

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

**Public Hearing - Case Study 50
(Day 248)**

Level 17, Governor Macquarie Tower
1 Farrer Place, Sydney

On Tuesday, 14 February 2017 at 10am

Before:

The Chair:	Justice Peter McClellan AM
Before Commissioners:	Justice Jennifer Ann Coate
	Mr Bob Atkinson AO APM
	Mr Robert Fitzgerald AM
	Professor Helen Milroy
	Mr Andrew Murray

Counsel Assisting:	Ms Gail Furness SC
	Mr Stephen Free

1 MR FREE: Your Honour, we have five witnesses today who
2 are here to speak to us about current practices in
3 formation.
4

5 <PETER DAVID THOMPSON, sworn: [10.06am]

6
7 <JOHN MICHAEL HOGAN, sworn: [10.06am]

8
9 <BRENDAN JAMES KELLY, sworn: [10.06am]

10
11 <LYDIA ALLEN, sworn: [10.06am]

12
13 <DAVID ANDREW LEARY, sworn: [10.06am]

14
15 MR FREE: Sister, if I could start with you, could you
16 tell the Commission your full name.
17

18 SISTER ALLEN: Sister Lydia Allen.
19

20 MR FREE: And, sister, you're a member of the religious
21 Sisters of Mercy of Alma?
22

23 SISTER ALLEN: Correct.
24

25 MR FREE: And you made your final profession in the
26 religious sisters in 1989; is that right?
27

28 SISTER ALLEN: Yes, 1989.
29

30 MR FREE: How long was your process of training in
31 formation?
32

33 SISTER ALLEN: It was eight years.
34

35 MR FREE: Was that all in the United States?
36

37 SISTER ALLEN: Yes. I did do some - I was already
38 a psychologist when I entered, and so I was doing some
39 teaching and training of other psychologists and medical
40 doctors in Europe during parts of that time, but basically
41 it was in the United States.
42

43 MR FREE: Thank you. You hold a PhD in psychology?
44

45 SISTER ALLEN: Yes, I do.
46

47 MR FREE: You have served as a consultant to the Vatican

1 congregation for Catholic Education?
2
3 SISTER ALLEN: Yes, that's correct.
4
5 MR FREE: What was that body?
6
7 SISTER ALLEN: What was that body?
8
9 MR FREE: Yes.
10
11 SISTER ALLEN: At that time, the congregation for
12 education was in charge of seminarians in the seminaries,
13 so it was in that - for that reason that I was asked to be
14 a consultant, because I had worked with many seminarians
15 and priests.
16
17 MR FREE: That work is now done by a different body,
18 called the Congregation for Clergy; is that right?
19
20 SISTER ALLEN: Correct, yes.
21
22 MR FREE: Are they responsible for preparing the documents
23 that are issued by the Vatican from time to time?
24
25 SISTER ALLEN: Yes, yes.
26
27 MR FREE: So the document that's called the Ratio
28 Fundamentalis, is that drafted by that body?
29
30 SISTER ALLEN: I'm not sure - this last one was from
31 Pope Francis, yes.
32
33 MR FREE: What work are you doing at the moment?
34
35 SISTER ALLEN: I am the human formator, the Director of
36 Human Formation at the Seminary of the Good Shepherd, so
37 I work there. I teach, I do the assessments, and I do
38 counselling there.
39
40 MR FREE: Where is the seminary?
41
42 SISTER ALLEN: In Homebush.
43
44 MR FREE: I think the Royal Commission has received
45 indications that the seminary at the moment has
46 32 seminarians; is that right?
47

1 SISTER ALLEN: We now have more, including those who are
2 out in pastoral work, and we have a rather large group of
3 new seminarians coming in in their first year, so we're
4 almost up to 50.
5
6 MR FREE: Thank you. So they're spread across six years
7 of study; is that right?
8
9 SISTER ALLEN: About seven.
10
11 MR FREE: And their ages range from - do you know how old
12 the youngest seminarian is?
13
14 SISTER ALLEN: Probably 18, through 35.
15
16 MR FREE: Thank you. How long have you been involved with
17 the Good Shepherd Seminary?
18
19 SISTER ALLEN: For eight years.
20
21 MR FREE: Are you aware how much the numbers have changed
22 in the seminary over, say, the last couple of decades?
23
24 SISTER ALLEN: Yes.
25
26 MR FREE: What has been the pattern?
27
28 SISTER ALLEN: Well, that was before my time here, but are
29 you talking internationally or are you talking about here?
30
31 MR FREE: Can we focus firstly on the Good Shepherd
32 Seminary.
33
34 SISTER ALLEN: I'm not all that familiar with the
35 statistics.
36
37 MR FREE: What about during your time?
38
39 SISTER ALLEN: During my time? We are increasing.
40
41 MR FREE: Thank you. Do you have any idea of whether the
42 priests that are being produced out of the seminary -
43 firstly, where do they go to work?
44
45 SISTER ALLEN: In various parishes. They're assigned to
46 various parishes.
47

1 MR FREE: All within the Archdiocese of Sydney?
2
3 SISTER ALLEN: No, because they're not all from Sydney.
4 Some of them come from different dioceses, so they would go
5 back to their home diocese. They would also, during the
6 time of their formation, go to their home diocese for
7 pastoral formation, for example, or pastoral work, in
8 different parishes. And when they're completed, when they
9 complete, they are ordained in their own diocese, and then
10 they return to their own diocese.
11
12 MR FREE: Are those dioceses all within New South Wales?
13
14 SISTER ALLEN: We have Canberra Goulburn, and we have
15 Wollongong, we have various dioceses, yes.
16
17 MR FREE: You may have heard yesterday, sister, some
18 reference to the use of foreign priests in various dioceses
19 around the country, and the suggestion was that they are
20 needed because of a lack of home-grown priests to serve the
21 needs of various dioceses.
22
23 SISTER ALLEN: Yes.
24
25 MR FREE: Do you have a sense of whether your seminary is,
26 for the diocese that it services, producing the numbers
27 that are required to act in service?
28
29 SISTER ALLEN: Well, there is the statement that there is
30 always more work to be done than can be done. There are
31 always more places for good priests. So we're doing our
32 best to form good and solid young priests, and older
33 priests, and so I don't know whether we will fulfil all of
34 the requirements that are needed for the formation of
35 priests in the diocese, but we're doing our best, and there
36 are others also who are working also within the diocese.
37
38 MR FREE: Thank you, sister. Father Thompson, could
39 I turn to you, please. Could you firstly tell the
40 Commission your full name?
41
42 FATHER THOMPSON: My name is Peter David Thompson.
43
44 MR FREE: Father, you're a member of the Congregation of
45 the Mission, otherwise known as the Vincentian Fathers.
46
47 FATHER THOMPSON: I am.

1
2 MR FREE: You have been since 1960; is that right?
3
4 FATHER THOMPSON: That's right.
5
6 MR FREE: The Vincentians have a particular calling to
7 priestly formation; is that right?
8
9 FATHER THOMPSON: That was one of their calls, yes, right
10 back to St Vincent.
11
12 MR FREE: You are also ordained as a priest; is that
13 right?
14
15 THE CHAIR: Father, before you answer, that microphone
16 that's in front of you - can you bring it across. I think
17 it will move. And talk into it, if you would.
18
19 FATHER THOMPSON: Okay. Would you repeat the question?
20
21 MR FREE: I was asking, you're also an ordained priest?
22
23 FATHER THOMPSON: Yes, I've been a priest for 50 years.
24
25 MR FREE: And you've served as a parish priest in various
26 parishes around the country; is that right?
27
28 FATHER THOMPSON: A parish priest or an assistant priest,
29 yes.
30
31 MR FREE: And you've served as the superior of your
32 community in Western Australia for a period of time?
33
34 FATHER THOMPSON: For six years, yes.
35
36 MR FREE: What's your current position, father?
37
38 FATHER THOMPSON: Currently I'm the rector of the diocesan
39 seminary in the Diocese of Wagga Wagga, known as Vianney
40 College.
41
42 MR FREE: How long have you been in that position?
43
44 FATHER THOMPSON: Fourteen years.
45
46 MR FREE: Can you tell us a little about the college and
47 what dioceses it serves?

1
2 FATHER THOMPSON: Yes. The college was founded by
3 Bishop Brennan in 1992 as a diocesan seminary. There was
4 a certain amount of controversy at the time.
5 Bishop Brennan had two main reasons, I think. The one he
6 gave publicly was that he wanted to train his priests in
7 the country. The priests that serve in country parishes
8 need a different kind of training to what they get in the
9 city seminaries.

10
11 1992 was also, I think, the low point in morale, and
12 certainly there were problems in both Sydney and Melbourne.
13 That has since changed, thankfully.

14
15 So it struggled, for a start. I think Bishop Brennan
16 had trouble getting adequate staff - formation staff and
17 academic staff. But it did good work. Quite a number of
18 young men came to it originally. Not all of them were
19 ordained, but at least they tried their vocation.

20
21 By the time I was asked to become rector in 2004,
22 there was a new bishop, Bishop Gerard Hanna, and the
23 numbers of seminarians were down to four, and he warned me,
24 he said, "If it doesn't become viable, we'll have to close
25 it." He said, "Your challenge is to make it viable."

26
27 I foresaw one thing immediately, that a small diocese
28 like Wagga Wagga could not provide seminarians to make
29 a viable seminary, so we needed to turn to other country
30 dioceses who had similar problems - or similar needs,
31 rather than problems - and, even though it remains
32 a diocesan seminary under the Bishop of Wagga, to welcome
33 and to train seminarians from other particularly country
34 dioceses, and we have moved in that direction.

35
36 So, to answer your final question, at the moment we
37 have - I'm just going from memory - 10 seminarians for the
38 Wagga Diocese; 8 for Lismore; at the moment we have none
39 from Armidale, though there are some, I think, we could
40 have at least in 12 months' time. We have one for the
41 Melkite eparchy; we have four religious order men from
42 a Vietnamese congregation, the Association of St Anthony;
43 and two are training for the Confraternity of Christ the
44 Priest, another diocesan-based religious community or
45 association of Christ faithful based in Wagga. I think
46 I've covered them all. There should be 25 when you add all
47 those up.

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MR FREE: Do you have some other candidates from overseas that you are training?

FATHER THOMPSON: Yes. More than half of them were born overseas. The Vietnamese I mentioned will return to Vietnam, but the countries they come from cover Nigeria, Kenya, India, Philippines, Vietnam, Sri Lanka.

MR FREE: When you were talking about the establishment of the seminary you alluded to issues in Melbourne and Sydney. Can you just elaborate a little on what was going on in Melbourne and Sydney that prompted the establishment of the seminary?

FATHER THOMPSON: Not in great detail. The general word around, among the clergy, was that there was very little discipline in both those seminaries. Their numbers were very low, which kind of indicated low morale. There were complaints also about the orthodoxy of some of the classes, the theology and other disciplines that they were learning. But I'm just going on hearsay. I can't elaborate on that any further.

MR FREE: Does the college still have a reputation for having greater discipline or orthodoxy than other seminaries?

FATHER THOMPSON: I think so. I mean, some of you would be aware of our discipline - our reputation more than I am, but the general impression I get is that, yes, we insist on some old-fashioned discipline and orthodoxy. I don't know about more than others. I'm quite convinced that the other seminaries now are all on the right path.

MR FREE: And do you have a sense, father, of whether the priests who are being ordained after being trained at your seminary are providing the numbers required in the various country dioceses that you referred to?

FATHER THOMPSON: In Wagga, we're kind of replacing, I guess, those who are retiring. Possibly numbers have dropped, but we're barely replacing, I suppose. I hesitate - I know Armidale is facing great difficulties at the moment. Lismore - there are a handful that will be ordained for Lismore in the near future. So we are meeting, to some extent, the requirements but probably not

1 as much as the bishops would hope for or would wish for.
2
3 MR FREE: Do you know if each of those dioceses also uses
4 priests who have been ordained overseas to fill parish
5 roles?
6
7 FATHER THOMPSON: In Wagga, we normally don't get ordained
8 priests from overseas. Our priests that were born overseas
9 have gone through Vianney College and have trained there
10 and, in doing so, attained a large amount of acculturation
11 with the local scene. I think the other dioceses I've
12 mentioned do have some that they've recruited directly from
13 overseas.
14
15 MR FREE: Thank you. If I could ask you, Father Thompson,
16 to pass the microphone over. Father Hogan, could I ask you
17 to state your full name, please?
18
19 FATHER HOGAN: John Michael Hogan.
20
21 MR FREE: You were ordained in England; is that right?
22
23 FATHER HOGAN: That's correct, yes, 1981.
24
25 MR FREE: And you came to Australia in the 1990s?
26
27 FATHER HOGAN: Yes, 1995.
28
29 MR FREE: You've served as a parish priest and in various
30 other roles in which diocese, father?
31
32 FATHER HOGAN: In Parramatta.
33
34 MR FREE: You hold a degree in psychology?
35
36 FATHER HOGAN: That's correct. I'm not a clinical
37 psychologist.
38
39 MR FREE: You're also studying for a masters in
40 psychology; is that right?
41
42 FATHER HOGAN: That's correct, yes.
43
44 MR FREE: What's your current position, father?
45
46 FATHER HOGAN: I am the rector of Holy Spirit Seminary in
47 the Parramatta Diocese.

1
2 MR FREE: Thank you. How long have you been in that role?
3
4 FATHER HOGAN: This is the beginning of my tenth year in
5 that role.
6
7 MR FREE: Can you tell us a little bit about the seminary,
8 including what dioceses it serves?
9
10 FATHER HOGAN: Well, up until this year, it has only
11 served the Parramatta Diocese, but we were approached by
12 Bishop Tarabay of the Maronite rite to take two of his
13 students, and the bishops were agreeable to that and I was
14 happy to do that, so we now have two Maronite seminarians.
15
16 MR FREE: How many seminarians do you have in total?
17
18 FATHER HOGAN: Eighteen.
19
20 MR FREE: How old is your youngest seminarian?
21
22 FATHER HOGAN: Eighteen.
23
24 MR FREE: And at the upper end of the range?
25
26 FATHER HOGAN: Oh, about 35, 36.
27
28 MR FREE: Thank you. Do you have seminarians who were
29 born overseas?
30
31 FATHER HOGAN: Three.
32
33 MR FREE: Which countries are they from?
34
35 FATHER HOGAN: One from India and two from the
36 Philippines.
37
38 MR FREE: What has the experience been like in your
39 seminary over your time, for the last 10 years? Have
40 numbers changed much from year to year?
41
42 FATHER HOGAN: I'm sorry, I missed the question.
43
44 MR FREE: Have the numbers in your seminary changed much
45 since you came in 2008?
46
47 FATHER HOGAN: Yes, in 2008, there was a large increase.

1 We had about 12 seminarians. It kind of hovered around
2 that number for a few years, and then about four years
3 later dropped - I think there were only five in the
4 seminary one year, and then again we had increased intakes
5 each year after that. So this is the largest number we've
6 ever had.
7
8 MR FREE: Thank you. Does the Parramatta Diocese also use
9 the services of priests who have been ordained overseas?
10
11 FATHER HOGAN: Yes, it does.
12
13 MR FREE: What countries are your priests from?
14
15 FATHER HOGAN: I couldn't be exactly sure, but there's
16 a lot of people from India, some from Vietnam, certainly
17 a couple from Korea, some from various African nations.
18
19 MR FREE: So ordained in each of those countries?
20
21 FATHER HOGAN: Yes.
22
23 MR FREE: Father Kelly, if I could turn to you, please,
24 can you state your full name?
25
26 FATHER KELLY: Brendan James Kelly.
27
28 MR FREE: And you're a Jesuit priest, father?
29
30 FATHER KELLY: I am.
31
32 MR FREE: You've been part of the Jesuit order since you
33 were 18; is that right?
34
35 FATHER KELLY: That's correct.
36
37 MR FREE: How long was your own formation as a Jesuit
38 before you took your final vows?
39
40 FATHER KELLY: From 1970 to 1993.
41
42 MR FREE: And you've held various teaching and leadership
43 positions in Jesuit schools for about 25 years or so; is
44 that right?
45
46 FATHER KELLY: Over that period, yes.
47

1 MR FREE: Do you hold a Diploma of Education and a Masters
2 of Education?
3
4 FATHER KELLY: Yes.
5
6 MR FREE: What's your present position, father?
7
8 FATHER KELLY: Presently, I am the Novice Director and
9 also the Province Delegate for Jesuit Formation.
10
11 MR FREE: Can you explain a little what's involved in each
12 of those two positions?
13
14 FATHER KELLY: The novice director is the - it's the first
15 two years once a candidate has been accepted into the
16 Society, and so I have care of their training over those
17 two years. In terms of the Provincial Delegate for Jesuit
18 Formation, I oversee the formation program from novitiate
19 through to - mostly through to post-ordination and
20 tertianship.
21
22 MR FREE: How long have you been the provincial delegate?
23
24 FATHER KELLY: I've had that job for four or five years,
25 yes.
26
27 MR FREE: And the position as the director of novices, how
28 long have you been in that position?
29
30 FATHER KELLY: This will be my 11th year.
31
32 MR FREE: Where is the novitiate now for the Jesuits?
33
34 FATHER KELLY: The novitiate now is housed in the
35 Parramatta Diocese. It's two houses, two suburban houses,
36 in the suburb of Emerton, which is part of the Holy Family
37 Parish, which is conducted by the Jesuits on behalf of the
38 diocese.
39
40 MR FREE: You've provided a statement to the Commission
41 and you've indicated in that statement that the process of
42 formation for a Jesuit priest or brother is markedly
43 different from the formation process for a diocesan priest.
44 Can you perhaps just outline the key steps in that process?
45
46 FATHER KELLY: The process, yes. I think, to begin with,
47 there's a period of candidacy. After inquiry and

1 acceptance to candidacy, there's a period of no less than
2 12 months, and then there's a formal interviewing to be
3 admitted to the novitiate. The novitiate is usually
4 a period of two years. And then there's a period of
5 three years after novitiate called first studies, and that
6 takes place in Melbourne, and they will do some study
7 there, Catholic Theological College now, and if they look
8 as though they might be heading towards an experience of
9 teaching, then during that period they would get a dip ed,
10 a Diploma in Education.

11
12 Then this is where it differs a little bit. After
13 those three years, a Jesuit would go into a Jesuit
14 ministry, and that would be like a hands-on. It's the
15 first full experience, full time, of being engaged in
16 a Jesuit ministry. So it might be working in a school, and
17 they do that for two to three years, and then, after that,
18 they would apply for theological studies.

19
20 Then if they've been accepted to theological studies,
21 then recently, over the last three or four years, we have
22 directed them to study theology at Boston College in
23 Massachusetts, so they would go there to study their
24 theology.

25
26 Then when they finish their theology, they apply for
27 ordination, diaconate and ordination, priest ordination.
28 They may go on to further study or they may go into
29 a pastoral year or so, or they may be sent to ministry, and
30 they may do that for four or six years, and then they will
31 come into what we call tertianship, which is
32 a seven-month - it's a full year, really, but the program
33 in itself is over seven months, which brings Jesuits from
34 all over the world, given that we're an international
35 order, brings Jesuits together from all over the world to
36 really revisit how they're travelling, where they are,
37 what's happening, and where they might be heading in the
38 future. So it's a new formative experience for them as
39 well.

40
41 Basically, they repeat some of the things that
42 happened in the novitiate, or they go through some of the
43 same experiences.

44
45 MR FREE: Is that the final stage before final vows?

46
47 FATHER KELLY: Then there's another period when they're

1 finally invited to take final vows, which is really then
2 the Society's acknowledgment of full incorporation into the
3 Society. So that's why I mean it's a fairly lengthy period
4 of formation.

5
6 I was interested in Dr Ranson's statement about having
7 that period of shortening the formal formation, if you
8 like, and giving them some experience. Well, I think our
9 regency does that, does help work towards that, because you
10 actually do reflection with them on that experience, and
11 it's a key one in leading up to, I think, making
12 application to theology, which is really saying you want
13 ordination.

14
15 MR FREE: Thank you. You've also referred in your
16 statement to what are called the experiments.

17
18 FATHER KELLY: Yes.

19
20 MR FREE: Can you explain a little when they occur and
21 what they are?

22
23 FATHER KELLY: The experiments are like placements which
24 occur during the novitiate period, the two years.
25 Traditionally, there have been six of them, but you're not
26 held to that. You can have four or five. You can have
27 varying experiences. But this is where the novices will
28 actually be sent to a place and to engage for anything
29 between six and ten weeks, and they'll be under supervision
30 in that, but it's really about comfort zones, finding
31 oneself in new situations. Because part of our charism is
32 that we're not necessarily confined to one place. A Jesuit
33 can be sent anywhere in the world. So we want the
34 formation to be - we want people in formation that are
35 adaptable and flexible like that. So these experiments
36 provide that and also help to test whether this is really
37 the life that I want to lead.

38
39 MR FREE: How many do you have in the novitiate at the
40 moment?

41
42 FATHER KELLY: At the moment there's five.

43
44 MR FREE: Thank you. What's their range of ages?

45
46 FATHER KELLY: About 57 to 27.

47

1 MR FREE: What's the youngest that the Jesuits these days
2 will accept people for formation?
3
4 FATHER KELLY: I'm not sure of the age, but it's got to be
5 in their 20s and it's usually after they've completed some
6 degree. They're not accepted as - formally, they're not
7 accepted straight from school.
8
9 MR FREE: Is there a formal requirement that they have
10 some tertiary education before they apply?
11
12 FATHER KELLY: It's not a formal requirement, but if they
13 have, it's helpful because they will probably end up doing
14 some extra study to get that requirement. So we tend to
15 accompany them, if they're interested, while they're doing
16 their studies - we tend to accompany them, and then after
17 they've finished their studies and they're still wanting to
18 apply, then they do.
19
20 MR FREE: Do you reject a lot of applications?
21
22 FATHER KELLY: Yes.
23
24 MR FREE: Can you give us a sense of the proportion?
25
26 FATHER KELLY: Well, just - "reject" is interesting. You
27 might put somebody on hold for various reasons. Let's say
28 three apply, one will be accepted. That's what's happened
29 this year.
30
31 MR FREE: Thank you. Dr Leary, if I could turn to you,
32 can you state your full name, please?
33
34 DR LEARY: David Andrew Leary.
35
36 MR FREE: Doctor, you're a Franciscan friar; is that
37 right?
38
39 DR LEARY: I am.
40
41 MR FREE: You spent some years in the seminaries at
42 Springwood and Manly; is that right?
43
44 DR LEARY: I did. Four years.
45
46 MR FREE: But didn't proceed to ordination?
47

1 DR LEARY: True.

2

3 MR FREE: How old were you when you joined the
4 Franciscans?

5

6 DR LEARY: In my 50s - 54.

7

8 MR FREE: What were you doing before that?

9

10 DR LEARY: Going back a little bit, so when I left the
11 seminary at the end of 1977, I worked for 12 months as
12 a male nurse at Sacred Heart Hospice, which at that stage
13 was a completely palliative care unit, and during that time
14 I was volunteering in the Parish of St Francis where the
15 De La Salle Brothers had established a youth centre.
16 During that 12 months of working as a male nurse and also
17 volunteering, they suggested that I might continue to work
18 with them, so on 14 December 1978 I decided to stay with
19 the youth centre, which was called the Come in Centre,
20 under the auspice of St Francis Welfare, as it was then.
21 It has since become St Francis Social Services. And
22 I worked there in a number of capacities for 32 years.

23

24 During that time, I finished my theology and
25 philosophy. I did a Masters in Counselling. Then finally,
26 I did a PhD in Health Psychology. The latter two degrees
27 were at the University of New England.

28

29 My principal role, besides being the director of the
30 centre at Paddington, I was also employed there as
31 a counsellor.

32

33 MR FREE: What's your current occupation?

34

35 DR LEARY: I have a couple of different roles. My
36 substantive role, as of November last year was, I'm now
37 Secretary of the Province for the Franciscans in Australia,
38 New Zealand, Singapore, Malaysia, Brunei - I think that's
39 it. In that role, I handle anything from the
40 administration of the province, our liaison with Rome, and
41 complaints of sexual abuse - I'm the first contact person
42 for that. And dealing with the process, I'm the contact
43 person within the Franciscans for dealing with matters of
44 sexual and physical abuse. I'd be the one who represents
45 the Franciscans at mediation sessions, which I did my first
46 one with the Franciscans a couple of weeks after I started
47 in the role.

1
2 I think what for me is perhaps the most interesting
3 aspect of that is that, for a very significant period of
4 time, I was on the other side of the coin, so my work at
5 Paddington, where we assisted homeless people, homeless
6 young people, survivors of sexual abuse and physical abuse,
7 and young people involved in the criminal justice system
8 and young people involved in prostitution, both male and
9 female. I was fairly heavily involved in the Royal
10 Commission into the New South Wales Police Service, the
11 Wood Royal Commission, in its paedophile reference,
12 assisting victims, young people who had or were homeless,
13 if they were called to give evidence.

14
15 So I think that's the background that led me both to
16 join the Franciscans but also why I've ended up in this
17 role.

18
19 My other substantive role is - it's a secondary role
20 now - that I teach at university, and my teaching areas are
21 in pastoral ministry, pastoral theology. So I'll continue
22 to do that throughout this year, maybe next year as well,
23 on a part-time basis. And I teach two significant units -
24 Foundations of Pastoral Practice and Professional Issues in
25 Pastoral Practice.

26
27 MR FREE: Do the students who take those courses include
28 people who are in the seminaries?

29
30 DR LEARY: Yes, and a variety of religious orders.

31
32 MR FREE: How long have you been doing that teaching?

33
34 DR LEARY: I first started teaching at Australian Catholic
35 University around similar issues in 2008. I've been
36 assisting and teaching at the University of Divinity for
37 the last couple of years. Prior to that, my full-time role
38 when I was in Melbourne was I was the manager of the asylum
39 seeker program for CatholicCare, which involved assisting
40 young people, unaccompanied minors and families from
41 Afghanistan, Sri Lanka, Iran, Iraq, Vietnam, who came here
42 by boat. So we were providing accommodation and allied
43 health services. I headed up a team and was quite involved
44 and have maintained some involvement in that area.

45
46 MR FREE: Thank you, doctor. Are there any Franciscans
47 currently undergoing formation?

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DR LEARY: No, not in Australia. In Singapore, Malaysia, there are I think 12 or 13.

MR FREE: If you had someone within Australia present as a candidate for formation, where would they go?

DR LEARY: In their first year, in their postulancy year, it would probably be in a parish here in Sydney as an observer. In their novitiate year, it would be in the United States. The English-speaking conference of the Franciscans has a combined novitiate. It was in California. It has since moved to Burlington, Wisconsin, I think, but there is talk of it moving back to California, and that would be a 12-month period.

MR FREE: Thank you. Sister, if I could turn to you, please, I want to ask each of the members of the panel, but starting with you, about the processes that you have for screening candidates for the seminary. Can you just outline for us, please, what the practice is at Good Shepherd?

SISTER ALLEN: Yes. We have a vocation director and he is presently working with candidates and he sees them for over a year on a regular basis, monthly, and he discusses with them their desire to enter the seminary and does some beginning assessment of whether or not he believes that they have the capacity and are willing and are ready and are able and willing to be formed.

Then, after a period of time, if he and the seminarian still believe that the seminarian - or, sorry, the candidate should go forward, then the seminarian, the candidate for the seminary, would send in an application form, and the vocation director also writes a report, which we would receive.

There are also other documents which have to be provided - police check, medical examination, references from parish priests and from others who have known this individual who are people who are respected within the community. So all of this comes in as a packet.

Then, to date, I look at it and see if there's anything that would need to be filled in, and also our rector looks at it. The rector interviews the

1 candidate. I do an assessment process, which includes an
2 interview, extended interview, and then I have them come in
3 a few half days where they would do the testing, and it all
4 depends on how quickly they can answer the tests, the
5 questions on the tests.

6
7 MR FREE: Just stopping you there, are you describing
8 psychological tests?

9
10 SISTER ALLEN: Psychological tests, yes, thank you. There
11 are also questionnaires and things like that, which they
12 fill out, and I give them a couple of packets to take with
13 them.

14
15 After all of this process is completed, then I will
16 analyse the data and call them back in and talk with them
17 about what the testing and the interviews are showing and
18 ask them questions based on their responses, just so that
19 I understand what it is that they're saying and what their
20 positions are on various things.

21
22 At the end of that, I would write a report, and the
23 report would go to our vocation director and, through him,
24 to the archbishop and then to our rector.

25
26 MR FREE: Thank you.

27
28 THE CHAIR: What sorts of things is this process designed
29 to tell you? What are you looking for?

30
31 SISTER ALLEN: A number of things: of course if there are
32 any psychiatric issues, but that would just be the first
33 and I would assume that there would not be, and also what
34 their understanding of themselves is and what their
35 relationships with others look like, what their sense of
36 their own identity is; it would tell a bit about their
37 sexuality as well. We have a number of questions in the
38 questionnaire and in the interview in regard to their
39 sexuality.

40
41 THE CHAIR: When you say their "sexuality", what do you
42 precisely mean?

43
44 SISTER ALLEN: Well, what their experience has been in
45 their families as they have grown up in terms of
46 information that they have received, what their experience
47 has been during their childhood and adolescence, whether

1 there has been any sexual abuse, how they developed during
2 their adolescence in terms of their sexuality, what
3 experience they've had sexually, and they're usually very
4 open with answering these questions.

5
6 If I have any further questions later on, then we
7 clarify that. It could be also if there is some same sex
8 attraction, we would talk about that as well. Our policy
9 is that as long as there is no deep-seated sexual same sex
10 attraction of being homosexual, and the key is on
11 "deep-seated", then they would be allowed in and we would
12 work with them in terms of seeing what is underneath it.

13
14 Now, we also have people coming in who have not had
15 any sexual experience and who do not really know who they
16 are in terms of their own sexual identity. So we work with
17 those as well, to come to understand that their sexual
18 identity is a part of their whole identity, their
19 psychological identity, their affective aspects of self.

20
21 THE CHAIR: What do you mean by "deep-seated"?

22
23 SISTER ALLEN: "Deep-seated" means that they say, "This is
24 who I am and this is what I want to be. This is what
25 I want to remain, and I'm not interested in exploring this
26 any further, and this is who I am, and if we talk about it
27 or if you take a look at, if you", for example, the staff,
28 "would want to take a look at changing me, I don't want to
29 be changed." Well, we're not out to change people. We're
30 out to help people come to understand what their real
31 sexual identity is.

32
33 I'll give an example of someone who, in their
34 adolescence, has had some - or may have been sexually
35 abused at some point, may have had some sexual contact with
36 the same - with a man or a young man and finds that
37 pleasant, pleasing, and he comes to believe that he might
38 be same sex attracted. And that may be true that he is,
39 deep down inside, but it may not be true. It may be that
40 because - and I can recall one young man who had that
41 experience, and he discovered that there were a lot of
42 dynamics within his family which had led to him to be
43 rejecting of his own masculinity.

44
45 So if we have a candidate who rejects his masculinity,
46 whatever the basis is, whether he's same sex attracted or
47 not, then he will not be able to be fully the priest which

1 he is meant to be and able to be. So we look at helping
2 the individual to come to know who he is sexually as a part
3 of his entire identity.

4
5 THE CHAIR: So if the candidate has a deep-seated
6 homosexual orientation, he would be rejected?

7
8 SISTER ALLEN: I would say yes, probably, because he would
9 not be willing to be formed, to take a look at the
10 underlying issues, just to take a look at them.

11
12 THE CHAIR: And if a candidate reveals a deep-seated
13 heterosexual orientation, what happens to them?

14
15 SISTER ALLEN: Well, I have not heard of that being
16 a problem.

17
18 MR FREE: Sister, the phrase "deep-seated homosexual
19 attraction" derives from the 2005 direction from the
20 Vatican; is that right?

21
22 SISTER ALLEN: That's correct.

23
24 MR FREE: So it is having a deep-seated homosexual
25 attraction which disqualifies you from ordination; is that
26 right?

27
28 SISTER ALLEN: Correct.

29
30 MR FREE: As a psychologist, is there a distinction
31 between a same sex attraction and a deep-seated homosexual
32 orientation?

33
34 SISTER ALLEN: Yes, there is a difference.

35
36 MR FREE: When you're having these discussions with
37 candidates at the assessment phase that we've been talking
38 about, do you make them aware that having a deep-seated
39 homosexual orientation is a disqualifying factor?

40
41 SISTER ALLEN: I would assume so. I would talk with them
42 about it and just discuss with them what it is they're
43 trying to say, so that I know that I understand what it is
44 that they're saying. And as long as we can understand each
45 other, then yes. I'm not the only one who makes
46 a decision. Okay, it's a discernment process, and so
47 I would write a report. Now, whether or not that report

1 would be agreed with or accepted by the bishop or
2 archbishop is a different question, or whether other staff
3 members who meet with them and discuss with them would
4 agree, that's a very different matter.

5
6 MR FREE: But in your conversations with candidates, as
7 you say, where you're making sure that you understand each
8 other, would the candidate be informed and understand that
9 if they do have a deep-seated homosexual attraction, they
10 can't go into the seminary?

11
12 SISTER ALLEN: Yes.

13
14 MR FREE: Is there any guidance in terms of policies or
15 anything of that nature that you follow in designing these
16 assessment processes?

17
18 SISTER ALLEN: I'm sorry, I didn't understand your
19 question.

20
21 MR FREE: I'll put it another way. Does the Church give
22 you any guidance, either at the national level or at the
23 archdiocese level, about what kind of psychological
24 assessments you should be carrying out?

25
26 SISTER ALLEN: No, but I am in regular contact with
27 associates in the United States and in Europe, who do
28 psychological testing in seminaries. We have a regular
29 monthly contact call and discuss these issues. So what
30 I do very much follows according to the standards which are
31 in the United States, and in Germany, at least, where
32 I have worked in the past.

33
34 MR FREE: Thank you. Is there a requirement imposed by
35 the archdiocese to conduct some kind of psychological
36 assessment?

37
38 SISTER ALLEN: Oh, yes. It's very much desired by the
39 entire Church.

40
41 MR FREE: But it's left up to individual seminaries as to
42 how to design that?

43
44 SISTER ALLEN: That's correct. That's right.

45
46 MR FREE: You might have heard, sister, the evidence of
47 Dr Robinson yesterday on this topic. She expressed the

1 view that it was good practice to have this kind of
2 psychological assessment carried out externally rather than
3 internally, and she suggested two reasons for that. One
4 might be that there might be limits to the expertise within
5 the organisation. The second was that there might be some
6 pressure, whether conscious or unconscious, to accept
7 candidates, and internally you might be more susceptible to
8 that pressure.

9
10 Do you have a response to that in terms of your own
11 practices?

12
13 SISTER ALLEN: I do, and that is if someone were wanting
14 to enter into the seminary, and I would not perceive that
15 he would be appropriate for entering the seminary,
16 I certainly would not want him to be there. And so I don't
17 think that that would colour my viewpoint at all, because
18 if he were to come in and he's not really applicable or
19 he's not appropriate to enter, then he would be miserable
20 and we would be miserable, so that's the last thing we
21 would want. So I don't believe that that is an issue.

22
23 We are also in the process of talking with another
24 psychologist, who might be involved in the future with the
25 assessments, from outside of the seminary, and, besides
26 that, there are a number of seminarians who come in from
27 different dioceses, including Canberra Goulburn, Broken Bay
28 and Wollongong, amongst others, and so they do testing in
29 their own seminaries, and then we receive the testing that
30 they have done. Based on my assessment of whether or not
31 the assessments that we receive are complete or not, or are
32 lacking, then I might do some additional testing, but it's
33 not always necessary.

34
35 MR FREE: So if you're receiving a candidate from one of
36 those dioceses, they do the initial psychological
37 assessment themselves?

38
39 SISTER ALLEN: Yes, yes, yes.

40
41 MR FREE: And it's a matter of your own assessment about
42 whether anything further is required?

43
44 SISTER ALLEN: Yes.

45
46 MR FREE: Thank you, sister. What about the expertise
47 element of what Dr Robinson said? She was, in particular,

1 suggesting that there are benefits to having a team of
2 external experts who bring different specialties to the
3 task as opposed to having a single person conduct it. Do
4 you have a view about that?

5
6 SISTER ALLEN: Well, as I said before, we do have medical
7 reports that are already available to us and dental records
8 and other - the vocation director has also already had an
9 assessment. Our rector assesses them and then I do. And
10 if they come from another diocese, then they are also
11 assessed. So we do have a multifaceted system, although
12 I am the psychologist and the buck stops here in that
13 regard. But, again, as I said, those who are making the
14 determinations of whether or not the candidate is
15 appropriate - that's above my level.

16
17 MR FREE: Thank you.

18
19 COMMISSIONER MURRAY: Sister, as I understand it, you have
20 said to us that in your sexuality psychological testing the
21 Vatican requires you to have specific regard to whether
22 homosexual tendencies are present. Does the Vatican lay
23 a requirement on you to pay specific attention to whether
24 a candidate has a sexual interest in children?

25
26 SISTER ALLEN: Yes. That question is always involved. We
27 ask whether to children, to adolescents, to someone of the
28 same sex, males, females - we ask all of those questions.

29
30 COMMISSIONER MURRAY: Is that a requirement from the
31 Vatican or just one you pursue?

32
33 SISTER ALLEN: Well, that's one that those of us who work
34 together internationally, in terms of setting up the
35 assessments - that's from us, but I'm sure also that the
36 Vatican would be desirous of that.

37
38 COMMISSIONER MURRAY: That doesn't answer the question
39 fully for me. As I understand it, the Vatican is specific
40 that you must test for homosexual tendencies, but the
41 Vatican is silent in that same way on testing for children?

42
43 SISTER ALLEN: Well, I'm not so sure about they're silent
44 on that, because they do have a Pontifical Commission for
45 the Protection of Children, and I have spoken with them or
46 communicated with them and asked them also if they have any
47 documents on this situation of child abuse, and they don't

1 yet, but there are books - I mean, it's part of a project
2 they're going to work on, but they do not have, as far as
3 I'm aware, anything that says, "You must assess that."
4

5 However, I would think it's an unspoken rule. I don't
6 think it needs to be stated explicitly, because it's so
7 obvious. All of these documents over the past years from
8 our Holy Fathers in regard to the heinous crime of child
9 sexual abuse - I think it's so obvious that they don't say
10 anything, really, about what the testing must be in
11 assessments in seminaries.
12

13 COMMISSIONER MURRAY: And yet in 2005 they thought it
14 necessary to be prescriptive about homosexual tendencies?
15

16 SISTER ALLEN: Well, I believe that at that time there was
17 a big question there about - it was said that in some
18 seminaries a number of homosexuals were coming in and were,
19 in some ways, also abusing others, entering into homosexual
20 relationships with other seminarians, also with young boys,
21 post-pubescent, and so that was I think in association with
22 that. It was not because of - I mean, I think the Church's
23 stance on sexuality in regard to child sexual abuse is very
24 clear, and anyone who does not understand that has a big
25 problem in terms of his rational capacity to think.
26

27 COMMISSIONER MURRAY: You have said that the Vatican was
28 concerned about homosexual activity with adults within the
29 seminaries and with young boys.
30

31 SISTER ALLEN: Yes.
32

33 COMMISSIONER MURRAY: That's my understanding of what you
34 said.
35

36 SISTER ALLEN: Adolescents, yes.
37

38 COMMISSIONER MURRAY: They're not concerned about
39 heterosexual candidates with an interest in young boys or
40 young girls?
41

42 SISTER ALLEN: They are. They are very concerned about
43 that.
44

45 COMMISSIONER MURRAY: And that's an explicit instruction
46 to you?
47

1 SISTER ALLEN: To me, not directly. But it's explicit in
2 the documents. There is a document in the United States
3 that the United States Bishops Conference has put out in
4 terms of the role of psychology in the seminaries, and that
5 is in there as absolutely something that needs to be
6 assessed.

7
8 JUSTICE COATE: Sister, I'm just trying to understand -
9 the 2005 direction from the Vatican with respect to the
10 protection of children, is that theologically based or
11 psychologically based?

12
13 SISTER ALLEN: Which document are you referring to now?

14
15 JUSTICE COATE: The direction that you're referring to, as
16 I understand it, the distinction between same-sex
17 attraction and deep-seated homosexual attraction in terms
18 of the screening process and the screening out of those who
19 identify as having a deep-seated, using the language that
20 you have used, homosexual attraction.

21
22 SISTER ALLEN: Yes.

23
24 JUSTICE COATE: So is the screening out of those people
25 based in a theological position or in psychology?

26
27 SISTER ALLEN: Yes. It's in both.

28
29 JUSTICE COATE: Sorry?

30
31 SISTER ALLEN: It's in both.

32
33 JUSTICE COATE: So what's the psychological theory that
34 underpins it?

35
36 SISTER ALLEN: Well, this is where the theological and
37 psychological relate with one another, and it's in the
38 document and it's in the paper that I wrote also in regard
39 to natural law, and it gets quite complex, but it has to do
40 with what the laws of nature are and how the human person
41 needs to follow the laws that God has embedded within us.
42 According to these natural laws, we have a human body, the
43 masculine, or the male, body and the female body, and
44 according to, also, other deeper theological principles
45 based on - may I have a copy of the document and I can tell
46 you more specifically, because it becomes quite complex.

47

1 MR FREE: It's in tab 29, if we could have that up, in the
2 hearing bundle. There should be a copy come up on the
3 screen in a moment.
4
5 SISTER ALLEN: If I could have a paper copy, I would
6 appreciate it.
7
8 MR FREE: Yes.
9
10 SISTER ALLEN: Because I can look down it more quickly
11 than if I see it on there. Thank you very much. There are
12 different dimensions. Please let me know how far you would
13 like me to go into this.
14
15 All right. I'm sorry, this is only the skeleton.
16 This is not the document that I wrote.
17
18 MR FREE: We'll find you the longer document.
19
20 JUSTICE COATE: I'm happy to come back to it.
21
22 SISTER ALLEN: Yes. I'm glad to respond, but I need the
23 information.
24
25 MR FREE: Over morning tea, sister, we'll work out the
26 full document that you need and come back to it.
27
28 SISTER ALLEN: Thank you.
29
30 MR FREE: Father Kelly, can I turn to you, please, and
31 just on this topic of psychological assessment, can you
32 indicate to the Commissioners, please, where in your
33 process of candidates for the Jesuits psychological testing
34 is carried out?
35
36 FATHER KELLY: That testing is carried out after the
37 person has been through a candidacy and is then intending
38 to apply, and then there are a number of interviews with
39 the psychological testing, and that's done externally and
40 it's a comprehensive, five-hour testing. So that happens
41 right at the start of the process.
42
43 MR FREE: So it's after their period of candidacy and
44 before entering the novitiate?
45
46 FATHER KELLY: Yes. So once you've applied and you've
47 been accepted - or once you've applied, then you would be

1 put in this - you would go through these interviews and
2 testing.

3

4 MR FREE: Thank you. At the same time, there are other
5 examiners conducting interviews and preparing --

6

7 FATHER KELLY: There are three other examiners, all of
8 whom are Jesuits, and they're fully formed. The first
9 examiner, which follows the psychological one - he usually
10 has a background in psychology as well and he will ask
11 questions in similar areas. Then he also deals with
12 whether there are any impediments. He asks those questions
13 around, "Is there any criminality? Is there any abuse?"
14 So he will also question on those.

