
A. Yes, the two - no, the two time lines do coincide.

Q. Even if you had not had that prior knowledge, you said at 16309, in response to a question from the Presiding Commissioner, that a priest or religious would be obliged to find out what the basis of the truth was, even if all he'd heard was rumour. Do you recall saying that?
A. Well, if I did, I did. It would depend on the quality of the rumour. I mean, some rumours are inherently unlikely, some are of indeterminate status. Some are plausible. I've got no recollection of hearing any plausible suggestion. I don't want to go any further than that. I've got no such recollection. And I will remind you that the lad - the gentleman has said that he never looked at me when he said those words. And even that unusual feature doesn't spark any recollection on my part. I'm just sorry I can't corroborate his story.

Q. So why is it that in 2002 you said "if it had been plausible I would have gone to the Christian Brothers". You made a judgment, in the response to that journalist, that this was not plausible.
A. No, I - it's one possibility. The other possibility
is that in replying to the journalist I was obviously including the possibility that I hadn't heard anything.

Q. It's not what you said. You said, "I don't recollect it, and if it had been plausible I would have gone to the Christian Brothers." That's all you said.
A. Well, I think the fact that I said I don't recollect it is exactly what I just claimed.

DR HANSCOMBE: If the Commission pleases.

MS FURNESS: Your Honour, there is a prospect that has been discussed, as I understand, with the Cardinal and with others that we sit from 7am tomorrow morning, which is 9pm Rome time, and we sit until 1pm, with 20 minute breaks at appropriate times.

THE CHAIR: When you say there is a prospect, when will we know?

MS FURNESS: It's something I'm proposing. I'm not sure that anyone objects to it. As I understand it, the Cardinal has agreed to it and it is certainly something that the Commission can achieve.

THE CHAIR: Cardinal, that's correct, you understand what counsel has just said, you're happy to start at 9pm?

THE WITNESS: I do, your Honour.

THE CHAIR: Very well. We'll adjourn until 7am in the morning.

AT 1.07PM THE COMMISSION WAS ADJOURNED TO THURSDAY, 3 MARCH 2016 AT 7AM

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