15

16 Then the second examiner will check out more about the
17 person, the family history, relationships, and that. Then
18 the third examiner will check for the academic suitability,
19 I guess, of the person.

20

21 MR FREE: So is sexuality a topic covered by more than one
22 of those examiners?

23

24 FATHER KELLY: Yes. By the - no. Sexuality is covered by
25 the psychologist and also by the first examiner. But if
26 things come up, they will be asked questions. Yes,
27 generally in the domain of those two.

28

29 MR FREE: Do you know what the practice is or the
30 expectation is of those examiners regarding this question
31 of trying to identify deep-seated homosexual tendencies?

32

33 FATHER KELLY: Yes.

34

35 MR FREE: Is it a topic that's raised?

36

37 FATHER KELLY: Oh, yes, it's investigated by the
38 psychologist, yes, he asks that. Because one thing is
39 that - I mean, whether you're heterosexual or homosexual,
40 you still have to live the vows and live under the vows,
41 and we like to see, in candidacy, that the person will
42 actually show evidence of being able to do that comfortably
43 in that period, because they also will live in community.
44 It could be that they could form strong attachments and
45 detachments, so that affects the community life as well and
46 trying to make for harmony in community. So I think it
47 really does need to be explored, this degree and the

1 management of one's sexual identity and orientation.
2
3 MR FREE: Do you also ask the candidates whether they've
4 been involved in seminary training or in any other
5 religious education process?
6
7 FATHER KELLY: Yes, yes, that happens.
8
9 MR FREE: What happens if they tell you that they have?
10
11 FATHER KELLY: If they tell us that they have, we usually
12 ask them and we usually inquire of the seminary, the
13 rectors and the people, what has happened and why this
14 change and move; what's behind it?
15
16 MR FREE: There's no database, is there, that allows you
17 to independently check?
18
19 FATHER KELLY: Not that I'm aware of, no.
20
21 MR FREE: Are you aware of a database in the United
22 Kingdom that allows that to happen? The Commission has
23 received evidence suggesting that within the United Kingdom
24 they have a database that allows institutes and seminaries
25 to check whether someone has been a candidate elsewhere.
26
27 FATHER KELLY: Right.
28
29 MR FREE: You're not aware of that?
30
31 FATHER KELLY: No.
32
33 MR FREE: Is that something that you think would assist
34 you in assessing candidates?
35
36 FATHER KELLY: Certainly, those that have been involved in
37 other formation, yes.
38
39 MR FREE: Thank you. Father Thompson, can I turn to you,
40 please. What's the practice at your college in terms of
41 psychological assessment?
42
43 FATHER THOMPSON: If we have serious doubts about the
44 suitability of an applicant, we always insist on the
45 psychological assessment to be done before they come to the
46 seminary. But for the most part, we have it done in the
47 first year, usually in the first six months after they come

1 to the seminary.

2

3 Our first year is very much a probationary year.
4 There's a number of reasons. From those from country areas
5 and those from other countries, certainly it's very hard to
6 have the adequate psychological tester to be found.

7

8 Secondly, once we've got to know the men a little bit,
9 we can also direct the psychologist to look out for certain
10 things that we might sort of have already noticed.

11

12 So that's the policy. We have a psychologist resident
13 in Wagga. He is a Catholic. He is a convert to the
14 Catholic faith, but he has also, in his past life, served
15 as a Uniting Church minister, so he does have some
16 understanding of the needs and the challenges of those in
17 ministry.

18

19 MR FREE: He is with Centacare, is he?

20

21 FATHER THOMPSON: That's right, yes.

22

23 MR FREE: Just to clarify, is it the case that all of the
24 candidates will receive a psychological assessment, but it
25 just may differ as to whether it occurs before they come
26 in --

27

28 FATHER THOMPSON: That's right.

29

30 MR FREE: What is done with the outcome of the
31 psychological testing? Is a report produced?

32

33 FATHER THOMPSON: Yes. The candidate must, of course,
34 sign a release, if you like. The very nature of
35 a psychological test is that it's between the candidate and
36 the psychologist. So he signs a document allowing it to go
37 to the rector and to his bishop and to the vice rector.

38

39 MR FREE: Is that report essentially for the purposes of
40 deciding whether or not the seminarian should continue in
41 the seminary?

42

43 FATHER THOMPSON: I tend to use it more as a tool of
44 formation. Certainly if something comes up that we weren't
45 aware of, then we would perhaps look for more information
46 and we may even take steps to ask the candidate to leave,
47 if there was something we thought serious enough.

1
2 But it's a tool of formation. The psychological test
3 brings out things that we haven't known, or perhaps even
4 were unknown to the candidate himself. We allow the
5 candidate to see the report. Other seminaries don't do
6 that, or some of them don't anyway. And so we can discuss
7 it and perhaps point in directions where perhaps some
8 defect can be worked on and, in some way, there could be
9 some healing process.

10
11 MR FREE: Do you have any involvement in designing the
12 type of psychological assessment that occurs or do you just
13 leave that up to the psychologist?

14
15 FATHER THOMPSON: I leave that to the psychologist, I've
16 got to admit. I know very little about psychology. The
17 psychologists - there was an occasion a couple of years
18 back when the various psychologists who do the testing in
19 the seminaries met together for a two- or three-day
20 meeting, in Melbourne I think it was, and they were able to
21 kind of share among themselves what they did and what they
22 thought was necessary, and so forth. So there has been
23 some sharing from that point of view. I'm in no position
24 to sort of dictate what kind of psychological tests.

25
26 COMMISSIONER FITZGERALD: Sure, but can I ask this
27 question: you've been rector of Wagga Wagga diocese
28 seminary for some time?

29
30 FATHER THOMPSON: Fourteen years.

31
32 COMMISSIONER FITZGERALD: And during that time, there has
33 been a great deal of learning about characteristics of
34 priests, religious, who go on to offend?

35
36 FATHER THOMPSON: Yes, yes.

37
38 COMMISSIONER FITZGERALD: So in what way, over those
39 14 years, have you identified characteristics that you
40 would be more aware of today, that would be troubling to
41 you, more than they would have been 14 years ago? So
42 what's the learning? You say you don't have knowledge of
43 psychology, but you've been rector of this facility during
44 a period of enormous learning and revelation, so what would
45 be the characteristics that would concern you today in
46 a young man entering the seminary that may not have
47 concerned you some time ago?

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FATHER THOMPSON: With regard to child protection?

COMMISSIONER FITZGERALD: With regard to sexuality, relationships, clericalism, those factors which have been identified that are a context for abuse.

FATHER THOMPSON: Right, certainly a young man who was not able to understand or live by the ordinary boundaries that are laid down in the documents of the Church, that would be a concern. Someone who tended to form small groups, someone who could not mix widely with the larger community, who would tend to form some kind of clique, if that's the word - that would be one thing that I would look for. Yes, general signs of lack of self-confidence in the activities of a young man - that would be something I'd be concerned about.

COMMISSIONER FITZGERALD: Has there been a more formal understanding amongst seminary leaders about the characteristics that have now been identified in priests and religious that may give rise to later aberrant behaviour, be it boundary violations with adults, be they men or women, or children - is there now a clear understanding of those characteristics that were present previously and could be present today in candidates going forward, or is this something that each rector and each seminary comes to a different view about, informed by their own personal experiences, or is it based on some sort of agreed research evidence and forward-looking approach?

FATHER THOMPSON: I guess it's - well, we talk among ourselves. My conviction is that priests, seminarians that were to offend in this way - it's not kind of an isolated thing. You don't find a good holy priest, who says his prayers, and so forth, offending in this area.

If there is a kind of a general lack of discipline, a lack of prayer life, a lack of seeming commitment to what the priesthood is all about, that would kind of be a danger sign.

The one great change that has come into seminary formation since John Paul II's *Pastores dabo vobis* is the emphasis on human formation. Human formation is seen as the foundation of all other aspects of formation. If a man is deficient in human relations, in his social balance, his

1 psychological balance, unable to make friends or even lacks
2 the ordinary courtesy or good manners and so forth, he
3 can't really build on - he hasn't got the foundation to
4 build what's necessary for the priesthood. And there will
5 be deficiencies in all kinds of things and there will be
6 a danger there, I think, that he will offend in more ways
7 than one, including the protection of children.

8
9 COMMISSIONER FITZGERALD: But your starting premise,
10 father, is that holiness as indicated by devotion,
11 prayerfulness and attendance to the rigours of the life of
12 worship - you believe that that premise would preclude
13 a person from in fact offending in the way that we've
14 described?

15
16 FATHER THOMPSON: Human persons always have their freedom
17 and no-one can infallibly predict that someone is not going
18 to offend. But there is a saying that holiness depends on
19 wholeness, and it's sometimes very hard to know the
20 difference. The human virtues, the balanced person - it
21 flows into his prayer life, into his devotion to his duty,
22 and so forth.

23
24 COMMISSIONER FITZGERALD: Yet the evidence would indicate
25 that there are many perpetrators, both within the Catholic
26 and other faiths, who ostensibly were extraordinarily
27 prayerful and devoted - indeed, in some of the monasteries,
28 they were attentive to their daily requirements to a T, and
29 yet in some of those monasteries we have very high rates of
30 abuse. And similarly in the perpetrators that have been
31 reported to the Commission through private sessions, many
32 of those have been regarded as extraordinarily dutiful
33 priests in prayer life and in pastoral life, and yet they
34 offended egregiously. Therefore, what would be the
35 evidence that would suggest that?

36
37 FATHER THOMPSON: I would think, to a large extent, the
38 impression that they are loyal or that they are
39 conscientious to their prayer life, and so forth, might be
40 just an appearance. I can't see that a man who is
41 seriously coming before the Lord every day in prayer would
42 do something so much against the law of God, both in the
43 area of chastity and in the area of harming children, to
44 abuse.

45
46 THE CHAIR: Father, that sounds like an act of faith, not
47 based on true knowledge.

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FATHER THOMPSON: It is an act of faith, but I think we can act on faith. I'm not ruling it out. I know --

THE CHAIR: I mean it's just your belief as opposed to having an evidentiary foundation. I don't know whether you heard the evidence yesterday of priests who go to confession and confess and then go away and abuse again, and again - did you hear that evidence?

FATHER THOMPSON: My impression is that priests who abuse don't go to confession.

THE CHAIR: We had evidence to the contrary yesterday.

FATHER THOMPSON: I'm surprised to hear that.

THE CHAIR: We all need to look at the evidence, though, I think.

MR FREE: Sister, I think there was something you wanted to say?

SISTER ALLEN: I think over the past few years there has been a lot of research done. For example, Dr Marshall, William Marshall, has done a great deal of pulling together statistics from abusers and of signs and symptoms that others have observed in that regard. They've been perpetrators. For example, there was a lack of emotional maturity and an identification with the age of the child or adolescent - of the child that they were abusing or grooming. For example, grooming behaviour. Past sexual abuse is a big one. Narcissism is a big one. Boundary violations, isolation, a lack of good peer relationships - all of those things - and poor social skills.

I think obviously they're what we call sociopathy of dishonesty and these cognitive distortions. I mean, that's all true, and I think a lot of it has to do with character formation and lack of character formation, and so if they're not honest and transparent in terms of who they are and respecting the dignity of others, if any of these are evident, then I think you have a number of red flags there.

THE CHAIR: Yes, you and the father might have a chat about those matters. You understand what is being said. There is a lot of evidence that can perhaps inform the

1 decision-making in this space.

2

3 FATHER THOMPSON: Thank you, your Honour.

4

5 THE CHAIR: We'll take the morning adjournment.

6

7 **SHORT ADJOURNMENT**

8

9 MR FREE: Father Thompson, I was asking you before the
10 morning tea adjournment about the psychological assessment
11 that occurs at the start of the process, that is, when
12 a candidate is presenting to the seminary or in their first
13 year. I want to ask you about the end of the process, when
14 the person has completed their studies and they're being
15 presented or considered for ordination.

16

17 At the moment, as I understand it, there is no
18 additional round of psychological testing at that stage; is
19 that right?

20

21 FATHER THOMPSON: Up till this year there hasn't been, but
22 we have introduced a procedure that there will be
23 a psychological test for each man before he is considered
24 for major orders, that is for diaconate.

25

26 There are often cases where individual students are
27 referred to a psychologist and a report is made, but
28 usually there's some reason in the student's conduct or
29 some recommendation from some other professional that he
30 undergo another test.

31

32 MR FREE: But as of this year, you're going to make that
33 standard for all?

34

35 FATHER THOMPSON: That's right, from this year, all
36 candidates, before they are considered for diaconate, will
37 undergo a psychological test.

38

39 MR FREE: What has prompted the change?

40

41 FATHER THOMPSON: Experience, I suppose, that by the time
42 they get to their seventh year, their original
43 psychological test is a long way away.

44

45 MR FREE: Thank you. Father Hogan, can I turn to you,
46 please, and ask you about the practices at the Holy Spirit
47 Seminary. Now, you also conduct psychological assessment

1 of candidates during their first year; is that right?
2
3 FATHER HOGAN: Before they arrive at the seminary, yes.
4
5 MR FREE: Who conducts the assessment?
6
7 FATHER HOGAN: At the moment it has been - I can't
8 remember her name now - she's in Parramatta. She's an
9 independent clinical psychologist, who also works at the
10 tribunal. Sorry, Mrs Paula Kerr. She's been doing them.
11
12 MR FREE: And what about at the end of the process,
13 father, at the end of seminary formation and when
14 a candidate is presenting for ordination, is there any
15 further psychological assessment?
16
17 FATHER HOGAN: No.
18
19 MR FREE: I think you've indicated in your statement that
20 your own attitude to that is that all major psychological
21 defects would have been identified and treatment received
22 well before then. Is that the position?
23
24 FATHER HOGAN: Hopefully that will be the case.
25
26 MR FREE: Do you have any response to the position that
27 Father Thompson is describing that Wagga is now going to
28 take, that they'll conduct a further round of assessments
29 because six or seven years will have passed since the
30 earlier round?
31
32 FATHER HOGAN: Surely. I'd like to know what happens at
33 Wagga and how successful that is, also to discuss it with
34 other seminary rectors. We meet every year and we do share
35 an awful lot about procedures and best practices.
36
37 MR FREE: But that particular issue is not something
38 that's required or dictated by any national guidelines?
39
40 FATHER HOGAN: No, not that I know of.
41
42 MR FREE: So it's a matter for the individual rector and
43 the bishop; is that right?
44
45 FATHER HOGAN: That's correct.
46
47 MR FREE: Dr Leary, can I ask you, are you familiar with

1 what psychological screening the Franciscans undertake for
2 candidates?

3
4 DR LEARY: Yes. Up until now, and I would imagine it
5 would continue in this vein, we would outsource the
6 psychological assessment, and the last one that we did for
7 somebody in initial formation was by the Vitality group.
8 We would see the separation of the two as being formation
9 and psychological assessment, although there would be
10 a conversation that occurs, a dialogue that occurs, between
11 the assessors, the candidate and the formators. Even
12 though we would see that as being a necessary part of it,
13 there also needs to be a separation of roles, we would
14 believe to be the case.

15
16 There are probably some fundamental differences in the
17 way that we would approach it, I think, and can I start by
18 saying that in the next 12 months, or during the next
19 12 months, we'll be initiating a fairly solid review of
20 formational processes that our provincial has indicated to
21 me we should begin fairly soon. We've also initiated
22 a substantial review of professional practices and
23 professional services around formation and ongoing
24 formation and ongoing development of people within the
25 Franciscans. All of that is about trying to bring us up to
26 speed with best practice in the area.

27
28 Within the context of academic freedom, I would
29 probably differ quite significantly from what has been said
30 by other panellists this morning. I wouldn't have - and
31 I'm speaking as me now rather than in an official capacity
32 with the Franciscans - I wouldn't have perhaps as much
33 faith - perhaps I'm misreading this - but as much faith in
34 the psychological assessment process as perhaps other
35 panellists might have.

36
37 I think there need to be other structures in place
38 that would nurture the person through a process over an
39 extended period of time that engages them with an
40 observational process so that people observe behaviour,
41 observe relationships, observe engagement, over a period of
42 time, which, in a sense, I would see as being far more
43 telling and conclusive, if that's at all possible, than
44 a snapshot psychological assessment.

45
46 I would probably agree with some of the points raised
47 by Dr Ranson yesterday in terms of the limited value of

1 this sort of a process. It's not without value and it's an
2 important part of an assessment process, but it's got some
3 limitations to it, and I think at times, through a lack of
4 knowledge or a lack of understanding within the formation
5 group, people place way too much emphasis or way too much
6 faith in that as a process. I'm not suggesting that
7 Sister Lydia does that. What I'm suggesting is that the
8 formation structure at times, I suspect, places far too
9 much emphasis on the value of that as an indication of what
10 might be okay or not okay.

11
12 MR FREE: Can I ask you to elaborate a little on what you
13 would suggest are other structures that ought to be in
14 place to achieve the objectives you've described?

15
16 DR LEARY: We're probably going into the area of a whole
17 of structure change. David Ranson and I - Dr Ranson and
18 I would probably agree on many of the points.

19
20 I think the starting point has to be - and stop me if
21 I'm going into territory that you don't want me to go into,
22 but I think the starting point has to be not so much one of
23 protecting or isolating or cocooning the candidate, which
24 may not be the intention of the seminary structure but can
25 at times end up being the outcome, but, rather, exposing in
26 a guided way the candidate to a whole range of thoughts and
27 ideas and experiences that then they can reflect on. They
28 then become, in a sense, the primary formator. They become
29 the person who engages wholly, fully, in a transparent type
30 of discernment.

31
32 If you don't place the emphasis on the candidate being
33 the primary formator, the primary assessor, the primary
34 discerner, then there is a risk that we end up with a form
35 of clericalism again where we have candidates who do what
36 they are required to do in order to pass certain points in
37 the process.

38
39 I think my reflection on some of the recent ordinands,
40 particularly in Melbourne, that I've come across is that
41 they've got through what Melbourne would regard as
42 a rigorous process, but they're very closed people.
43 They're very negative and they're very traditional and
44 they're very - they have the potential to be very
45 clericalist, as opposed to being a cleric.

46
47 So I think there's a number of strategies that I would

1 put in place. Father Kelly was talking about when a person
2 comes into the formation process, and I think that guided
3 reflection, guided accompaniment, while somebody is doing
4 something else - like living independently, attending
5 university, working part time in order to survive, doing
6 what other people have to do, that I did when I was
7 studying and working full time, in order to engage with the
8 world around you and allow that world to test you out - if
9 you have a vocation, if you have faith, if you have
10 a vocation, regardless of what the influences are, you will
11 make it through that process. One should not cocoon people
12 or isolate them. Otherwise, you end up with what we have
13 seen a number of times in the conversations between the
14 Commissioners and witnesses, where we have this sort of
15 silo effect happening, people within the Church thinking
16 only within their own language and, at times, not being
17 aware of the world around them.

18
19 When they're not aware of the world around them, they
20 don't know a lot about what people in the world around them
21 experience - trauma, abuse, war. I mean, we have a lot of
22 parishes in Australia now with, for example, people from
23 South Sudan. Are we equipping our priests and our pastoral
24 ministers to assist people who have been through a war
25 experience? Probably not. Do they actually know that that
26 exists in their lives, quietly, in a hidden way, tormenting
27 them? Probably not.

28
29 MR FREE: Are these matters that can be addressed, in your
30 opinion, through attention to the content of what students
31 are taught, or are you more referring to the structure of
32 how they live and the structure of their courses?

33
34 DR LEARY: I think it needs to go beyond courses. The
35 academic is fine. You know, we've spoken over the last
36 couple of days about the human, the spiritual, the
37 intellectual, the pastoral. On that score, I think in
38 a number of seminaries there is probably too much emphasis
39 on the intellectual and not enough on the pastoral, on the
40 experiential. And I suspect that's partly because those in
41 charge don't have the language to understand that that's an
42 essential element of formation.

43
44 But where I would start - and I will probably be run
45 out of town for saying this, but I think seminaries need to
46 think very strongly about whether or not they exist in the
47 model in which they exist at the moment. If I was crafting

1 the development of a formation program, I would start by
2 saying that the domicile for each student - after a short
3 period of time in intensive formation, the domicile of each
4 of the candidates would not be in a seminary. It would be
5 in an environment where they received mentoring from
6 another priest; where they were engaged not in any formal
7 role within a parish but engaged with a parochial
8 community, learning, being observed; where people in that
9 parish could be part of their mentoring process; where they
10 could be exposed to the rigours of everyday life. They
11 don't get exposed to it within a full-time seminary
12 situation.

13
14 So I think the starting point has to be to think of
15 a different way of framing this to get, as David Ranson
16 mentioned yesterday - several others have mentioned it as
17 well - beyond the Tridentine model that we've inherited and
18 stuck to religiously. We need to think more of the
19 environment in which these people are being formed so that
20 their formation is rigorous and accountable and real and so
21 they get a chance to soak up this data and make some
22 decisions about who they want to be - who they are, who
23 they want to be, what they want to do and whether or not
24 this is a role that they can take on in the future.

25
26 MR FREE: Father Hogan, could I ask you your response to
27 that suggestion, in particular, that the seminary model
28 itself is a problem in terms of adequate formation?
29

30 FATHER HOGAN: Yes, thanks very much. In my experience -
31 first of all, it keeps getting referred to, the Tridentine
32 model. I'm not quite sure what that is meant to encompass.
33 If it means the old type of seminaries set up by Trent,
34 which were in lockdown most of the time - certainly my
35 seminary is not in lockdown any of the time. It's a very
36 open and fluid environment and the lads there are going to
37 the local universities, so they're mixing with lots and
38 lots of very, very different people all day. Then they
39 come back home. We encourage very open community living
40 among ourselves, kind of a family atmosphere, because
41 there's not that many people in it. So it's an environment
42 where they all get on pretty well together and they are
43 able to relate socially and interpersonally with one
44 another.

45
46 Also, throughout the seminary formation, they are
47 involved in various different types of pastoral work,

1 depending on what year they are in. Again, they have
2 a tremendous exposure to the world, ordinary people that
3 they're working with, and they're under the supervision of
4 non-clerics and they're involved with various different
5 diocesan agencies. So generally they're also under the
6 supervision of women and we continually get feedback from
7 those supervisors. They're also involved in parishes later
8 on in their formation.

9
10 So we provide a place which is pretty open and
11 a program which does immerse them into the world
12 significantly, very, very different from the Tridentine
13 model. So I'd hate to confuse the kind of place where they
14 live, if they're all living together, suddenly it's the
15 Tridentine model, with what goes on nowadays. I'd have to
16 say, no, that's not the case. We're far healthier in our
17 seminary provision than previously.

18
19 MR FREE: Thank you. Can I ask you about the content of
20 the formation program in your seminary. Who's responsible
21 for designing it?

22
23 FATHER HOGAN: There's a faculty. There's myself as the
24 rector, the one in charge, and we have the vice rector, who
25 stands in for me but works very much alongside me. Then
26 there's the dean of studies, the spiritual director and the
27 pastoral director. We meet every month to formulate what
28 we're doing and how we're going to do it.

29
30 Now, a substantial part of formation from year 2
31 onwards is full-time academic work. They go to do
32 a philosophy degree and then a theology degree at outside
33 colleges.

34
35 Then there is the internal programming and the
36 supervisory tasks that I need to take on board to make sure
37 that everybody is living as well as they can. We have
38 a massive emphasis on flourishing and we try to help them
39 in all areas of life so that they can have complete
40 wellbeing.

41
42 MR FREE: So is it the case that, as I understand it,
43 there's guidance from the Ratio Fundamentalis, which is
44 issued by the Vatican and which gives general guidance as
45 to formation principles - is that right?

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47 FATHER HOGAN: That's right, yes.

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MR FREE: That's most recently a 2016 document?

FATHER HOGAN: Yes.

MR FREE: And then there is a national document issued by the Bishops Conference; is that right?

FATHER HOGAN: That's correct, yes.

MR FREE: But within those principles, it's then up to you at the seminary level to formulate your own curriculum?

FATHER HOGAN: That's correct, yes.

MR FREE: Thank you. Is there such a thing as a statement of educational outcomes or principles at a national level that guide you?

FATHER HOGAN: Not really, no.

MR FREE: Is it something that you think would assist you in designing programs?

FATHER HOGAN: I'm sure it would be very, very helpful, now that you mention it, yes.

MR FREE: Can I just pause there and ask the other panellists, firstly, Father Thompson. Do you have a view on this issue that Dr Leary has raised about whether the seminary structure itself is incompatible with healthy formation?

FATHER THOMPSON: I disagree with it. I think the seminary structure - I agree with Father Hogan that it is a mistake to call the present structure Tridentine. I was educated in the Tridentine model, and I can assure you from experience that there is very little resemblance between the seminary that I was educated in and the seminary that I'm now the rector of.

It is open. There is an abundance of contact with people. Each student is out at least once a week doing some kind of pastoral work, whether it's schools, hospitals. The student regularly goes into one of the parishes. The student, halfway through his course, spends a full six months in a parish. And even while in the

1 seminary, he's in constant contact with all kinds of
2 people.

3
4 In Wagga, the university is just up the road. The
5 students know many university students. They meet people
6 in Wagga. They're out socially at weekends and at other
7 times with people that they've met.

8
9 So I think the seminary structure as such, true enough
10 modified since it was first introduced by the Council of
11 Trent, but the seminary structure is still sound.

12
13 MR FREE: Sister, do you have a view on that topic?

14
15 SISTER ALLEN: Yes, I do. I agree with father that it's
16 very important, throughout the time of formation, to have
17 good observation of the seminarians and to observe them as
18 they interact with one another and then also with others
19 outside of the seminary.

20
21 I think in terms of the model, the model that we have
22 is where the seminarians live in different houses and we
23 celebrate the mass and office, et cetera, together in our
24 chapel, but otherwise they are in separate houses. They go
25 to different classes in two different universities, CIS and
26 Notre Dame. They are together with other people all day
27 long and come back in the evenings again for evening prayer
28 and for compline, the last prayer of the day. They are in
29 parishes, as father was just explaining, for six months of
30 the year in their fifth year, and during the other years
31 they are guided through and have supervision in different
32 situations, in schools, primary schools, secondary schools,
33 where they are supervised by various people, men and women,
34 laypeople, religious, priests, and so they have a great
35 deal of feedback, and we receive all that feedback also.

36
37 The priests who are supervising our seminarians in
38 their parishes also have a bit of training in terms of what
39 we're looking for, what they're looking for, and so they
40 give us feedback as well.

41
42 So it's a very open system. It is obviously typical
43 for the seminarians at the end of the year to get a bit
44 stir crazy, where it feels like it's too close, but that
45 has to do with the exams and the - but we also talk about
46 that. We talk about how - I mean, those are all issues for
47 formation and that's why it's so good to see them, how they

1 respond with one another: if they're frustrated, what is
2 their frustration tolerance level; if they're being rigid,
3 what that rigidity is - we talk about it and discuss it
4 with them. We talk about how they can be charitable, and
5 if they're not charitable, what they need to work on within
6 themselves. So it's a constant year's program of
7 formation, and it's very valuable. We would lose out a lot
8 if they were out on their own or with other people, so that
9 we weren't able to supervise them, then, or observe them
10 and help them to grow personally.

11
12 COMMISSIONER FITZGERALD: Many of the other faith-based
13 organisations, institutions, don't have that model, and why
14 is this particular model beneficial, vis-à-vis a more open
15 model, one in which it's more integrated into the community
16 in terms of living and working? What is the evidence that
17 this model produces anything different, better, for this
18 faith, given that most others do not have this model and,
19 in fact, would steer well clear of this model? So what is
20 it, what's the demonstrable evidence that this model is
21 a preferred model, other than it's the tradition of the
22 Church in many parts of the world?

23
24 SISTER ALLEN: I think it would be good to do a bit of
25 statistical analysis, and I can't answer your question
26 because I'm not a statistician or a researcher in that
27 area. I think it would be well worth taking a look at
28 that. I think that's a good idea, to do some research on
29 that. We find it valuable. We find it a help for the
30 seminarians. It doesn't mean that another model is bad or
31 poor. All I'm saying is that, in my experience, our model
32 is working well.

33
34 COMMISSIONER FITZGERALD: But on what basis do you come to
35 that conclusion? We've already heard from Father Michael
36 Whelan, we've heard from the vicar general of Broken Bay,
37 several priests, all of whom have indicated radical change
38 to the seminary model is required. You would be aware, as
39 I and others have heard throughout the Royal Commission and
40 generally, that many people believe the seminary model even
41 today has still profound weaknesses in it, and yet I don't
42 hear any learnings about that?

43
44 SISTER ALLEN: I think it would be good if you could tell
45 me exactly what weaknesses you're talking about.

46
47 COMMISSIONER FITZGERALD: I think Dr Leary has just

1 indicated some of those, and one of those was the
2 experiential nature of and the exposure to a broader
3 community and an integration with that community, and
4 I notice Father Kelly is nodding as well. That doesn't
5 seem a remarkable proposition to somebody sitting on the
6 outside, given what we've heard. The vast majority of
7 those that were perpetrators came through fairly
8 well-disciplined seminaries, to use father's term.

9
10 SISTER ALLEN: But you're talking about seminaries there
11 that were very different, 20, 30, 40 years ago.

12
13 COMMISSIONER FITZGERALD: Are they?

14
15 SISTER ALLEN: Yes. I mean, all I can speak from it my
16 experience in our seminary and with the seminaries that
17 I know in the United States.

18
19 COMMISSIONER FITZGERALD: There has also been the view
20 that the current seminaries, particularly those referenced
21 today, have in fact been producing men for ordination that
22 have re-embraced a notion of clericalism, a notion of
23 separateness from their faithful, a notion of dressing up,
24 as they now do. All of that, to the outsider, looks as
25 though there's a reversion back to a model, and yet, on the
26 other hand, the Royal Commission has had ample evidence
27 that all of those factors were present in, as a contextual
28 setting if not a causal setting, some of the greatest
29 atrocities that we've seen.

30
31 SISTER ALLEN: What you're talking about - there are two
32 levels to what you're describing. One level is the overt,
33 the outside, what you see, and it's true that if somebody
34 is hiding in that - in the clerical garb and all of that,
35 in terms of that form of a rigidity in celebrating the
36 mass, then there's a problem in that. I would absolutely
37 agree with that, and that is what will develop into or is
38 already a form of clericalism.

39
40 What I look at and what we look at is what is the
41 interior life of this individual? And I'm not talking only
42 about the spiritual. But what is the psychological
43 wholeness of this individual? And if they are
44 psychologically whole, there is, in itself, nothing wrong
45 with a Latin mass or with wearing clerical garb, depending
46 on the situation and the understanding of the people with
47 whom they are working and for whom they are celebrating the

1 mass. But what's important is the interior life.

2

3 COMMISSIONER FITZGERALD: Except what one does in the way
4 in which one dresses and practices sends an external
5 message. Of course it does. It must.

6

7 SISTER ALLEN: Yes.

8

9 COMMISSIONER FITZGERALD: I'm not going to criticise the
10 Latin mass, nor, in fact, the robes. To do that would be
11 to attack many, and even in the legal profession. But is
12 it not true that there is a concern within the Catholic
13 Church now that some of the seminaries around the world and
14 in Australia are at risk of in fact producing men who are
15 rigid, who in fact are less capable of dealing with the
16 world than would otherwise be necessary, and that some of
17 the external issues in relation to rituals and clothing are
18 in fact sending a sense to the world and to the faithful
19 that we are in fact very different, very special - again
20 one of those issues that have been canvassed in the last
21 week or so? Is there not a danger that that sort of
22 approach, whilst the internals are important, externally
23 we're sending a very unusual message at a time when the
24 evidence is that some of those trappings were in fact
25 contributing factors to abuse, either of adults or in fact
26 of children?

27

28 SISTER ALLEN: Yes, I would say you can't - it would be
29 very unwise to throw the baby out with the bath water. So
30 I think you're right in the sense of it can hide that; it
31 gives the sense to people that there is somebody here who
32 is special and different, yes.

33

34 At the same time, what is important is how the priest
35 or how the seminarian will work with that, and if they
36 realise this is not a situation when it's appropriate to be
37 dressed this way or to be doing this, and if they are
38 beginning to be exclusive in forming relationships, then
39 that is a major problem. But you could have someone who is
40 celebrating - and there are many priests who celebrate mass
41 as we know it in the vernacular and who have problems with
42 abusing women or children, or even boys - boys or girls,
43 adolescents. So it's not necessarily what that person is
44 wearing but it's who that person is.

45

46 THE CHAIR: Sister, you're focusing on the particular.
47 What the Commissioner was endeavouring to open up was

1 a discussion that reflects a lot of what we've heard, and
2 that is that although you may be concerned about the
3 particular, when some religious and priests dress up and
4 appear to put themselves on a pedestal in any situation,
5 then that carries over to the perception of the layperson
6 of that person in other situations. Do you understand?

7
8 SISTER ALLEN: Yes, I agree with you.

9
10 THE CHAIR: So it's those other situations where the
11 danger arises. The danger doesn't arise in the course of
12 the formal ceremony of the Church --

13
14 SISTER ALLEN: It has. I have to say it has, in the
15 sacristy, for example, yes.

16
17 THE CHAIR: It has, but it doesn't happen when everyone
18 else is in Church praying together with the priest -
19 hopefully. Nevertheless, it's the perception that comes
20 from all of those trappings and processes that then builds
21 the picture of the significant and separated priest,
22 respected - and you probably heard me say this earlier in
23 the week over and over again - respected by the mother in
24 the family, to the point where she wouldn't even believe
25 her own child.

26
27 SISTER ALLEN: Yes, I know, that has happened.

28
29 THE CHAIR: So it's not just the particular dressing for
30 the occasion; there's a whole story here which, unless you
31 understand the whole story, perhaps you miss where the
32 problems might be. Do you understand?

33
34 SISTER ALLEN: Oh, I absolutely understand. That's my
35 point: the formation of the seminarians who become priests
36 is so important so that they do not abuse others, they do
37 not view others as objects, as they go into families,
38 whatever they're doing - because they're always a public
39 personality and a public person.

40
41 THE CHAIR: You're looking at it there from the point of
42 view of the priest. What I'm trying to do is to open up
43 a discussion which looks at the other side, and that is how
44 does the laity see the priest? What is it that the priest
45 may be doing that has created this perception, which we've
46 called clericalism, which in fact has opened the door in so
47 many families to catastrophic abuse?

1
2 SISTER ALLEN: Yes, I agree with you.
3
4 THE CHAIR: Well, then, what do we do about it?
5
6 SISTER ALLEN: Train priests well and work with the
7 laypeople, work with people in parishes, to be more
8 observant, and when they see something, when they observe
9 something, we need laypeople, we need people in parishes to
10 tell us what they see.
11
12 THE CHAIR: Do you think there needs to be more thought
13 given to whether or not the processes in some training
14 establishments create, from the start, a sense of separate
15 identity, special identity, which then feeds generally into
16 the way ministry is practised by those priests and
17 religious?
18
19 SISTER ALLEN: Again, I don't see it as - well, it depends
20 on what seminaries you're talking about, because there are
21 extremes. All I can say is from my experience, from our
22 seminary, I would not see that, that the seminarians are
23 considered to be someone special. If someone does, then we
24 talk with them about it and deal with it.
25
26 THE CHAIR: What's the nature of the dress of the
27 seminarians in your seminary?
28
29 SISTER ALLEN: They wear normal dress except if they're in
30 liturgical celebrations.
31
32 THE CHAIR: What do they wear then?
33
34 SISTER ALLEN: They wear the soutane or the alb vestment.
35
36 COMMISSIONER FITZGERALD: Sister, you would acknowledge
37 that a number of your seminarians are encouraged to wear
38 the soutane in their daily lives, external to the Church?
39
40 SISTER ALLEN: No.
41
42 COMMISSIONER FITZGERALD: You wouldn't accept that?
43
44 SISTER ALLEN: No. Not that I'm aware of, at least.
45
46 COMMISSIONER FITZGERALD: I am just wondering whether
47 Father Kelly, who has come through a very different

1 formation training, has a view about this? And I just want
2 to make the point that all of those represented here today
3 represent parts of the Church where there has been abuse,
4 so there is no part of the Church that is represented here
5 today that has not had some abuse within it. I just want
6 to see if Father Kelly's experience is very different?

7
8 FATHER KELLY: Yes. We don't have that dress-up. We
9 certainly don't go in for entitlement. So our mode is to
10 try to fit in with the community that we're living in and
11 to adapt our dress to that.

12
13 But when, say, for example, I have the novices go out
14 on ministry, or something, I might get them to wear
15 a little lapel, such as I'm wearing now. So that - yes,
16 I think - I don't think we've ever faced an issue about
17 clericalism in terms of habit. I think we've always
18 adapted to the place and culture of the time.

19
20 So, for example, if you went to the United States
21 today, the Jesuits there, it seems to be standard, just
22 wear a collar, and that would be - you would fit in with
23 that. So I don't think that the dress really does matter,
24 unless you're using it for sort of some kind of power play
25 in a relationship.

26
27 I think of our Pope. You know, he doesn't wear
28 trappings, and he's a Jesuit. So he's really trying to
29 keep it focused on, this is about trying to live out gospel
30 values. That's foremost. And being of service to people
31 and being a church that reaches out to all people and not
32 just to certain ones that you might be comfortable with.

33
34 So I think to come out of the habit and to stand
35 almost naked in different communities of people is very
36 important, to help define who you are and what you're on
37 about and what's important.

38
39 COMMISSIONER FITZGERALD: Can I move from the clothing,
40 which wasn't really the focus. It was really about the
41 fact that you indicated in the 12 years of training, or
42 whatever it is, there's a very high percentage of that
43 spent within the community in different ministries, in
44 different activities.

45
46 FATHER KELLY: Yes.

47

1 COMMISSIONER FITZGERALD: I was wondering, from your
2 observation, whether or not there are discernible learnings
3 from the way in which the Jesuits train and formate their
4 priests as distinct to the ways of diocesan seminaries -
5 not necessarily the ones represented here today, but more
6 generally?

7
8 FATHER KELLY: It's a good question. It relates partly to
9 our charism, I think, namely, to be people who will move
10 and go anywhere. Therefore, there's an adaptability,
11 a flexibility, that is needed. That automatically differs,
12 I think, from a seminary, because that may not be the case,
13 you know, the preparation and then into the parishes,
14 whereas ours might be quite diverse.

15
16 I'm not sure if this is getting to your question.
17 I don't feel I'm in a position to comment on the seminary.
18 That's what I guess I'm saying. But I can comment - is
19 this engaging people and is this extensive, what's
20 happening in formation in the seminary? That's what
21 I guess I'm wondering.

22
23 What I think with the Jesuit formation, where that
24 differs, is that it puts a person in a lot of different
25 communities and situations, and there's a whole process
26 behind that. It's a bit like what David was saying, that
27 there's a whole process behind that of reflection, of
28 discussion, of assessment that takes place while you're
29 going through that.

30
31 Like, for example, the novitiate - if I can say the
32 novitiate moved from an institution, a fairly big building
33 in Pymble; it moved to Western Sydney, to a parish and into
34 the houses, as I mentioned. So what were we thinking?
35 What were we on about? It was about, I think, a formation
36 that combined two things - hermitage and also what I call
37 apprenticeship, so being part of a Jesuit community that
38 was active, working in that area, so that these people were
39 modelling how you were relating to this very multicultural
40 community and you were picking up that.

41
42 I think with the seminary, I sense there has to be
43 some space where a person learns to grow in their
44 relationship with God, so a person learns to pray, but the
45 prayer is not just recitation, it seems to me, or going
46 through rituals only. The prayer is actually what's going
47 on in your heart, what's stirring you, what's moving you.

1 And you have that from the various experiences that you
2 encounter.

3
4 I don't think it has to be complex. That, for me, is
5 like helping with spiritual formation. Every Jesuit has
6 a spiritual director whom they see monthly, and every
7 Jesuit will - we start right from the beginning. Every
8 week I call the guys together for three hours and we talk
9 about the week. "What has happened in your week?" It
10 ranges from many very different things and experiences.
11 This I think is helpful for growth and mutual sharing and
12 support of one another and trust and transparency. Those
13 kinds of things I think are important.

14
15 But I sense with the seminary that being in the
16 institution, if you like, is about trying to foster that
17 hermitage prayer life, I think, from which you can move
18 out. But the Jesuit charism says you do both ends. That's
19 what the Jesuit charism says.

20
21 COMMISSIONER MURRAY: Father Kelly, earlier Sister Allen
22 asked what weaknesses we should identify, and two
23 weaknesses were identified in formation by Dr Leary. One
24 was the experiential and the other was the pastoral, that
25 there's insufficient development or attention, as a general
26 observation, on those two.

27
28 You've dealt, in your riposte to us, with the
29 experiential. I'd like your observations on the pastoral.
30 The Royal Commission is required not just to examine child
31 sexual abuse, secular and religious, but the institutional
32 response to it. One of the greatest needs of victims and
33 survivors can be broadly categorised as pastoral, and we
34 have written extensively about that in our redress report.

35
36 If there's one common theme that comes from victims
37 and survivors, as information in our many thousands of
38 private sessions and in evidence at our public hearings, it
39 is the greatest weakness of faith-based organisations, and
40 in this case the Catholic Church, has been the pastoral
41 response, whether it's a nun, a brother, a monk, a priest,
42 a bishop, an archbishop or a cardinal. The same criticism
43 applies, that the pastoral response is really poor.

44
45 Yesterday's evidence was quite interesting. An
46 interesting point was made by Dr Robinson when she said
47 that of all the counselling professions, priests engage in

1 it more than anyone else. I think the figure she used was
2 40 per cent. She actually used the phrase, "they are at
3 the cutting edge of mental health". So the pastoral
4 dimension is enormous. Now, that's one of the two
5 weaknesses identified by Dr Leary.

6
7 FATHER KELLY: Yes, yes.

8
9 COMMISSIONER MURRAY: What do you have to say to us about
10 that dimension in formation, because it seems to be
11 a fundamental need, it seems to be a fundamental role or
12 purpose, and yet to be very, very weakly applied, in the
13 evidence to us from victims and survivors?

14
15 FATHER KELLY: Yes, I think that's a fair comment.
16 I would say for our men, particularly when they move out of
17 the novitiate context, they would be under - they are under
18 a professional pastoral care supervisor who helps them,
19 when they go down to Melbourne and do their studies, to
20 also engage in pastoral work, which is reflected on and
21 supervised.

22
23 At some stage during that formation, they will do
24 clinical pastoral education. They will do that course, and
25 I think that's just fundamental, that that needs to happen.
26 So that would be part of the formation as well.

27
28 COMMISSIONER MURRAY: The question, though, goes not to
29 what people do but how they do it, and victims and
30 survivors tell us that how it's done is appalling, in many
31 cases. There are some wonderful exceptions. But
32 I deliberately went through that range of religious roles
33 to indicate how widespread that problem is as reflected to
34 us. It is a major weakness in the institutional response,
35 and yet it is the core of, as I understand it, the Catholic
36 and faith-based activity. So what should be done in
37 seminaries to address that weakness in the institutional
38 response?

39
40 FATHER KELLY: Well, the suggestion - I would say put them
41 with good priests who are pastorally effective and are
42 known to be so. Give them time. That's the apprenticeship
43 idea that I think I was mentioning. That's the main thing,
44 I think, where they will learn how to be with people. So
45 somebody who's recognised as being pastorally effective -
46 utilise them, I think, in the formation.

1 COMMISSIONER MURRAY: Does anyone else have an
2 observation?

3
4 DR LEARY: I couldn't agree more that the pastoral element
5 is probably the area where the Church fails the greatest.
6 I think that starts from the word go and it's the very
7 reason why I'm suggesting that the place to do the majority
8 of a person's formation is not in the seminary but in
9 a pastoral setting. And I'm not suggesting that from the
10 day they start, that you give them responsibility. On the
11 contrary, you wouldn't give them responsibility.
12

13 I think the first test for a candidate for either
14 religious life or the seminary or for priesthood is not
15 a question about whether or not they're homosexual.
16 I think it's about whether or not they're compassionate,
17 and that's the thing that needs to be tested out. Can they
18 actually feel what it's like to be in the shoes of the
19 other person who is the victim, or the person who has been
20 tortured, or the refugee, or the person who has 20 bucks
21 left before payday on Friday? I don't think that people
22 being formed in a seminary situation get that.
23

24 I had an experience in 2015 where a senior person in
25 a seminary came to me shaking their head and said, "I've
26 just had the most disgusting experience, and that was
27 I went to a priest's first mass" - and this is 2015, and it
28 is particular, but it's particular enough to raise concerns
29 for me, and this is out of a modern seminary. At that
30 first mass, one of his close friends got up and preached
31 and, at the end of the preaching, talked about how the
32 priest's hands were sacred and that the tradition is that
33 when you receive the first blessing from this priest after
34 mass, you should kiss the hands of the priest.
35

36 He went on to say that there was a woman who came up
37 to receive a first blessing, and this newly ordained priest
38 held out his hands to be kissed, and she folded them
39 together, wisely.
40

41 My point is that context is everything, that if you
42 don't get the context right, then the input, no matter what
43 it is, whether it's psychological input or whether it's
44 theological or philosophical, is like water off a duck's
45 back.
46

47 It worries me immensely, some of the language we use

1 around the testing of people, particularly around the issue
2 of sexuality - if we are searching for people to declare
3 whether or not they're homosexual, then we are barking up
4 the wrong tree, because it pathologises what today in
5 modern psychology we would see as, well, this person is
6 this way. Let's not pathologise it.

7
8 And good theology will not see that person as
9 intrinsically evil. Good theology will say, this person is
10 made in the image and likeness of God. This person is made
11 in the image and likeness of God, regardless of who they
12 are or who they love or who they feel attracted to. This
13 person is made in the image and likeness of God. And we
14 should not take on a position of disrespecting that. We
15 should understand that people are different, and the fact
16 that a person is homosexual doesn't impact intrinsically on
17 whether or not they could be a good priest or a brother or
18 a nun, but, rather, the thing that we need to look for is
19 the capacity for compassion and whether or not a person can
20 actually feel what it is like to be in the shoes of the
21 other.

22
23 We don't do service to the Church by making the
24 primary domicile of a candidate for priesthood the
25 seminary, because there is too much experience that says
26 that it isolates people out and it creates a form of silo
27 where, regardless of whether or not they go to Notre Dame
28 or ACU or whatever, they come back to a space where they
29 are relating well with each other. Parishioners don't
30 care, in some respects, whether they relate well to each
31 other; they want to know whether this person is going to
32 love and respect and care for them in a way that keeps good
33 boundaries and where this person knows himself and knows
34 that they are a gift and understands that through humble
35 eyes.

36
37 THE CHAIR: Doctor, if we can just turn to document 29,
38 I think it is, in the bundle, you would be familiar with
39 this. It will come up on your screen. It's the
40 instruction from the Congregation for Catholic Education
41 setting the criteria for the discernment of vocation. Are
42 you familiar with it?

43
44 DR LEARY: I am.

45
46 THE CHAIR: It seems to be - well, it is focused on the
47 question of homosexual people as candidates for the Church.

1 What you've just said seems to be at odds with what's said
2 in this document.

3

4 DR LEARY: Yes.

5

6 THE CHAIR: It is, is it? Yes. How do I reconcile, then,
7 your thoughts with the document?

8

9 DR LEARY: Well, it's a battle you've had, will have and
10 certainly a battle I have. My experience tells me that
11 a person's sexuality is not relevant until the point where
12 we discern that they don't have a mature sexuality, that
13 they aren't emotionally mature. That's where it becomes
14 problematic.

15

16 Now, others have spoken about the signs we look for,
17 whether or not they have a capacity for solid adult
18 relationships, whether they have a capacity for intimacy,
19 whether they have a capacity for relating over the long
20 term to people, good friendships, friendships that are
21 sustained over a period of time. These are far more
22 indicative about whether or not a person has a healthy
23 sense of self.

24

25 I'm not a formator and I'm not in charge of initial
26 formation and I don't make the decisions about who comes
27 into the Franciscans, but I know that homosexuality would
28 not be a barrier to being a Franciscan.

29

30 THE CHAIR: This document, on its first page, says that
31 the instruction contains:

32

33 *... norms concerning a specific question,*
34 *made more urgent by the current situation,*
35 *and that is: whether to admit to the*
36 *seminary and to holy orders candidates who*
37 *have deep-seated homosexual tendencies.*

38

39 Now, the document speaks of "more urgent by the current
40 situation". Was it the child sexual abuse issue that made
41 this more urgent?

42

43 DR LEARY: I would say so. It's probably not restricted
44 to that. A few years ago, there were - not to malign
45 St John's College at the University of Sydney, but there
46 were problems at St John's College and they were around the
47 institutionalising of practices and understandings.

1 I think people gathered in one place like that can produce
2 aberrations, no matter whether the people are heterosexual
3 or homosexual.
4

5 Again, I don't think that homosexuality is a barrier
6 to good ministry, and I know that from personal experience.
7 I think that if we go down that path, what we are doing is
8 pathologising a way of being in the world, and I don't
9 think that's good theology and it's certainly not good
10 psychology.
11

12 I don't even understand what the notion is of
13 deep-seated homosexuality. I have no idea what that means,
14 and I have no idea what it means to have inclinations
15 versus a deep-seated understanding.
16

17 THE CHAIR: Any of you can answer this, but is it the case
18 that the Church, at least in 2005, was thinking of the
19 sexual abuse of children as an issue connected with
20 homosexuality?
21

22 FATHER THOMPSON: I don't think so.
23

24 THE CHAIR: What do you think this document was saying?
25

26 FATHER THOMPSON: It came from a situation especially in
27 the United States where it was recognised that
28 homosexuality had made deep inroads into the seminaries.
29 It did exist also, I understand, in one Australian
30 seminary, maybe two. This document was many years in the
31 making, and I don't think that the - the kind of explosion
32 of revelation about child sexual abuse had not yet
33 happened, I think, when that document was first thought of
34 and done.
35

36 THE CHAIR: This was 2005. I think there was a pretty
37 good knowledge of it by then, wasn't there?
38

39 FATHER THOMPSON: I think it was in the pipeline well
40 before 2005, probably from the year 2000. We were waiting
41 for it for many years. We knew it was coming.
42

43 SISTER ALLEN: I think it took them 13 years to write, to
44 complete.
45

46 THE CHAIR: Thirteen years to write this document?
47

1 SISTER ALLEN: Thirteen years to complete the document in
2 its final form.

3
4 DR LEARY: Which shows a lot of urgency.

5
6 THE CHAIR: Well, I was trying to reconcile the statement
7 in the document, but nevertheless no doubt someone can.
8 How do you reconcile it as an urgent situation?

9
10 SISTER ALLEN: I think maybe perhaps that urgent situation
11 became more and more urgent as time went on. I just know
12 that they were working on it. They were receiving
13 information from various places. I mean, I can't answer as
14 to why it says "urgent" in this document, in this one.

15
16 COMMISSIONER FITZGERALD: Could I just take this point.
17 Surely what Dr Leary has just indicated must be right. The
18 central issue has moved on from homosexuality, not
19 completely, but to emotional and sexual maturity - isn't
20 that the recurring theme of all the research across
21 Australia, including that which the Commission has been
22 exposed to? It's central to it, rather than the
23 predisposition to be heterosexual or homosexual or,
24 frankly, unsure, which many people seem to be when they
25 enter seminaries. Isn't that the real learning out of what
26 we've heard?

27
28 SISTER ALLEN: That is correct, and I wanted to say that
29 in our assessment in the seminary, sexuality in this issue
30 is minor in relation to the whole thing. It's not the
31 major focus that it appears to be right now.

32
33 DR LEARY: But it is a major focus. If what is referred
34 to as a "deep-seated homosexuality" is a prohibitive factor
35 in terms of priesthood, then it necessarily must be
36 a central factor.

37
38 COMMISSIONER MURRAY: It goes also to a misunderstanding
39 of the evidence. The evidence which was well established
40 by 1992, 13 years before 2005, was that the sexual abuse of
41 boys and girls was as much an issue with heterosexual men
42 and women as with homosexual men and women. And the
43 evidence to this Royal Commission confirms that. You will
44 notice I emphasised "and women". Our own broad statistics
45 at present indicate one out of every ten offenders,
46 reported to us, anyway, have been women.

47

1 SISTER ALLEN: That is correct.

2

3 COMMISSIONER MURRAY: So this document, if it at all
4 relates to what is the "current situation", whatever that
5 means - it might include child sexual abuse - is based on
6 a partial understanding of the evidence available to us.
7 Would you concur with that view?

8

9 SISTER ALLEN: I would say that there are documents,
10 Vatican documents, in regard to child sexual abuse. They
11 are later than this particular one, but they do exist.
12 I think it has taken the Church a while - I mean, this is
13 my opinion, that it took the Church a while to work through
14 and to come to a better understanding of herself and of
15 what led to the hiding or lack of response, and lack of
16 public response, to the child abuse issue. It has taken
17 longer not only within the Church but within the world at
18 large.

19

20 I've worked also with people who were abused in other
21 churches and I've worked with so many who have been abused
22 by their parents, by brothers, by other people. So this
23 whole issue of sexual abuse has been hidden in our society
24 and it has taken longer for us to gain a sense of
25 consciousness where we are able to face the heinous crime
26 that it is and to name it as such and to be able to bring
27 those who have caused such harm to families in our society
28 to justice. It's just within our human consciousness
29 that - I think there was not the capacity before to name it
30 for what it is institutionally. I'm not saying --

31

32 DR LEARY: I --

33

34 SISTER ALLEN: Please let me finish. I'm not saying
35 individually it's - I'm not saying to recognise it as
36 a crime. Obviously it is a crime and it always has been
37 a crime. I'm not saying that.

38

39 DR LEARY: I think there's ample evidence, even from this
40 Royal Commission, that we're dragging our feet in terms of
41 understanding the significance and the importance and the
42 reality that we face as a Church community, and I'm not
43 convinced that we've got it at all. I'm simply not
44 convinced that we understand it.

45

46 If we did understand it, we would think seriously
47 about changing the structures that have led in part to the

1 creation of a context out of which abuse emerges, and
2 I don't think we've got that yet and I think we're highly
3 resistant to getting that.

4
5 SISTER ALLEN: May I respond to something, please?
6 Thank you. You referred earlier - and I'm just saying if
7 a person is intrinsically evil, I would never say that;
8 I would never dare to imply that anybody is intrinsically
9 evil. It is absolutely true that seminarians and those
10 working in seminaries need to respect the dignity of the
11 person. And as you were talking about compassion, what
12 I focus on is looking at, with the seminarians, do they
13 know suffering in their own lives? Suffering, I think, is
14 a very important issue because if you don't know how to
15 suffer, if you have not suffered in your life, if you have
16 not suffered any number of different crises, and if you're
17 not able to work in that within yourself, then you will not
18 be able to have compassion on anyone else.

19
20 That brings us back to the issue of criminality, of
21 a willingness to look at oneself, to look at one's own
22 weaknesses and be aware of one's weaknesses and strengths.
23 Nobody will ever be emotionally mature if they do not know
24 how to suffer and how to hold suffering with someone else,
25 how to hold those who suffer. They're not able to identify
26 with suffering.

27
28 MR FREE: Your Honour, I still have a bit of ground to
29 cover. Is that a convenient time?

30
31 THE CHAIR: So we should have lunch, should we?

32
33 MR FREE: I think so, your Honour, yes.

34
35 THE CHAIR: We shall. We'll adjourn.

36
37 **LUNCHEON ADJOURNMENT**

38
39 MR FREE: I want to raise with the panel generally, but
40 I will begin, Father Kelly, if I could, with you, a comment
41 which Dr Ranson made yesterday, which some of you may have
42 heard if you heard his evidence or read the transcript.

43
44 He was speaking about the extraordinary power that
45 priests have in being equated with God in people's eyes,
46 particularly in the eyes of children, and the need for
47 priests to be aware of this in the way they perceive

1 themselves. He posed this question, which, in a sense, is
2 a question for this panel:

3
4 *Now, the point here is, how aware are*
5 *priests in their formation of this*
6 *extraordinary dynamic? How is this dynamic*
7 *introduced to trainee clergy? ... How are*
8 *they taught to take responsibility for this*
9 *dynamic? How are they taught how to*
10 *continuously reflect on this dynamic in the*
11 *exercise of their ministry?*

12
13 Can I just ask, firstly, you, Father Kelly, your
14 reflections on that notion?

15
16 FATHER KELLY: When they are part of the parish and they
17 are near the primary school, et cetera, we discuss with
18 them that relationship, and how special it is, with those
19 children. When they go out and teach catechetics in the
20 state schools, they go with supervisors. So we talk about
21 that you are really there to help them to discover the love
22 of God - that's basically how we put it to them - and you,
23 as an adult, must be aware of all the boundaries that
24 surround treating that little person with utmost respect
25 and dignity.

26
27 MR FREE: Can I ask, firstly, Father Thompson whether
28 there are aspects of formation that you see as important to
29 try to address that kind of power dynamic that can develop?

30
31 FATHER THOMPSON: I'm not quite sure if I understood your
32 original question. You mentioned something about children
33 seeing the priest as God. Is that what you said?

34
35 MR FREE: Yes, and Dr Ranson's point was that that is
36 a powerful dynamic and a dangerous dynamic that priests
37 need to be aware of and need to manage.

38
39 FATHER THOMPSON: Yes, I don't think that's all that
40 common from my experience, but it's something that -
41 I mean, our future priests need to be warned of all kinds
42 of situations, of dangers and pitfalls, and they need to be
43 aware that that may be the case and they may even
44 unconsciously play on it. So I guess half the problem of
45 solving these problems is to be aware of them.

46
47 MR FREE: But are there any particular aspects of the

1 formation in your college that do make priests aware of
2 that?

3

4 FATHER THOMPSON: We do a thorough course on catechetics.
5 The students are out regularly, some of them once a week.
6 They are supervised both by someone from the seminary, more
7 often by one of the resident teachers in the schools.

8

9 We get reports from that. I think if there were any
10 signs that that was the attitude they were taking, we would
11 hear about it. Of course, they are not going as priests;
12 they are going as students, and certainly the danger is not
13 there. The children in the school just see them as special
14 visiting lecturers. They may understand that they are
15 trainee priests. But I've never heard of that. No-one has
16 ever reported back to me that that is the way they are
17 being treated.

18

19 MR FREE: Father Hogan, what about in your seminary - are
20 there any particular features of the formation that you
21 would see as helping priests in their formation to
22 understand that dynamic and the dangers of that dynamic?

23

24 FATHER HOGAN: Yes, we have a very substantial psychology
25 input during year 1. A substantial part of that is
26 developmental psychology and I teach them the dynamics of
27 childhood. One of the aspects of childhood is that
28 children think very concretely. They can't deal with
29 wonderful aspects of Jesus up in heaven and stuff like
30 that. They see the priest at the altar, dressed
31 differently, and they think you're Jesus. Often parents
32 will come up to me with the child afterwards and say, "She
33 thinks you're Jesus." They think it's cute, but that kind
34 of ideation only lasts for a little while because the child
35 is continually developing and, at some point later, will
36 move into semi-abstract and abstract thinking. So my
37 seminarians certainly would be aware of the phenomenon of
38 how children think.

39

40 MR FREE: Sister Allen?

41

42 SISTER ALLEN: Yes, we also have a number of formation
43 programs in place teaching professional and personal
44 boundaries, beginning in the very first year, and then
45 working together with the Catholic education system. They
46 go out to Leichhardt, for example, for three days, with the
47 CEO, and work on integrity in service of the Church. They

1 are taught the integrity of ministry. Then we also have
2 pastoral theology, et cetera, et cetera, all throughout
3 their whole seminary training.
4

5 In terms of myself, I work with them on understanding
6 their own psychological dynamics, and so in my classes in
7 the first, second and third years we look at narcissism, we
8 look at transference and countertransference issues, so
9 that if someone is striving to develop a power relationship
10 with a child or with anyone whom they are serving, then
11 that is dealt with very clearly. So we have it in terms of
12 our formation team, but I think as well as what they are
13 taught in these different classes.
14

15 It's also an issue of assisting the seminarians to
16 reflect on their own experience, because they will be in
17 numerous situations throughout their training, as well as,
18 naturally, after they have been ordained, when they will be
19 in situations where they could take power. So they have to
20 learn the difference between power and authority and
21 humility and learning how to serve rather than to seek
22 something in self-satisfaction. So we focus very much on
23 those issues.
24

25 MR FREE: Are students in your seminary still taught that
26 they are ontologically changed when they take ordination?
27

28 SISTER ALLEN: Yes.
29

30 MR FREE: Do you see that as a potentially dangerous
31 notion in their self-image?
32

33 SISTER ALLEN: It could be, if they have not developed
34 a strong sense of belonging to the people of God, and so,
35 yes, they are ontologically changed or - there are various
36 ways of stating that, but it also has to do with how do
37 they understand themselves and does their ego, does their
38 own identity, need that to be of service to the Church.
39

40 I just wanted to clarify that, because if they are in
41 need of that ontological change, of seeing that ontological
42 change as finding an additional identity, a priestly
43 identity, then that's a problem. Yes, it's true that they
44 are ontologically changed, but that does not put them on
45 another level or a higher level than those people whom they
46 are serving.
47

1 THE CHAIR: What does it do, in your understanding?
2
3 SISTER ALLEN: It means that they are more closely formed
4 to Christ, that they have taken on an identity as an
5 alter Christ, for example, when they would serve mass.
6
7 THE CHAIR: In the space we are talking about,
8 clericalism, that creates an immediate capacity for serious
9 distortion, doesn't it?
10
11 SISTER ALLEN: Again, no, it does not. In itself, it does
12 not per se.
13
14 THE CHAIR: No, but the risk is there?
15
16 SISTER ALLEN: Well, the risk is there with a number of
17 things.
18
19 THE CHAIR: But in this space, in that context, it is
20 a very real risk, isn't it?
21
22 SISTER ALLEN: I believe - I would tend to disagree in the
23 sense that I would say - that's why we have to form our
24 seminarians in knowing the abuses of power and of knowing
25 how to utilise their person as an alter Christ in their
26 work. In other words, it's true that someone could abuse
27 that, but it's true that someone could abuse that who has
28 not been ordained, who is not --
29
30 THE CHAIR: It was suggested to us, I think yesterday,
31 that true ontological change occurs when anyone is
32 baptised --
33
34 SISTER ALLEN: That's right, that is correct.
35
36 THE CHAIR: -- and that the add-on that is occurring when
37 the priest is ordained is not a correct reflection of the
38 gospel.
39
40 SISTER ALLEN: I would not necessarily agree with that,
41 but I absolutely do agree that the first and the major
42 ontological change of all Christians is in baptism.
43 I agree.
44
45 THE CHAIR: Do you accept that there is a serious issue
46 that the Church must address with respect to clericalism?
47

1 SISTER ALLEN: Yes.

2

3 THE CHAIR: How do you say that issue presently manifests
4 itself in the Church?

5

6 SISTER ALLEN: I think the way it manifests itself is
7 within priests or seminarians who do not have a clear sense
8 of their own identity as being members in the body of
9 Christ and, in terms of their ministry, of serving the body
10 of Christ. In other words, they are not there to - I think
11 as Bishop Randazzo said yesterday, the pedestal is the
12 cross, and they have to be willing to serve and not seek to
13 be served. So clericalism - again, I'm saying, yes, it can
14 be expressed in external manners, but the problem with
15 clericalism exists in the heart and in the mind, and that's
16 what my work is to address, and that's what I address in
17 the seminary.

18

19 THE CHAIR: You see, I presently understood it as, yes,
20 coming from the identity given to the priest, but it's
21 a phenomenon that operates in the minds of the laity, which
22 has created this capacity or space within which offending
23 priests can operate. Do you understand?

24

25 SISTER ALLEN: Yes, I understand, but I would say that
26 ontological change does not mean perfection and it does not
27 mean that any individual is perfect. It does not mean that
28 they make no mistakes. I'm very grateful that the laity is
29 becoming more and more aware of the need to develop healthy
30 relationships with priests, with others who are serving in
31 the Church - sisters or whomever - but that we are all
32 human beings, we are all people, who have our weaknesses
33 and our strengths.

34

35 THE CHAIR: Do you understand that for a devout Catholic,
36 Catholic family, the concept of ontological change in the
37 priest is likely, in some people at least, to set up
38 a special way of looking and a degree of, obviously
39 sometimes, misplaced trust?

40

41 SISTER ALLEN: Yes, I agree with you, and that is
42 unfortunate and that's what we need to work on.

43

44 THE CHAIR: What should be done about it?

45

46 SISTER ALLEN: I do my work in the seminary to try to work
47 against that. And we all do in our seminary; we all work

1 against that. We also have communications with laypeople,
2 with, for example, the people who are supervising
3 seminarians in the schools or in the hospitals. They go in
4 and work with the ill in the hospitals and in homes for the
5 elderly. They do all of that, and laypeople there are very
6 strong and very clear in saying, "We see this weakness, we
7 see this tendency, we see this", and then we work on it
8 with the seminarians. We're very grateful for that.

9
10 THE CHAIR: As you know, the extent to which there's
11 sexual abuse of children generally in society is, in
12 a family context, far more prevalent than in the Church
13 context.

14
15 SISTER ALLEN: Yes, and I've worked with many.

16
17 THE CHAIR: I'm sure you have. But the fundamental
18 elements are the same, aren't they: there is
19 a relationship which includes an acceptance of trust -
20 stepfather, father, grandfather, which are the three
21 classic problems - and access. When you set up
22 a relationship that, by definition, creates trust in the
23 priest and access that comes as a consequence of that
24 trust, you have the same fundamental dynamics operating,
25 haven't you?

26
27 SISTER ALLEN: You may, yes, if the - yes, and it may be
28 abused.

29
30 THE CHAIR: Yes, and it's important, is it not, for the
31 Church to understand that and set its mind to break down
32 the capacity for misplaced trust?

33
34 SISTER ALLEN: I'm sorry, I don't understand what you mean
35 by "capacity"?

36
37 THE CHAIR: Well, for mum to say, "Because it's a priest
38 who has taken my boy for the weekend, I don't have anything
39 to worry about."

40
41 SISTER ALLEN: I would hope that that is not happening any
42 more.

43
44 THE CHAIR: Well, one would hope so, too, but --

45
46 SISTER ALLEN: And we need to educate more and more and
47 more, in families and around the world. We need to educate

1 that that is no longer acceptable.
2
3 THE CHAIR: And the priest who puts the children to bed in
4 the parishioner's home?
5
6 SISTER ALLEN: That is not acceptable any more, unless the
7 parent is there with them.
8
9 THE CHAIR: Are these sorts of things being taught in your
10 seminary?
11
12 SISTER ALLEN: Oh, yes. Oh, yes, very clearly. I role
13 play with the seminarians - not that particular scene, but
14 I role play with the seminarians on somebody is coming
15 closer; they're not being respected in their own
16 boundaries. We have, as I mentioned before, transference
17 or counter-transference issues, so that if a child or an
18 adolescent, for example, would have a great deal of trust
19 in the priest, and the priest himself may be sexually
20 aroused by that child or adolescent, then it's his
21 responsibility - his transference or counter-transference
22 in relation to that child or adolescent has to be dealt
23 with. So that's what we're working at in the seminary, to
24 help them to understand their own dynamics, their own
25 attractions, their own willingness or their - I won't use
26 the word "innocence", but their own naivety in terms of
27 others' trust of them.
28
29 THE CHAIR: Does anyone else want to comment on these
30 matters?
31
32 FATHER THOMPSON: Yes. I would agree with sister. We
33 can't, overnight, change the attitude of the people. We
34 can work on it, but the seminarians have to be made aware
35 that that exists and they have to be made aware that it is
36 a danger that very often, unconsciously, subconsciously,
37 they find themselves put on a pedestal by people and
38 subconsciously they start misusing that power that they see
39 they have. As I said, half the way of solving a problem is
40 to be aware of it. Those kinds of things certainly figure
41 largely in our human formation, our training of the
42 seminarians now.
43
44 THE CHAIR: Anyone else?
45
46 DR LEARY: I think the real test of whether the Church is
47 on board with change is whether or not it is prepared to

1 jettison theological positions or theoretical positions
2 that not only don't help but may harm. That's the first
3 point I would make, and I would put the notion of an
4 ontological change in that category. For the life of me,
5 I can't see that it is a necessary element of understanding
6 priesthood post Vatican II.

7
8 The second strategy I think that is really important
9 is that from day one, from cradle to grave, there need to
10 be very clear strategies in place that engage the notion,
11 as Charles Taylor would put it, the Canadian philosopher,
12 that human beings are constituted in conversation, and
13 within that conversation, there needs to be a high level of
14 what he also calls radical reflexivity - a capacity to
15 examine one's own experience and scrutinise one's own
16 thinking and experience. In order to do that, there have
17 to be concrete strategies in place.

18
19 For example, when I was working as a counsellor for
20 the last 25, 30 years, I had a supervisor. I would see
21 that supervisor either fortnightly or monthly, just
22 depending on what was going on. It wasn't conditioned on
23 me being a student or in the preliminary phase of my
24 practice. In fact, in November, when I moved back to
25 Sydney, I did three things straight up: I got a doctor,
26 I got a dentist and I got a supervisor, within the first
27 couple of weeks.

28
29 One of your witnesses - I think it was Gerry
30 O'Hanlon - said at the end of his evidence, "Culture eats
31 strategy for breakfast." The strategies need to be robust
32 and they need to be within a context that allows those
33 strategies to work and become embedded in a new way of
34 seeing the world. I don't think that while we hold on to
35 ways of thinking that don't help, and may in fact do harm,
36 we're helping that process of change.

37
38 FATHER HOGAN: I don't know an awful lot about the
39 ontological change that takes place. I don't quite
40 understand it philosophically. However, what I teach my
41 seminarians is about being configured to Christ, which is
42 a more modern way of looking at things. Baptism, yes, is
43 the configuring to Christ as priest, prophet and king -
44 that's who Christ is - and how the Christian then is
45 involved in the life of Christ himself.

46
47 When it comes to ordination, the configuring as

1 a deacon is to the work of service, ministry; and as
2 priest, it's configuring to Christ as head. Now, the head
3 isn't somebody who waltzes around strutting his stuff,
4 expecting everybody to come and adore him. Christ's
5 headship is based on being servant and shepherd, and they
6 are roles of self-emptying for the sake of Christ's people.

7
8 I think that makes the most sense, also to give the
9 young lads practical applications and a practical
10 understanding of what priesthood is about. It's about
11 self-emptying for the sake of others. It's not about being
12 the centre of attention, which is why we have the human
13 formation that we do in our seminary. People have to be
14 built up to have such a good understanding and acceptance
15 of themselves that they are strong enough to give
16 themselves away freely for the sake of others, that they
17 are not holding anything back. That's the level of
18 generosity that, in our seminary, we try to build the
19 seminarians up to.

20
21 COMMISSIONER FITZGERALD: Just following on from that, is
22 there not a dilemma that the conversation and understanding
23 between the lay faithful and the clergy is in fact not well
24 articulated at all at the moment? That is, there are
25 conversations taking place within the laity, and there are
26 conversations taking place within the religious and clergy,
27 but what seems to be missing is a cross-conversation that
28 fully articulates the relationship that we seek between the
29 faithful and the clergy and religious, one that is mutually
30 understood and agreed.

31
32 At the moment, are we not in danger of having these
33 conversations, but they don't connect? So in a very
34 practical sense, let me give you an example. What
35 congregation in Australia would know what are the
36 boundaries, the codes of ethics and the codes of conduct
37 that would apply to clergy as it relates to children or to
38 themselves? Well, the answer is, I think, none.

39
40 The question also, going back to a point that
41 his Honour raised, is what is the relationship that you
42 believe is appropriate between a child and a priest in the
43 eyes of a child? What is it that the child, a 12-year-old
44 or a 10-year-old, is meant to think of a priest today? The
45 danger we have is that much of the conversation in Church
46 today is one of fear. "I can't touch the child. I can't
47 go into the playground." A philosophy of fear about

1 children seems to me to be ultimately a very destructive
2 approach, yet the converse is what is the positive
3 relationship that you believe the child should have with
4 the priest in the eyes of the child and their family, and
5 is that an articulated vision?
6

7 So the question is: do we actually know, have we an
8 articulated vision of this relationship between child and
9 family and priest as it exists today, or are we going down
10 the slippery slope of a relationship based on fear, either
11 a fear imposed by outside sources or a fear of lack of
12 understanding of what this relationship should be?
13

14 I am open to anyone who would have a view about that,
15 but I do think that in this last week or so there is in
16 fact dialogue happening, but it is not connected. Maybe
17 I'm completely wrong about that, and I was wondering if
18 anyone might comment on that?
19

20 FATHER THOMPSON: I think there is, especially among some
21 of the older priests, that they cannot understand what they
22 can do and they are frightened of being accused of
23 molesting children and they therefore withdraw. I'm aware
24 of one priest who refuses to go into his school for that
25 reason. That's unfortunate.
26

27 But I think generally, especially with the young
28 priests, they are able to see the children in the context
29 of the family. They visit the families and they are able
30 to relate to the children in the presence of the parents.
31 The children can see something of what - you know, the
32 normal relations that the parents have to father, and they
33 can see him as a friend rather than as a special kind of
34 power figure. It will take some time, but that's the road
35 I think we have to follow.
36

37 COMMISSIONER MURRAY: I caution even on that front. In
38 private sessions, we have been told of children who stood
39 next to the priest whilst he sat at a kitchen table with
40 the mother on the far side and put his hand up the girl's
41 skirt, and she was so frightened of the God/priest
42 relationship, she did nothing, said nothing and told no-one
43 until she told us. And that is not a singular instance.
44 Those accounts of being abused in the home, where the
45 parents were, have been said quite commonly.
46

47 So I think one of the issues we might discuss here is

1 whether it's right or fair for the entire onus to be on the
2 priest or on the Church; namely, parents and children need
3 to be educated as to risk and to danger and to the proper
4 protection of the dignity of their persons. So a child
5 that was well informed and had a trusting relationship with
6 the mother, and a mother that was alert to risks, might
7 have avoided the context we are in.

8
9 It seems to me for the entire obligation to be on the
10 Church is a dangerous route to go. How do you react to
11 that?

12
13 FATHER THOMPSON: My understanding is that in our schools,
14 in all schools, children are educated about the dangers of
15 being abused, about dangers of adults taking liberties. It
16 is not just priests; it is all kinds of situations where
17 they can perceive that adults are crossing boundaries.
18 I think that would go part of the way to the goal that you
19 are suggesting. The adults, on their part, are probably
20 slower to learn than the children.

21
22 COMMISSIONER MILROY: Could I just ask a question related
23 to the content involved in formation. Is there any
24 consistent content amongst any of the seminaries about
25 either child development, child psychology, understanding
26 how to work with children and child safety, or is it very
27 inconsistent across the different institutions?

28
29 FATHER THOMPSON: There is no prescribed syllabus, as far
30 as I know, but we are in touch with each other. We know
31 what other seminaries are doing. If we think it's good, we
32 try to --

33
34 COMMISSIONER MILROY: Should there be a consistency around
35 children and child development and protection of children
36 across all seminaries?

37
38 FATHER THOMPSON: I would support that idea, yes.

39
40 FATHER KELLY: I would also support that. I think it's
41 one thing to offer programs within a particular context,
42 but since this is pervasive abuse, then I think it's
43 incumbent upon, say, a diocese to provide and ensure that
44 people are talking on the same page or from the same page.
45 So I would be enhancing - I would be encouraging that to
46 take place.

1 I have found it very helpful, in the Parramatta
2 Diocese, to be able to send the novices to the various
3 professional standards workshops that are offered. And now
4 just recently, the diocese has put together eight modules,
5 and this very day, four of my novices are doing seven hours
6 of it. But what I'm saying - and I think it's getting to
7 your point - is that there is a uniformity, then, there is
8 a common understanding. So I'm not doing this bit over
9 here and that bit there, but we're doing it collectively
10 because it is a collective issue.

11
12 FATHER HOGAN: May I tell you what goes on in our
13 seminary? I've already mentioned the developmental
14 psychology unit that we do, and also a large part of that
15 is to do with childhood psychology.

16
17 We also have our lads for the first two years doing
18 scripture teaching in public schools, and, before they
19 start that, they have I think six or eight Fridays of
20 training that is not only about boundaries and things but
21 about how you deal with children, what to understand about
22 them and how to read them.

23
24 We have a two-day workshop at the beginning of every
25 year from professional standards in safeguarding, and the
26 safeguarding office provides that and also comes out for
27 follow-up days each year. So by the end of seminary, they
28 would be very, very, very well associated with how to deal
29 with children not just at a professional level but at the
30 psychology level, too.

31
32 SISTER ALLEN: We also have, every year, in-services or
33 the seminarians go out for professional standards, so even
34 those who have been participating in that throughout the
35 years, and then they, as well as new ones coming in, who
36 might come in through fourth or fifth year, participate in
37 another four modules of professional standards with the
38 national Professional Standards Office. So we have that.

39
40 Then during the second year, I teach psychosexual
41 development, and during that year, in the past couple of
42 years, we've had members of a religious community, a men's
43 religious community, come in, and so they've come in and
44 they've participated in that class weekly and have learned
45 how to take a look at these developmental aspects as well
46 as the psychosexual disorders. We're very happy to have
47 others come in and participate with us. It has been very

1 enriching.
2
3 COMMISSIONER MILROY: How would you go about, then,
4 developing a shared understanding or a consistent
5 curriculum? What would be required in order to do that?
6
7 SISTER ALLEN: I think those who are teaching these
8 classes - that's in addition to the professional standards,
9 which is already organised and clear - it would be good if
10 we would all get together and discuss it. We've not done
11 that yet.
12
13 COMMISSIONER MILROY: One of the issues that came up in
14 evidence earlier in the week was also about the role of
15 children in the confessional and that if a child discloses
16 sexual abuse to a priest within the confession, that's not
17 a confession, and that can be reported. Is that a shared
18 understanding in formation, or not? Anyone is free to
19 comment.
20
21 FATHER HOGAN: As far as I understand, whatever is said in
22 the context of the confessional is supposed to be secret.
23 However, what one could advise --
24
25 COMMISSIONER MILROY: Did anyone hear this evidence the
26 other day?
27
28 FATHER HOGAN: I'm not aware of it.
29
30 SISTER ALLEN: Yes.
31
32 THE CHAIR: I'm sorry, father, what is said is that if
33 a child comes in and confesses to its own misbehaviour,
34 then that is subject to the seal. But if the child comes
35 in and says, "My father, mother, grandfather or the priest
36 interfered with me sexually", then because that is not
37 misbehaviour by the child, it's not protected by the seal
38 of the confessional. That is a pretty clear line of
39 demarcation. Is there any problem in any of you --
40
41 FATHER HOGAN: I would encourage the child to go and
42 report it.
43
44 THE CHAIR: What about you yourself? Why wouldn't you go
45 and report it?
46
47 FATHER HOGAN: I would be happy to go with the child.

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THE CHAIR: But if the child --

FATHER HOGAN: Sorry, I possibly misunderstood you because my hearing is not that good. Is there an actual confessional thing where the child is actually going to confession, just doesn't pop in and say "Hey"?

THE CHAIR: No, gone to confession and said, "I had impure thoughts about something" that children might talk about but also happened to say, "and there was misbehaviour", which the child may well interpret as misbehaviour by the child, which is not uncommon.

SISTER ALLEN: That's right.

THE CHAIR: But the evidence was that there is a very clear line, and it's only when the child is confessing to misbehaviour by the child that the seal applies. What is your response to that, Dr Milroy would like to know?

FATHER HOGAN: I would certainly have to go to a canon lawyer or a moral theologian.

COMMISSIONER MILROY: There certainly was a consistent approach to it the other day amongst all of the witnesses in saying that that would not be covered by the seal, so I'm just wondering whether this is something that is now taught in formation or whether this is a new revelation?

FATHER HOGAN: Well, if you excuse me, once I get it clear for myself, I'm quite happy to do that, because we --

COMMISSIONER MILROY: Did you hear the evidence, sister?

SISTER ALLEN: Yes, I did. I will give a parallel example of myself. I have a duty of confidentiality, and I had a five-year-old child come to me. Her parents were separated - actually, she was four. Whenever her father would come to pick her up, I could hear her screaming down the street as he was picking her up and taking her to his home. This happened a couple of times, and I thought there's something untoward happening here. So I talked with her, and she was able to say that her father was sexually abusing her.

Normally, I would have the confidentiality, but what

1 I did was I asked her, "Would it be all right with you if
2 we share this with someone who will be able to help you?"
3 And she thought about it and then she said yes. So I knew
4 someone, a woman in the police force, who was able to help
5 out.

6
7 It ended up in a long, involved case in court where
8 her father refused to accept the fact that it had happened.
9 Eventually they had her testimony. The child had to give
10 testimony, in the presence of her mother, and so it was
11 clarified, so she was able to stay with her mother.

12
13 But for myself, I mean, I'm not a priest and so I'm
14 not in that situation, but I would always try, and I always
15 have tried, to say, "Can we work with this together and
16 find a way for you to get out of this situation?"

17
18 THE CHAIR: If you weren't a sister, and a young girl was
19 in the same situation and disclosed to you, what would you
20 do?

21
22 SISTER ALLEN: The same.

23
24 THE CHAIR: If the girl said, "No, I don't want you to
25 tell the police", or whoever, what would you do?

26
27 SISTER ALLEN: I would ask her why.

28
29 THE CHAIR: And she says, "I just don't want you to tell"?

30
31 SISTER ALLEN: Well, normally I would have a discussion
32 with her as to why, and I would see how it would develop.

33
34 Now, if she were being sexually abused, that's
35 obviously clear for me, that I would have to report it,
36 yes, if she is being abused now. If it were in the past,
37 it would be different.

38
39 THE CHAIR: So let's put you, then, in the position as
40 a sister and the same thing happens and the girl says, "No,
41 I'm so scared of my father, I don't want you to tell the
42 authorities." What would you do?

43
44 SISTER ALLEN: What I have done in the past in a situation
45 like that is to contact someone in a protection office,
46 like child protection, or the police force, and just say,
47 "I would like to ask hypothetically a question, and I might

1 have a case - or if I had a case where this is the case,
2 would you have any suggestions for me?" In the past, I've
3 always been fortunate and have gotten the help that
4 I needed, and the individual was willing to work with us.
5 So I was always able to find a way.

6
7 THE CHAIR: As far as the teaching of your seminary is
8 concerned, what is the position on this issue for priests?

9
10 SISTER ALLEN: In terms of the confessional?

11
12 THE CHAIR: Yes.

13
14 SISTER ALLEN: I haven't dealt with them in that regard.
15 That's up to our priests. I do talk with them about these
16 issues, but not in terms of the confessional per se.

17
18 THE CHAIR: Father Thompson?

19
20 FATHER THOMPSON: The case you are proposing I would think
21 would technically not come under the seal of confession.
22 I would just wonder, though, if I were to reveal that
23 without the child's consent, whether I would damage her
24 understanding of the confidentiality of confession.

25
26 I would hope that what others have suggested would
27 work. My first reaction was, "Look, let's go and talk to
28 someone about this together", if she is happy to come with
29 me and - that's really her giving consent; or even if she
30 said - you know, "Will you let me tell someone?", but
31 I think she may need - that little child may need perhaps
32 to be convinced that no-one will hurt her. I just hope
33 I never find myself in that situation.

34
35 JUSTICE COATE: The issue I think behind the question is
36 what is being taught in the seminary, what guidance are you
37 giving to those in formation, who may well be faced with
38 exactly that situation.

39
40 FATHER THOMPSON: Right. I can't say for sure what is
41 being taught in my seminary on that. It is an area of
42 moral theology, and I would have to ask the lecturer in
43 moral theology what he is teaching.

44
45 JUSTICE COATE: Do you know what is being taught in your
46 seminary?

1 FATHER HOGAN: Sorry, yes, could I just come back to the
2 main question, please. As far as I understand it, the
3 secret of the seal of confession is kind of dissolved if
4 the person gives you permission to act on their behalf. So
5 I kind of maybe was a little bit misunderstanding.
6
7 THE CHAIR: That much is plain. But it would not be
8 unexpected that the child, in disclosing to the priest,
9 believes the child has been at fault and may be in real
10 fear of the abuser and may say, "No, I don't want you to
11 tell anyone", whereas you know - it might be an
12 eight-year-old or whatever - they are actually presently in
13 danger. The question is, what are you able to do?
14
15 FATHER HOGAN: Yes, I am aware that one of the big things
16 about child abuse is that the child themselves feels
17 guilty, and being able to try to convince the child that
18 that is not the case - I think it may need a lot of
19 patience and time.
20
21 THE CHAIR: But if you have a child who is telling you
22 that they are presently being abused?
23
24 FATHER HOGAN: I would do my utmost to let me help them.
25
26 JUSTICE COATE: But, again, father, do you know what is
27 being taught in your seminary?
28
29 FATHER HOGAN: That area - well, again, moral theology is
30 outsourced to the two other colleges. I'm not quite sure.
31
32 JUSTICE COATE: So the answer is you don't know what is
33 being taught on that issue?
34
35 FATHER HOGAN: I don't know.
36
37 JUSTICE COATE: Do you think you should know?
38
39 FATHER HOGAN: I think I should.
40
41 JUSTICE COATE: And you, father?
42
43 FATHER THOMPSON: Yes, yes, I mean, I have an obligation
44 to know what is being taught if it significantly affects
45 a question like this. It's a question, I must admit, that
46 has never come up with me, I've never had to face.
47

1 COMMISSIONER MILROY: It certainly hasn't been uncommon in
2 private sessions for people to tell us that, as children,
3 they actually in confession told the priest that they had
4 been abused.

5

6 The other issue that came up in evidence last week, as
7 well, was regarding a confession by a perpetrator about
8 abuse of a child and how that is handled in confession.
9 How is that issue taught in the seminaries or in formation?

10

11 FATHER THOMPSON: Once again, this would come into moral
12 theology. My reaction would be that I could not grant
13 absolution unless the perpetrator agreed to go to
14 authorities and reveal the situation, hand himself in. One
15 cannot grant absolution if the wish to make full reparation
16 and to avoid a similar problem in the future is not there.

17

18 COMMISSIONER MILROY: If they don't follow through with
19 the instruction to report and you can't grant absolution,
20 does that allow you to break the seal of confession and
21 report?

22

23 FATHER THOMPSON: No.

24

25 COMMISSIONER MILROY: Would anyone else like to make
26 a comment?

27

28 FATHER HOGAN: I apologise, I couldn't hear.

29

30 COMMISSIONER MILROY: It was about the issue of
31 a perpetrator, in confession, confessing to abusing a child
32 and the response by the priest in that scenario.

33

34 The second question related to, if the priest
35 instructs the person that they have to report as part of
36 their receiving absolution, and they don't do that, does
37 that give the priest an out in terms of breaking the seal
38 of confession?

39

40 FATHER HOGAN: I checked this one out with a canon lawyer.
41 He says that if the perpetrator is sincerely sorry and is
42 intending never to do anything like that again, you can't
43 withhold the absolution, and that's the canon lawyer's
44 answer to me on that one, because the absolution is
45 a pronouncement of God's forgiveness, and God's forgiveness
46 is always there. So you can't make it dependent on him
47 doing something.

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One can encourage him to go and hand himself in. I certainly would, because what you are trying to do is - if somebody is already doing something like that, there is a chance of him doing it again, even if he doesn't intend to or doesn't want to, because we have to protect future victims.

THE CHAIR: What happens if absolution is given and then, within a few weeks, the same priest turns up to confession again to confess the same sort of behaviour? What happens then?

FATHER HOGAN: We need to deal with them according to the rules and regulations of confession, because, you know, we understand it as God's court and we're only acting on God's behalf.

THE CHAIR: So you grant absolution again?

FATHER HOGAN: If the person is sorry and has a firm purpose of amendment, yes.

THE CHAIR: Do you reach the point where you wouldn't accept that they were sorry and had a real purpose of amendment?

FATHER HOGAN: If you had a doubt that they were sorry, then you could withhold absolution.

THE CHAIR: Would anyone else like to comment on that?

DR LEARY: I don't know what the answer is to the question because I think it's - I can understand it from both sides. However, I think one of the problems that we're facing - and this has come up a number of times in the hearings, and one notable one in a conversation between your Honour and Bishop Bede Heather. I don't think that the Church, seminary, seminarians, priests - not globally, but I suspect to a significant degree - understand how society works and the obligations that we have as a common community within society. And because I don't think we understand that fully and we don't understand a whole lot of aspects of civil society, we haven't gone into the conversation that you have been trying to lead people along. We haven't had that robust debate about how that works.

1
2 I think that is a failing on the part of the Church
3 and it will continue to be a failing on the part of the
4 Church for as long as the Church does not fully understand
5 how civil society works and the fact that the Church is
6 within civil society and we have an obligation to work
7 within the framework of civil society, so that our laws,
8 the Church's canons, have to interact with civil society
9 and there must be that battle that goes on in such a way
10 that we try to resolve some of those issues.

11
12 In respect to the first case example that you
13 provided, your Honour, for me it's a no-brainer. I think
14 it's not my role, in the first instance, if I was in that
15 situation of the girl saying to me, separate to
16 a confession of sin - if I was in that situation, it would
17 be very clear to me around my reporting obligations.
18 I don't think, if it's a child, it's about negotiating with
19 the child. I think it's about protection first. I think
20 it's about safety first. I think it's about making sure
21 that nothing happens that does harm to this person, as far
22 as we are able.

23
24 And I don't think we have got that. I don't think we
25 fully understand the significance of that. I don't think
26 we understand the psychology that underpins our modern
27 understanding of child sexual abuse. As a result, we fluff
28 around the edges and we try to negotiate. It's really
29 clear in every other jurisdiction except the Church: if
30 somebody reports something to you, you have an obligation
31 to report that. And the reporting isn't about trying to
32 work out whether the person will understand or not
33 understand. Let's work with that further down the path.
34 Let's make sure that the person is not in harm's way.
35 Let's have life above all things.

36
37 COMMISSIONER MURRAY: Dr Leary, one of the reasons child
38 sexual abuse has occasionally been described as a crime
39 against humanity is because of the great harm it causes,
40 including early death and suicide. This Commission has
41 heard in evidence child sexual abuse being described as the
42 "murder of souls".

43
44 DR LEARY: It's certainly the murder of innocence.

45
46 COMMISSIONER MURRAY: What you said earlier is that a lack
47 of understanding and a lack of compassion, either all or

1 both, enables priests to hear confessions and allow abuse
2 to carry on, which will result in the murder of souls and
3 terrible harm to those individuals concerned.
4

5 Now, some of the witnesses to this Commission -
6 clerics - have said they believe the greater good should
7 prevail, in other words, exactly what you said: the
8 protection of the child overcomes everything else. Others
9 have said that the seal of the confessional matters more
10 than the murder of a soul. They didn't use that exact
11 language, but that's the impact.
12

13 What is your view, now that you know what it does to
14 a child? If a perpetrator came and told you in confession,
15 would you really allow that perpetrator to continue?
16

17 DR LEARY: Let me be very clear. I'm not a priest and
18 have no desire to be a priest.
19

20 THE CHAIR: Put yourself in the shoes.
21

22 DR LEARY: Yes, I can easily do that. For me, again,
23 because I have a lengthy history of working in social
24 sciences and as a counsellor, the battles that I have had
25 over that occurred 30 years ago.
26

27 It's very clear to me now that there is a common good
28 argument here that if I was a priest and I was in the
29 confessional, and I understood very clearly the distinction
30 that was made and obviously has been made here in evidence,
31 then it would be the first thing - regardless of whether
32 the person gave me permission to report or not, I would
33 definitely report.
34

35 It's not my role to assess safety issues. It's my
36 role to presume that if the person is telling me that
37 sexual abuse has occurred, then safety is automatically an
38 issue. It's not up to me to assess that. My obligation -
39 and this is clearly formulated within civil society - is to
40 report and to allow other people to do their job, whether
41 it's the police or social services or sexual abuse
42 counsellors or whomever. I should not place myself as an
43 authority in that situation over the common wisdom that is
44 evident, very evident, in society today around this issue.
45 There is a very strong, I think, common good argument that
46 given Justice McClellan's outlining of the situation, it's
47 very clear.

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MR FREE: Father Kelly, could I ask you a quite specific question about something you have said in your statement. You talk about the involvement of, I think, the Kairos program in formation. That's a coordinated effort by Catholic Religious Australia to provide education to different orders; is that right?

FATHER KELLY: That's correct, yes.

MR FREE: You have said, in that context, that over the past four years there has been a greater emphasis and time given within the Kairos program to human development, psychosexual development, health and wellbeing, professional standards and child protection. Can you explain what prompted that development over the last four years?

FATHER KELLY: As formators, in the context of the sexual abuse, we felt that we needed to have more input on this and more understanding both from the psychosexual point of view but also from the professional standards point of view of what it means to live in community, celibate community, that kind of thing, community life skills, and even health. We built health into that. So that was the context in which it developed, and we draw on the best professionals that we can get.

MR FREE: That comes to an issue that you might have heard raised yesterday - I don't know if you had the opportunity to follow the evidence. One of the Commissioners asked yesterday: is there a consciousness on the part of those who are involved in designing formation syllabuses, curricula, et cetera, that the formation they are designing has to respond to perceived deficiencies in the past that may have contributed to the child sexual abuse problem?

FATHER KELLY: Well, I think this was a good example of that.

MR FREE: Was there any particular event four years ago, or so, that prompted that consideration?

FATHER KELLY: No, just the continual reportage of it and the seeming growth of revelation about it. So we thought that we needed to try to - and this bringing people together, we thought this would be a good way, a good

1 beginning, anyway, to try to address it.

2

3 MR FREE: Could I ask you, Sister Allen, in your seminary,
4 firstly, are you involved at all in the design of the
5 formation program within the seminary?

6

7 SISTER ALLEN: The part that I take, yes.

8

9 MR FREE: As part of that, have there been conversations
10 along the same lines, of how do we redesign the formation
11 program to address deficiencies that might be, in part,
12 related to the child sexual abuse problem?

13

14 SISTER ALLEN: When I came in, I established this program
15 that we have now, and it's in accord with some of the
16 seminaries that we know of in the United States. I spend
17 a great deal of time talking about child sexual abuse in
18 this program and what happens to a child and to an
19 adolescent who is sexually abused, what the experience is,
20 as far as teaching psychologically, emotionally, physically
21 what the effects are of child sexual abuse, to the extent
22 that we can. Then I also talk a lot about the
23 characteristics of paedophiles and ephebophiles. We spend
24 a great deal of time on that.

25

26 MR FREE: Did you hear the evidence yesterday of
27 Dr Gerardine Robinson?

28

29 SISTER ALLEN: Yes, part of it.

30

31 MR FREE: You may or may not have heard this part, but
32 Dr Robinson was expressing the view that part of a healthy
33 formation environment for psychosexual development and
34 understanding the sexual identity of seminarians requires
35 openness about sexual issues.

36

37 SISTER ALLEN: Yes.

38

39 MR FREE: In that context, she expressed a particular
40 concern that because of the church's teaching on
41 homosexuality and the disqualification of people who are
42 seen as having a deep-seated tendency to homosexuality,
43 that was a significant impediment to openness within the
44 seminary. Did you hear her talking about that?

45

46 SISTER ALLEN: I did.

47

1 MR FREE: Now, that was a topic we touched on earlier
2 today. Do you have a concern that because of the message
3 which is effectively being conveyed to seminarians that if
4 they reveal a deep-seated tendency to homosexuality, they
5 are disqualified from ordination and from continuing in the
6 seminary, that is going to impede them from open
7 communication?

8

9 SISTER ALLEN: No, I do not. That has not been my
10 experience in the seminary. As a matter of fact, the
11 seminarians come to me freely and we talk about very
12 detailed aspects of their sexuality. We have a very good,
13 trusting relationship.

14

15 COMMISSIONER MILROY: Sister Allen, on a related matter
16 regarding that, if they are meant to adopt celibacy as
17 a way of life, what difference does their sexual
18 orientation make, if any?

19

20 SISTER ALLEN: This is again - it would take a lot to
21 explain it entirely, because --

22

23 COMMISSIONER MILROY: We have some time.

24

25 SISTER ALLEN: All right. What it means is that certainly
26 what we focus on --

27

28 COMMISSIONER MILROY: Do they see it as a risk? Is that
29 one of the issues?

30

31 SISTER ALLEN: In terms of what - child sexual abuse?

32

33 COMMISSIONER MILROY: Anything - breaking of vows,
34 boundary violations.

35

36 SISTER ALLEN: No, no, that's not the issue. That is not
37 the issue. So what we focus on is chaste celibacy. So it
38 is the chastity that is the context for the celibacy.

39

40 COMMISSIONER MILROY: So what difference does that make,
41 then, in regard to their orientation?

42

43 SISTER ALLEN: In regard to sexual orientation? I have to
44 say that only once did we have a situation where there was
45 a situation where someone had a deep-seated homosexual
46 direction in their own lives, and they refused to be
47 formed. For us, those two together made it impossible for

1 that individual. It was in the very beginning phases.
2 They were there for about two or three weeks and that was
3 it.
4

5 So during that phase of their beginning formation, it
6 became evident that we could not continue to have them in
7 the seminary, because they were not open to formation. And
8 I'm not talking about just sexual formation. They were not
9 being respectful or accepting of what the staff were saying
10 to them, not only myself.

11
12 So those two things went together. Otherwise, I've
13 never had that situation where I've had someone want to be
14 included in the seminary, want to be accepted into the
15 seminary, who had deep-seated sexual issues related to
16 homosexuality. So in terms of the question, if they live
17 celibately and if they are chaste, that's what we work
18 toward. But we have to be able to work with someone.

19
20 THE CHAIR: But, sister, you are being asked why does it
21 matter whether the orientation is heterosexual or
22 homosexual, if that is the sort of person that you want,
23 someone who will live a celibate, chaste life.
24

25 SISTER ALLEN: The issue is not whether they are
26 homosexual or heterosexual. The issue is whether it is
27 a deep-seated issue of: this is what I am, this is who
28 I am, and I want to belong to the gay community, et cetera,
29 et cetera. That's the issue. And it's a lack of
30 willingness to be formed, to be in one heart and one mind
31 with the Church. That's the issue. It's very different
32 from the way - I'm not sure that I can explain it to you
33 clearly.
34

35 THE CHAIR: No, I'm not sure it is helpful. Because there
36 would be, presumably, heterosexual people who might have
37 a deep-seated heterosexuality that will manifest itself in
38 various ways that heterosexuals might. Commissioner Milroy
39 is asking you, given your knowledge and understanding, why
40 does the Church see a difference?
41

42 SISTER ALLEN: I can't speak for the Church, per se, but
43 I can say that it is the issue of having to do with the
44 male identity and the ability to be in line with the -
45 I started talking about the natural law, before. The
46 natural law according to Catholic teaching is that the
47 male, in terms of his male sexuality, is masculine. So

1 it's a male sexuality. So it has to be the genetic - the
2 genetic code of the male is masculine, is male, and so he's
3 masculine, male. And the woman, the female, is feminine,
4 all right? And so there is a clear distinction between the
5 two, all right? And it is based in natural law. So that's
6 the basis of this teaching.

7

8 COMMISSIONER MILROY: Does the same issue apply to women
9 entering female religious orders?

10

11 SISTER ALLEN: Is what the same issue, do you mean?

12

13 COMMISSIONER MILROY: Same-sex attraction. Are they
14 excluded from female religious orders?

15

16 SISTER ALLEN: I do not know that. I do not know that.

17

18 MR FREE: Can I turn to the question of foreign
19 candidates. I asked you each earlier, or some of you, at
20 least, the extent to which you had people born overseas in
21 your seminaries for training. The Commission would be
22 interested to hear from you on any issues you have
23 encountered in that regard.

24

25 Can I start with you, Father Thompson. There has been
26 a lot of discussion throughout these hearings about Church
27 culture and cultural change over time, which one might
28 think could present issues if people come from other
29 cultures to receive formation training here. What has been
30 your experience with foreign candidates in your seminary?

31

32 FATHER THOMPSON: Yes, the Church in some of these
33 countries - there is evidence of clericalism. If I can
34 single one out - and it is not the only one - because
35 I have been to Nigeria, twice. It's very much based on the
36 Irish model, as we are, but perhaps it is still closer to
37 Ireland. It is very much the people putting their priest
38 on a pedestal that leads to this attitude.

39

40 We have to point this out to the Nigerian seminarians
41 and point out that here in Australia it's quite different.
42 We have to wash our own clothes, we have to cook our meals,
43 and so forth. They learn quick enough. They soon catch
44 on.

45

46 I would expect, perhaps to a lesser extent, but to
47 some extent, in other especially very strongly Catholic

1 communities - Philippines, parts of India - that is
2 a challenge that we have to meet, that they do come with
3 this idea of the special privilege of the priest that they
4 find in their home culture. But, to be fair to them, they
5 seem to react very positively to the instruction and to the
6 change of outlook that they see here, and they have really
7 been - I'm not aware of any problems with those who have
8 reached ordination along this area.

9
10 MR FREE: Thank you. Father Hogan, can I ask you your
11 experience?

12
13 FATHER HOGAN: Yes, thanks. In my experience, I haven't
14 come across problems with clericalism. If there are any
15 issues at all, they are cultural ones, which you are going
16 to find between different cultures. There's been nothing
17 that has been insurmountable. The more exposure modern day
18 Australia has to all sorts of cultures the more we are
19 learning and have certain expectations that they are going
20 to be different and we're able to meet them quite
21 successfully.

22
23 COMMISSIONER MILROY: In regard to that clash of cultures,
24 perhaps, is there any difference in the views regarding
25 children, or rights of children?

26
27 FATHER HOGAN: I've certainly not come across it. What
28 I've come across is a deep love and respect for children.
29 Yes.

30
31 MR FREE: Sister Allen, can I ask you whether you have any
32 insights on that experience from your seminary?

33
34 SISTER ALLEN: We don't have any seminarians from foreign
35 countries who are expecting to have a privileged place, as
36 far as I'm aware. As a matter of fact, we have a number
37 coming in from Vietnam and they are very grateful to serve.
38 So it is my hope that as they continue through the
39 formation, that that will continue to be supported within
40 them.

41
42 MR FREE: Dr Leary, have you had any dealings with foreign
43 candidates that you could enlighten us with?

44
45 DR LEARY: Yes. In a number of my classes I often have
46 students from other countries - Cambodia, Vietnam, Laos,
47 Myanmar, various African countries. I think the issues

1 that I come across are certainly around culture and
2 cultural understandings.

3
4 By way of example, during a course I ran last year
5 I played a movie halfway through the course which dealt
6 with issues of loss and grief. It happened to be a gay
7 couple, one of whom had died. But the real conflict, or
8 the real difficulty, was between the surviving partner and
9 the victim's mother, and there was a language barrier and
10 what-have-you.

11
12 One of the students went back to his formator and
13 said, "I think I should have been warned about that movie
14 before I saw it." That presented as an interesting
15 challenge, to talk with him about how, firstly, we live in
16 a very multicultural society; there are lots of different
17 people and there are lots of different circumstances, and
18 we are called to serve. But also to try to get to the
19 bottom of why that was an issue for him.

20
21 So there are some aspects of western culture that are
22 very foreign to some seminarians from overseas, that only,
23 I believe, come to the fore once they are in a situation
24 where they are confronted with that particular element or
25 that particular factor.

26
27 So the risk is that in the normal course of every day,
28 nothing appears to be problematic. But it is when you come
29 face to face with difference, "otherness", something that
30 is out of the ordinary, something that is beyond your
31 experience or beyond what your Church might come across
32 back in your land of origin, where the issue becomes
33 problematic.

34
35 Again, I would be saying loud and clear that
36 intellectual input is one thing. Very carefully supervised
37 longitudinal practice is another thing altogether. That is
38 where I believe the real formation happens - on the ground,
39 where the rubber hits the road. That's why I would argue
40 very strongly for a different frame of reference in terms
41 of formation.

42
43 MR FREE: I think we are going to get the benefits of your
44 views on that topic tomorrow, so we might develop that
45 further then.

46
47 DR LEARY: Let's not go any further, steal my thunder.

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MR FREE: Father Kelly, do you have any issues on the cultural issue that I have raised regarding foreign candidates?

FATHER KELLY: Sometimes a Jesuit will come over in order to act as a chaplain to a migrant community, but we don't normally bring candidates over.

Sometimes, a Jesuit from overseas or Jesuits from overseas will come for study, so they might come and do some theology or spirituality in Australia, and they will stay, but they won't engage in public ministry unless they have gone through all the appropriate protocols.

Currently, in the novitiate, we have a man from Tonga, who has been a priest for 16 years and has joined the Jesuits, but because there is no Jesuit presence in Tonga, this is the closest. So this is where we have him.

Now, that's interesting, because I think in our parish there is a huge Tongan community. So, in a way, he is teaching us about them and we're teaching him about us. So that seems to be what's happening through the formation. And he will do the full formation, the full initial formation of novitiate.

MR FREE: Thank you, father. I have no further questions, your Honour.

COMMISSIONER ATKINSON: I have some questions. Perhaps if I could ask Father Kelly, but, please, I invite anyone else to join in. Just for my own understanding, firstly, can it be that a priest is fully trained and working as a priest overseas and comes here to Australia and can commence work as a priest here in a parish immediately, or does that priest have to go through some induction process here in terms of local culture?

FATHER KELLY: I can't answer it because we don't do it.

COMMISSIONER ATKINSON: You don't do it. Does anyone do it? Can I ask everyone on the panel?

DR LEARY: Certainly as a Franciscan, if a priest came from overseas - and we have one Vietnamese here at the moment - they have to go through an induction program.

1 That doesn't always work. One of our priests returned to
2 his country of origin because it clearly didn't work for
3 him.
4
5 COMMISSIONER ATKINSON: Thank you. Does anyone else have
6 a comment on that?
7
8 FATHER THOMPSON: My understanding is that most dioceses
9 do require this. It may be all. But I know lots of
10 dioceses that do require an induction program.
11
12 COMMISSIONER ATKINSON: Could I ask Father Kelly - but
13 others please feel free to comment: the first part of
14 three parts that I wanted to ask about goes back to what
15 Commissioner Milroy was talking about. Father Kelly, do
16 you know how many seminaries or places of training there
17 are in Australia?
18
19 FATHER KELLY: No.
20
21 COMMISSIONER ATKINSON: Does anyone know how many there
22 are in Australia, how many seminaries or places of
23 formation training?
24
25 FATHER HOGAN: I can answer for diocesan seminaries.
26 I think there are seven. But then you have a lot of
27 religious institutes that have their own formation houses
28 and I wouldn't know how many of those there are.
29
30 COMMISSIONER ATKINSON: Does it flow obviously from that -
31 it would seem as though all of you have vast, extensive
32 experience in this field of formation and training, but
33 throughout Australia, all of you who are in charge of these
34 places of formation and training and seminaries - you don't
35 get together annually and have a conference and share
36 information?
37
38 FATHER THOMPSON: Oh, yes.
39
40 COMMISSIONER ATKINSON: You do?
41
42 FATHER THOMPSON: Yes. Every year.
43
44 COMMISSIONER ATKINSON: Every year?
45
46 FATHER THOMPSON: Mmm.
47

1 COMMISSIONER ATKINSON: Okay. Then Commissioner Milroy's
2 question about developing a shared curriculum that
3 identifies best practice - do you do that together?
4

5 FATHER THOMPSON: At times, yes. Different areas have
6 come up where we have looked at best practice. I, through
7 illness, have had to be absent from the last couple, so I'm
8 not quite sure what has gone on. But my memory is that
9 very often, as a result of those conferences, we have come
10 away with a better understanding of issues and being able
11 to implement them in our own seminaries.
12

13 COMMISSIONER ATKINSON: Is there anything documented in
14 that regard as to what would be a best practice basic
15 manual that you could expand on locally if you wished to?
16

17 FATHER THOMPSON: Not that I know of, no.
18

19 COMMISSIONER ATKINSON: Thank you. The second one sort of
20 flows from that, really. Again, could I direct the
21 question to Father Kelly. In terms of human resource
22 management, organisationally, are you provided with
23 national statistics that talk about, for example,
24 recruitment and retention and the numbers of priests that
25 are needed in Australia and the retention rates and the
26 sources? It would seem to me, for example, that you would
27 have three sources for priests: one is overseas-trained
28 priests who travel to Australia and become priests here;
29 the second would be people from Australia who are trained
30 locally; and the third would be people from overseas who
31 are trained locally. Tell me if you disagree with that.
32 You don't seem to. So are you provided with any national
33 statistics so that you have a picture, from a human
34 resource management perspective, of where the Catholic
35 Church is generally in terms of meeting the need for
36 priests?
37

38 FATHER KELLY: No, I'm not.
39

40 COMMISSIONER ATKINSON: The sense of what we have been
41 told here is that priests generally are ageing and that
42 there is a lack of priests across the country. Is that
43 a fair comment?
44

45 DR LEARY: Yes.
46

47 COMMISSIONER ATKINSON: The third one - again,

1 Father Kelly, and it is only because you made this
2 observation - you mentioned two terms, and it was in the
3 context, I guess, of someone going out and learning the
4 ropes, so to speak, and you mentioned the term "good
5 priests", and then, as I understood it, you described good
6 priests as priests who were "pastorally effective". I just
7 wondered if you or any of the panel are aware if there are
8 any performance indicators that the Church has ever
9 developed in terms of what defines a good priest, who is
10 pastorally effective?

11
12 FATHER KELLY: I think there are some, but I can't think
13 of where I've seen some of those indicators.

14
15 COMMISSIONER ATKINSON: Could I suggest three. One might
16 be - I don't know, myself, but these are three that jump
17 out to me: the number of people attending church; the
18 financial income for the parish; and the number or absence
19 of complaints about the parish priest. They are three
20 possibilities. Would you agree that they could be
21 performance indicators?

22
23 FATHER KELLY: They could be. It shows him as a good
24 administrator. But I think other things like how he
25 preaches the word, how he conducts sacramental ministry,
26 what is his pastoral style and what is that like. So there
27 are, I think, things that are there, that you would be
28 looking at and saying - yes.

29
30 COMMISSIONER ATKINSON: But again it doesn't sound as
31 though that has been documented. Is it an internal thing,
32 that people know who the good priests are and know who you
33 might send someone to?

34
35 FATHER KELLY: Well, your laity tell you who the good
36 priests are, really. You know that by --

37
38 THE CHAIR: Well, except that some of the case studies
39 that we have done rather suggest that doesn't work very
40 well sometimes.

41
42 SISTER ALLEN: I can say that in the seminary we have
43 a number of different qualities that are looked at and
44 graded, so to speak, by the staff, the seminary staff.

45
46 It's not national, obviously, but it's just within our
47 seminary, where we take a look at the qualities that would

1 be considered in fostering a good priesthood, in terms of
2 the qualities that father was just speaking about.

3
4 COMMISSIONER ATKINSON: Or some of them, yes. I mean, it
5 just seemed to me that no-one, I think, would argue that
6 you would want to produce good priests who are pastorally
7 effective, together with them going the distance and not
8 leaving the priesthood at an early time, together with
9 them, themselves, in terms of their own personal wellbeing,
10 being in a very good place. It just seemed to me that all
11 of those things are capable of performance indicators, and
12 they clearly link back to recruitment and training.

13
14 SISTER ALLEN: Yes, they do.

15
16 COMMISSIONER ATKINSON: Yet my sense of it, without
17 wanting to sound critical, is that that doesn't seem to
18 exist in some sort of documented, structured, clear way.
19 Is that an unfair comment?

20
21 DR LEARY: No, I don't think it is an unfair comment, and
22 I don't know whether I got this information from a priest
23 in the Sale Diocese, where I've been doing some work, or
24 from one of the witnesses who is coming up tomorrow, and
25 I don't want to put him in the middle of it, but it may be
26 a relevant question for tomorrow with Father Greg Bourke,
27 if I remember that he is on the panel, because he is
28 dealing with the clergy life and ministry. Certainly
29 I know that there is a template for evaluation that I've
30 seen that has been being rolled out.

31
32 I think it's a lack in our formation but also in our
33 ongoing professional development. In every other
34 discipline there would be instruments that are easily
35 obtainable that are used across the board - social work,
36 psychology, medicine - where it's easy to work out to some
37 degree the effectiveness of the person in their role.

38
39 Those instruments can be fairly blunt instruments, but
40 they give you some indicator. And it is not just about
41 management. But I would argue very strongly - and this is
42 a matter for tomorrow - that there is a whole lot of things
43 that need to be in place that allow us to be able to say as
44 individuals: I believe I'm acting effectively, partly
45 because I have these structures and strategies in place.

46
47 There is a tendency I think in the formation at the

1 moment to see those sort of structures and strategies as
2 being relating to initial formation, and I would argue very
3 strongly that it's a part of life, it is cradle to grave -
4 from the moment you come in you start the processes of
5 individual supervision, professional development, doing
6 a certain number of hours of ongoing professional training
7 every year, et cetera. There is a list of them. And that
8 that goes on not just in the seminary but right throughout
9 your time as a priest or a brother or a sister or as
10 a pastoral minister.

11
12 THE CHAIR: In lay terms, it comes down to how the Church
13 manages?

14
15 DR LEARY: Yes, and the structures that it is willing to
16 commit itself to to give us the greatest potential for
17 doing good and avoiding evil.

18
19 SISTER ALLEN: Father Stephen Rossetti wrote an article in
20 2012 based on two studies that he did in 2002, I believe,
21 and 2007. It's based on the happiness of the priest. It
22 took a look at all of the aspects that together assist
23 priests in being happy in their ministry, including their
24 own living, their own interior life, their relationship
25 with God, their establishing their own friendships and
26 having solid friendships with priests and laypeople, their
27 capacity, the way they experience their own relationships
28 with others. So that might be a good study to take a look
29 as also, because he does address the issue of effectiveness
30 but through the priests, and particularly the younger
31 priests who are coming up and being much happier than the
32 older priests who had gone through the old formation system
33 in the old seminaries. It's an important study that he
34 did.

35
36 COMMISSIONER ATKINSON: Were any of the contents of that
37 study again, sister, formally adopted into performance
38 indicators?

39
40 SISTER ALLEN: I would have to ask in the American Church
41 whether that is the case or not.

42
43 COMMISSIONER ATKINSON: Thank you. I have nothing
44 further.

45
46 COMMISSIONER FITZGERALD: I think tomorrow some of that
47 will come up. One of the issues, just if I can take it up,

1 sister, is the Church Life Surveys that have been taking
2 place in Australia for many years, to what extent the
3 learnings from those surveys are in fact informing the
4 formation of priests. That is, is our formation of priests
5 truly reflective of what the lay faithful expect of
6 priests, or is that done in isolation, that priests and
7 bishops determine what priests should be, but the voice of
8 the laity in determining that is absent? The information
9 is there, but my question is really is there any evidence
10 that that information, which is regularly collected, is in
11 fact informing the way in which priests and others are in
12 fact formed?

13
14 SISTER ALLEN: I would say in part, but I can't talk about
15 details in that regard.

16
17 COMMISSIONER FITZGERALD: Tomorrow we might have a chat
18 about that with others.

19
20 THE CHAIR: Ms Needham?

21
22 **<EXAMINATION BY MS NEEDHAM:**

23
24 MS NEEDHAM: I only have a couple of questions for
25 Sister Lydia. Sister, in your evidence before lunch you
26 were asked some questions about the way in which the
27 Vatican provided instructions for, in effect, requiring
28 screening and training of applicants consistent with the
29 principles relating to prevention of child sexual abuse and
30 safety of children.

31
32 SISTER ALLEN: Yes.

33
34 MS NEEDHAM: In particular, Commissioner Murray asked you:

35
36 *Does the Vatican lay a requirement on you*
37 *to pay specific attention to whether*
38 *a candidate has a sexual interest in*
39 *children?*

40
41 Do you remember that question and the questions around it?

42
43 SISTER ALLEN: Yes, I do.

44
45 MS NEEDHAM: I would like to take you to a number of
46 documents which appear in the tender bundle. The first is
47 the document at tab 27. There is only a necessity to go to

1 them because I am just going to ask you firstly whether you
2 are aware of them and secondly whether each of these
3 documents is consistent with your answer to
4 Commissioner Murray that there were documents which did so
5 require.

6
7 SISTER ALLEN: Yes.

8
9 MS NEEDHAM: The first is tab 27. That is the letter to
10 the bishops, clergy and faithful referred to as Pastores
11 dabo vobis. Are you aware of that document?

12
13 SISTER ALLEN: Yes, we use it a great deal.

14
15 MS NEEDHAM: What does that document say, in brief, in
16 relation to the requirement for what has been referred to
17 as human formation?

18
19 SISTER ALLEN: Well, the dignity of all human beings,
20 including men, women and children, needs to be respected.

21
22 MS NEEDHAM: Acting upon that message from the Holy
23 Father, at tab 30 of the bundle there is a document from
24 the Australian Catholic Bishops - the ACBC - known as the
25 Program for Priestly Formation Australia.

26
27 SISTER ALLEN: Yes.

28
29 MS NEEDHAM: Are you aware of this and does it reflect
30 your practice within the seminary?

31
32 SISTER ALLEN: Yes, it does.

33
34 MS NEEDHAM: That was a document, while produced by the
35 ACBC, which was in 2007, I think, adopted or given effect
36 to by the Vatican?

37
38 SISTER ALLEN: Yes.

39
40 MS NEEDHAM: At tab 31 of the bundle is a document called
41 The Gift of the Priestly Vocation.

42
43 SISTER ALLEN: Yes.

44
45 MS NEEDHAM: That is quite a long document, but perhaps
46 you could be shown paragraph 202. That is at page 0083.
47 I see it is up. The Commission staff are ahead of me. You

1 see there, sister, some information on the requirement in
2 formation as to assessment of persons coming into
3 seminaries?
4
5 SISTER ALLEN: Yes.
6
7 MS NEEDHAM: Have you got a comment on how that document
8 governs your practice?
9
10 SISTER ALLEN: It is very much - it is a relatively new
11 document but it really just reinforces what we've already
12 been practising and teaching.
13
14 MS NEEDHAM: You mentioned in your evidence that you have
15 had correspondence or communication with the Pontifical
16 Commission for the Protection of Minors.
17
18 SISTER ALLEN: Yes.
19
20 MS NEEDHAM: Behind tab 44 of the bundle is a document
21 titled the Statute of the Pontifical Commission for the
22 Protection of Minors.
23
24 SISTER ALLEN: Yes, that charter.
25
26 MS NEEDHAM: Can you explain the role of that document or
27 where that document is going?
28
29 SISTER ALLEN: Where it is going? Do you mean what it is
30 discussing?
31
32 MS NEEDHAM: What does it do?
33
34 SISTER ALLEN: It is in regard to the protection of
35 children, in regard to any kind of abuse towards children.
36
37 MS NEEDHAM: And what is the role of the Pontifical
38 Commission for the Protection of Minors in relation to the
39 seminary?
40
41 SISTER ALLEN: Well, we follow their teaching, of course.
42 And as I said before, they are really wanting to bring out
43 a document that is much longer on the protection of
44 children and helping children who have been sexually
45 abused.
46
47 MS NEEDHAM: Perhaps I could take you now to tab 46 of

1 that document. This is the guidelines which have been
2 proposed, or a template for guidelines proposed by the
3 Pontifical Commission for the Protection of Minors. Now,
4 if you scroll through to page 3 of that document, 0003 - do
5 you have that document in front of you, sister?
6
7 SISTER ALLEN: Yes.
8
9 MS NEEDHAM: You will see that page 3 --
10
11 SISTER ALLEN: Working groups.
12
13 MS NEEDHAM: Yes, a little further down - sorry, I am
14 looking at the page number at the top right-hand corner.
15
16 SISTER ALLEN: Yes.
17
18 MS NEEDHAM: You will see that there is a statement in
19 relation to the United Nations Convention on the Rights of
20 the Child. It is on the screen. We might be looking at
21 different documents.
22
23 SISTER ALLEN: I am sorry. Yes.
24
25 MS NEEDHAM: Is that something that the seminary practice
26 takes into regard?
27
28 SISTER ALLEN: Yes.
29
30 MS NEEDHAM: Moving forward through that document, the
31 next part I would like to take you to is page 0005,
32 paragraph 4 in that document, at the bottom of the page.
33 That paragraph states that these guidelines seek to put in
34 place, effectively, rules for each territory of the Church.
35 What would be the territory of the Church, the relevant
36 territory of the Church, that we would be referring to.
37
38 SISTER ALLEN: The territory where you are.
39
40 MS NEEDHAM: Would that be Australia?
41
42 SISTER ALLEN: That would be Australia, yes.
43
44 MS NEEDHAM: Scrolling down to page 6, paragraph 5 refers
45 to safe recruitment. Do you see that?
46
47 SISTER ALLEN: Yes.

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MS NEEDHAM: Again, that picks up a 2011 letter through the Congregation for the Doctrine of the Faith, looking at proper vetting of all persons seeking to work within the Church.

SISTER ALLEN: Yes.

MS NEEDHAM: Are these guidelines, draft as they are, something that would be welcomed by certainly your seminary?

SISTER ALLEN: They are actually - yes, absolutely. They are in line with what we teach.

MS NEEDHAM: And when you gave your answer about there being documents which were consistent with child protection coming from the Vatican, were these the kinds of documents that you were referring to?

SISTER ALLEN: Yes.

MS NEEDHAM: Nothing further.

COMMISSIONER MURRAY: Thank you, Ms Needham, that was actually very helpful. I'm obliged to you.

One thing I raise for future discussion, but not today, is your highlighting of the best interests of the child in the international convention. Of course something like the seal of the confessional can be in direct conflict with that principle, and it is something that I would raise later. But thank you very much. That was helpful.

MS NEEDHAM: It is unfortunate, your Honour, that we weren't able to have the session with the representative from the Pontifical Commission which was planned but unable to proceed, I think last Friday.

COMMISSIONER FITZGERALD: Ms Needham, can I just ask, the status of that document is draft?

MS NEEDHAM: It is draft.

COMMISSIONER FITZGERALD: Has the Church indicated a timetable for its completion?

1 MS NEEDHAM: I do not know the answer to that,
2 Commissioner. I can find out. But it is part of the
3 work - there is a meeting of the Pontifical Commission
4 I think in March.

5
6 COMMISSIONER FITZGERALD: Thank you.

7
8 MR FREE: Nothing further, your Honour.

9
10 THE CHAIR: We thank all of you for your time and
11 contribution to the Commission. Four of you can be excused
12 but, doctor, you have to come back tomorrow, I think.

13
14 DR LEARY: I do.

15
16 THE CHAIR: We will see you then but, otherwise, thank you
17 again, and we will adjourn until 10 o'clock in the morning.

18
19 <THE WITNESSES WITHDREW

20
21 **AT 3.45PM THE COMMISSION WAS ADJOURNED**
22 **TO WEDNESDAY, 15 FEBRUARY 2016 AT 10AM**

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0	2012 [1] - 25403:20 2015 [2] - 25363:24, 25363:27 2016 [2] - 25352:2, 25409:22 2017 [1] - 25311:27 202 [1] - 25405:46 20s [1] - 25325:5 248 [1] - 25311:20 25 [3] - 25317:46, 25321:43, 25377:20 27 [3] - 25324:46, 25404:47, 25405:9 29 [2] - 25337:1, 25364:37	25368:26, 25369:17, 25369:18, 25369:25, 25379:28, 25379:29, 25381:2, 25383:44, 25384:2, 25384:4, 25384:11, 25385:5, 25386:13, 25386:17, 25389:22, 25394:18, 25396:20, 25400:10, 25402:43, 25408:36 absence [1] - 25401:18 absent [2] - 25400:7, 25404:8 absolutely [6] - 25336:5, 25355:36, 25357:34, 25369:9, 25373:41, 25408:13 absolution [9] - 25387:13, 25387:15, 25387:19, 25387:36, 25387:43, 25387:44, 25388:9, 25388:19, 25388:29 abstract [2] - 25371:36 abundance [1] - 25352:42 abuse [52] - 25326:41, 25326:44, 25327:6, 25330:1, 25334:47, 25335:9, 25335:23, 25338:13, 25342:6, 25343:30, 25343:44, 25344:8, 25344:11, 25344:33, 25349:21, 25356:25, 25357:36, 25357:47, 25359:3, 25359:5, 25361:31, 25365:40, 25366:19, 25366:32, 25367:40, 25368:5, 25368:10, 25368:16, 25368:23, 25369:1, 25373:26, 25373:27, 25375:11, 25380:42, 25382:16, 25386:16, 25387:8, 25389:27, 25389:38, 25389:41, 25390:1, 25390:37, 25390:41, 25391:20, 25391:36, 25392:12, 25392:17, 25392:21, 25393:31, 25404:29, 25406:35 ABUSE [1] - 25311:15 abused [12] - 25330:35, 25368:20, 25368:21, 25375:28, 25379:44, 25380:15, 25384:34, 25384:36, 25386:22, 25387:4, 25392:19, 25406:45 abuser [1] - 25386:10 abusers [1] - 25344:27 abuses [1] - 25373:24 abusing [5] - 25335:19, 25344:31, 25356:42, 25383:45, 25387:31 academic [5] - 25317:17, 25338:18, 25347:28, 25349:35, 25351:31	ACBC [2] - 25405:24, 25405:35 accept [6] - 25325:2, 25333:6, 25358:42, 25373:45, 25384:8, 25388:25 acceptable [2] - 25376:1, 25376:6 acceptance [3] - 25323:1, 25375:19, 25378:14 accepted [8] - 25322:15, 25323:20, 25325:6, 25325:7, 25325:28, 25332:1, 25337:47, 25394:14 accepting [1] - 25394:9 access [2] - 25375:21, 25375:23 accommodation [1] - 25327:42 accompaniment [1] - 25349:3 accompany [2] - 25325:15, 25325:16 accord [1] - 25392:15 according [5] - 25332:30, 25336:42, 25336:44, 25388:14, 25394:46 accountable [1] - 25350:20 accounts [1] - 25379:44 acculturation [1] - 25319:10 accused [1] - 25379:22 achieve [1] - 25348:14 acknowledge [1] - 25358:36 acknowledgment [1] - 25324:2 act [6] - 25315:27, 25343:46, 25344:2, 25344:3, 25386:4, 25398:7 acting [3] - 25388:16, 25402:44, 25405:22 active [1] - 25360:38 activities [2] - 25342:15, 25359:44 activity [2] - 25335:28, 25362:36 actual [1] - 25383:5 ACU [1] - 25364:28 adapt [1] - 25359:11 adaptability [1] - 25360:10 adaptable [1] - 25324:35 adapted [1] - 25359:18 add [2] - 25317:46, 25373:36 add-on [1] - 25373:36 addition [1] - 25382:8 additional [3] - 25333:32, 25345:18, 25372:42 address [8] - 25362:37, 25370:29, 25373:46, 25374:16, 25392:1, 25392:11, 25403:29 addressed [1] - 25349:29	adequate [3] - 25317:16, 25340:6, 25350:28 adjourn [2] - 25369:35, 25409:17 ADJOURNED [1] - 25409:21 adjournment [2] - 25345:5, 25345:10 ADJOURNMENT [2] - 25345:7, 25369:37 administration [1] - 25326:40 administrator [1] - 25401:24 admit [3] - 25341:16, 25365:35, 25386:45 admitted [1] - 25323:3 adolescence [3] - 25329:47, 25330:2, 25330:34 adolescent [5] - 25344:31, 25376:18, 25376:20, 25376:22, 25392:19 adolescence [3] - 25334:27, 25335:36, 25356:43 adopt [1] - 25393:16 adopted [2] - 25403:37, 25405:35 adore [1] - 25378:4 adult [2] - 25365:17, 25370:23 adults [6] - 25335:28, 25342:23, 25356:25, 25380:15, 25380:17, 25380:19 advise [1] - 25382:23 affective [1] - 25330:19 affects [2] - 25338:45, 25386:44 Afghanistan [1] - 25327:41 African [2] - 25321:17, 25396:47 afterwards [1] - 25371:32 age [2] - 25325:4, 25344:30 ageing [1] - 25400:41 agencies [1] - 25351:5 ages [2] - 25314:11, 25324:44 ago [6] - 25341:41, 25341:47, 25355:11, 25365:44, 25390:25, 25391:41 agree [15] - 25332:4, 25347:46, 25348:18, 25352:35, 25353:15, 25355:37, 25357:8, 25358:2, 25363:4, 25373:40, 25373:41, 25373:43, 25374:41, 25376:32, 25401:20 agreeable [1] - 25320:13 agreed [4] - 25332:1, 25342:30, 25378:30, 25387:13
1	3			
<p>1 [2] - 25311:24, 25371:25 10 [3] - 25317:37, 25320:39, 25409:17 10-year-old [1] - 25378:44 10.06am [5] - 25312:5, 25312:7, 25312:9, 25312:11, 25312:13 10AM [1] - 25409:22 10am [1] - 25311:27 11th [1] - 25322:30 12 [9] - 25317:40, 25321:1, 25323:2, 25326:11, 25326:16, 25328:3, 25347:18, 25347:19, 25359:41 12-month [1] - 25328:15 12-year-old [1] - 25378:43 13 [3] - 25328:3, 25366:43, 25367:40 14 [4] - 25311:27, 25326:18, 25341:39, 25341:41 15 [1] - 25409:22 16 [1] - 25398:17 17 [1] - 25311:23 18 [2] - 25314:14, 25321:33 1960 [1] - 25316:2 1970 [1] - 25321:40 1977 [1] - 25326:11 1978 [1] - 25326:18 1981 [1] - 25319:23 1989 [2] - 25312:26, 25312:28 1990s [1] - 25319:25 1992 [3] - 25317:3, 25317:11, 25367:40 1993 [1] - 25321:40 1995 [1] - 25319:27</p>	<p>3 [2] - 25407:4, 25407:9 3.45PM [1] - 25409:21 30 [4] - 25355:11, 25377:20, 25390:25, 25405:23 31 [1] - 25405:40 32 [2] - 25313:46, 25326:22 35 [2] - 25314:14, 25320:26 36 [1] - 25320:26</p>			
	4			
<p>2 [1] - 25351:30 20 [2] - 25355:11, 25363:20 2000 [1] - 25366:40 2002 [1] - 25403:20 2004 [1] - 25317:21 2005 [7] - 25331:19, 25335:13, 25336:9, 25366:18, 25366:36, 25366:40, 25367:40 2007 [2] - 25403:21, 25405:35 2008 [3] - 25320:45, 25320:47, 25327:35 2011 [1] - 25408:2</p>	<p>4 [1] - 25407:32 40 [2] - 25355:11, 25362:2 44 [1] - 25406:20 46 [1] - 25406:47</p>			
	5			
	6			
	8			
	A			
	<p>aberrant [1] - 25342:22 aberrations [1] - 25366:2 ability [1] - 25394:44 able [29] - 25328:30, 25330:47, 25331:1, 25338:42, 25341:20, 25342:9, 25350:43, 25354:9, 25368:25,</p>			

<p>ahead [1] - 25405:47 alb [1] - 25358:34 alert [1] - 25380:6 ALLEN [173] - 25312:11, 25312:18, 25312:23, 25312:28, 25312:33, 25312:37, 25312:45, 25313:3, 25313:7, 25313:11, 25313:20, 25313:25, 25313:30, 25313:35, 25313:42, 25314:1, 25314:9, 25314:14, 25314:19, 25314:24, 25314:28, 25314:34, 25314:39, 25314:45, 25315:3, 25315:14, 25315:23, 25315:29, 25328:24, 25329:10, 25329:31, 25329:44, 25330:23, 25331:8, 25331:15, 25331:22, 25331:28, 25331:34, 25331:41, 25332:12, 25332:18, 25332:26, 25332:38, 25332:44, 25333:13, 25333:39, 25333:44, 25334:6, 25334:26, 25334:33, 25334:43, 25335:16, 25335:31, 25335:36, 25335:42, 25336:1, 25336:13, 25336:22, 25336:27, 25336:31, 25336:36, 25337:5, 25337:10, 25337:22, 25337:28, 25344:24, 25353:15, 25354:24, 25354:44, 25355:10, 25355:15, 25355:31, 25356:7, 25356:28, 25357:8, 25357:14, 25357:27, 25357:34, 25358:2, 25358:6, 25358:19, 25358:29, 25358:34, 25358:40, 25358:44, 25366:43, 25367:1, 25367:10, 25367:28, 25368:1, 25368:9, 25368:34, 25369:5, 25371:42, 25372:28, 25372:33, 25373:3, 25373:11, 25373:16, 25373:22, 25373:34, 25373:40, 25374:1, 25374:6, 25374:25, 25374:41, 25374:46, 25375:15, 25375:27, 25375:34, 25375:41, 25375:46, 25376:6, 25376:12, 25381:32, 25382:7, 25382:30, 25383:15, 25383:36, 25384:22, 25384:27, 25384:31, 25384:44, 25385:10, 25385:14, 25392:7, 25392:14, 25392:29, 25392:37,</p>	<p>25392:46, 25393:9, 25393:20, 25393:25, 25393:31, 25393:36, 25393:43, 25394:25, 25394:42, 25395:11, 25395:16, 25396:34, 25401:42, 25402:14, 25403:19, 25403:40, 25404:14, 25404:32, 25404:43, 25405:7, 25405:13, 25405:19, 25405:27, 25405:32, 25405:38, 25405:43, 25406:5, 25406:10, 25406:18, 25406:24, 25406:29, 25406:34, 25406:41, 25407:7, 25407:11, 25407:16, 25407:23, 25407:28, 25407:38, 25407:42, 25407:47, 25408:7, 25408:13, 25408:21 Allen [6] - 25312:18, 25361:21, 25371:40, 25392:3, 25393:15, 25396:31 allied [1] - 25327:42 allow [7] - 25341:4, 25349:8, 25387:20, 25390:1, 25390:15, 25390:40, 25402:43 allowed [1] - 25330:11 allowing [1] - 25340:36 allows [4] - 25339:16, 25339:22, 25339:24, 25377:32 alluded [1] - 25318:11 Alma [1] - 25312:21 almost [2] - 25314:4, 25359:35 alongside [1] - 25351:25 altar [1] - 25371:30 alter [2] - 25373:5, 25373:25 altogether [1] - 25397:37 AM [2] - 25311:33, 25311:36 amendment [2] - 25388:22, 25388:26 American [1] - 25403:40 amount [2] - 25317:4, 25319:10 ample [2] - 25355:26, 25368:39 analyse [1] - 25329:16 analysis [1] - 25354:25 ANDREW [1] - 25312:13 Andrew [2] - 25311:38, 25325:34 Ann [1] - 25311:34 annually [1] - 25399:35 answer [16] - 25316:15, 25317:36, 25329:4, 25334:38, 25354:25, 25366:17, 25367:13, 25378:38, 25386:32, 25387:44, 25388:33,</p>	<p>25398:40, 25399:25, 25405:3, 25408:16, 25409:1 answering [1] - 25330:4 Anthony [1] - 25317:42 anyway [3] - 25341:6, 25367:46, 25392:1 AO [1] - 25311:35 APM [1] - 25311:35 apologise [1] - 25387:28 appalling [1] - 25362:30 appear [2] - 25357:4, 25404:46 appearance [1] - 25343:40 applicable [1] - 25333:18 applicant [1] - 25339:44 applicants [1] - 25404:28 application [2] - 25324:12, 25328:35 applications [2] - 25325:20, 25378:9 applied [3] - 25337:46, 25337:47, 25362:12 applies [2] - 25361:43, 25383:19 apply [8] - 25323:18, 25323:26, 25325:10, 25325:18, 25325:28, 25337:38, 25378:37, 25395:8 appreciate [1] - 25337:6 apprenticeship [2] - 25360:37, 25362:42 approach [5] - 25342:30, 25347:17, 25356:22, 25379:2, 25383:26 approached [1] - 25320:11 appropriate [6] - 25333:15, 25333:19, 25334:15, 25356:36, 25378:42, 25398:14 archbishop [3] - 25329:24, 25332:2, 25361:42 Archdiocese [1] - 25315:1 archdiocese [2] - 25332:23, 25332:35 area [12] - 25327:44, 25342:36, 25343:43, 25347:26, 25348:16, 25354:27, 25360:38, 25363:5, 25385:41, 25386:29, 25396:8 areas [5] - 25327:20, 25338:11, 25340:4, 25351:39, 25400:5 argue [4] - 25397:39, 25402:5, 25402:41, 25403:2 argument [2] - 25390:28, 25390:45 arise [1] - 25357:11 arises [1] - 25357:11 Armidale [2] - 25317:39, 25318:44 aroused [1] - 25376:20</p>	<p>arrive [1] - 25346:3 article [1] - 25403:19 articulated [3] - 25378:24, 25379:5, 25379:8 articulates [1] - 25378:28 aspect [1] - 25327:3 aspects [11] - 25330:19, 25342:46, 25370:28, 25370:47, 25371:27, 25371:29, 25381:45, 25388:44, 25393:12, 25397:21, 25403:22 assess [3] - 25335:3, 25390:35, 25390:38 assessed [2] - 25334:11, 25336:6 assesses [1] - 25334:9 assessing [1] - 25339:34 assessment [27] - 25328:28, 25329:1, 25331:37, 25332:16, 25332:36, 25333:2, 25333:30, 25333:37, 25333:41, 25334:9, 25337:31, 25339:41, 25339:45, 25340:24, 25341:12, 25345:10, 25345:47, 25346:5, 25346:15, 25347:6, 25347:9, 25347:34, 25347:44, 25348:2, 25360:28, 25367:29, 25406:2 assessments [7] - 25313:37, 25332:24, 25333:25, 25333:31, 25334:35, 25335:11, 25346:28 assessor [1] - 25348:33 assessors [1] - 25347:11 assigned [1] - 25314:45 assist [4] - 25339:33, 25349:24, 25352:22, 25403:22 assistant [1] - 25316:28 assisted [1] - 25327:5 Assisting [1] - 25311:42 assisting [4] - 25327:12, 25327:36, 25327:39, 25372:15 associated [1] - 25381:28 associates [1] - 25332:27 Association [1] - 25317:42 association [2] - 25317:45, 25335:21 assume [2] - 25329:33, 25331:41 assure [1] - 25352:37 asylum [1] - 25327:38 AT [2] - 25409:21, 25409:22 Atkinson [1] - 25311:35 ATKINSON [19] - 25398:31, 25398:42, 25399:5, 25399:12, 25399:21, 25399:30,</p>	<p>25399:40, 25399:44, 25400:1, 25400:13, 25400:19, 25400:40, 25400:47, 25401:15, 25401:30, 25402:4, 25402:16, 25403:36, 25403:43 atmosphere [1] - 25350:40 atrocities [1] - 25355:29 attachments [1] - 25338:44 attack [1] - 25356:11 attained [1] - 25319:10 attendance [1] - 25343:11 attending [2] - 25349:4, 25401:17 attention [5] - 25334:23, 25349:30, 25361:25, 25378:12, 25404:37 attentive [1] - 25343:28 attitude [4] - 25346:20, 25371:10, 25376:33, 25395:38 attracted [3] - 25330:38, 25330:46, 25364:12 attraction [10] - 25330:8, 25330:10, 25331:19, 25331:25, 25331:31, 25332:9, 25336:17, 25336:20, 25395:13 attractions [1] - 25376:25 auspice [1] - 25326:20 Australia [24] - 25316:32, 25319:25, 25326:37, 25328:2, 25328:5, 25349:22, 25356:14, 25367:21, 25378:35, 25391:6, 25395:41, 25396:18, 25398:12, 25398:35, 25399:17, 25399:22, 25399:33, 25400:25, 25400:28, 25400:29, 25404:2, 25405:25, 25407:40, 25407:42 Australian [3] - 25327:34, 25366:29, 25405:24 authorities [2] - 25384:42, 25387:14 authority [2] - 25372:20, 25390:43 automatically [2] - 25360:11, 25390:37 available [2] - 25334:7, 25368:6 avoid [1] - 25387:16 avoided [1] - 25380:7 avoiding [1] - 25403:17 aware [35] - 25314:21, 25318:30, 25331:38, 25335:3, 25339:19, 25339:21, 25339:29, 25340:45, 25341:40, 25349:17, 25349:19, 25354:38, 25358:44, 25369:22, 25369:47,</p>
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<p>25370:4, 25370:23, 25370:37, 25370:43, 25370:45, 25371:1, 25371:37, 25374:29, 25376:34, 25376:35, 25376:40, 25379:23, 25382:28, 25386:15, 25396:7, 25396:36, 25401:7, 25405:2, 25405:11, 25405:29 awful [2] - 25346:35, 25377:38</p>	<p>25381:24, 25392:1, 25394:1, 25394:5 behalf [3] - 25322:37, 25386:4, 25388:17 behaviour [4] - 25342:23, 25344:32, 25347:40, 25388:11 behind [5] - 25339:14, 25360:26, 25360:27, 25385:35, 25406:20 beings [3] - 25374:32, 25377:12, 25405:19 belief [1] - 25344:5 believes [2] - 25328:28, 25386:9 belong [1] - 25394:28 belonging [1] - 25372:34 beneficial [1] - 25354:14 benefits [2] - 25334:1, 25397:43 best [9] - 25315:32, 25315:35, 25346:35, 25347:26, 25391:26, 25400:3, 25400:6, 25400:14, 25408:29 better [3] - 25354:17, 25368:14, 25400:10 between [16] - 25324:29, 25331:31, 25336:16, 25340:35, 25347:10, 25349:13, 25352:38, 25372:20, 25378:23, 25378:28, 25378:42, 25379:8, 25388:37, 25395:4, 25396:16, 25397:8 beyond [4] - 25349:34, 25350:17, 25397:30, 25397:31 big [6] - 25335:17, 25335:24, 25344:33, 25360:32, 25386:15 bishop [5] - 25317:22, 25332:1, 25340:37, 25346:43, 25361:42 Bishop [8] - 25317:3, 25317:5, 25317:15, 25317:22, 25317:32, 25320:12, 25374:11, 25388:38 bishops [4] - 25319:1, 25320:13, 25404:7, 25405:10 Bishops [3] - 25336:3, 25352:7, 25405:24 bit [13] - 25320:7, 25323:12, 25326:10, 25329:36, 25340:8, 25353:38, 25353:43, 25354:24, 25360:26, 25369:28, 25381:8, 25381:9, 25386:5 blissing [2] - 25363:33, 25363:37 blunt [1] - 25402:39 board [3] - 25351:36, 25376:47, 25402:35</p>	<p>boat [1] - 25327:42 Bob [1] - 25311:35 body [9] - 25313:5, 25313:7, 25313:17, 25313:28, 25336:42, 25336:43, 25374:8, 25374:9 books [1] - 25335:1 born [4] - 25318:5, 25319:8, 25320:29, 25395:20 Boston [1] - 25323:22 bottom [2] - 25397:19, 25407:32 boundaries [8] - 25342:9, 25364:33, 25370:23, 25371:44, 25376:16, 25378:36, 25380:17, 25381:20 boundary [3] - 25342:23, 25344:33, 25393:34 Bourke [1] - 25402:26 boy [1] - 25375:38 boys [6] - 25335:20, 25335:29, 25335:39, 25356:42, 25367:41 brainer [1] - 25389:13 break [2] - 25375:31, 25387:20 breakfast [1] - 25377:31 breaking [2] - 25387:37, 25393:33 BRENDAN [1] - 25312:9 Brendan [1] - 25321:26 Brennan [3] - 25317:3, 25317:5, 25317:15 brief [1] - 25405:15 bring [6] - 25316:16, 25334:2, 25347:25, 25368:26, 25398:8, 25406:42 bringing [1] - 25391:46 brings [4] - 25323:33, 25323:35, 25341:3, 25369:20 broad [1] - 25367:44 broader [1] - 25355:2 broadly [1] - 25361:33 Broken [2] - 25333:27, 25354:36 brother [4] - 25322:42, 25361:41, 25364:17, 25403:9 Brothers [1] - 25326:15 brothers [1] - 25368:22 Brunei [1] - 25326:38 buck [1] - 25334:12 bucks [1] - 25363:20 build [3] - 25343:3, 25343:4, 25378:18 building [1] - 25360:32 builds [1] - 25357:20 built [2] - 25378:14, 25391:25 bundle [6] - 25337:2, 25364:38, 25404:46, 25405:23, 25405:40,</p>	<p>25406:20 Burlington [1] - 25328:13 BY [1] - 25404:22</p>	<p>carry [1] - 25390:2 carrying [1] - 25332:24 Case [1] - 25311:19 case [18] - 25340:23, 25346:24, 25347:14, 25351:16, 25351:42, 25360:12, 25361:40, 25366:17, 25370:43, 25384:7, 25385:1, 25385:20, 25386:18, 25389:12, 25401:38, 25403:4 cases [2] - 25345:26, 25362:31 catastrophic [1] - 25357:47 catch [1] - 25395:43 catechetics [2] - 25370:19, 25371:4 categorised [1] - 25361:33 category [1] - 25377:4 Catholic [18] - 25313:1, 25323:7, 25327:34, 25340:13, 25340:14, 25343:25, 25356:12, 25361:40, 25362:35, 25364:40, 25371:45, 25374:35, 25374:36, 25391:6, 25394:46, 25395:47, 25400:34, 25405:24 CatholicCare [1] - 25327:39 causal [1] - 25355:28 caused [1] - 25368:27 causes [1] - 25389:39 caution [1] - 25379:37 celebrate [2] - 25353:23, 25356:40 celebrating [3] - 25355:35, 25355:47, 25356:40 celebrations [1] - 25358:30 celibacy [3] - 25393:16, 25393:37, 25393:38 celibate [2] - 25391:23, 25394:23 celibately [1] - 25394:17 cent [1] - 25362:2 Centacare [1] - 25340:19 central [3] - 25367:18, 25367:22, 25367:36 centre [4] - 25326:15, 25326:19, 25326:30, 25378:12 Centre [1] - 25326:19 CEO [1] - 25371:47 ceremony [1] - 25357:12 certain [6] - 25317:4, 25340:9, 25348:36, 25359:32, 25396:19, 25403:6 certainly [25] - 25317:12, 25321:16, 25333:16, 25339:36, 25340:5,</p>
B		C		
<p>baby [1] - 25356:29 background [2] - 25327:15, 25338:10 bad [1] - 25354:30 balance [2] - 25342:47, 25343:1 balanced [1] - 25343:20 baptised [1] - 25373:32 baptism [2] - 25373:42, 25377:42 barely [1] - 25318:43 barking [1] - 25364:3 barrier [3] - 25365:28, 25366:5, 25397:9 based [20] - 25317:44, 25317:45, 25329:18, 25333:30, 25336:10, 25336:11, 25336:25, 25336:45, 25342:29, 25343:47, 25354:12, 25361:39, 25362:36, 25368:5, 25378:5, 25379:10, 25395:5, 25395:35, 25403:20, 25403:21 basic [1] - 25400:14 basis [5] - 25327:23, 25328:26, 25330:46, 25354:34, 25395:6 bath [1] - 25356:29 battle [3] - 25365:9, 25365:10, 25389:9 battles [1] - 25390:24 Bay [2] - 25333:27, 25354:36 became [2] - 25367:11, 25394:6 become [8] - 25317:21, 25317:24, 25326:21, 25348:28, 25357:35, 25377:33, 25400:28 becomes [3] - 25336:46, 25365:13, 25397:32 becoming [1] - 25374:29 bed [1] - 25376:3 Bede [1] - 25388:38 begin [3] - 25322:46, 25347:21, 25369:40 beginning [9] - 25320:4, 25328:28, 25356:38, 25361:7, 25371:44,</p>	<p>14/02/2017 (248)</p>	3		
Transcript produced by DTI				

25340:44, 25342:8,
25350:34, 25359:9,
25365:10, 25366:9,
25371:12, 25371:37,
25376:40, 25383:22,
25383:25, 25387:1,
25388:3, 25389:44,
25393:25, 25396:27,
25397:1, 25398:45,
25402:28, 25408:10
cetera [8] - 25353:23,
25370:17, 25372:2,
25391:34, 25394:28,
25394:29, 25403:7
CHAIR [78] - 25316:15,
25329:28, 25329:41,
25330:21, 25331:5,
25331:12, 25343:46,
25344:5, 25344:14,
25344:18, 25344:45,
25345:5, 25356:46,
25357:10, 25357:17,
25357:29, 25357:41,
25358:4, 25358:12,
25358:26, 25358:32,
25364:37, 25364:46,
25365:6, 25365:30,
25366:17, 25366:24,
25366:36, 25366:46,
25367:6, 25369:31,
25369:35, 25373:1,
25373:7, 25373:14,
25373:19, 25373:30,
25373:36, 25373:45,
25374:3, 25374:19,
25374:35, 25374:44,
25375:10, 25375:17,
25375:30, 25375:37,
25375:44, 25376:3,
25376:9, 25376:29,
25376:44, 25382:32,
25382:44, 25383:2,
25383:9, 25383:17,
25384:18, 25384:24,
25384:29, 25384:39,
25385:7, 25385:12,
25385:18, 25386:7,
25386:21, 25388:9,
25388:19, 25388:24,
25388:31, 25390:20,
25394:20, 25394:35,
25401:38, 25403:12,
25404:20, 25409:10,
25409:16
Chair [1] - 25311:33
challenge [3] - 25317:25,
25396:2, 25397:15
challenges [1] - 25340:16
chance [2] - 25350:21,
25388:5
change [19] - 25330:29,
25339:14, 25342:43,
25345:39, 25348:17,
25354:37, 25372:41,
25372:42, 25373:31,
25373:42, 25374:26,
25374:36, 25376:33,
25376:47, 25377:4,

25377:36, 25377:39,
25395:27, 25396:6
changed [8] - 25314:21,
25317:13, 25320:40,
25320:44, 25330:29,
25372:26, 25372:35,
25372:44
changing [2] - 25330:28,
25368:47
chapel [1] - 25353:24
chaplain [1] - 25398:7
character [2] - 25344:39,
25344:40
characteristics [6] -
25341:33, 25341:39,
25341:45, 25342:21,
25342:25, 25392:23
charge [5] - 25313:12,
25349:41, 25351:24,
25365:25, 25399:33
charism [4] - 25324:31,
25360:9, 25361:18,
25361:19
charitable [2] - 25354:4,
25354:5
Charles [1] - 25377:11
charter [1] - 25406:24
chaste [3] - 25393:37,
25394:17, 25394:23
chastity [2] - 25343:43,
25393:38
chat [2] - 25344:45,
25404:17
check [5] - 25328:40,
25338:16, 25338:18,
25339:17, 25339:25
checked [1] - 25387:40
Child [1] - 25407:20
child [72] - 25334:47,
25335:8, 25335:23,
25342:2, 25344:30,
25344:31, 25357:25,
25361:30, 25365:40,
25366:32, 25368:5,
25368:10, 25368:16,
25371:32, 25371:34,
25372:10, 25376:17,
25376:20, 25376:22,
25378:42, 25378:43,
25378:46, 25379:3,
25379:4, 25379:8,
25380:4, 25380:25,
25380:26, 25380:35,
25382:15, 25382:33,
25382:34, 25382:37,
25382:41, 25382:47,
25383:2, 25383:6,
25383:12, 25383:13,
25383:18, 25383:19,
25383:38, 25384:9,
25384:46, 25385:31,
25386:8, 25386:9,
25386:16, 25386:17,
25386:21, 25387:8,
25387:31, 25389:18,
25389:19, 25389:27,
25389:37, 25389:41,

25390:8, 25390:14,
25391:15, 25391:36,
25392:12, 25392:17,
25392:18, 25392:21,
25393:31, 25404:29,
25408:17, 25408:30
CHILD [1] - 25311:15
child's [1] - 25385:23
childhood [4] - 25329:47,
25371:27, 25381:15
children [46] - 25334:24,
25334:27, 25334:41,
25336:10, 25342:24,
25343:7, 25343:43,
25356:26, 25356:42,
25366:19, 25369:46,
25370:19, 25370:32,
25371:13, 25371:28,
25371:38, 25375:11,
25376:3, 25378:37,
25379:1, 25379:23,
25379:28, 25379:30,
25379:31, 25379:38,
25380:2, 25380:14,
25380:20, 25380:26,
25380:35, 25381:21,
25381:29, 25382:15,
25383:10, 25387:2,
25396:25, 25396:28,
25404:30, 25404:39,
25405:20, 25406:35,
25406:44
Children [1] - 25334:45
Christ [12] - 25317:43,
25317:45, 25373:4,
25373:5, 25373:25,
25374:9, 25374:10,
25377:41, 25377:43,
25377:44, 25377:45,
25378:2
Christ's [2] - 25378:4,
25378:6
Christian [1] - 25377:44
Christians [1] - 25373:42
Church [54] - 25332:21,
25332:39, 25340:15,
25342:10, 25349:15,
25354:22, 25356:13,
25357:12, 25357:18,
25358:38, 25359:3,
25359:4, 25361:40,
25363:5, 25364:23,
25364:47, 25366:18,
25368:12, 25368:13,
25368:17, 25368:42,
25371:47, 25372:38,
25373:46, 25374:4,
25374:31, 25375:12,
25375:31, 25376:46,
25378:45, 25380:2,
25380:10, 25388:38,
25389:2, 25389:4,
25389:5, 25389:29,
25394:31, 25394:40,
25394:42, 25395:26,
25395:32, 25397:31,
25400:35, 25401:8,
25403:12, 25403:40,

25404:1, 25407:34,
25407:35, 25407:36,
25408:5, 25408:45
church [2] - 25359:31,
25401:17
church's [1] - 25392:40
Church's [2] - 25335:22,
25389:8
churches [1] - 25368:21
circumstances [1] -
25397:17
CIS [1] - 25353:25
city [1] - 25317:9
civil [6] - 25388:44,
25389:5, 25389:6,
25389:7, 25389:8,
25390:39
clarified [1] - 25384:11
clarify [3] - 25330:7,
25340:23, 25372:40
clash [1] - 25396:23
class [1] - 25381:44
classes [6] - 25318:20,
25353:25, 25372:6,
25372:13, 25382:8,
25396:45
classic [1] - 25375:21
clear [19] - 25335:24,
25342:24, 25354:19,
25374:7, 25375:6,
25377:10, 25382:9,
25382:38, 25383:18,
25383:31, 25384:35,
25389:17, 25389:29,
25390:17, 25390:27,
25390:47, 25395:4,
25397:35, 25402:18
clearly [7] - 25372:11,
25376:12, 25390:29,
25390:39, 25394:33,
25399:2, 25402:12
clergy [8] - 25318:17,
25370:7, 25378:23,
25378:26, 25378:29,
25378:37, 25402:28,
25405:10
Clergy [1] - 25313:18
cleric [1] - 25348:45
clerical [2] - 25355:34,
25355:45
clericalism [12] - 25342:5,
25348:35, 25355:22,
25355:38, 25357:46,
25359:17, 25373:8,
25373:46, 25374:13,
25374:15, 25395:33,
25396:14
clericalist [1] - 25348:45
clerics [2] - 25351:4,
25390:6
clinical [3] - 25319:36,
25346:9, 25362:24
clique [1] - 25342:13
close [3] - 25317:24,
25353:44, 25363:30
closed [1] - 25348:42
closely [1] - 25373:3

closer [2] - 25376:15,
25395:36
closest [1] - 25398:19
clothes [1] - 25395:42
clothing [2] - 25356:17,
25359:39
COATE [12] - 25336:8,
25336:15, 25336:24,
25336:29, 25336:33,
25337:20, 25385:35,
25385:45, 25386:26,
25386:32, 25386:37,
25386:41
Coate [1] - 25311:34
cocoon [1] - 25349:11
cocooning [1] - 25348:23
code [1] - 25395:2
codes [2] - 25378:36
cognitive [1] - 25344:38
coin [1] - 25327:4
collar [1] - 25359:22
collected [1] - 25404:10
collective [1] - 25381:10
collectively [1] - 25381:9
College [6] - 25316:40,
25319:9, 25323:7,
25323:22, 25365:45,
25365:46
college [5] - 25316:46,
25317:2, 25318:25,
25339:40, 25371:1
colleges [2] - 25351:33,
25386:30
colour [1] - 25333:17
combined [2] - 25328:12,
25360:36
comfort [1] - 25324:30
comfortable [1] -
25359:32
comfortably [1] -
25338:42
coming [13] - 25314:3,
25330:14, 25335:18,
25343:41, 25366:41,
25374:20, 25376:14,
25381:35, 25396:37,
25402:24, 25403:31,
25406:2, 25408:18
commence [1] - 25398:35
comment [15] - 25360:17,
25360:18, 25362:15,
25369:40, 25376:29,
25379:18, 25382:19,
25387:26, 25388:31,
25399:6, 25399:13,
25400:43, 25402:19,
25402:21, 25406:7
Commission [26] -
25312:16, 25313:44,
25315:40, 25322:40,
25327:10, 25327:11,
25334:44, 25339:22,
25343:31, 25354:39,
25355:26, 25361:30,
25367:21, 25367:43,
25368:40, 25389:40,
25390:5, 25395:21,

<p>25405:47, 25406:16, 25406:21, 25406:38, 25407:3, 25408:37, 25409:3, 25409:11</p> <p>COMMISSION [2] - 25311:14, 25409:21</p> <p>Commissioner [7] - 25356:47, 25394:38, 25399:15, 25400:1, 25404:34, 25405:4, 25409:2</p> <p>COMMISSIONER [82] - 25334:19, 25334:30, 25334:38, 25335:13, 25335:27, 25335:33, 25335:38, 25335:45, 25341:26, 25341:32, 25341:38, 25342:4, 25342:19, 25343:9, 25343:24, 25354:12, 25354:34, 25354:47, 25355:13, 25355:19, 25356:3, 25356:9, 25358:36, 25358:42, 25358:46, 25359:39, 25360:1, 25361:21, 25362:9, 25362:28, 25363:1, 25367:16, 25367:38, 25368:3, 25378:21, 25379:37, 25380:22, 25380:34, 25382:3, 25382:13, 25382:25, 25383:25, 25383:34, 25387:1, 25387:18, 25387:25, 25387:30, 25389:37, 25389:46, 25393:15, 25393:23, 25393:28, 25393:33, 25393:40, 25395:8, 25395:13, 25396:23, 25398:31, 25398:42, 25399:5, 25399:12, 25399:21, 25399:30, 25399:40, 25399:44, 25400:1, 25400:13, 25400:19, 25400:40, 25400:47, 25401:15, 25401:30, 25402:4, 25402:16, 25403:36, 25403:43, 25403:46, 25404:17, 25408:25, 25408:40, 25408:45, 25409:6</p> <p>Commissioners [4] - 25311:34, 25337:32, 25349:14, 25391:31</p> <p>commit [1] - 25403:16</p> <p>commitment [1] - 25342:39</p> <p>common [7] - 25361:36, 25370:40, 25381:8, 25388:41, 25390:27, 25390:43, 25390:45</p> <p>commonly [1] - 25379:45</p> <p>communicated [1] - 25334:46</p> <p>communication [2] - 25393:7, 25406:15</p>	<p>communications [1] - 25375:1</p> <p>communities [3] - 25359:35, 25360:25, 25396:1</p> <p>community [26] - 25316:32, 25317:44, 25328:43, 25338:43, 25338:45, 25338:46, 25342:12, 25350:8, 25350:39, 25354:15, 25355:3, 25359:10, 25359:43, 25360:37, 25360:40, 25368:42, 25381:42, 25381:43, 25388:42, 25391:23, 25391:24, 25394:28, 25398:7, 25398:22</p> <p>compassion [4] - 25364:19, 25369:11, 25369:18, 25389:47</p> <p>compassionate [1] - 25363:16</p> <p>complaints [3] - 25318:20, 25326:41, 25401:19</p> <p>complete [5] - 25315:9, 25333:31, 25351:39, 25366:44, 25367:1</p> <p>completed [4] - 25315:8, 25325:5, 25329:15, 25345:14</p> <p>completely [3] - 25326:13, 25367:19, 25379:17</p> <p>completion [1] - 25408:46</p> <p>complex [3] - 25336:39, 25336:46, 25361:4</p> <p>compline [1] - 25353:28</p> <p>comprehensive [1] - 25337:40</p> <p>concept [1] - 25374:36</p> <p>concern [5] - 25341:45, 25342:11, 25356:12, 25392:40, 25393:2</p> <p>concerned [8] - 25335:28, 25335:38, 25335:42, 25341:47, 25342:16, 25357:2, 25385:8, 25390:3</p> <p>concerning [1] - 25365:33</p> <p>concerns [1] - 25363:28</p> <p>conclusion [1] - 25354:35</p> <p>conclusive [1] - 25347:43</p> <p>concrete [1] - 25377:17</p> <p>concretely [1] - 25371:28</p> <p>concur [1] - 25368:7</p> <p>conditioned [1] - 25377:22</p> <p>conduct [6] - 25332:35, 25334:3, 25345:28, 25345:47, 25346:28, 25378:36</p> <p>conducted [1] - 25322:37</p> <p>conducting [1] - 25338:5</p> <p>conducts [2] - 25346:5, 25401:25</p> <p>Conference [2] - 25336:3, 25352:7</p>	<p>conference [2] - 25328:11, 25399:35</p> <p>conferences [1] - 25400:9</p> <p>confess [2] - 25344:8, 25388:11</p> <p>confesses [1] - 25382:33</p> <p>confessing [2] - 25383:18, 25387:31</p> <p>confession [19] - 25344:8, 25344:12, 25382:16, 25382:17, 25383:7, 25383:9, 25385:21, 25385:24, 25386:3, 25387:3, 25387:7, 25387:8, 25387:20, 25387:31, 25387:38, 25388:10, 25388:15, 25389:16, 25390:14</p> <p>confessional [9] - 25382:15, 25382:22, 25382:38, 25383:6, 25385:10, 25385:16, 25390:9, 25390:29, 25408:31</p> <p>confessions [1] - 25390:1</p> <p>confidence [1] - 25342:15</p> <p>confidentiality [3] - 25383:37, 25383:47, 25385:24</p> <p>configured [1] - 25377:41</p> <p>configuring [3] - 25377:43, 25377:47, 25378:2</p> <p>confined [1] - 25324:32</p> <p>confirms [1] - 25367:43</p> <p>conflict [2] - 25397:7, 25408:31</p> <p>Confraternity [1] - 25317:43</p> <p>confronted [1] - 25397:24</p> <p>confuse [1] - 25351:13</p> <p>Congregation [4] - 25313:18, 25315:44, 25364:40, 25408:3</p> <p>congregation [4] - 25313:1, 25313:11, 25317:42, 25378:35</p> <p>connect [1] - 25378:33</p> <p>connected [2] - 25366:19, 25379:16</p> <p>conscientious [1] - 25343:39</p> <p>conscious [1] - 25333:6</p> <p>consciousness [3] - 25368:25, 25368:28, 25391:32</p> <p>consent [2] - 25385:23, 25385:29</p> <p>consequence [1] - 25375:23</p> <p>consideration [1] - 25391:42</p> <p>considered [5] - 25345:15, 25345:23, 25345:36, 25358:23, 25402:1</p> <p>consistency [1] -</p>	<p>25380:34</p> <p>consistent [6] - 25380:24, 25382:4, 25383:25, 25404:28, 25405:3, 25408:17</p> <p>constant [2] - 25353:1, 25354:6</p> <p>constituted [1] - 25377:12</p> <p>consultant [2] - 25312:47, 25313:14</p> <p>contact [8] - 25326:41, 25326:42, 25330:35, 25332:26, 25332:29, 25352:42, 25353:1, 25384:45</p> <p>contains [1] - 25365:31</p> <p>content [4] - 25349:30, 25351:19, 25380:23, 25380:24</p> <p>contents [1] - 25403:36</p> <p>context [20] - 25342:6, 25347:28, 25362:17, 25363:41, 25363:42, 25369:1, 25373:19, 25375:12, 25375:13, 25377:32, 25379:28, 25380:7, 25380:41, 25382:22, 25391:11, 25391:19, 25391:25, 25392:39, 25393:38, 25401:3</p> <p>contextual [1] - 25355:27</p> <p>continual [1] - 25391:44</p> <p>continually [2] - 25351:6, 25371:35</p> <p>continue [9] - 25326:17, 25327:21, 25340:40, 25347:5, 25389:3, 25390:15, 25394:6, 25396:38, 25396:39</p> <p>continuing [1] - 25393:5</p> <p>continuously [1] - 25370:10</p> <p>contrary [2] - 25344:14, 25363:11</p> <p>contributed [1] - 25391:36</p> <p>contributing [1] - 25356:25</p> <p>contribution [1] - 25409:11</p> <p>controversy [1] - 25317:4</p> <p>convenient [1] - 25369:29</p> <p>Convention [1] - 25407:19</p> <p>convention [1] - 25408:30</p> <p>conversation [8] - 25347:10, 25377:12, 25377:13, 25378:22, 25378:27, 25378:45, 25388:37, 25388:45</p> <p>conversations [6] - 25332:6, 25349:13, 25378:25, 25378:26, 25378:33, 25392:9</p> <p>converse [1] - 25379:2</p> <p>convert [1] - 25340:13</p> <p>conveyed [1] - 25393:3</p> <p>conviction [1] - 25342:33</p>	<p>convince [1] - 25386:17</p> <p>convinced [4] - 25318:33, 25368:43, 25368:44, 25385:32</p> <p>cook [1] - 25395:42</p> <p>coordinated [1] - 25391:5</p> <p>copy [3] - 25336:45, 25337:2, 25337:5</p> <p>core [1] - 25362:35</p> <p>corner [1] - 25407:14</p> <p>correct [18] - 25312:23, 25313:3, 25313:20, 25319:23, 25319:36, 25319:42, 25321:35, 25331:22, 25331:28, 25332:44, 25346:45, 25352:9, 25352:14, 25367:28, 25368:1, 25373:34, 25373:37, 25391:9</p> <p>correspondence [1] - 25406:15</p> <p>Council [1] - 25353:10</p> <p>Counsel [1] - 25311:42</p> <p>Counselling [1] - 25326:25</p> <p>counselling [2] - 25313:38, 25361:47</p> <p>counsellor [3] - 25326:31, 25377:19, 25390:24</p> <p>counsellors [1] - 25390:42</p> <p>counter [2] - 25376:17, 25376:21</p> <p>counter-transference [2] - 25376:17, 25376:21</p> <p>countertransference [1] - 25372:8</p> <p>countries [9] - 25318:7, 25320:33, 25321:13, 25321:19, 25340:5, 25395:33, 25396:35, 25396:46, 25396:47</p> <p>country [10] - 25315:19, 25316:26, 25317:7, 25317:29, 25317:33, 25318:39, 25340:4, 25399:2, 25400:42</p> <p>couple [14] - 25314:22, 25321:17, 25326:35, 25326:46, 25327:37, 25329:12, 25341:17, 25349:36, 25377:27, 25381:41, 25383:42, 25397:7, 25400:7, 25404:24</p> <p>course [13] - 25329:31, 25340:33, 25352:46, 25356:5, 25357:11, 25362:24, 25371:4, 25371:11, 25397:4, 25397:5, 25397:27, 25406:41, 25408:30</p> <p>courses [3] - 25327:27, 25349:32, 25349:34</p> <p>court [2] - 25384:7, 25388:16</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------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<p>courtesy [1] - 25343:2 cover [2] - 25318:7, 25369:29 covered [4] - 25317:46, 25338:21, 25338:24, 25383:27 cradle [2] - 25377:9, 25403:3 crafting [1] - 25349:47 crazy [1] - 25353:44 create [1] - 25358:14 created [2] - 25357:45, 25374:22 creates [3] - 25364:26, 25373:8, 25375:22 creation [1] - 25369:1 crime [6] - 25335:8, 25368:25, 25368:36, 25368:37, 25389:38 criminal [1] - 25327:7 criminality [2] - 25338:13, 25369:20 crises [1] - 25369:16 criteria [1] - 25364:41 critical [1] - 25402:17 criticise [1] - 25356:9 criticism [1] - 25361:42 cross [2] - 25374:12, 25378:27 cross-conversation [1] - 25378:27 crossing [1] - 25380:17 cultural [4] - 25395:27, 25396:15, 25397:2, 25398:3 culture [7] - 25359:18, 25377:30, 25395:27, 25396:4, 25397:1, 25397:21, 25398:38 cultures [4] - 25395:29, 25396:16, 25396:18, 25396:23 current [8] - 25312:2, 25316:36, 25319:44, 25326:33, 25355:20, 25365:34, 25365:39, 25368:4 curricula [1] - 25391:34 curriculum [3] - 25352:12, 25382:5, 25400:2 cute [1] - 25371:33 cutting [1] - 25362:3</p>	<p>25378:45, 25380:3, 25386:13 dangerous [3] - 25370:36, 25372:30, 25380:10 dangers [4] - 25370:42, 25371:22, 25380:14, 25380:15 dare [1] - 25369:8 data [2] - 25329:16, 25350:21 database [3] - 25339:16, 25339:21, 25339:24 date [1] - 25328:45 DAVID [2] - 25312:5, 25312:13 David [5] - 25315:42, 25325:34, 25348:17, 25350:15, 25360:26 days [5] - 25325:1, 25329:3, 25349:36, 25371:46, 25381:27 De [1] - 25326:15 deacon [1] - 25378:1 deal [12] - 25341:33, 25344:26, 25353:35, 25358:24, 25371:28, 25376:18, 25381:21, 25381:28, 25388:14, 25392:17, 25392:24, 25405:13 dealing [4] - 25326:42, 25326:43, 25356:15, 25402:28 dealings [1] - 25396:42 deals [1] - 25338:11 dealt [5] - 25361:28, 25372:11, 25376:22, 25385:14, 25397:5 dean [1] - 25351:26 death [1] - 25389:40 debate [1] - 25388:46 decades [1] - 25314:22 December [1] - 25326:18 decided [1] - 25326:18 deciding [1] - 25340:40 decision [2] - 25331:46, 25345:1 decision-making [1] - 25345:1 decisions [2] - 25350:22, 25365:26 declare [1] - 25364:2 deep [27] - 25330:9, 25330:11, 25330:21, 25330:23, 25330:39, 25331:5, 25331:12, 25331:18, 25331:24, 25331:31, 25331:38, 25332:9, 25336:17, 25336:19, 25338:31, 25365:37, 25366:13, 25366:15, 25366:28, 25367:34, 25392:42, 25393:4, 25393:45, 25394:15, 25394:27, 25394:37, 25396:28 deep-seated [24] -</p>	<p>25330:9, 25330:11, 25330:21, 25330:23, 25331:5, 25331:12, 25331:18, 25331:24, 25331:31, 25331:38, 25332:9, 25336:17, 25336:19, 25338:31, 25365:37, 25366:13, 25366:15, 25367:34, 25392:42, 25393:4, 25393:45, 25394:15, 25394:27, 25394:37 deeper [1] - 25336:44 defect [1] - 25341:8 defects [1] - 25346:21 deficiencies [3] - 25343:5, 25391:35, 25392:11 deficient [1] - 25342:47 define [1] - 25359:36 defines [1] - 25401:9 definitely [1] - 25390:33 definition [1] - 25375:22 degree [8] - 25319:34, 25325:6, 25338:47, 25351:32, 25374:38, 25388:40, 25402:37 degrees [1] - 25326:26 delegate [1] - 25322:22 Delegate [2] - 25322:9, 25322:17 deliberately [1] - 25362:32 demarcation [1] - 25382:39 demonstrable [1] - 25354:20 dental [1] - 25334:7 dentist [1] - 25377:26 dependent [1] - 25387:46 derives [1] - 25331:19 described [5] - 25343:14, 25348:14, 25389:38, 25389:41, 25401:5 describing [3] - 25329:7, 25346:27, 25355:32 design [2] - 25332:42, 25392:4 designed [1] - 25329:28 designing [6] - 25332:15, 25341:11, 25351:21, 25352:23, 25391:33, 25391:34 desire [2] - 25328:27, 25390:18 desired [1] - 25332:38 desirous [1] - 25334:36 destructive [1] - 25379:1 detachments [1] - 25338:45 detail [1] - 25318:16 detailed [1] - 25393:12 details [1] - 25404:15 determinations [1] - 25334:14 determine [1] - 25404:7 determining [1] - 25404:8 develop [6] - 25355:37, 25370:29, 25372:9,</p>	<p>25374:29, 25384:32, 25397:44 developed [4] - 25330:1, 25372:33, 25391:26, 25401:9 developing [3] - 25371:35, 25382:4, 25400:2 development [12] - 25347:24, 25350:1, 25361:25, 25380:25, 25380:35, 25381:14, 25391:13, 25391:41, 25391:16, 25392:33, 25402:33, 25403:5 developmental [3] - 25371:26, 25381:13, 25381:45 devoted [1] - 25343:27 devotion [2] - 25343:10, 25343:21 devout [1] - 25374:35 diaconate [3] - 25323:27, 25345:24, 25345:36 dialogue [2] - 25347:10, 25379:16 dictate [1] - 25341:24 dictated [1] - 25346:38 died [1] - 25397:7 differ [2] - 25340:25, 25347:29 difference [8] - 25331:34, 25343:20, 25372:20, 25393:17, 25393:40, 25394:40, 25396:24, 25397:29 differences [1] - 25347:16 different [48] - 25313:17, 25315:4, 25315:8, 25317:8, 25322:43, 25326:35, 25332:2, 25332:4, 25333:27, 25334:2, 25337:12, 25342:28, 25350:15, 25350:38, 25350:47, 25351:4, 25351:12, 25353:22, 25353:25, 25353:31, 25354:17, 25355:11, 25356:19, 25356:32, 25358:47, 25359:6, 25359:35, 25359:43, 25359:44, 25360:24, 25361:10, 25364:15, 25369:16, 25372:13, 25380:27, 25384:37, 25391:7, 25394:31, 25395:41, 25396:16, 25396:20, 25397:16, 25397:17, 25397:40, 25400:5, 25401:43, 25407:21 differs [3] - 25323:12, 25360:11, 25360:24 difficulties [1] - 25318:44 difficulty [1] - 25397:8 dignity [5] - 25344:42, 25369:10, 25370:25,</p>	<p>25380:4, 25405:19 dilemma [1] - 25378:22 dimension [2] - 25362:4, 25362:10 dimensions [1] - 25337:12 diocesan [8] - 25316:38, 25317:3, 25317:32, 25317:44, 25322:43, 25351:5, 25360:4, 25399:25 diocesan-based [1] - 25317:44 diocese [14] - 25315:5, 25315:6, 25315:9, 25315:10, 25315:26, 25315:35, 25315:36, 25317:27, 25319:30, 25322:38, 25334:10, 25341:27, 25380:43, 25381:4 Diocese [8] - 25316:39, 25317:38, 25319:47, 25320:11, 25321:8, 25322:35, 25381:2, 25402:23 dioceses [16] - 25315:4, 25315:12, 25315:15, 25315:18, 25315:21, 25316:47, 25317:30, 25317:34, 25318:39, 25319:3, 25319:11, 25320:8, 25333:27, 25333:36, 25399:8, 25399:10 dip [1] - 25323:9 Diploma [2] - 25322:1, 25323:10 direct [3] - 25340:9, 25400:20, 25408:31 directed [1] - 25323:22 direction [5] - 25317:34, 25331:19, 25336:9, 25336:15, 25393:46 directions [1] - 25341:7 directly [2] - 25319:12, 25336:1 Director [2] - 25313:35, 25322:8 director [10] - 25322:14, 25322:27, 25326:29, 25328:24, 25328:36, 25329:23, 25334:8, 25351:26, 25351:27, 25361:6 disagree [3] - 25352:34, 25373:22, 25400:31 discern [1] - 25365:12 discerner [1] - 25348:34 discernible [1] - 25360:2 discernment [3] - 25331:46, 25348:30, 25364:41 discipline [6] - 25318:18, 25318:26, 25318:30, 25318:32, 25342:38, 25402:34 disciplined [1] - 25355:8</p>
D		6		
<p>dabo [2] - 25342:44, 25405:11 daily [2] - 25343:28, 25358:38 damage [1] - 25385:23 Dame [2] - 25353:26, 25364:27 danger [11] - 25342:40, 25343:6, 25356:21, 25357:11, 25371:12, 25376:36, 25378:32,</p>				

disciplines [1] - 25318:21
disclosed [1] - 25384:19
discloses [1] - 25382:15
disclosing [1] - 25386:8
discover [1] - 25370:21
discovered [1] - 25330:41
discuss [9] - 25331:42, 25332:3, 25332:29, 25341:6, 25346:33, 25354:3, 25370:17, 25379:47, 25382:10
discusses [1] - 25328:26
discussing [1] - 25406:30
discussion [6] - 25357:1, 25357:43, 25360:28, 25384:31, 25395:26, 25408:28
discussions [1] - 25331:36
disgusting [1] - 25363:26
dishonesty [1] - 25344:38
disorders [1] - 25381:46
disqualification [1] - 25392:41
disqualified [1] - 25393:5
disqualifies [1] - 25331:25
disqualifying [1] - 25331:39
disrespecting [1] - 25364:14
dissolved [1] - 25386:3
distance [1] - 25402:7
distinct [1] - 25360:4
distinction [4] - 25331:30, 25336:16, 25390:29, 25395:4
distortion [1] - 25373:9
distortions [1] - 25344:38
diverse [1] - 25360:14
Divinity [1] - 25327:36
doctor [5] - 25325:36, 25327:46, 25364:37, 25377:25, 25409:12
doctors [1] - 25312:40
Doctrine [1] - 25408:3
document [43] - 25313:27, 25336:2, 25336:13, 25336:38, 25336:45, 25337:16, 25337:18, 25337:26, 25340:36, 25352:2, 25352:6, 25364:37, 25365:2, 25365:7, 25365:30, 25365:39, 25366:24, 25366:30, 25366:33, 25366:46, 25367:1, 25367:7, 25367:14, 25368:3, 25404:47, 25405:11, 25405:15, 25405:23, 25405:34, 25405:40, 25405:45, 25406:7, 25406:11, 25406:20, 25406:26, 25406:27, 25406:43, 25407:1, 25407:4, 25407:5, 25407:30, 25407:32, 25408:41

documented [3] - 25400:13, 25401:31, 25402:18
documents [14] - 25313:22, 25328:39, 25334:47, 25335:7, 25336:2, 25342:10, 25368:9, 25368:10, 25404:46, 25405:3, 25405:4, 25407:21, 25408:17, 25408:18
domain [1] - 25338:27
domicile [3] - 25350:2, 25350:3, 25364:24
done [18] - 25313:17, 25315:30, 25333:30, 25337:39, 25339:45, 25339:46, 25340:30, 25344:25, 25344:26, 25362:30, 25362:36, 25366:34, 25374:44, 25382:10, 25384:44, 25401:39, 25404:6
door [1] - 25357:46
doubt [2] - 25367:7, 25388:28
doubts [1] - 25339:43
down [13] - 25317:23, 25330:39, 25337:10, 25342:10, 25362:19, 25366:7, 25375:31, 25379:9, 25383:40, 25389:33, 25403:12, 25407:13, 25407:44
DR [35] - 25325:34, 25325:39, 25325:44, 25326:1, 25326:6, 25326:10, 25326:35, 25327:30, 25327:34, 25328:2, 25328:8, 25347:4, 25348:16, 25349:34, 25363:4, 25364:44, 25365:4, 25365:9, 25365:43, 25367:4, 25367:33, 25368:32, 25368:39, 25376:46, 25388:33, 25389:44, 25390:17, 25390:22, 25396:45, 25397:47, 25398:45, 25400:45, 25402:21, 25403:15, 25409:14
Dr [21] - 25324:6, 25325:31, 25332:47, 25333:47, 25344:25, 25346:47, 25347:47, 25348:17, 25352:30, 25354:47, 25361:23, 25361:46, 25362:5, 25367:17, 25369:41, 25370:35, 25383:20, 25389:37, 25392:27, 25392:32, 25396:42
draft [3] - 25408:9, 25408:41, 25408:43
drafted [1] - 25313:28
dragging [1] - 25368:40

draw [1] - 25391:26
dress [6] - 25357:3, 25358:26, 25358:29, 25359:8, 25359:11, 25359:23
dress-up [1] - 25359:8
dressed [2] - 25356:37, 25371:30
dresses [1] - 25356:4
dressings [2] - 25355:23, 25357:29
dropped [2] - 25318:43, 25321:3
duck's [1] - 25363:44
during [22] - 25312:40, 25314:37, 25314:39, 25315:5, 25323:9, 25324:24, 25326:13, 25326:16, 25326:24, 25329:47, 25330:1, 25341:32, 25341:43, 25346:1, 25347:18, 25353:30, 25362:23, 25371:25, 25381:40, 25381:41, 25394:5, 25397:4
dutiful [1] - 25343:32
duty [2] - 25343:21, 25383:37
dynamic [9] - 25370:6, 25370:9, 25370:10, 25370:29, 25370:36, 25371:22
dynamics [5] - 25330:42, 25371:26, 25372:6, 25375:24, 25376:24

E

early [2] - 25389:40, 25402:8
easily [2] - 25390:22, 25402:34
easy [1] - 25402:36
eats [1] - 25377:30
ed [1] - 25323:9
edge [1] - 25362:3
edges [1] - 25389:28
educate [2] - 25375:46, 25375:47
educated [4] - 25352:37, 25352:39, 25380:3, 25380:14
Education [5] - 25313:1, 25322:1, 25322:2, 25323:10, 25364:40
education [6] - 25313:12, 25325:10, 25339:5, 25362:24, 25371:45, 25391:6
educational [1] - 25352:17
effect [3] - 25349:15, 25404:27, 25405:35
effective [4] - 25362:41, 25362:45, 25401:10, 25402:7

effective [1] - 25401:6
effectively [3] - 25393:3, 25402:44, 25407:34
effectiveness [2] - 25402:37, 25403:29
effects [1] - 25392:21
effort [1] - 25391:5
ego [1] - 25372:37
egregiously [1] - 25343:34
eight [5] - 25312:33, 25314:19, 25381:4, 25381:19, 25386:12
eight-year-old [1] - 25386:12
eighteen [2] - 25320:18, 25320:22
either [7] - 25332:22, 25356:25, 25363:13, 25377:21, 25379:10, 25380:25, 25389:47
elaborate [3] - 25318:12, 25318:22, 25348:12
elderly [1] - 25375:5
element [5] - 25333:47, 25349:42, 25363:4, 25377:5, 25397:24
elements [1] - 25375:18
elsewhere [1] - 25339:25
embedded [2] - 25336:41, 25377:33
embraced [1] - 25355:22
emerges [1] - 25369:1
Emerton [1] - 25322:36
emotional [2] - 25344:29, 25367:19
emotionally [3] - 25365:13, 25369:23, 25392:20
emphasis [7] - 25342:45, 25348:5, 25348:9, 25348:32, 25349:38, 25351:38, 25391:12
emphasised [1] - 25367:44
employed [1] - 25326:30
emptying [2] - 25378:6, 25378:11
enables [1] - 25390:1
encompass [1] - 25350:32
encounter [1] - 25361:2
encountered [1] - 25395:23
encourage [3] - 25350:39, 25382:41, 25388:2
encouraged [1] - 25358:37
encouraging [1] - 25380:45
end [14] - 25320:24, 25325:13, 25326:11, 25329:22, 25345:13, 25346:12, 25346:13, 25348:25, 25348:34, 25349:12, 25353:43, 25363:31, 25377:30, 25381:27

endeavouring [1] - 25356:47
ended [2] - 25327:16, 25384:7
ends [1] - 25361:18
engage [6] - 25324:28, 25349:7, 25361:47, 25362:20, 25377:10, 25398:13
engaged [3] - 25323:15, 25350:6, 25350:7
engagement [1] - 25347:41
engages [2] - 25347:39, 25348:29
engaging [1] - 25360:19
England [2] - 25319:21, 25326:27
English [1] - 25328:11
English-speaking [1] - 25328:11
enhancing [1] - 25380:45
enlighten [1] - 25396:43
enormous [2] - 25341:44, 25362:4
enriching [1] - 25382:1
ensure [1] - 25380:43
enter [4] - 25328:27, 25333:14, 25333:19, 25367:25
entered [1] - 25312:38
entering [5] - 25333:15, 25335:19, 25337:44, 25341:46, 25395:9
entire [4] - 25331:3, 25332:39, 25380:1, 25380:9
entirely [1] - 25393:21
entitlement [1] - 25359:9
environment [5] - 25350:5, 25350:19, 25350:36, 25350:41, 25392:33
eparchy [1] - 25317:41
ephephrophiles [1] - 25392:23
equated [1] - 25369:45
equipping [1] - 25349:23
especially [4] - 25366:26, 25379:20, 25379:27, 25395:47
essential [1] - 25349:42
essentially [1] - 25340:39
established [3] - 25326:15, 25367:39, 25392:14
establishing [1] - 25403:25
establishment [2] - 25318:10, 25318:13
establishments [1] - 25358:14
et [8] - 25353:23, 25370:17, 25372:2, 25391:34, 25394:28, 25394:29, 25403:7
ethics [1] - 25378:36

Europe [2] - 25312:40, 25332:27
evaluation [1] - 25402:29
evening [1] - 25353:27
evenings [1] - 25353:27
event [1] - 25391:41
eventually [1] - 25384:9
everyday [1] - 25350:10
evidence [39] - 25327:13, 25332:46, 25338:42, 25339:23, 25342:30, 25343:24, 25343:35, 25344:7, 25344:9, 25344:14, 25344:18, 25344:47, 25354:16, 25354:20, 25355:26, 25356:24, 25361:38, 25361:45, 25362:13, 25367:39, 25367:43, 25368:6, 25368:39, 25369:42, 25377:30, 25382:14, 25382:25, 25383:17, 25383:34, 25387:6, 25389:41, 25390:30, 25391:31, 25392:26, 25395:33, 25404:9, 25404:25, 25406:14
evident [4] - 25344:43, 25390:44, 25394:6
evidentiary [1] - 25344:6
evil [4] - 25364:9, 25369:7, 25369:9, 25403:17
exact [1] - 25390:10
exactly [4] - 25321:15, 25354:45, 25385:38, 25390:7
examination [1] - 25328:40
EXAMINATION [1] - 25404:22
examine [2] - 25361:30, 25377:15
examiner [4] - 25338:9, 25338:16, 25338:18, 25338:25
examiners [4] - 25338:5, 25338:7, 25338:22, 25338:30
example [23] - 25315:7, 25330:27, 25330:33, 25344:25, 25344:29, 25344:32, 25349:22, 25357:15, 25359:13, 25359:20, 25360:31, 25371:46, 25373:5, 25375:2, 25376:18, 25377:19, 25378:34, 25383:36, 25389:12, 25391:38, 25397:4, 25400:23, 25400:26
exams [1] - 25353:45
except [4] - 25356:3, 25358:29, 25389:29, 25401:38
exceptions [1] - 25362:31
excluded [1] - 25395:14

exclusive [1] - 25356:38
excuse [1] - 25383:31
excused [1] - 25409:11
exercise [1] - 25370:11
exist [5] - 25349:46, 25349:47, 25366:29, 25368:11, 25402:18
exists [4] - 25349:26, 25374:15, 25376:35, 25379:9
expand [1] - 25400:15
expect [2] - 25395:46, 25404:5
expectation [1] - 25338:30
expectations [1] - 25396:19
expecting [2] - 25378:4, 25396:35
experience [38] - 25320:38, 25323:8, 25323:15, 25323:38, 25324:8, 25324:10, 25329:44, 25329:46, 25330:3, 25330:15, 25330:41, 25345:41, 25349:21, 25349:25, 25350:30, 25352:38, 25354:31, 25355:16, 25358:21, 25359:6, 25363:24, 25363:26, 25364:25, 25365:10, 25366:6, 25370:40, 25372:16, 25377:15, 25377:16, 25392:19, 25393:10, 25395:30, 25396:11, 25396:13, 25396:32, 25397:31, 25399:32, 25403:27
experiences [6] - 25323:43, 25324:27, 25342:29, 25348:27, 25361:1, 25361:10
experiential [4] - 25349:40, 25355:2, 25361:24, 25361:29
experiments [3] - 25324:16, 25324:23, 25324:35
expertise [2] - 25333:4, 25333:46
experts [1] - 25334:2
explain [6] - 25322:11, 25324:20, 25391:16, 25393:21, 25394:32, 25406:26
explaining [1] - 25353:29
explicit [2] - 25335:45, 25336:1
explicitly [1] - 25335:6
explored [1] - 25338:47
exploring [1] - 25330:25
explosion [1] - 25366:31
exposed [3] - 25350:10, 25350:11, 25367:22
exposing [1] - 25348:25
exposure [3] - 25351:2, 25355:2, 25396:17

expressed [3] - 25332:47, 25374:14, 25392:39
expressing [1] - 25392:32
extended [2] - 25329:2, 25347:39
extensive [2] - 25360:19, 25399:31
extensively [1] - 25361:34
extent [8] - 25318:47, 25343:37, 25375:10, 25392:21, 25395:20, 25395:46, 25395:47, 25404:2
external [5] - 25334:2, 25356:4, 25356:17, 25358:38, 25374:14
externally [3] - 25333:2, 25337:39, 25356:22
extra [1] - 25325:14
extraordinarily [2] - 25343:26, 25343:32
extraordinary [2] - 25369:44, 25370:6
extremes [1] - 25358:21
eyes [5] - 25364:35, 25369:45, 25369:46, 25378:43, 25379:4

F

face [5] - 25368:25, 25368:42, 25386:46, 25397:29
faced [2] - 25359:16, 25385:37
facility [1] - 25341:43
facing [2] - 25318:44, 25388:35
fact [24] - 25343:13, 25354:19, 25355:21, 25356:10, 25356:14, 25356:15, 25356:18, 25356:19, 25356:24, 25356:25, 25357:46, 25359:41, 25364:15, 25377:24, 25377:35, 25378:23, 25379:16, 25384:8, 25389:5, 25393:10, 25396:36, 25404:3, 25404:11, 25404:12
factor [4] - 25331:39, 25367:34, 25367:36, 25397:25
factors [3] - 25342:5, 25355:27, 25356:25
faculty [1] - 25351:23
failing [2] - 25389:2, 25389:3
fails [1] - 25363:5
fair [4] - 25362:15, 25380:1, 25396:4, 25400:43
fairly [7] - 25324:3, 25327:9, 25347:19, 25347:21, 25355:7, 25360:32, 25402:39

Faith [1] - 25408:3
faith [12] - 25340:14, 25343:46, 25344:2, 25344:3, 25347:33, 25348:6, 25349:9, 25354:12, 25354:18, 25361:39, 25362:36
faith-based [3] - 25354:12, 25361:39, 25362:36
faithful [7] - 25317:45, 25355:23, 25356:18, 25378:23, 25378:29, 25404:5, 25405:10
faiths [1] - 25343:26
familiar [4] - 25314:34, 25346:47, 25364:38, 25364:42
families [7] - 25327:40, 25329:45, 25357:37, 25357:47, 25368:27, 25375:47, 25379:29
family [9] - 25330:42, 25338:17, 25350:40, 25357:24, 25374:36, 25375:12, 25379:4, 25379:9, 25379:29
Family [1] - 25322:36
far [15] - 25335:2, 25337:12, 25347:42, 25348:8, 25351:16, 25365:21, 25375:12, 25379:40, 25380:29, 25382:21, 25385:7, 25386:2, 25389:21, 25392:20, 25396:36
Farrer [1] - 25311:24
fashioned [1] - 25318:32
Father [33] - 25315:38, 25319:15, 25319:16, 25321:23, 25339:39, 25345:9, 25345:45, 25346:27, 25349:1, 25352:29, 25352:35, 25354:35, 25355:4, 25358:47, 25359:6, 25361:21, 25369:40, 25370:13, 25370:27, 25371:19, 25385:18, 25391:2, 25395:25, 25396:10, 25398:2, 25398:32, 25399:12, 25399:15, 25400:21, 25401:1, 25402:26, 25403:19, 25405:23
FATHER [170] - 25315:42, 25315:47, 25316:4, 25316:9, 25316:19, 25316:23, 25316:28, 25316:34, 25316:38, 25316:44, 25317:2, 25318:5, 25318:16, 25318:29, 25318:41, 25319:7, 25319:19, 25319:23, 25319:27, 25319:32, 25319:36, 25319:42, 25319:46, 25320:4, 25320:10,

25320:18, 25320:22, 25320:26, 25320:31, 25320:35, 25320:42, 25320:47, 25321:11, 25321:15, 25321:21, 25321:26, 25321:30, 25321:35, 25321:40, 25321:46, 25322:4, 25322:8, 25322:14, 25322:24, 25322:30, 25322:34, 25322:46, 25323:47, 25324:18, 25324:23, 25324:42, 25324:46, 25325:4, 25325:12, 25325:22, 25325:26, 25337:36, 25337:46, 25338:7, 25338:24, 25338:33, 25338:37, 25339:7, 25339:11, 25339:19, 25339:27, 25339:31, 25339:36, 25339:43, 25340:21, 25340:28, 25340:33, 25340:43, 25341:15, 25341:30, 25341:36, 25342:2, 25342:8, 25342:32, 25343:16, 25343:37, 25344:2, 25344:11, 25344:16, 25345:3, 25345:21, 25345:35, 25345:41, 25346:3, 25346:7, 25346:17, 25346:24, 25346:32, 25346:40, 25346:45, 25350:30, 25351:23, 25351:47, 25352:4, 25352:9, 25352:14, 25352:20, 25352:25, 25352:34, 25359:8, 25359:46, 25360:8, 25362:7, 25362:15, 25362:40, 25366:22, 25366:26, 25366:39, 25370:16, 25370:31, 25370:39, 25371:4, 25371:24, 25376:32, 25377:38, 25379:20, 25380:13, 25380:29, 25380:38, 25380:40, 25381:12, 25382:21, 25382:28, 25382:41, 25382:47, 25383:4, 25383:22, 25383:31, 25385:20, 25385:40, 25386:1, 25386:15, 25386:24, 25386:29, 25386:35, 25386:39, 25386:43, 25387:11, 25387:23, 25387:28, 25387:40, 25388:14, 25388:21, 25388:28, 25391:9, 25391:19, 25391:38, 25391:44, 25395:32, 25396:13, 25396:27, 25398:6, 25398:40, 25399:8, 25399:19, 25399:25,

<p>25399:38, 25399:42, 25399:46, 25400:5, 25400:17, 25400:38, 25401:12, 25401:23, 25401:35</p> <p>father [28] - 25315:44, 25316:15, 25316:36, 25318:36, 25319:30, 25319:44, 25321:28, 25322:6, 25337:30, 25343:10, 25343:46, 25344:45, 25346:13, 25350:26, 25353:15, 25353:29, 25375:20, 25379:32, 25382:32, 25382:35, 25383:39, 25383:44, 25384:8, 25384:41, 25386:26, 25386:41, 25398:28, 25402:2</p> <p>father's [1] - 25355:8</p> <p>Fathers [2] - 25315:45, 25335:8</p> <p>fault [1] - 25386:9</p> <p>fear [6] - 25378:46, 25378:47, 25379:10, 25379:11, 25386:10</p> <p>features [1] - 25371:20</p> <p>FEBRUARY [1] - 25409:22</p> <p>February [1] - 25311:27</p> <p>feedback [4] - 25351:6, 25353:35, 25353:40</p> <p>feeds [1] - 25358:15</p> <p>feet [1] - 25368:40</p> <p>felt [1] - 25391:20</p> <p>female [5] - 25327:9, 25336:43, 25395:3, 25395:9, 25395:14</p> <p>females [1] - 25334:28</p> <p>feminine [1] - 25395:3</p> <p>few [5] - 25321:2, 25329:3, 25344:24, 25365:44, 25388:10</p> <p>field [1] - 25399:32</p> <p>fifth [2] - 25353:30, 25381:36</p> <p>figure [3] - 25362:1, 25376:40, 25379:34</p> <p>fill [2] - 25319:4, 25329:12</p> <p>filled [1] - 25328:46</p> <p>final [7] - 25312:25, 25317:36, 25321:38, 25323:45, 25324:1, 25367:2</p> <p>finally [2] - 25324:1, 25326:25</p> <p>financial [1] - 25401:18</p> <p>fine [1] - 25349:35</p> <p>finish [2] - 25323:26, 25368:34</p> <p>finished [2] - 25325:17, 25326:24</p> <p>firm [1] - 25388:21</p> <p>first [40] - 25314:3, 25322:14, 25323:5, 25323:15, 25326:41, 25326:45, 25327:34,</p>	<p>25328:8, 25329:32, 25338:8, 25338:25, 25339:47, 25340:3, 25345:12, 25346:1, 25350:31, 25353:10, 25363:13, 25363:27, 25363:30, 25363:33, 25363:37, 25365:30, 25366:33, 25371:44, 25372:7, 25373:41, 25377:2, 25377:26, 25381:17, 25385:27, 25389:12, 25389:14, 25389:19, 25389:20, 25390:31, 25399:13, 25404:46, 25405:9</p> <p>firstly [10] - 25314:31, 25314:43, 25315:39, 25352:29, 25370:13, 25370:27, 25392:4, 25397:15, 25398:33, 25405:1</p> <p>fit [2] - 25359:10, 25359:22</p> <p>FITZGERALD [26] - 25341:26, 25341:32, 25341:38, 25342:4, 25342:19, 25343:9, 25343:24, 25354:12, 25354:34, 25354:47, 25355:13, 25355:19, 25356:3, 25356:9, 25358:36, 25358:42, 25358:46, 25359:39, 25360:1, 25367:16, 25378:21, 25403:46, 25404:17, 25408:40, 25408:45, 25409:6</p> <p>Fitzgerald [1] - 25311:36</p> <p>five [7] - 25312:1, 25321:3, 25322:24, 25324:26, 25324:42, 25337:40, 25383:38</p> <p>five-hour [1] - 25337:40</p> <p>five-year-old [1] - 25383:38</p> <p>flags [1] - 25344:43</p> <p>flexibility [1] - 25360:11</p> <p>flexible [1] - 25324:35</p> <p>flourishing [1] - 25351:38</p> <p>flow [1] - 25399:30</p> <p>flows [2] - 25343:21, 25400:20</p> <p>fluff [1] - 25389:27</p> <p>fluid [1] - 25350:36</p> <p>focus [8] - 25314:31, 25359:40, 25367:31, 25367:33, 25369:12, 25372:22, 25393:26, 25393:37</p> <p>focused [2] - 25359:29, 25364:46</p> <p>focusing [1] - 25356:46</p> <p>folded [1] - 25363:38</p> <p>follow [7] - 25332:15, 25336:41, 25379:35, 25381:27, 25387:18,</p>	<p>25391:31, 25406:41</p> <p>follow-up [1] - 25381:27</p> <p>following [1] - 25378:21</p> <p>follows [2] - 25332:30, 25338:9</p> <p>force [2] - 25384:4, 25384:46</p> <p>fore [1] - 25397:23</p> <p>foreign [7] - 25315:18, 25395:18, 25395:30, 25396:34, 25396:42, 25397:22, 25398:3</p> <p>foremost [1] - 25359:30</p> <p>foresaw [1] - 25317:27</p> <p>forgiveness [2] - 25387:45</p> <p>form [12] - 25315:32, 25328:36, 25338:44, 25342:11, 25342:13, 25348:34, 25354:36, 25355:35, 25355:38, 25364:26, 25367:2, 25373:23</p> <p>formal [7] - 25323:2, 25324:7, 25325:9, 25325:12, 25342:19, 25350:6, 25357:12</p> <p>formally [2] - 25325:6, 25403:37</p> <p>formate [1] - 25360:3</p> <p>formation [104] - 25312:3, 25312:31, 25315:6, 25315:7, 25315:34, 25316:7, 25317:16, 25321:37, 25322:18, 25322:42, 25322:43, 25324:4, 25324:7, 25324:34, 25325:2, 25327:47, 25328:6, 25339:37, 25340:44, 25341:2, 25342:44, 25342:45, 25342:46, 25344:40, 25346:13, 25347:7, 25347:8, 25347:23, 25347:24, 25348:4, 25348:8, 25349:2, 25349:42, 25350:1, 25350:3, 25350:20, 25350:28, 25350:46, 25351:8, 25351:20, 25351:30, 25351:45, 25352:32, 25353:16, 25353:47, 25354:7, 25357:35, 25359:1, 25360:20, 25360:23, 25360:35, 25361:5, 25361:23, 25362:10, 25362:23, 25362:26, 25362:46, 25363:8, 25365:26, 25370:5, 25370:28, 25371:1, 25371:20, 25371:21, 25371:42, 25372:12, 25376:41, 25378:13, 25380:23, 25382:18, 25383:29, 25385:37, 25387:9, 25391:5, 25391:33,</p>	<p>25391:34, 25392:5, 25392:10, 25392:33, 25394:5, 25394:7, 25394:8, 25395:29, 25396:39, 25397:38, 25397:41, 25398:24, 25398:25, 25398:26, 25399:23, 25399:27, 25399:32, 25399:34, 25402:32, 25402:47, 25403:2, 25403:32, 25404:4, 25405:17, 25406:2</p> <p>Formation [4] - 25313:36, 25322:9, 25322:18, 25405:25</p> <p>formational [1] - 25347:20</p> <p>formative [1] - 25323:38</p> <p>formator [5] - 25313:35, 25348:28, 25348:33, 25365:25, 25397:12</p> <p>formators [2] - 25347:11, 25391:19</p> <p>formed [9] - 25328:30, 25331:9, 25338:8, 25350:19, 25363:22, 25373:3, 25393:47, 25394:30, 25404:12</p> <p>forming [1] - 25356:38</p> <p>formulate [2] - 25351:27, 25352:12</p> <p>formulated [1] - 25390:39</p> <p>forth [6] - 25341:22, 25342:36, 25343:2, 25343:22, 25343:39, 25395:43</p> <p>fortnightly [1] - 25377:21</p> <p>fortunate [1] - 25385:3</p> <p>forward [4] - 25328:34, 25342:27, 25342:30, 25407:30</p> <p>forward-looking [1] - 25342:30</p> <p>foster [1] - 25361:16</p> <p>fostering [1] - 25402:1</p> <p>foundation [3] - 25342:46, 25343:3, 25344:6</p> <p>Foundations [1] - 25327:24</p> <p>founded [1] - 25317:2</p> <p>four [15] - 25317:23, 25317:41, 25321:2, 25322:24, 25323:21, 25323:30, 25324:26, 25325:44, 25381:5, 25381:37, 25383:39, 25391:12, 25391:17, 25391:41, 25409:11</p> <p>fourteen [2] - 25316:44, 25341:30</p> <p>fourth [1] - 25381:36</p> <p>frame [1] - 25397:40</p> <p>framework [1] - 25389:7</p> <p>framing [1] - 25350:15</p> <p>Francis [4] - 25313:31, 25326:14, 25326:20, 25326:21</p>	<p>Franciscan [3] - 25325:36, 25365:28, 25398:45</p> <p>Franciscans [12] - 25326:4, 25326:37, 25326:43, 25326:45, 25326:46, 25327:16, 25327:46, 25328:12, 25347:1, 25347:25, 25347:32, 25365:27</p> <p>frankly [1] - 25367:24</p> <p>free [2] - 25382:18, 25399:13</p> <p>Free [1] - 25311:43</p> <p>FREE [186] - 25312:1, 25312:15, 25312:20, 25312:25, 25312:30, 25312:35, 25312:43, 25312:47, 25313:5, 25313:9, 25313:17, 25313:22, 25313:27, 25313:33, 25313:40, 25313:44, 25314:6, 25314:11, 25314:16, 25314:21, 25314:26, 25314:31, 25314:37, 25314:41, 25315:1, 25315:12, 25315:17, 25315:25, 25315:38, 25315:44, 25316:2, 25316:6, 25316:12, 25316:21, 25316:25, 25316:31, 25316:36, 25316:42, 25316:46, 25318:2, 25318:10, 25318:25, 25318:36, 25319:3, 25319:15, 25319:21, 25319:25, 25319:29, 25319:34, 25319:39, 25319:44, 25320:2, 25320:7, 25320:16, 25320:20, 25320:24, 25320:28, 25320:33, 25320:38, 25320:44, 25321:8, 25321:13, 25321:19, 25321:23, 25321:28, 25321:32, 25321:37, 25321:42, 25322:1, 25322:6, 25322:11, 25322:22, 25322:27, 25322:32, 25322:40, 25323:45, 25324:15, 25324:20, 25324:39, 25324:44, 25325:1, 25325:9, 25325:20, 25325:24, 25325:31, 25325:36, 25325:41, 25325:46, 25326:3, 25326:8, 25326:33, 25327:27, 25327:32, 25327:46, 25328:5, 25328:17, 25329:7, 25329:26, 25331:18, 25331:24, 25331:30, 25331:36, 25332:6, 25332:14, 25332:21, 25332:34, 25332:41, 25332:46, 25333:35,</p>
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<p>25333:41, 25333:46, 25334:17, 25337:1, 25337:8, 25337:18, 25337:25, 25337:30, 25337:43, 25338:4, 25338:21, 25338:29, 25338:35, 25339:3, 25339:9, 25339:16, 25339:21, 25339:29, 25339:33, 25339:39, 25340:19, 25340:23, 25340:30, 25340:39, 25341:11, 25344:21, 25345:9, 25345:32, 25345:39, 25345:45, 25346:5, 25346:12, 25346:19, 25346:26, 25346:37, 25346:42, 25346:47, 25348:12, 25349:29, 25350:26, 25351:19, 25351:42, 25352:2, 25352:6, 25352:11, 25352:16, 25352:22, 25352:28, 25353:13, 25369:28, 25369:33, 25369:39, 25370:27, 25370:35, 25370:47, 25371:19, 25371:40, 25372:25, 25372:30, 25391:2, 25391:11, 25391:29, 25391:41, 25392:3, 25392:9, 25392:26, 25392:31, 25392:39, 25393:1, 25395:18, 25396:10, 25396:31, 25396:42, 25397:43, 25398:2, 25398:28, 25409:8</p> <p>freedom [2] - 25343:16, 25347:28</p> <p>freely [2] - 25378:16, 25393:11</p> <p>friar [1] - 25325:36</p> <p>Friday [2] - 25363:21, 25408:38</p> <p>Fridays [1] - 25381:19</p> <p>friend [1] - 25379:33</p> <p>friends [2] - 25343:1, 25363:30</p> <p>friendships [4] - 25365:20, 25403:25, 25403:26</p> <p>frightened [2] - 25379:22, 25379:41</p> <p>front [3] - 25316:16, 25379:37, 25407:5</p> <p>frustrated [1] - 25354:1</p> <p>frustration [1] - 25354:2</p> <p>fulfil [1] - 25315:33</p> <p>full [18] - 25312:16, 25315:40, 25319:17, 25321:24, 25323:15, 25323:32, 25324:2, 25325:32, 25327:37, 25337:26, 25349:7, 25350:11, 25351:31, 25352:47, 25387:15,</p>	<p>25398:25</p> <p>full-time [3] - 25327:37, 25350:11, 25351:31</p> <p>fully [9] - 25330:47, 25334:39, 25338:8, 25348:29, 25378:28, 25388:43, 25389:4, 25389:25, 25398:34</p> <p>fundamental [6] - 25347:16, 25362:11, 25362:25, 25375:17, 25375:24</p> <p>Fundamentalis [2] - 25313:28, 25351:43</p> <p>Furness [1] - 25311:42</p> <p>future [8] - 25318:46, 25323:38, 25333:24, 25350:24, 25370:41, 25387:16, 25388:6, 25408:28</p> <p style="text-align: center;">G</p> <p>Gail [1] - 25311:42</p> <p>gain [1] - 25368:24</p> <p>garb [2] - 25355:34, 25355:45</p> <p>gathered [1] - 25366:1</p> <p>gay [2] - 25394:28, 25397:6</p> <p>general [7] - 25318:16, 25318:31, 25342:15, 25342:38, 25351:44, 25354:36, 25361:25</p> <p>generally [10] - 25338:27, 25351:5, 25354:40, 25358:15, 25360:6, 25369:39, 25375:11, 25379:27, 25400:35, 25400:41</p> <p>generosity [1] - 25378:18</p> <p>genetic [2] - 25395:1, 25395:2</p> <p>Gerard [1] - 25317:22</p> <p>Gerardine [1] - 25392:27</p> <p>Germany [1] - 25332:31</p> <p>Gerry [1] - 25377:29</p> <p>Gift [1] - 25405:41</p> <p>gift [1] - 25364:34</p> <p>girl [4] - 25384:18, 25384:24, 25384:40, 25389:15</p> <p>girl's [1] - 25379:40</p> <p>girls [3] - 25335:40, 25356:42, 25367:41</p> <p>given [10] - 25323:34, 25354:18, 25355:6, 25358:13, 25374:20, 25388:9, 25390:46, 25391:13, 25394:39, 25405:35</p> <p>glad [1] - 25337:22</p> <p>globally [1] - 25388:39</p> <p>goal [1] - 25380:18</p> <p>God [11] - 25336:41, 25343:42, 25360:44,</p>	<p>25364:10, 25364:11, 25364:13, 25369:45, 25370:22, 25370:33, 25372:34, 25403:25</p> <p>God's [4] - 25387:45, 25388:16</p> <p>God/priest [1] - 25379:41</p> <p>gospel [2] - 25359:29, 25373:38</p> <p>Goulburn [2] - 25315:14, 25333:27</p> <p>Governor [1] - 25311:23</p> <p>governs [1] - 25406:8</p> <p>graded [1] - 25401:44</p> <p>grandfather [2] - 25375:20, 25382:35</p> <p>grant [4] - 25387:12, 25387:15, 25387:19, 25388:19</p> <p>grateful [3] - 25374:28, 25375:8, 25396:37</p> <p>grave [2] - 25377:9, 25403:3</p> <p>great [11] - 25318:16, 25318:44, 25341:33, 25342:43, 25344:26, 25353:34, 25376:18, 25389:39, 25392:17, 25392:24, 25405:13</p> <p>greater [3] - 25318:26, 25390:6, 25391:12</p> <p>greatest [5] - 25355:28, 25361:32, 25361:39, 25363:5, 25403:16</p> <p>Greg [1] - 25402:26</p> <p>grief [1] - 25397:6</p> <p>grooming [2] - 25344:32</p> <p>ground [2] - 25369:28, 25397:38</p> <p>group [3] - 25314:2, 25347:7, 25348:5</p> <p>groups [2] - 25342:11, 25407:11</p> <p>grow [2] - 25354:10, 25360:43</p> <p>grown [2] - 25315:20, 25329:45</p> <p>growth [2] - 25361:11, 25391:45</p> <p>guess [7] - 25318:42, 25338:19, 25342:32, 25360:18, 25360:21, 25370:44, 25401:3</p> <p>guidance [5] - 25332:14, 25332:22, 25351:43, 25351:44, 25385:36</p> <p>guide [1] - 25352:18</p> <p>guided [4] - 25348:26, 25349:2, 25349:3, 25353:31</p> <p>guidelines [5] - 25346:38, 25407:1, 25407:2, 25407:33, 25408:9</p> <p>guilty [1] - 25386:17</p> <p>guys [1] - 25361:8</p>	<p style="text-align: center;">H</p> <p>habit [2] - 25359:17, 25359:34</p> <p>half [4] - 25318:5, 25329:3, 25370:44, 25376:39</p> <p>halfway [2] - 25352:46, 25397:5</p> <p>hand [5] - 25355:26, 25379:40, 25387:14, 25388:2, 25407:14</p> <p>handful [1] - 25318:45</p> <p>handle [1] - 25326:39</p> <p>handled [1] - 25387:8</p> <p>hands [4] - 25323:14, 25363:32, 25363:34, 25363:38</p> <p>hands-on [1] - 25323:14</p> <p>Hanna [1] - 25317:22</p> <p>happier [1] - 25403:31</p> <p>happiness [1] - 25403:21</p> <p>happy [7] - 25320:14, 25337:20, 25381:46, 25382:47, 25383:32, 25385:28, 25403:23</p> <p>hard [2] - 25340:5, 25343:19</p> <p>harm [6] - 25368:27, 25377:2, 25377:35, 25389:21, 25389:39, 25390:3</p> <p>harm's [1] - 25389:34</p> <p>harming [1] - 25343:43</p> <p>harmony [1] - 25338:46</p> <p>hate [1] - 25351:13</p> <p>head [3] - 25363:25, 25378:2</p> <p>headed [1] - 25327:43</p> <p>heading [2] - 25323:8, 25323:37</p> <p>headship [1] - 25378:5</p> <p>healing [1] - 25341:9</p> <p>Health [1] - 25326:26</p> <p>health [4] - 25327:43, 25391:14, 25391:24, 25391:25</p> <p>health" [1] - 25362:3</p> <p>healthier [1] - 25351:16</p> <p>healthy [4] - 25352:31, 25365:22, 25374:29, 25392:32</p> <p>hear [12] - 25344:9, 25344:16, 25354:42, 25371:11, 25382:25, 25383:34, 25383:40, 25387:28, 25390:1, 25392:26, 25392:44, 25395:22</p> <p>heard [17] - 25315:17, 25331:15, 25332:46, 25344:7, 25354:35, 25354:36, 25354:39, 25355:6, 25357:1, 25357:22, 25367:26, 25369:42, 25371:15,</p>	<p>25389:41, 25391:29, 25392:31</p> <p>hearing [2] - 25337:2, 25383:5</p> <p>Hearing [1] - 25311:19</p> <p>hearings [3] - 25361:38, 25388:36, 25395:26</p> <p>hearsay [1] - 25318:22</p> <p>Heart [1] - 25326:12</p> <p>heart [3] - 25360:47, 25374:15, 25394:30</p> <p>Heather [1] - 25388:38</p> <p>heaven [1] - 25371:29</p> <p>heavily [1] - 25327:9</p> <p>heinous [2] - 25335:8, 25368:25</p> <p>held [3] - 25321:42, 25324:26, 25363:38</p> <p>Helen [1] - 25311:37</p> <p>help [15] - 25324:9, 25324:36, 25330:30, 25351:38, 25354:10, 25354:29, 25359:36, 25370:21, 25376:24, 25377:2, 25377:35, 25384:2, 25384:4, 25385:3, 25386:24</p> <p>helpful [7] - 25325:13, 25352:25, 25361:11, 25381:1, 25394:35, 25408:26, 25408:33</p> <p>helping [5] - 25331:1, 25361:5, 25371:21, 25377:36, 25406:44</p> <p>helps [1] - 25362:18</p> <p>hermitage [2] - 25360:36, 25361:17</p> <p>herself [1] - 25368:14</p> <p>hesitate [1] - 25318:44</p> <p>heterosexual [9] - 25331:13, 25335:39, 25338:39, 25366:2, 25367:23, 25367:41, 25394:21, 25394:26, 25394:36</p> <p>heterosexuality [1] - 25394:37</p> <p>heterosexuals [1] - 25394:38</p> <p>hidden [2] - 25349:26, 25368:23</p> <p>hide [1] - 25356:30</p> <p>hiding [2] - 25355:34, 25368:15</p> <p>high [3] - 25343:29, 25359:42, 25377:13</p> <p>higher [1] - 25372:45</p> <p>highlighting [1] - 25408:29</p> <p>highly [1] - 25369:2</p> <p>himself [6] - 25341:4, 25364:33, 25376:19, 25377:45, 25387:14, 25388:2</p> <p>history [2] - 25338:17, 25390:23</p> <p>hits [1] - 25397:39</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------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<p>HOGAN [59] - 25312:7, 25319:19, 25319:23, 25319:27, 25319:32, 25319:36, 25319:42, 25319:46, 25320:4, 25320:10, 25320:18, 25320:22, 25320:26, 25320:31, 25320:35, 25320:42, 25320:47, 25321:11, 25321:15, 25321:21, 25346:3, 25346:7, 25346:17, 25346:24, 25346:32, 25346:40, 25346:45, 25350:30, 25351:23, 25351:47, 25352:4, 25352:9, 25352:14, 25352:20, 25352:25, 25371:24, 25377:38, 25381:12, 25382:21, 25382:28, 25382:41, 25382:47, 25383:4, 25383:22, 25383:31, 25386:1, 25386:15, 25386:24, 25386:29, 25386:35, 25386:39, 25387:28, 25387:40, 25388:14, 25388:21, 25388:28, 25396:13, 25396:27, 25399:25</p> <p>Hogan [7] - 25319:16, 25319:19, 25345:45, 25350:26, 25352:35, 25371:19, 25396:10</p> <p>hold [7] - 25312:43, 25319:34, 25322:1, 25325:27, 25369:24, 25369:25, 25377:34</p> <p>holding [1] - 25378:17</p> <p>holiness [2] - 25343:10, 25343:18</p> <p>Holy [5] - 25319:46, 25322:36, 25335:8, 25345:46, 25405:22</p> <p>holy [2] - 25342:35, 25365:36</p> <p>home [8] - 25315:5, 25315:6, 25315:20, 25350:39, 25376:4, 25379:44, 25383:42, 25396:4</p> <p>home-grown [1] - 25315:20</p> <p>Homebush [1] - 25313:42</p> <p>homeless [3] - 25327:5, 25327:12</p> <p>homes [1] - 25375:4</p> <p>homosexual [27] - 25330:10, 25331:6, 25331:18, 25331:24, 25331:31, 25331:39, 25332:9, 25334:22, 25334:40, 25335:14, 25335:19, 25335:28, 25336:17, 25336:20, 25338:31, 25338:39, 25363:15, 25364:3, 25364:16, 25364:47,</p>	<p>25365:37, 25366:3, 25367:23, 25367:42, 25393:45, 25394:22, 25394:26</p> <p>homosexuality [11] - 25365:27, 25366:5, 25366:13, 25366:20, 25366:28, 25367:18, 25367:34, 25392:41, 25392:42, 25393:4, 25394:16</p> <p>homosexuals [1] - 25335:18</p> <p>honest [1] - 25344:41</p> <p>Honour [10] - 25312:1, 25345:3, 25369:28, 25369:33, 25378:41, 25388:37, 25389:13, 25398:29, 25408:35, 25409:8</p> <p>hope [6] - 25319:1, 25375:41, 25375:44, 25385:26, 25385:32, 25396:38</p> <p>hopefully [2] - 25346:24, 25357:19</p> <p>Hospice [1] - 25326:12</p> <p>hospitals [3] - 25352:45, 25375:3, 25375:4</p> <p>hour [1] - 25337:40</p> <p>hours [3] - 25361:8, 25381:5, 25403:6</p> <p>housed [1] - 25322:34</p> <p>houses [6] - 25322:35, 25353:22, 25353:24, 25360:34, 25399:27</p> <p>hovered [1] - 25321:1</p> <p>huge [1] - 25398:22</p> <p>human [19] - 25313:35, 25336:40, 25336:42, 25342:45, 25342:47, 25343:16, 25343:20, 25349:36, 25368:28, 25374:32, 25376:41, 25377:12, 25378:12, 25391:13, 25400:21, 25400:33, 25405:17, 25405:19</p> <p>Human [1] - 25313:36</p> <p>humanity [1] - 25389:39</p> <p>humble [1] - 25364:34</p> <p>humility [1] - 25372:21</p> <p>hurt [1] - 25385:32</p> <p>hypothetically [1] - 25384:47</p>	<p>identified [6] - 25341:39, 25342:6, 25342:21, 25346:21, 25361:23, 25362:5</p> <p>identifies [1] - 25400:3</p> <p>identify [4] - 25336:19, 25338:31, 25361:22, 25369:25</p> <p>identity [18] - 25329:36, 25330:16, 25330:18, 25330:19, 25330:31, 25331:3, 25339:1, 25358:15, 25372:38, 25372:42, 25372:43, 25373:4, 25374:8, 25374:20, 25392:34, 25394:44</p> <p>Il [1] - 25377:6</p> <p>Il's [1] - 25342:44</p> <p>ill [1] - 25375:4</p> <p>illness [1] - 25400:7</p> <p>image [4] - 25364:10, 25364:11, 25364:13, 25372:31</p> <p>imagine [1] - 25347:4</p> <p>immediate [1] - 25373:8</p> <p>immediately [2] - 25317:27, 25398:36</p> <p>immensely [1] - 25363:47</p> <p>immerse [1] - 25351:11</p> <p>impact [2] - 25364:16, 25390:11</p> <p>impede [1] - 25393:6</p> <p>impediment [1] - 25392:43</p> <p>impediments [1] - 25338:12</p> <p>implement [1] - 25400:11</p> <p>imply [1] - 25369:8</p> <p>importance [1] - 25368:41</p> <p>important [14] - 25348:2, 25353:16, 25356:1, 25356:22, 25356:34, 25357:36, 25359:36, 25359:37, 25361:13, 25369:14, 25370:28, 25375:30, 25377:8, 25403:33</p> <p>imposed [2] - 25332:34, 25379:11</p> <p>impossible [1] - 25393:47</p> <p>impression [3] - 25318:31, 25343:38, 25344:11</p> <p>impure [1] - 25383:9</p> <p>in-services [1] - 25381:32</p> <p>inclinations [1] - 25366:14</p> <p>include [2] - 25327:27, 25368:5</p> <p>included [1] - 25394:14</p> <p>includes [2] - 25329:1, 25375:19</p> <p>including [8] - 25314:1, 25320:8, 25333:27, 25343:7, 25367:21, 25389:40, 25403:23, 25405:20</p>	<p>income [1] - 25401:18</p> <p>incompatible [1] - 25352:31</p> <p>inconsistent [1] - 25380:27</p> <p>incorporation [1] - 25324:2</p> <p>increase [1] - 25320:47</p> <p>increased [1] - 25321:4</p> <p>increasing [1] - 25314:39</p> <p>incumbent [1] - 25380:43</p> <p>indeed [1] - 25343:27</p> <p>independent [1] - 25346:9</p> <p>independently [2] - 25339:17, 25349:4</p> <p>India [4] - 25318:8, 25320:35, 25321:16, 25396:1</p> <p>indicate [4] - 25337:32, 25343:24, 25362:33, 25367:45</p> <p>indicated [10] - 25318:19, 25322:41, 25343:10, 25346:19, 25347:20, 25354:37, 25355:1, 25359:41, 25367:17, 25408:45</p> <p>indication [1] - 25348:9</p> <p>indications [1] - 25313:45</p> <p>indicative [1] - 25365:22</p> <p>indicator [1] - 25402:40</p> <p>indicators [5] - 25401:8, 25401:13, 25401:21, 25402:11, 25403:38</p> <p>individual [11] - 25328:42, 25331:2, 25332:41, 25345:26, 25346:42, 25355:41, 25355:43, 25374:27, 25385:4, 25394:1, 25403:5</p> <p>individually [1] - 25368:35</p> <p>individuals [2] - 25390:3, 25402:44</p> <p>induction [3] - 25398:37, 25398:47, 25399:10</p> <p>infallibly [1] - 25343:17</p> <p>influences [1] - 25349:10</p> <p>inform [1] - 25344:47</p> <p>information [10] - 25329:46, 25337:23, 25340:45, 25361:37, 25367:13, 25399:36, 25402:22, 25404:8, 25404:10, 25406:1</p> <p>informed [3] - 25332:8, 25342:28, 25380:5</p> <p>informing [2] - 25404:3, 25404:11</p> <p>inherited [1] - 25350:17</p> <p>initial [5] - 25333:36, 25347:7, 25365:25, 25398:25, 25403:2</p> <p>initiated [1] - 25347:21</p> <p>initiating [1] - 25347:19</p> <p>innocence [2] - 25376:26, 25389:44</p> <p>input [5] - 25363:42,</p>	<p>25363:43, 25371:25, 25391:20, 25397:36</p> <p>inquire [1] - 25339:12</p> <p>inquiry [1] - 25322:47</p> <p>inroads [1] - 25366:28</p> <p>inside [1] - 25330:39</p> <p>insights [1] - 25396:32</p> <p>insist [2] - 25318:31, 25339:44</p> <p>instance [2] - 25379:43, 25389:14</p> <p>institutes [2] - 25339:24, 25399:27</p> <p>institution [2] - 25360:32, 25361:16</p> <p>institutional [3] - 25361:31, 25362:34, 25362:37</p> <p>INSTITUTIONAL [1] - 25311:14</p> <p>institutionalising [1] - 25365:47</p> <p>institutionally [1] - 25368:30</p> <p>institutions [2] - 25354:13, 25380:27</p> <p>instruction [5] - 25335:45, 25364:40, 25365:31, 25387:19, 25396:5</p> <p>instructions [1] - 25404:27</p> <p>instructs [1] - 25387:35</p> <p>instruments [3] - 25402:34, 25402:39</p> <p>insufficient [1] - 25361:25</p> <p>insurmountable [1] - 25396:17</p> <p>intakes [1] - 25321:4</p> <p>integrated [1] - 25354:15</p> <p>integration [1] - 25355:3</p> <p>integrity [2] - 25371:47, 25372:1</p> <p>intellectual [3] - 25349:37, 25349:39, 25397:36</p> <p>intend [1] - 25388:5</p> <p>intending [2] - 25337:37, 25387:42</p> <p>intensive [1] - 25350:3</p> <p>intention [1] - 25348:24</p> <p>interact [2] - 25353:18, 25389:8</p> <p>interest [3] - 25334:24, 25335:39, 25404:38</p> <p>interested [4] - 25324:6, 25325:15, 25330:25, 25395:22</p> <p>interesting [6] - 25325:26, 25327:2, 25361:45, 25361:46, 25397:14, 25398:21</p> <p>interests [1] - 25408:29</p> <p>interfered [1] - 25382:36</p> <p>interior [3] - 25355:41, 25356:1, 25403:24</p> <p>internal [2] - 25351:35, 25401:31</p> <p>internally [2] - 25333:3,</p>
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<p>25333:7 internals [1] - 25356:22 international [2] - 25323:34, 25408:30 internationally [2] - 25314:29, 25334:34 interpersonally [1] - 25350:43 interpret [1] - 25383:12 interview [3] - 25329:2, 25329:38 interviewing [1] - 25323:2 interviews [5] - 25328:47, 25329:17, 25337:38, 25338:1, 25338:5 intimacy [1] - 25365:18 INTO [1] - 25311:14 intrinsically [4] - 25364:9, 25364:16, 25369:7, 25369:8 introduced [3] - 25345:22, 25353:10, 25370:7 investigated [1] - 25338:37 invite [1] - 25398:32 invited [1] - 25324:1 involved [19] - 25314:16, 25322:11, 25327:7, 25327:8, 25327:9, 25327:39, 25327:43, 25333:24, 25334:26, 25339:4, 25339:36, 25350:47, 25351:4, 25351:7, 25377:45, 25380:23, 25384:7, 25391:33, 25392:4 involvement [3] - 25327:44, 25341:11, 25391:4 Iran [1] - 25327:41 Iraq [1] - 25327:41 Ireland [1] - 25395:37 Irish [1] - 25395:36 isolate [1] - 25349:12 isolated [1] - 25342:34 isolates [1] - 25364:26 isolating [1] - 25348:23 isolation [2] - 25344:34, 25404:6 issue [41] - 25333:21, 25346:37, 25352:30, 25359:16, 25364:1, 25365:40, 25366:19, 25367:18, 25367:29, 25367:41, 25368:16, 25368:23, 25369:14, 25369:20, 25372:15, 25373:45, 25374:3, 25381:10, 25385:8, 25385:35, 25386:33, 25387:6, 25387:9, 25387:30, 25390:38, 25390:44, 25391:29, 25393:36, 25393:37, 25394:25, 25394:26, 25394:27, 25394:29, 25394:31, 25394:43,</p>	<p>25395:8, 25395:11, 25397:19, 25397:32, 25398:3, 25403:29 issued [3] - 25313:23, 25351:44, 25352:6 issues [27] - 25318:11, 25327:35, 25329:32, 25331:10, 25332:29, 25353:46, 25356:17, 25356:20, 25372:8, 25372:23, 25376:17, 25379:47, 25382:13, 25385:16, 25389:10, 25390:35, 25392:35, 25393:29, 25394:15, 25395:22, 25395:28, 25396:15, 25396:47, 25397:6, 25398:2, 25400:10, 25403:47 Issues [1] - 25327:24 itself [9] - 25323:33, 25350:28, 25352:31, 25355:44, 25373:11, 25374:4, 25374:6, 25394:37, 25403:16</p>	<p>25368:28 JUSTICE [12] - 25336:8, 25336:15, 25336:24, 25336:29, 25336:33, 25337:20, 25385:35, 25385:45, 25386:26, 25386:32, 25386:37, 25386:41</p>	<p>25371:33, 25379:33, 25386:3, 25386:5, 25391:24, 25406:35 kinds [7] - 25343:5, 25353:1, 25361:13, 25370:41, 25376:40, 25380:16, 25408:18 king [1] - 25377:43 Kingdom [2] - 25339:22, 25339:23 kiss [1] - 25363:34 kissed [1] - 25363:38 kitchen [1] - 25379:39 knowing [2] - 25373:24 knowledge [5] - 25341:42, 25343:47, 25348:4, 25366:37, 25394:39 known [6] - 25315:45, 25316:39, 25328:41, 25341:3, 25362:42, 25405:24 knows [2] - 25364:33 Korea [1] - 25321:17</p>	<p>25377:20, 25379:15, 25387:6, 25391:16, 25397:4, 25400:7, 25408:38 lasts [1] - 25371:34 Latin [2] - 25355:45, 25356:10 latter [1] - 25326:26 law [5] - 25336:39, 25343:42, 25394:45, 25394:46, 25395:5 laws [4] - 25336:40, 25336:41, 25336:42, 25389:7 lawyer [2] - 25383:23, 25387:40 lawyer's [1] - 25387:43 lay [5] - 25334:22, 25378:23, 25403:12, 25404:5, 25404:36 laypeople [6] - 25353:34, 25358:7, 25358:9, 25375:1, 25375:5, 25403:26 layperson [1] - 25357:5 lead [2] - 25324:37, 25388:45 leaders [1] - 25342:20 leadership [1] - 25321:42 leading [1] - 25324:11 leads [1] - 25395:38 learn [4] - 25362:44, 25372:20, 25380:20, 25395:43 learned [1] - 25381:44 learning [9] - 25318:21, 25341:33, 25341:42, 25341:44, 25350:8, 25367:25, 25372:21, 25396:19, 25401:3 learnings [3] - 25354:42, 25360:2, 25404:3 learns [2] - 25360:43, 25360:44 LEARY [36] - 25312:13, 25325:34, 25325:39, 25325:44, 25326:1, 25326:6, 25326:10, 25326:35, 25327:30, 25327:34, 25328:2, 25328:8, 25347:4, 25348:16, 25349:34, 25363:4, 25364:44, 25365:4, 25365:9, 25365:43, 25367:4, 25367:33, 25368:32, 25368:39, 25376:46, 25388:33, 25389:44, 25390:17, 25390:22, 25396:45, 25397:47, 25398:45, 25400:45, 25402:21, 25403:15, 25409:14 Leary [10] - 25325:31, 25325:34, 25346:47, 25352:30, 25354:47, 25361:23, 25362:5,</p>
<p>J</p>	<p>James [1] - 25321:26 JAMES [1] - 25312:9 Jennifer [1] - 25311:34 Jesuit [21] - 25321:28, 25321:32, 25321:37, 25321:43, 25322:9, 25322:17, 25322:42, 25323:13, 25323:16, 25324:32, 25359:28, 25360:23, 25360:37, 25361:5, 25361:7, 25361:18, 25361:19, 25398:6, 25398:10, 25398:18 Jesuits [11] - 25322:32, 25322:37, 25323:33, 25323:35, 25325:1, 25337:33, 25338:8, 25359:21, 25360:3, 25398:10, 25398:18 Jesus [3] - 25371:29, 25371:31, 25371:33 jettison [1] - 25377:1 job [2] - 25322:24, 25390:40 John [2] - 25319:19, 25342:44 JOHN [1] - 25312:7 John's [2] - 25365:45, 25365:46 join [2] - 25327:16, 25398:33 joined [2] - 25326:3, 25398:17 jump [1] - 25401:16 jurisdiction [1] - 25389:29 Justice [3] - 25311:33, 25311:34, 25390:46 justice [2] - 25327:7,</p>	<p>K</p> <p>Kairos [2] - 25391:4, 25391:13 keep [1] - 25359:29 keeps [2] - 25350:31, 25364:32 Kelly [16] - 25321:23, 25321:26, 25337:30, 25349:1, 25355:4, 25358:47, 25361:21, 25369:40, 25370:13, 25391:2, 25398:2, 25398:32, 25399:12, 25399:15, 25400:21, 25401:1 KELLY [53] - 25312:9, 25321:26, 25321:30, 25321:35, 25321:40, 25321:46, 25322:4, 25322:8, 25322:14, 25322:24, 25322:30, 25322:34, 25322:46, 25323:47, 25324:18, 25324:23, 25324:42, 25324:46, 25325:4, 25325:12, 25325:22, 25325:26, 25337:36, 25337:46, 25338:7, 25338:24, 25338:33, 25338:37, 25339:7, 25339:11, 25339:19, 25339:27, 25339:31, 25339:36, 25359:8, 25359:46, 25360:8, 25362:7, 25362:15, 25362:40, 25370:16, 25380:40, 25391:9, 25391:19, 25391:38, 25391:44, 25398:6, 25398:40, 25399:19, 25400:38, 25401:12, 25401:23, 25401:35 Kelly's [1] - 25359:6 Kenya [1] - 25318:8 Kerr [1] - 25346:10 key [3] - 25322:44, 25324:11, 25330:10 kind [25] - 25317:8, 25318:19, 25318:41, 25321:1, 25332:23, 25332:35, 25333:1, 25341:21, 25341:24, 25342:13, 25342:34, 25342:38, 25342:40, 25350:40, 25351:13, 25352:44, 25359:24, 25366:31, 25370:29,</p>	<p>L</p> <p>lack [18] - 25315:20, 25342:15, 25342:38, 25342:39, 25344:29, 25344:34, 25344:40, 25348:3, 25348:4, 25368:15, 25379:11, 25389:46, 25389:47, 25394:29, 25400:42, 25402:32 lacking [1] - 25333:32 lacks [1] - 25343:1 lads [3] - 25350:36, 25378:9, 25381:17 laid [1] - 25342:10 laity [6] - 25357:44, 25374:21, 25374:28, 25378:25, 25401:35, 25404:8 land [1] - 25397:32 language [6] - 25336:19, 25349:16, 25349:41, 25363:47, 25390:11, 25397:9 Lanka [2] - 25318:8, 25327:41 Laos [1] - 25396:46 lapel [1] - 25359:15 large [6] - 25314:2, 25319:10, 25320:47, 25343:37, 25368:18, 25381:14 largely [1] - 25376:41 larger [1] - 25342:12 largest [1] - 25321:5 last [18] - 25313:30, 25314:22, 25320:39, 25323:21, 25326:36, 25327:37, 25333:20, 25347:6, 25349:35, 25353:28, 25356:20,</p>	<p>25377:20, 25379:15, 25387:6, 25391:16, 25397:4, 25400:7, 25408:38 lasts [1] - 25371:34 Latin [2] - 25355:45, 25356:10 latter [1] - 25326:26 law [5] - 25336:39, 25343:42, 25394:45, 25394:46, 25395:5 laws [4] - 25336:40, 25336:41, 25336:42, 25389:7 lawyer [2] - 25383:23, 25387:40 lawyer's [1] - 25387:43 lay [5] - 25334:22, 25378:23, 25403:12, 25404:5, 25404:36 laypeople [6] - 25353:34, 25358:7, 25358:9, 25375:1, 25375:5, 25403:26 layperson [1] - 25357:5 lead [2] - 25324:37, 25388:45 leaders [1] - 25342:20 leadership [1] - 25321:42 leading [1] - 25324:11 leads [1] - 25395:38 learn [4] - 25362:44, 25372:20, 25380:20, 25395:43 learned [1] - 25381:44 learning [9] - 25318:21, 25341:33, 25341:42, 25341:44, 25350:8, 25367:25, 25372:21, 25396:19, 25401:3 learnings [3] - 25354:42, 25360:2, 25404:3 learns [2] - 25360:43, 25360:44 LEARY [36] - 25312:13, 25325:34, 25325:39, 25325:44, 25326:1, 25326:6, 25326:10, 25326:35, 25327:30, 25327:34, 25328:2, 25328:8, 25347:4, 25348:16, 25349:34, 25363:4, 25364:44, 25365:4, 25365:9, 25365:43, 25367:4, 25367:33, 25368:32, 25368:39, 25376:46, 25388:33, 25389:44, 25390:17, 25390:22, 25396:45, 25397:47, 25398:45, 25400:45, 25402:21, 25403:15, 25409:14 Leary [10] - 25325:31, 25325:34, 25346:47, 25352:30, 25354:47, 25361:23, 25362:5,</p>
<p>. 14/02/2017 (248)</p>		<p>12</p>		

<p>25367:17, 25389:37, 25396:42</p> <p>least [8] - 25317:19, 25317:40, 25332:31, 25352:43, 25358:44, 25366:18, 25374:37, 25395:20</p> <p>leave [3] - 25340:46, 25341:13, 25341:15</p> <p>leaving [1] - 25402:8</p> <p>lecturer [1] - 25385:42</p> <p>lecturers [1] - 25371:14</p> <p>led [4] - 25327:15, 25330:42, 25368:15, 25368:47</p> <p>left [3] - 25326:10, 25332:41, 25363:21</p> <p>legal [1] - 25356:11</p> <p>Leichhardt [1] - 25371:46</p> <p>lengthy [2] - 25324:3, 25390:23</p> <p>less [2] - 25323:1, 25356:15</p> <p>lesser [1] - 25395:46</p> <p>letter [2] - 25405:9, 25408:2</p> <p>Level [1] - 25311:23</p> <p>level [13] - 25332:22, 25332:23, 25334:15, 25352:12, 25352:17, 25354:2, 25355:32, 25372:45, 25377:13, 25378:17, 25381:29, 25381:30</p> <p>levels [1] - 25355:32</p> <p>liaison [1] - 25326:40</p> <p>liberties [1] - 25380:15</p> <p>Life [1] - 25404:1</p> <p>life [25] - 25324:37, 25338:45, 25340:14, 25342:39, 25343:11, 25343:21, 25343:33, 25343:39, 25350:10, 25351:39, 25355:41, 25356:1, 25361:17, 25363:14, 25369:15, 25377:4, 25377:45, 25389:35, 25391:24, 25393:17, 25394:23, 25402:28, 25403:3, 25403:24</p> <p>likely [1] - 25374:37</p> <p>likeness [3] - 25364:10, 25364:11, 25364:13</p> <p>limitations [1] - 25348:3</p> <p>limited [1] - 25347:47</p> <p>limits [1] - 25333:4</p> <p>line [4] - 25382:38, 25383:18, 25394:44, 25408:14</p> <p>lines [1] - 25392:10</p> <p>link [1] - 25402:12</p> <p>Lismore [3] - 25317:38, 25318:45, 25318:46</p> <p>list [1] - 25403:7</p> <p>liturgical [1] - 25358:30</p> <p>live [12] - 25338:40,</p>	<p>25338:43, 25342:9, 25349:32, 25351:14, 25353:22, 25359:29, 25391:23, 25394:16, 25394:23, 25397:15</p> <p>lives [4] - 25349:26, 25358:38, 25369:13, 25393:46</p> <p>living [7] - 25349:4, 25350:39, 25351:14, 25351:37, 25354:16, 25359:10, 25403:24</p> <p>local [3] - 25319:11, 25350:37, 25398:38</p> <p>locally [3] - 25400:15, 25400:30, 25400:31</p> <p>lockdown [2] - 25350:34, 25350:35</p> <p>longitudinal [1] - 25397:37</p> <p>look [27] - 25323:7, 25328:45, 25329:35, 25330:27, 25330:28, 25331:1, 25331:9, 25331:10, 25337:10, 25340:9, 25340:45, 25342:14, 25344:18, 25354:27, 25355:40, 25364:18, 25365:16, 25369:21, 25372:7, 25372:8, 25381:45, 25385:27, 25401:47, 25403:22, 25403:28</p> <p>looked [2] - 25400:6, 25401:43</p> <p>looking [12] - 25329:29, 25342:30, 25353:39, 25357:41, 25369:12, 25374:38, 25377:42, 25401:28, 25407:14, 25407:20, 25408:3</p> <p>looks [3] - 25328:47, 25355:24, 25357:43</p> <p>Lord [1] - 25343:41</p> <p>lose [1] - 25354:7</p> <p>loss [1] - 25397:6</p> <p>loud [1] - 25397:35</p> <p>love [4] - 25364:12, 25364:32, 25370:21, 25396:28</p> <p>low [3] - 25317:11, 25318:19</p> <p>loyal [1] - 25343:38</p> <p>lunch [2] - 25369:31, 25404:25</p> <p>LUNCHEON [1] - 25369:37</p> <p>LYDIA [1] - 25312:11</p> <p>Lydia [3] - 25312:18, 25348:7, 25404:25</p>	<p>major [7] - 25345:24, 25346:20, 25356:39, 25362:34, 25367:31, 25367:33, 25373:41</p> <p>majority [2] - 25355:6, 25363:7</p> <p>Malaysia [2] - 25326:38, 25328:2</p> <p>male [11] - 25326:12, 25326:16, 25327:8, 25336:43, 25394:44, 25394:47, 25395:1, 25395:2, 25395:3</p> <p>males [1] - 25334:28</p> <p>malign [1] - 25365:44</p> <p>man [10] - 25330:36, 25330:40, 25341:46, 25342:8, 25342:16, 25342:46, 25343:40, 25345:23, 25398:16</p> <p>manage [1] - 25370:37</p> <p>management [4] - 25339:1, 25400:22, 25400:34, 25402:41</p> <p>manager [1] - 25327:38</p> <p>manages [1] - 25403:13</p> <p>manifest [1] - 25394:37</p> <p>manifests [2] - 25374:3, 25374:6</p> <p>Manly [1] - 25325:42</p> <p>manners [2] - 25343:2, 25374:14</p> <p>manual [1] - 25400:15</p> <p>March [1] - 25409:4</p> <p>markedly [1] - 25322:42</p> <p>Maronite [2] - 25320:12, 25320:14</p> <p>Marshall [2] - 25344:25, 25344:26</p> <p>masculine [4] - 25336:43, 25394:47, 25395:2, 25395:3</p> <p>masculinity [2] - 25330:43, 25330:45</p> <p>mass [10] - 25353:23, 25355:36, 25355:45, 25356:1, 25356:10, 25356:40, 25363:27, 25363:30, 25363:34, 25373:5</p> <p>Massachusetts [1] - 25323:23</p> <p>massive [1] - 25351:38</p> <p>masters [1] - 25319:39</p> <p>Masters [2] - 25322:1, 25326:25</p> <p>matter [11] - 25332:4, 25333:41, 25346:42, 25359:23, 25363:42, 25366:2, 25393:10, 25393:15, 25394:21, 25396:36, 25402:42</p> <p>matters [5] - 25326:43, 25344:46, 25349:29, 25376:30, 25390:9</p> <p>mature [3] - 25365:12, 25365:13, 25369:23</p>	<p>maturity [2] - 25344:30, 25367:19</p> <p>McClellan [1] - 25311:33</p> <p>McClellan's [1] - 25390:46</p> <p>meals [1] - 25395:42</p> <p>mean [25] - 25318:29, 25324:3, 25329:42, 25330:21, 25335:1, 25335:22, 25338:39, 25344:5, 25344:38, 25349:21, 25353:46, 25354:30, 25355:15, 25367:13, 25368:12, 25370:41, 25374:26, 25374:27, 25375:34, 25384:13, 25386:43, 25395:11, 25402:4, 25406:29</p> <p>means [8] - 25330:23, 25350:33, 25366:13, 25366:14, 25368:5, 25373:3, 25391:23, 25393:25</p> <p>meant [4] - 25331:1, 25350:32, 25378:44, 25393:16</p> <p>mediation [1] - 25326:45</p> <p>medical [3] - 25312:39, 25328:40, 25334:6</p> <p>medicine [1] - 25402:36</p> <p>meet [6] - 25332:3, 25346:34, 25351:27, 25353:5, 25396:2, 25396:20</p> <p>meeting [4] - 25318:47, 25341:20, 25400:35, 25409:3</p> <p>Melbourne [9] - 25317:12, 25318:11, 25318:13, 25323:6, 25327:38, 25341:20, 25348:40, 25348:41, 25362:19</p> <p>Melkite [1] - 25317:41</p> <p>member [2] - 25312:20, 25315:44</p> <p>members [4] - 25328:18, 25332:3, 25374:8, 25381:42</p> <p>memory [2] - 25317:37, 25400:8</p> <p>men [11] - 25317:18, 25317:41, 25340:8, 25342:24, 25353:33, 25355:21, 25356:14, 25362:16, 25367:41, 25367:42, 25405:20</p> <p>men's [1] - 25381:42</p> <p>mental [1] - 25362:3</p> <p>mention [1] - 25352:26</p> <p>mentioned [11] - 25318:6, 25319:12, 25350:16, 25360:34, 25370:32, 25376:16, 25381:13, 25401:2, 25401:4, 25406:14</p> <p>mentioning [1] - 25362:43</p> <p>mentoring [2] - 25350:5,</p>	<p>25350:9</p> <p>Mercy [1] - 25312:21</p> <p>message [4] - 25356:5, 25356:23, 25393:2, 25405:22</p> <p>met [2] - 25341:19, 25353:7</p> <p>MICHAEL [1] - 25312:7</p> <p>Michael [2] - 25319:19, 25354:35</p> <p>microphone [2] - 25316:15, 25319:16</p> <p>middle [1] - 25402:25</p> <p>might [43] - 25323:8, 25323:16, 25323:37, 25325:27, 25326:17, 25330:37, 25332:46, 25333:4, 25333:5, 25333:7, 25333:24, 25333:32, 25340:10, 25343:39, 25344:45, 25347:35, 25348:10, 25357:32, 25359:14, 25359:32, 25360:14, 25368:5, 25379:18, 25379:47, 25380:6, 25381:36, 25383:10, 25384:47, 25386:11, 25391:29, 25392:11, 25394:36, 25394:38, 25395:27, 25397:31, 25397:44, 25398:11, 25401:15, 25401:33, 25403:28, 25404:17, 25407:20</p> <p>migrant [1] - 25398:7</p> <p>Milroy [4] - 25311:37, 25383:20, 25394:38, 25399:15</p> <p>MILROY [19] - 25380:22, 25380:34, 25382:3, 25382:13, 25382:25, 25383:25, 25383:34, 25387:1, 25387:18, 25387:25, 25387:30, 25393:15, 25393:23, 25393:28, 25393:33, 25393:40, 25395:8, 25395:13, 25396:23</p> <p>Milroy's [1] - 25400:1</p> <p>mind [3] - 25374:15, 25375:31, 25394:30</p> <p>minds [1] - 25374:21</p> <p>minister [2] - 25340:15, 25403:10</p> <p>ministers [1] - 25349:24</p> <p>ministries [1] - 25359:43</p> <p>ministry [16] - 25323:14, 25323:16, 25323:29, 25327:21, 25340:17, 25358:16, 25359:14, 25366:6, 25370:11, 25372:1, 25374:9, 25378:1, 25398:13, 25401:25, 25402:28, 25403:23</p> <p>minor [1] - 25367:30</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>Minors [4] - 25406:16, 25406:22, 25406:38, 25407:3</p> <p>minors [1] - 25327:40</p> <p>misbehaviour [5] - 25382:33, 25382:37, 25383:11, 25383:12, 25383:19</p> <p>miserable [2] - 25333:19, 25333:20</p> <p>misplaced [2] - 25374:39, 25375:32</p> <p>misreading [1] - 25347:33</p> <p>miss [1] - 25357:31</p> <p>missed [1] - 25320:42</p> <p>missing [1] - 25378:27</p> <p>Mission [1] - 25315:45</p> <p>mistake [1] - 25352:36</p> <p>mistakes [1] - 25374:28</p> <p>misunderstanding [2] - 25367:38, 25386:5</p> <p>misunderstood [1] - 25383:4</p> <p>misusing [1] - 25376:38</p> <p>mix [1] - 25342:12</p> <p>mixing [1] - 25350:37</p> <p>mode [1] - 25359:9</p> <p>model [23] - 25349:47, 25350:17, 25350:27, 25350:32, 25351:13, 25351:15, 25352:37, 25353:21, 25354:13, 25354:14, 25354:15, 25354:17, 25354:18, 25354:19, 25354:20, 25354:21, 25354:30, 25354:31, 25354:38, 25354:40, 25355:25, 25395:36</p> <p>modelling [1] - 25360:39</p> <p>modern [5] - 25363:29, 25364:5, 25377:42, 25389:26, 25396:17</p> <p>modified [1] - 25353:10</p> <p>modules [2] - 25381:4, 25381:37</p> <p>molesting [1] - 25379:23</p> <p>moment [16] - 25313:33, 25313:45, 25317:36, 25317:38, 25318:45, 25324:40, 25324:42, 25337:3, 25345:17, 25346:7, 25349:47, 25378:24, 25378:32, 25398:47, 25403:1, 25403:4</p> <p>monasteries [2] - 25343:27, 25343:29</p> <p>monk [1] - 25361:41</p> <p>month [2] - 25323:32, 25351:27</p> <p>monthly [4] - 25328:26, 25332:29, 25361:6, 25377:21</p> <p>months [9] - 25323:2, 25323:33, 25326:11, 25326:16, 25339:47,</p>	<p>25347:18, 25347:19, 25352:47, 25353:29</p> <p>months' [1] - 25317:40</p> <p>moral [5] - 25383:23, 25385:42, 25385:43, 25386:29, 25387:11</p> <p>morale [2] - 25317:11, 25318:19</p> <p>morning [5] - 25337:25, 25345:5, 25345:10, 25347:30, 25409:17</p> <p>most [8] - 25327:2, 25339:46, 25350:34, 25352:2, 25354:18, 25363:26, 25378:8, 25399:8</p> <p>mostly [1] - 25322:19</p> <p>mother [8] - 25357:23, 25379:40, 25380:6, 25382:35, 25384:10, 25384:11, 25397:9</p> <p>move [7] - 25316:17, 25339:14, 25359:39, 25360:9, 25361:17, 25362:16, 25371:36</p> <p>moved [6] - 25317:34, 25328:13, 25360:32, 25360:33, 25367:18, 25377:24</p> <p>movie [2] - 25397:5, 25397:13</p> <p>moving [3] - 25328:14, 25360:47, 25407:30</p> <p>MR [186] - 25312:1, 25312:15, 25312:20, 25312:25, 25312:30, 25312:35, 25312:43, 25312:47, 25313:5, 25313:9, 25313:17, 25313:22, 25313:27, 25313:33, 25313:40, 25313:44, 25314:6, 25314:11, 25314:16, 25314:21, 25314:26, 25314:31, 25314:37, 25314:41, 25315:1, 25315:12, 25315:17, 25315:25, 25315:38, 25315:44, 25316:2, 25316:6, 25316:12, 25316:21, 25316:25, 25316:31, 25316:36, 25316:42, 25316:46, 25318:2, 25318:10, 25318:25, 25318:36, 25319:3, 25319:15, 25319:21, 25319:25, 25319:29, 25319:34, 25319:39, 25319:44, 25320:2, 25320:7, 25320:16, 25320:20, 25320:24, 25320:28, 25320:33, 25320:38, 25320:44, 25321:8, 25321:13, 25321:19, 25321:23, 25321:28, 25321:32, 25321:37, 25321:42, 25322:1,</p>	<p>25322:6, 25322:11, 25322:22, 25322:27, 25322:32, 25322:40, 25323:45, 25324:15, 25324:20, 25324:39, 25324:44, 25325:1, 25325:9, 25325:20, 25325:24, 25325:31, 25325:36, 25325:41, 25325:46, 25326:3, 25326:8, 25326:33, 25327:27, 25327:32, 25327:46, 25328:5, 25328:17, 25329:7, 25329:26, 25331:18, 25331:24, 25331:30, 25331:36, 25332:6, 25332:14, 25332:21, 25332:34, 25332:41, 25332:46, 25333:35, 25333:41, 25333:46, 25334:17, 25337:1, 25337:8, 25337:18, 25337:25, 25337:30, 25337:43, 25338:4, 25338:21, 25338:29, 25338:35, 25339:3, 25339:9, 25339:16, 25339:21, 25339:29, 25339:33, 25339:39, 25340:19, 25340:23, 25340:30, 25340:39, 25341:11, 25344:21, 25345:9, 25345:32, 25345:39, 25345:45, 25346:5, 25346:12, 25346:19, 25346:26, 25346:37, 25346:42, 25346:47, 25348:12, 25349:29, 25350:26, 25351:19, 25351:42, 25352:2, 25352:6, 25352:11, 25352:16, 25352:22, 25352:28, 25353:13, 25369:28, 25369:33, 25369:39, 25370:27, 25370:35, 25370:47, 25371:19, 25371:40, 25372:25, 25372:30, 25391:2, 25391:11, 25391:29, 25391:41, 25392:3, 25392:9, 25392:26, 25392:31, 25392:39, 25393:1, 25395:18, 25396:10, 25396:31, 25396:42, 25397:43, 25398:2, 25398:28, 25409:8</p> <p>MS [32] - 25404:22, 25404:24, 25404:34, 25404:45, 25405:9, 25405:15, 25405:22, 25405:29, 25405:34, 25405:40, 25405:45, 25406:14, 25406:20, 25406:26, 25406:32, 25406:37,</p>	<p>25406:47, 25407:9, 25407:13, 25407:18, 25407:25, 25407:30, 25407:40, 25407:44, 25408:2, 25408:9, 25408:16, 25408:23, 25408:35, 25408:43, 25409:1</p> <p>multicultural [2] - 25360:39, 25397:16</p> <p>multifaceted [1] - 25334:11</p> <p>mum [1] - 25375:37</p> <p>murder [4] - 25389:42, 25389:44, 25390:2, 25390:10</p> <p>MURRAY [18] - 25334:19, 25334:30, 25334:38, 25335:13, 25335:27, 25335:33, 25335:38, 25335:45, 25361:21, 25362:9, 25362:28, 25363:1, 25367:38, 25368:3, 25379:37, 25389:37, 25389:46, 25408:25</p> <p>Murray [3] - 25311:38, 25404:34, 25405:4</p> <p>must [11] - 25334:40, 25335:3, 25335:10, 25340:33, 25356:5, 25367:17, 25367:35, 25370:23, 25373:46, 25386:45, 25389:9</p> <p>mutual [1] - 25361:11</p> <p>mutually [1] - 25378:29</p> <p>Myanmar [1] - 25396:47</p>	<p>necessarily [5] - 25324:32, 25356:43, 25360:5, 25367:35, 25373:40</p> <p>necessary [7] - 25333:33, 25335:14, 25341:22, 25343:4, 25347:12, 25356:16, 25377:5</p> <p>necessity [1] - 25404:47</p> <p>need [37] - 25317:8, 25328:46, 25337:22, 25337:26, 25338:47, 25344:18, 25347:37, 25349:45, 25350:18, 25351:36, 25354:5, 25358:9, 25362:11, 25364:18, 25369:10, 25369:46, 25370:37, 25370:41, 25370:42, 25372:38, 25372:41, 25374:29, 25374:42, 25375:46, 25375:47, 25377:9, 25377:31, 25377:32, 25380:2, 25385:31, 25386:18, 25388:14, 25400:35, 25402:43</p> <p>needed [8] - 25315:20, 25315:34, 25317:29, 25360:11, 25385:4, 25391:20, 25391:46, 25400:25</p> <p>Needham [3] - 25404:20, 25408:25, 25408:40</p> <p>NEEDHAM [32] - 25404:22, 25404:24, 25404:34, 25404:45, 25405:9, 25405:15, 25405:22, 25405:29, 25405:34, 25405:40, 25405:45, 25406:7, 25406:14, 25406:20, 25406:26, 25406:32, 25406:37, 25406:47, 25407:9, 25407:13, 25407:18, 25407:25, 25407:30, 25407:40, 25407:44, 25408:2, 25408:9, 25408:16, 25408:23, 25408:35, 25408:43, 25409:1</p> <p>needs [14] - 25315:21, 25317:30, 25335:6, 25336:5, 25336:41, 25340:16, 25347:13, 25349:34, 25358:12, 25361:32, 25362:25, 25363:17, 25377:13, 25405:20</p> <p>negative [1] - 25348:43</p> <p>negotiate [1] - 25389:28</p> <p>negotiating [1] - 25389:18</p> <p>never [8] - 25369:7, 25369:8, 25371:15, 25385:33, 25386:46, 25387:42, 25394:13</p> <p>nevertheless [2] - 25357:19, 25367:7</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

N

New [4] - 25315:12, 25326:27, 25326:38, 25327:10
new [8] - 25314:3, 25317:22, 25323:38, 25324:31, 25377:33, 25381:35, 25383:29, 25406:10
newly [1] - 25363:37
next [5] - 25327:22, 25347:18, 25379:39, 25407:31
Nigeria [2] - 25318:7, 25395:35
Nigerian [1] - 25395:40
no-brainer [1] - 25389:13
no-one [5] - 25343:17, 25371:15, 25379:42, 25385:32, 25402:5
nobody [1] - 25369:23
non [1] - 25351:4
non-clerics [1] - 25351:4
none [2] - 25317:38, 25378:38
normal [3] - 25358:29, 25379:32, 25397:27
normally [4] - 25319:7, 25383:47, 25384:31, 25398:8
norms [1] - 25365:33
notable [1] - 25388:37
nothing [9] - 25355:44, 25379:42, 25389:21, 25396:16, 25397:28, 25403:43, 25408:23, 25409:8
notice [2] - 25355:4, 25367:44
noticed [1] - 25340:10
notion [8] - 25355:22, 25355:23, 25366:12, 25370:14, 25372:31, 25377:3, 25377:10
Notre [2] - 25353:26, 25364:27
November [2] - 25326:36, 25377:24
novice [1] - 25322:14
Novice [1] - 25322:8
novices [5] - 25322:27, 25324:27, 25359:13, 25381:2, 25381:5
novitiate [17] - 25322:18, 25322:32, 25322:34, 25323:3, 25323:5, 25323:42, 25324:24, 25324:39, 25328:10, 25328:12, 25337:44, 25360:31, 25360:32, 25362:17, 25398:16, 25398:26
nowadays [1] - 25351:15
number [27] - 25317:17, 25321:2, 25321:5, 25326:22, 25329:31, 25329:37, 25333:26, 25335:18, 25337:38,

25340:4, 25344:43, 25348:47, 25349:13, 25349:38, 25358:37, 25369:16, 25371:42, 25373:16, 25388:36, 25396:36, 25396:45, 25401:17, 25401:18, 25401:43, 25403:6, 25404:45, 25407:14
numbers [9] - 25314:21, 25315:26, 25317:23, 25318:18, 25318:38, 25318:42, 25320:40, 25320:44, 25400:24
numerous [1] - 25372:17
nun [2] - 25361:41, 25364:18
nurse [2] - 25326:12, 25326:16
nurture [1] - 25347:38

O

o'clock [1] - 25409:17
O'Hanlon [1] - 25377:30
objectives [1] - 25348:14
objects [1] - 25357:37
obligation [5] - 25380:9, 25386:43, 25389:6, 25389:30, 25390:38
obligations [2] - 25388:41, 25389:17
obliged [1] - 25408:26
observant [1] - 25358:8
observation [5] - 25353:17, 25360:2, 25361:26, 25363:2, 25401:2
observational [1] - 25347:40
observations [1] - 25361:29
observe [6] - 25347:40, 25347:41, 25353:17, 25354:9, 25358:8
observed [2] - 25344:28, 25350:8
observer [1] - 25328:10
obtainable [1] - 25402:35
obvious [2] - 25335:7, 25335:9
obviously [8] - 25344:37, 25353:42, 25368:36, 25374:38, 25384:35, 25390:30, 25399:30, 25401:46
occasion [2] - 25341:17, 25357:30
occasionally [1] - 25389:38
occupation [1] - 25326:33
occur [2] - 25324:20, 25324:24
occurred [2] - 25390:25, 25390:37
occurring [1] - 25373:36

occurs [6] - 25340:25, 25341:12, 25345:11, 25347:10, 25373:31
odds [1] - 25365:1
offend [4] - 25341:34, 25342:34, 25343:6, 25343:18
offended [1] - 25343:34
offenders [1] - 25367:45
offending [3] - 25342:36, 25343:13, 25374:22
offer [1] - 25380:41
offered [1] - 25381:3
office [3] - 25353:23, 25381:26, 25384:45
Office [1] - 25381:38
official [1] - 25347:31
often [6] - 25345:26, 25371:7, 25371:31, 25376:36, 25396:45, 25400:9
old [9] - 25314:11, 25318:32, 25320:20, 25326:3, 25350:33, 25383:38, 25386:12, 25403:32, 25403:33
old-fashioned [1] - 25318:32
older [3] - 25315:32, 25379:21, 25403:32
once [10] - 25322:15, 25337:46, 25337:47, 25340:8, 25352:43, 25371:5, 25383:31, 25387:11, 25393:44, 25397:23
one [97] - 25313:30, 25316:9, 25317:5, 25317:27, 25317:40, 25320:35, 25321:4, 25324:11, 25324:32, 25325:28, 25326:44, 25326:46, 25330:40, 25331:45, 25333:3, 25333:35, 25334:31, 25334:33, 25336:37, 25338:9, 25338:21, 25338:38, 25342:14, 25342:43, 25343:7, 25343:17, 25344:33, 25347:6, 25348:22, 25349:11, 25350:43, 25351:24, 25352:45, 25353:18, 25354:1, 25354:15, 25355:1, 25355:32, 25356:3, 25356:4, 25356:20, 25361:12, 25361:23, 25361:32, 25361:36, 25362:4, 25363:30, 25366:1, 25366:29, 25367:14, 25367:45, 25368:11, 25371:7, 25371:15, 25371:27, 25375:44, 25377:9, 25377:29, 25378:29, 25378:46, 25379:24,

25379:42, 25379:47, 25380:41, 25382:13, 25382:23, 25385:32, 25386:15, 25387:14, 25387:40, 25387:44, 25388:2, 25388:35, 25388:37, 25389:37, 25391:31, 25393:29, 25394:30, 25395:27, 25395:34, 25397:7, 25397:12, 25397:36, 25398:46, 25399:1, 25400:19, 25400:27, 25400:47, 25401:15, 25402:5, 25402:24, 25403:47, 25408:28
one's [5] - 25339:1, 25369:21, 25369:22, 25377:15
ones [4] - 25359:32, 25360:5, 25381:35, 25396:15
oneself [2] - 25324:31, 25369:21
ongoing [4] - 25347:23, 25347:24, 25402:33, 25403:6
ontological [8] - 25372:41, 25373:31, 25373:42, 25374:26, 25374:36, 25377:4, 25377:39
ontologically [3] - 25372:26, 25372:35, 25372:44
onus [1] - 25380:1
onwards [1] - 25351:31
open [12] - 25330:4, 25350:36, 25350:39, 25351:10, 25352:42, 25353:42, 25354:14, 25356:47, 25357:42, 25379:14, 25393:6, 25394:7
opened [1] - 25357:46
openness [2] - 25392:35, 25392:43
operate [1] - 25374:23
operates [1] - 25374:21
operating [1] - 25375:24
opinion [2] - 25349:30, 25368:13
opportunity [1] - 25391:30
opposed [3] - 25334:3, 25344:5, 25348:45
ordained [15] - 25315:9, 25316:12, 25316:21, 25317:19, 25318:37, 25318:46, 25319:4, 25319:7, 25319:21, 25321:9, 25321:19, 25363:37, 25372:18, 25373:28, 25373:37
order [9] - 25317:41, 25321:32, 25323:35, 25348:36, 25349:5, 25349:7, 25377:16,

25382:5, 25398:6
orders [6] - 25327:30, 25345:24, 25365:36, 25391:7, 25395:9, 25395:14
ordinands [1] - 25348:39
ordinary [4] - 25342:9, 25343:2, 25351:2, 25397:30
ordination [14] - 25322:19, 25323:27, 25324:13, 25325:46, 25331:25, 25345:15, 25346:14, 25355:21, 25372:26, 25377:47, 25393:5, 25396:8
organisation [1] - 25333:5
organisationally [1] - 25400:22
organisations [2] - 25354:13, 25361:39
organised [1] - 25382:9
orientation [9] - 25331:6, 25331:13, 25331:32, 25331:39, 25339:1, 25393:18, 25393:41, 25393:43, 25394:21
origin [2] - 25397:32, 25399:2
original [2] - 25345:42, 25370:32
originally [1] - 25317:18
orthodoxy [3] - 25318:20, 25318:26, 25318:32
ostensibly [1] - 25343:26
otherness [1] - 25397:29
others' [1] - 25376:27
otherwise [6] - 25315:45, 25349:12, 25353:24, 25356:16, 25394:12, 25409:16
ought [1] - 25348:13
ourselves [2] - 25342:33, 25350:40
outcome [2] - 25340:30, 25348:25
outcomes [1] - 25352:17
outline [2] - 25322:44, 25328:21
outlining [1] - 25390:46
outlook [1] - 25396:6
outside [6] - 25333:25, 25351:32, 25353:19, 25355:6, 25355:33, 25379:11
outsider [1] - 25355:24
outsource [1] - 25347:5
outsourced [1] - 25386:30
overcomes [1] - 25390:8
overnight [1] - 25376:33
overseas [16] - 25318:2, 25318:6, 25319:4, 25319:8, 25319:13, 25320:29, 25321:9, 25395:20, 25397:22, 25398:10, 25398:11, 25398:35, 25398:46,

25400:27, 25400:30
overseas-trained [1] - 25400:27
oversee [1] - 25322:18
overt [1] - 25355:32
own [40] - 25315:9, 25315:10, 25321:37, 25329:36, 25330:16, 25330:43, 25333:10, 25333:29, 25333:41, 25342:29, 25346:20, 25349:16, 25352:12, 25354:8, 25357:25, 25367:44, 25369:13, 25369:21, 25372:6, 25372:16, 25372:38, 25374:8, 25376:15, 25376:24, 25376:25, 25376:26, 25377:15, 25382:33, 25393:46, 25395:42, 25398:33, 25399:27, 25400:11, 25402:9, 25403:24, 25403:25, 25403:27

P

packet [1] - 25328:43
packets [1] - 25329:12
Paddington [2] - 25326:30, 25327:5
paedophile [1] - 25327:11
paedophiles [1] - 25392:23
page [10] - 25365:30, 25380:44, 25405:46, 25407:4, 25407:9, 25407:14, 25407:31, 25407:32, 25407:44
palliative [1] - 25326:13
panel [6] - 25328:18, 25369:39, 25370:2, 25398:43, 25401:7, 25402:27
panellists [3] - 25347:30, 25347:35, 25352:29
paper [2] - 25336:38, 25337:5
paragraph [4] - 25405:46, 25407:32, 25407:33, 25407:44
parallel [1] - 25383:36
parent [1] - 25376:7
parents [7] - 25368:22, 25371:31, 25379:30, 25379:32, 25379:45, 25380:2, 25383:38
Parish [2] - 25322:37, 25326:14
parish [15] - 25316:25, 25316:28, 25319:4, 25319:29, 25328:9, 25328:41, 25350:7, 25350:9, 25352:47, 25360:33, 25370:16, 25398:21, 25398:36, 25401:18, 25401:19

parishes [13] - 25314:45, 25314:46, 25315:8, 25316:26, 25317:7, 25349:22, 25351:7, 25352:46, 25353:29, 25353:38, 25358:7, 25358:9, 25360:13
parishioner's [1] - 25376:4
parishioners [1] - 25364:29
parochial [1] - 25350:7
Parramatta [7] - 25319:32, 25319:47, 25320:11, 25321:8, 25322:35, 25346:8, 25381:1
part [37] - 25321:32, 25322:36, 25324:31, 25327:23, 25330:18, 25331:2, 25335:1, 25339:46, 25347:12, 25348:2, 25349:5, 25350:9, 25351:30, 25359:4, 25360:37, 25362:26, 25368:47, 25370:16, 25371:25, 25380:18, 25380:19, 25381:14, 25387:35, 25389:2, 25389:3, 25391:32, 25392:7, 25392:9, 25392:11, 25392:29, 25392:31, 25392:32, 25399:13, 25403:3, 25404:14, 25407:31, 25409:2
part-time [1] - 25327:23
partial [1] - 25368:6
participate [2] - 25381:36, 25381:47
participated [1] - 25381:44
participating [1] - 25381:34
particular [20] - 25316:6, 25333:47, 25346:37, 25350:27, 25354:14, 25356:46, 25357:3, 25357:29, 25363:28, 25368:11, 25370:47, 25371:20, 25376:13, 25380:41, 25391:41, 25392:39, 25397:24, 25397:25, 25404:34
particularly [7] - 25317:33, 25348:40, 25355:20, 25362:16, 25364:1, 25369:46, 25403:30
partly [3] - 25349:40, 25360:8, 25402:44
partner [1] - 25397:8
parts [5] - 25312:40, 25354:22, 25359:3, 25396:1, 25399:14
pass [2] - 25319:16, 25348:36
passed [1] - 25346:29

past [11] - 25332:32, 25335:7, 25340:14, 25344:24, 25344:32, 25381:41, 25384:36, 25384:44, 25385:2, 25391:12, 25391:35
Pastoral [2] - 25327:24, 25327:25
pastoral [27] - 25314:2, 25315:7, 25323:29, 25327:21, 25343:33, 25349:23, 25349:37, 25349:39, 25350:47, 25351:27, 25352:44, 25361:24, 25361:29, 25361:33, 25361:40, 25361:43, 25362:3, 25362:18, 25362:20, 25362:24, 25363:4, 25363:9, 25372:2, 25401:26, 25403:10
pastorally [5] - 25362:41, 25362:45, 25401:6, 25401:10, 25402:6
Pastores [2] - 25342:44, 25405:10
path [3] - 25318:34, 25366:7, 25389:33
pathologise [1] - 25364:6
pathologises [1] - 25364:4
pathologising [1] - 25366:8
patience [1] - 25386:19
pattern [1] - 25314:26
Paul [1] - 25342:44
Paula [1] - 25346:10
pause [1] - 25352:28
pay [2] - 25334:23, 25404:37
payday [1] - 25363:21
pedestal [4] - 25357:4, 25374:11, 25376:37, 25395:38
peer [1] - 25344:34
people [87] - 25321:16, 25324:34, 25325:2, 25327:5, 25327:6, 25327:7, 25327:8, 25327:12, 25327:28, 25327:40, 25328:42, 25330:14, 25330:29, 25330:30, 25336:24, 25339:13, 25347:24, 25347:40, 25348:5, 25348:42, 25349:6, 25349:11, 25349:15, 25349:20, 25349:22, 25349:24, 25350:8, 25350:19, 25350:38, 25350:41, 25351:2, 25352:43, 25353:2, 25353:5, 25353:7, 25353:26, 25353:33, 25354:8, 25354:40, 25355:46, 25356:31, 25358:7, 25358:9,

25359:30, 25359:31, 25359:35, 25360:9, 25360:19, 25360:38, 25362:29, 25362:44, 25363:21, 25364:1, 25364:2, 25364:15, 25364:26, 25364:47, 25365:20, 25366:1, 25366:2, 25367:24, 25368:20, 25368:22, 25372:34, 25372:45, 25374:32, 25374:37, 25375:2, 25376:33, 25376:37, 25378:6, 25378:13, 25380:44, 25387:2, 25388:45, 25390:40, 25391:46, 25392:41, 25394:36, 25395:20, 25395:28, 25395:37, 25397:17, 25400:29, 25400:30, 25401:17, 25401:32
people's [1] - 25369:45
per [4] - 25362:2, 25373:12, 25385:16, 25394:42
perceive [3] - 25333:14, 25369:47, 25380:17
perceived [1] - 25391:35
percentage [1] - 25359:42
perception [3] - 25357:5, 25357:19, 25357:45
perfect [1] - 25374:27
perfection [1] - 25374:26
performance [4] - 25401:8, 25401:21, 25402:11, 25403:37
perhaps [19] - 25322:44, 25327:2, 25340:45, 25341:3, 25341:7, 25344:47, 25347:32, 25347:33, 25347:34, 25357:31, 25367:10, 25385:31, 25395:36, 25395:46, 25396:24, 25398:31, 25405:45, 25406:47
period [21] - 25316:32, 25321:46, 25322:47, 25323:1, 25323:4, 25323:9, 25323:47, 25324:3, 25324:7, 25324:24, 25327:3, 25328:15, 25328:32, 25337:43, 25338:43, 25341:44, 25347:39, 25347:41, 25350:3, 25365:21
permission [2] - 25386:4, 25390:32
perpetrator [6] - 25387:7, 25387:13, 25387:31, 25387:41, 25390:14, 25390:15
perpetrators [4] - 25343:25, 25343:30, 25344:29, 25355:7

person [49] - 25326:41, 25326:43, 25334:3, 25336:40, 25337:37, 25338:17, 25338:19, 25338:41, 25343:13, 25343:20, 25345:14, 25347:38, 25348:29, 25349:1, 25356:43, 25356:44, 25357:6, 25357:39, 25360:24, 25360:43, 25360:44, 25363:19, 25363:20, 25363:40, 25363:24, 25364:5, 25364:8, 25364:9, 25364:10, 25364:13, 25364:16, 25364:19, 25364:31, 25364:33, 25365:22, 25369:7, 25369:11, 25370:24, 25373:25, 25386:4, 25389:21, 25389:32, 25389:34, 25390:32, 25390:36, 25394:22, 25402:37
person's [2] - 25363:8, 25365:11
personal [4] - 25342:29, 25366:6, 25371:43, 25402:9
personality [1] - 25357:39
personally [1] - 25354:10
persons [4] - 25343:16, 25380:4, 25406:2, 25408:4
perspective [1] - 25400:34
pervasive [1] - 25380:42
Peter [2] - 25311:33, 25315:42
PETER [1] - 25312:5
phase [3] - 25331:37, 25377:23, 25394:5
phases [1] - 25394:1
PhD [2] - 25312:43, 25326:26
phenomenon [2] - 25371:37, 25374:21
Philippines [3] - 25318:8, 25320:36, 25396:1
philosopher [1] - 25377:11
philosophical [1] - 25363:44
philosophically [1] - 25377:40
philosophy [3] - 25326:25, 25351:32, 25378:47
phrase [2] - 25331:18, 25362:2
physical [2] - 25326:44, 25327:6
physically [1] - 25392:20
pick [1] - 25383:40
picking [2] - 25360:40, 25383:41
picks [1] - 25408:2

picture [2] - 25357:21, 25400:33
pipeline [1] - 25366:39
pitfalls [1] - 25370:42
place [28] - 25323:6, 25324:28, 25324:32, 25347:37, 25348:5, 25348:14, 25348:32, 25349:1, 25351:10, 25351:13, 25359:18, 25360:28, 25363:7, 25366:1, 25371:43, 25377:10, 25377:17, 25377:39, 25378:25, 25378:26, 25380:46, 25390:42, 25396:35, 25402:10, 25402:43, 25402:45, 25404:2, 25407:34
Place [1] - 25311:24
placements [1] - 25324:23
places [6] - 25315:31, 25348:8, 25367:13, 25399:16, 25399:22, 25399:34
plain [1] - 25386:7
planned [1] - 25408:37
play [4] - 25359:24, 25370:44, 25376:13, 25376:14
played [1] - 25397:5
playground [1] - 25378:47
pleasant [1] - 25330:37
pleasing [1] - 25330:37
point [26] - 25317:11, 25330:35, 25341:7, 25341:23, 25348:20, 25348:22, 25350:14, 25357:24, 25357:35, 25357:41, 25359:2, 25361:46, 25363:41, 25365:11, 25367:16, 25370:4, 25370:35, 25371:35, 25377:3, 25378:40, 25381:7, 25388:24, 25391:21, 25391:22, 25395:40, 25395:41
points [3] - 25347:46, 25348:18, 25348:36
Police [1] - 25327:10
police [5] - 25328:40, 25384:4, 25384:25, 25384:46, 25390:41
policies [1] - 25332:14
policy [2] - 25330:8, 25340:12
Pontifical [7] - 25334:44, 25406:15, 25406:21, 25406:37, 25407:3, 25408:37, 25409:3
poor [3] - 25344:35, 25354:31, 25361:43
pop [1] - 25383:7
Pope [2] - 25313:31, 25359:27
posed [1] - 25370:1

position [14] - 25316:36, 25316:42, 25319:44, 25322:6, 25322:27, 25322:28, 25336:25, 25341:23, 25346:22, 25346:26, 25360:17, 25364:14, 25384:39, 25385:8
positions [5] - 25321:43, 25322:12, 25329:20, 25377:1
positive [1] - 25379:2
positively [1] - 25396:5
possibilities [1] - 25401:20
possible [1] - 25347:43
possibly [2] - 25318:42, 25383:4
post [3] - 25322:19, 25335:21, 25377:6
post-ordination [1] - 25322:19
post-pubescent [1] - 25335:21
postulancy [1] - 25328:8
potential [2] - 25348:44, 25403:16
potentially [1] - 25372:30
power [9] - 25359:24, 25369:44, 25370:29, 25372:9, 25372:19, 25372:20, 25373:24, 25376:38, 25379:34
powerful [1] - 25370:36
practical [3] - 25378:9, 25378:34
Practice [2] - 25327:24, 25327:25
practice [13] - 25328:21, 25333:1, 25338:29, 25339:40, 25347:26, 25377:24, 25397:37, 25400:3, 25400:6, 25400:14, 25405:30, 25406:8, 25407:25
practices [7] - 25312:2, 25333:11, 25345:46, 25346:35, 25347:22, 25356:4, 25365:47
practised [1] - 25358:16
practising [1] - 25406:12
pray [1] - 25360:44
prayer [10] - 25342:39, 25343:21, 25343:33, 25343:39, 25343:41, 25353:27, 25353:28, 25360:45, 25360:46, 25361:17
prayerful [1] - 25343:27
prayerfulness [1] - 25343:11
prayers [1] - 25342:36
praying [1] - 25357:18
preached [1] - 25363:30
preaches [1] - 25401:25
preaching [1] - 25363:31
precisely [1] - 25329:42

prelude [1] - 25343:12
predict [1] - 25343:17
predisposition [1] - 25367:23
preferred [1] - 25354:21
preliminary [1] - 25377:23
premise [2] - 25343:9, 25343:12
preparation [1] - 25360:13
prepared [1] - 25376:47
preparing [2] - 25313:22, 25338:5
prescribed [1] - 25380:29
prescriptive [1] - 25335:14
presence [3] - 25379:30, 25384:10, 25398:18
present [9] - 25322:6, 25328:5, 25334:22, 25342:25, 25342:26, 25352:36, 25355:27, 25367:45, 25395:28
presented [2] - 25345:15, 25397:14
presenting [2] - 25345:12, 25346:14
presently [6] - 25322:8, 25328:25, 25374:3, 25374:19, 25386:12, 25386:22
pressure [2] - 25333:6, 25333:8
presumably [1] - 25394:36
presume [1] - 25390:36
pretty [4] - 25350:42, 25351:10, 25366:36, 25382:38
prevail [1] - 25390:7
prevalent [1] - 25375:12
prevention [1] - 25404:29
previously [2] - 25342:26, 25351:17
priest [69] - 25316:12, 25316:21, 25316:23, 25316:25, 25316:28, 25319:29, 25321:28, 25322:42, 25322:43, 25323:27, 25330:47, 25342:35, 25350:6, 25356:34, 25357:18, 25357:21, 25357:42, 25357:44, 25361:41, 25363:33, 25363:34, 25363:37, 25364:17, 25370:33, 25371:30, 25373:37, 25374:20, 25374:37, 25375:23, 25375:37, 25376:3, 25376:19, 25377:43, 25378:2, 25378:42, 25378:44, 25379:4, 25379:9, 25379:24, 25379:39, 25380:2, 25382:16, 25382:35, 25384:13, 25386:8, 25387:3, 25387:32, 25387:34, 25387:37,

25388:10, 25390:17, 25390:18, 25390:28, 25395:37, 25396:3, 25398:17, 25398:34, 25398:36, 25398:37, 25398:45, 25401:9, 25401:19, 25402:22, 25403:9, 25403:21
Priest [1] - 25317:44
priest's [2] - 25363:27, 25363:32
priesthood [9] - 25342:40, 25343:4, 25363:14, 25364:24, 25367:35, 25377:6, 25378:10, 25402:1, 25402:8
Priestly [2] - 25405:25, 25405:41
priestly [2] - 25316:7, 25372:42
priests [79] - 25313:15, 25314:42, 25315:18, 25315:20, 25315:31, 25315:32, 25315:33, 25315:35, 25317:6, 25317:7, 25318:37, 25319:4, 25319:8, 25321:9, 25321:13, 25328:41, 25341:34, 25342:21, 25342:33, 25343:33, 25344:7, 25344:11, 25349:23, 25353:34, 25353:37, 25354:37, 25356:40, 25357:3, 25357:35, 25358:6, 25358:16, 25360:4, 25361:47, 25362:41, 25369:45, 25369:47, 25370:5, 25370:36, 25370:41, 25371:1, 25371:11, 25371:15, 25371:21, 25374:7, 25374:23, 25374:30, 25379:21, 25379:28, 25380:16, 25385:8, 25385:15, 25388:39, 25390:1, 25399:1, 25400:24, 25400:27, 25400:28, 25400:36, 25400:41, 25400:42, 25401:5, 25401:6, 25401:32, 25401:36, 25402:6, 25403:23, 25403:26, 25403:30, 25403:31, 25403:32, 25404:4, 25404:6, 25404:7, 25404:11
primary [7] - 25348:28, 25348:33, 25353:32, 25364:24, 25370:17
principal [1] - 25326:29
principle [1] - 25408:32
principles [5] - 25336:44, 25351:45, 25352:11, 25352:17, 25404:29
private [4] - 25343:31, 25361:38, 25379:38,

25387:2
privilege [1] - 25396:3
privileged [1] - 25396:35
probationary [1] - 25340:3
problem [14] - 25331:16, 25335:25, 25350:28, 25355:36, 25356:39, 25362:33, 25370:44, 25372:43, 25374:14, 25376:39, 25382:39, 25387:16, 25391:36, 25392:12
problematic [3] - 25365:14, 25397:28, 25397:33
problems [11] - 25317:12, 25317:30, 25317:31, 25356:41, 25357:32, 25365:46, 25370:45, 25375:21, 25388:35, 25396:7, 25396:14
procedure [1] - 25345:22
procedures [1] - 25346:35
proceed [2] - 25325:46, 25408:38
process [34] - 25312:30, 25322:41, 25322:43, 25322:44, 25322:46, 25326:42, 25329:1, 25329:15, 25329:28, 25331:46, 25333:23, 25336:18, 25337:33, 25337:41, 25339:5, 25341:9, 25345:11, 25345:13, 25346:12, 25347:34, 25347:38, 25347:40, 25348:1, 25348:2, 25348:6, 25348:37, 25348:42, 25349:2, 25349:11, 25350:9, 25360:25, 25360:27, 25377:36, 25398:37
processes [6] - 25328:19, 25332:16, 25347:20, 25357:20, 25358:13, 25403:4
produce [2] - 25366:1, 25402:6
produced [3] - 25314:42, 25340:31, 25405:34
produces [1] - 25354:17
producing [3] - 25315:26, 25355:21, 25356:14
profession [2] - 25312:25, 25356:11
professional [16] - 25345:29, 25347:22, 25347:23, 25362:18, 25371:43, 25381:3, 25381:25, 25381:29, 25381:33, 25381:37, 25382:8, 25391:15, 25391:22, 25402:33, 25403:5, 25403:6
Professional [2] - 25327:24, 25381:38

professionals [1] - 25391:26
professions [1] - 25361:47
Professor [1] - 25311:37
profound [1] - 25354:41
program [15] - 25322:18, 25323:32, 25327:39, 25350:1, 25351:11, 25351:20, 25354:6, 25391:5, 25391:13, 25392:5, 25392:11, 25392:14, 25392:18, 25398:47, 25399:10
Program [1] - 25405:25
programming [1] - 25351:35
programs [3] - 25352:23, 25371:43, 25380:41
prohibitive [1] - 25367:34
project [1] - 25335:1
prompted [4] - 25318:13, 25345:39, 25391:16, 25391:42
pronouncement [1] - 25387:45
proper [2] - 25380:3, 25408:4
prophet [1] - 25377:43
proportion [1] - 25325:24
proposed [2] - 25407:2
proposing [1] - 25385:20
proposition [1] - 25355:5
prostitution [1] - 25327:8
protect [1] - 25388:6
protected [1] - 25382:37
protecting [1] - 25348:23
Protection [5] - 25334:45, 25406:16, 25406:22, 25406:38, 25407:3
protection [13] - 25336:10, 25342:2, 25343:7, 25380:4, 25380:35, 25384:45, 25384:46, 25389:19, 25390:8, 25391:15, 25406:34, 25406:43, 25408:17
protocols [1] - 25398:14
provide [5] - 25317:28, 25324:36, 25351:10, 25380:43, 25391:6
provided [6] - 25322:40, 25328:40, 25389:13, 25400:22, 25400:32, 25404:27
provides [1] - 25381:26
providing [2] - 25318:38, 25327:42
Province [2] - 25322:9, 25326:37
province [1] - 25326:40
Provincial [1] - 25322:17
provincial [2] - 25322:22, 25347:20
provision [1] - 25351:17
psychiatric [1] - 25329:32

psychological [41] - 25329:8, 25329:10, 25330:19, 25332:23, 25332:28, 25332:35, 25333:2, 25333:36, 25334:20, 25336:33, 25336:37, 25337:31, 25337:33, 25337:39, 25338:9, 25339:41, 25339:45, 25340:6, 25340:24, 25340:31, 25340:35, 25341:2, 25341:12, 25341:24, 25343:1, 25345:10, 25345:18, 25345:23, 25345:37, 25345:43, 25345:47, 25346:15, 25346:20, 25347:1, 25347:6, 25347:9, 25347:34, 25347:44, 25355:42, 25363:43, 25372:6
psychologically [3] - 25336:11, 25355:44, 25392:20
psychologist [14] - 25312:38, 25319:37, 25331:30, 25333:24, 25334:12, 25338:25, 25338:38, 25340:9, 25340:12, 25340:36, 25341:13, 25341:15, 25345:27, 25346:9
psychologists [3] - 25312:39, 25341:17, 25341:18
Psychology [1] - 25326:26
psychology [18] - 25312:43, 25319:34, 25319:40, 25336:4, 25336:25, 25338:10, 25341:16, 25341:43, 25364:5, 25366:10, 25371:24, 25371:26, 25380:25, 25381:14, 25381:15, 25381:30, 25389:26, 25402:36
psychosexual [5] - 25381:40, 25381:46, 25391:14, 25391:21, 25392:33
pubescent [1] - 25335:21
public [6] - 25357:38, 25357:39, 25361:38, 25368:16, 25381:18, 25398:13
Public [1] - 25311:19
publicly [1] - 25317:6
pulling [1] - 25344:26
purpose [3] - 25362:12, 25388:22, 25388:25
purposes [1] - 25340:39
pursue [1] - 25334:31
put [18] - 25325:27, 25332:21, 25336:3, 25338:1, 25349:1, 25357:4, 25362:40,

25370:22, 25372:44, 25376:37, 25377:3, 25377:11, 25379:40, 25381:4, 25384:39, 25390:20, 25402:25, 25407:33
puts [2] - 25360:24, 25376:3
putting [1] - 25395:37
Pymble [1] - 25360:33

Q

qualities [3] - 25401:43, 25401:47, 25402:2
questionnaire [1] - 25329:38
questionnaires [1] - 25329:11
questions [14] - 25329:5, 25329:18, 25329:37, 25330:4, 25330:6, 25334:28, 25338:11, 25338:12, 25338:26, 25398:28, 25398:31, 25404:24, 25404:26, 25404:41
quick [1] - 25395:43
quickly [2] - 25329:4, 25337:10
quietly [1] - 25349:26
quite [19] - 25317:17, 25318:33, 25327:43, 25336:39, 25336:46, 25347:29, 25350:32, 25360:14, 25361:45, 25370:31, 25377:39, 25379:45, 25383:32, 25386:30, 25391:2, 25395:41, 25396:20, 25400:8, 25405:45

R

radical [2] - 25354:37, 25377:14
raise [4] - 25363:28, 25369:39, 25408:28, 25408:32
raised [6] - 25338:35, 25347:46, 25352:30, 25378:41, 25391:30, 25398:3
ran [1] - 25397:4
Randazzo [1] - 25374:11
range [5] - 25314:11, 25320:24, 25324:44, 25348:26, 25362:32
ranges [1] - 25361:10
Ranson [5] - 25347:47, 25348:17, 25350:15, 25369:41
Ranson's [2] - 25324:6, 25370:35
rates [2] - 25343:29, 25400:25

rather [10] - 25314:2, 25317:31, 25333:2, 25347:31, 25348:25, 25364:18, 25367:22, 25372:21, 25379:33, 25401:39
Ratio [2] - 25313:27, 25351:43
rational [1] - 25335:25
re [1] - 25355:22
re-embraced [1] - 25355:22
reach [1] - 25388:24
reached [1] - 25396:8
reaches [1] - 25359:31
react [2] - 25380:10, 25396:5
reaction [2] - 25385:27, 25387:12
read [2] - 25369:42, 25381:22
ready [1] - 25328:29
real [10] - 25330:30, 25350:20, 25367:25, 25373:20, 25376:46, 25386:9, 25388:25, 25397:7, 25397:8, 25397:38
realise [1] - 25356:36
reality [1] - 25368:42
really [28] - 25323:32, 25323:36, 25324:1, 25324:12, 25324:30, 25324:36, 25330:15, 25333:18, 25335:10, 25338:47, 25343:3, 25352:20, 25359:23, 25359:28, 25359:40, 25361:43, 25370:21, 25377:8, 25385:29, 25389:28, 25390:15, 25396:6, 25400:20, 25401:36, 25404:9, 25406:11, 25406:42
reason [4] - 25313:13, 25345:28, 25363:7, 25379:25
reasons [5] - 25317:5, 25325:27, 25333:3, 25340:4, 25389:37
receive [8] - 25328:37, 25333:29, 25333:31, 25340:24, 25353:35, 25363:33, 25363:37, 25395:29
received [5] - 25313:44, 25329:46, 25339:23, 25346:21, 25350:5
receiving [3] - 25333:35, 25367:12, 25387:36
recent [1] - 25348:39
recently [3] - 25323:21, 25352:2, 25381:4
recitation [1] - 25360:45
recognise [1] - 25368:35
recognised [2] - 25362:45, 25366:27

recommendation [1] - 25345:29
reconcile [3] - 25365:6, 25367:6, 25367:8
records [1] - 25334:7
recruited [1] - 25319:12
recruitment [3] - 25400:24, 25402:12, 25407:45
rector [16] - 25316:38, 25317:21, 25319:46, 25328:47, 25329:24, 25334:9, 25340:37, 25341:27, 25341:43, 25342:27, 25346:42, 25351:24, 25352:40
rectors [2] - 25339:13, 25346:34
recurring [1] - 25367:20
red [1] - 25344:43
redesign [1] - 25392:10
redress [1] - 25361:34
reference [3] - 25315:18, 25327:11, 25397:40
referenced [1] - 25355:20
references [1] - 25328:40
referred [8] - 25318:39, 25324:15, 25345:27, 25350:31, 25367:33, 25369:6, 25405:10, 25405:16
referring [5] - 25336:13, 25336:15, 25349:31, 25407:36, 25408:19
refers [1] - 25407:44
reflect [4] - 25348:27, 25370:10, 25372:16, 25405:29
reflected [2] - 25362:20, 25362:33
reflection [5] - 25324:10, 25348:39, 25349:3, 25360:27, 25373:37
reflections [1] - 25370:14
reflective [1] - 25404:5
reflects [1] - 25357:1
reflexivity [1] - 25377:14
refugee [1] - 25363:20
refused [2] - 25384:8, 25393:46
refuses [1] - 25379:24
regard [21] - 25329:38, 25334:13, 25334:21, 25335:8, 25335:23, 25336:38, 25342:2, 25342:4, 25344:28, 25348:41, 25368:10, 25385:14, 25393:41, 25393:43, 25395:23, 25396:23, 25400:14, 25404:15, 25406:34, 25406:35, 25407:26
regarded [1] - 25343:32
regarding [5] - 25338:30, 25387:7, 25393:16, 25396:24, 25398:3
regardless [4] - 25349:10,

25364:11, 25364:27, 25390:31
regency [1] - 25324:9
regular [3] - 25328:26, 25332:26, 25332:28
regularly [3] - 25352:45, 25371:5, 25404:10
regulations [1] - 25388:15
reinforces [1] - 25406:11
reject [2] - 25325:20, 25325:26
rejected [1] - 25331:6
rejecting [1] - 25330:43
rejects [1] - 25330:45
relate [4] - 25336:37, 25350:43, 25364:30, 25379:30
related [5] - 25380:22, 25387:34, 25392:12, 25393:15, 25394:15
relates [3] - 25360:8, 25368:4, 25378:37
relating [5] - 25360:39, 25364:29, 25365:19, 25403:2, 25404:29
relation [6] - 25356:17, 25367:30, 25376:22, 25405:16, 25406:38, 25407:19
relations [2] - 25342:47, 25379:32
relationship [16] - 25359:25, 25360:44, 25370:18, 25372:9, 25375:19, 25375:22, 25378:28, 25378:41, 25379:3, 25379:8, 25379:10, 25379:12, 25379:42, 25380:5, 25393:13, 25403:24
relationships [10] - 25329:35, 25335:20, 25338:17, 25342:5, 25344:34, 25347:41, 25356:38, 25365:18, 25374:30, 25403:27
relatively [1] - 25406:10
release [1] - 25340:34
relevant [3] - 25365:11, 25402:26, 25407:35
religious [21] - 25312:20, 25312:26, 25317:41, 25317:44, 25327:30, 25339:5, 25341:34, 25342:22, 25353:34, 25357:3, 25358:17, 25361:31, 25362:32, 25363:14, 25378:26, 25378:29, 25381:42, 25381:43, 25395:9, 25395:14, 25399:27
Religious [1] - 25391:6
religiously [1] - 25350:18
remain [1] - 25330:25
remains [1] - 25317:31
remarkable [1] - 25355:5
remember [3] - 25346:8,

25402:27, 25404:41
reparation [1] - 25387:15
repeat [2] - 25316:19, 25323:41
replacing [2] - 25318:41, 25318:43
report [20] - 25328:36, 25329:22, 25329:23, 25331:47, 25340:31, 25340:39, 25341:5, 25345:27, 25361:34, 25382:42, 25382:45, 25384:35, 25387:19, 25387:21, 25387:35, 25389:31, 25390:32, 25390:33, 25390:40
reportage [1] - 25391:44
reported [4] - 25343:31, 25367:46, 25371:16, 25382:17
reporting [2] - 25389:17, 25389:31
reports [3] - 25334:7, 25371:9, 25389:30
represent [1] - 25359:3
representative [1] - 25408:36
represented [3] - 25359:2, 25359:4, 25360:5
represents [1] - 25326:44
reputation [2] - 25318:25, 25318:30
require [3] - 25399:9, 25399:10, 25405:5
required [8] - 25315:27, 25318:38, 25333:42, 25346:38, 25348:36, 25354:38, 25361:30, 25382:5
requirement [9] - 25325:9, 25325:12, 25325:14, 25332:34, 25334:23, 25334:30, 25404:36, 25405:16, 25406:1
requirements [3] - 25315:34, 25318:47, 25343:28
requires [2] - 25334:21, 25392:34
requiring [1] - 25404:27
research [4] - 25342:30, 25344:25, 25354:28, 25367:20
researcher [1] - 25354:26
resemblance [1] - 25352:38
resident [2] - 25340:12, 25371:7
resistant [1] - 25369:3
resolve [1] - 25389:10
resource [2] - 25400:21, 25400:34
respect [7] - 25336:9, 25364:32, 25369:10, 25370:24, 25373:46, 25389:12, 25396:28
respected [5] - 25328:42,

25357:22, 25357:23, 25376:15, 25405:20
respectful [1] - 25394:9
respecting [1] - 25344:42
respects [1] - 25364:30
respond [4] - 25337:22, 25354:1, 25369:5, 25391:35
response [12] - 25333:10, 25346:26, 25350:26, 25361:32, 25361:41, 25361:43, 25362:34, 25362:38, 25368:15, 25368:16, 25383:20, 25387:32
RESPONSES [1] - 25311:15
responses [1] - 25329:18
responsibility [4] - 25363:10, 25363:11, 25370:8, 25376:21
responsible [2] - 25313:22, 25351:20
restricted [1] - 25365:43
result [3] - 25389:27, 25390:2, 25400:9
retention [2] - 25400:24, 25400:25
retiring [1] - 25318:42
return [2] - 25315:10, 25318:6
returned [1] - 25399:1
reveal [3] - 25385:22, 25387:14, 25393:4
reveals [1] - 25331:12
revelation [4] - 25341:44, 25366:32, 25383:29, 25391:45
reversion [1] - 25355:25
review [2] - 25347:19, 25347:22
revisit [1] - 25323:36
right-hand [1] - 25407:14
rights [1] - 25396:25
Rights [1] - 25407:19
rigid [2] - 25354:2, 25356:15
rigidity [2] - 25354:3, 25355:35
rigorous [2] - 25348:42, 25350:20
rigours [2] - 25343:11, 25350:10
riposte [1] - 25361:28
rise [1] - 25342:22
risk [8] - 25348:34, 25356:14, 25373:14, 25373:16, 25373:20, 25380:3, 25393:28, 25397:27
risks [1] - 25380:6
rite [1] - 25320:12
rituals [2] - 25356:17, 25360:46
road [3] - 25353:4, 25379:34, 25397:39
Robert [1] - 25311:36

robes [1] - 25356:10
Robinson [5] - 25332:47, 25333:47, 25361:46, 25392:27, 25392:32
robust [2] - 25377:31, 25388:46
role [23] - 25320:2, 25320:5, 25326:29, 25326:36, 25326:39, 25326:47, 25327:17, 25327:19, 25327:37, 25336:4, 25350:7, 25350:24, 25362:11, 25376:12, 25376:14, 25382:14, 25389:14, 25390:35, 25390:36, 25402:37, 25406:26, 25406:37
roles [6] - 25319:5, 25319:30, 25326:35, 25347:13, 25362:32, 25378:6
rolled [1] - 25402:30
Rome [1] - 25326:40
ropes [1] - 25401:4
Rossetti [1] - 25403:19
round [3] - 25345:18, 25346:28, 25346:30
route [1] - 25380:10
Royal [8] - 25313:44, 25327:9, 25327:11, 25354:39, 25355:26, 25361:30, 25367:43, 25368:40
ROYAL [1] - 25311:14
rubber [1] - 25397:39
rule [1] - 25335:5
rules [2] - 25388:15, 25407:34
ruling [1] - 25344:3
run [1] - 25349:44

S

sacramental [1] - 25401:25
sacred [1] - 25363:32
Sacred [1] - 25326:12
sacristy [1] - 25357:15
safe [1] - 25407:45
safeguarding [2] - 25381:25, 25381:26
safety [5] - 25380:26, 25389:20, 25390:35, 25390:37, 25404:30
sake [3] - 25378:6, 25378:11, 25378:16
Sale [1] - 25402:23
Salle [1] - 25326:15
same-sex [2] - 25336:16, 25395:13
sat [1] - 25379:39
satisfaction [1] - 25372:22
saw [1] - 25397:14
SC [1] - 25311:42
scared [1] - 25384:41

scenario [1] - 25387:32
scene [2] - 25319:11, 25376:13
school [5] - 25323:16, 25325:7, 25370:17, 25371:13, 25379:24
schools [11] - 25321:43, 25352:44, 25353:32, 25370:20, 25371:7, 25375:3, 25380:13, 25380:14, 25381:18
sciences [1] - 25390:24
score [1] - 25349:37
screaming [1] - 25383:40
screen [3] - 25337:3, 25364:39, 25407:20
screening [6] - 25328:20, 25336:18, 25336:24, 25347:1, 25404:28
scripture [1] - 25381:18
scroll [1] - 25407:4
scrolling [1] - 25407:44
scrutinise [1] - 25377:15
se [3] - 25373:12, 25385:16, 25394:42
seal [10] - 25382:34, 25382:37, 25383:19, 25383:27, 25385:21, 25386:3, 25387:20, 25387:37, 25390:9, 25408:31
searching [1] - 25364:2
seated [24] - 25330:9, 25330:11, 25330:21, 25330:23, 25331:5, 25331:12, 25331:18, 25331:24, 25331:31, 25331:38, 25332:9, 25336:17, 25336:19, 25338:31, 25365:37, 25366:13, 25366:15, 25367:34, 25392:42, 25393:4, 25393:45, 25394:15, 25394:27, 25394:37
second [8] - 25333:5, 25338:16, 25372:7, 25377:8, 25381:40, 25387:34, 25400:19, 25400:29
secondary [2] - 25327:19, 25353:32
secondly [2] - 25340:8, 25405:2
secret [2] - 25382:22, 25386:3
Secretary [1] - 25326:37
secular [1] - 25361:31
see [45] - 25328:45, 25337:11, 25338:41, 25341:5, 25343:40, 25347:8, 25347:12, 25347:42, 25353:47, 25355:33, 25357:44, 25358:8, 25358:10, 25358:19, 25358:22, 25359:6, 25361:6,

25364:5, 25364:8,
25370:28, 25371:13,
25371:21, 25371:30,
25372:30, 25374:19,
25375:6, 25375:7,
25376:38, 25377:5,
25377:20, 25379:28,
25379:31, 25379:33,
25384:32, 25393:28,
25394:40, 25396:6,
25403:1, 25405:47,
25406:1, 25407:9,
25407:18, 25407:45,
25409:16
seeing [4] - 25330:12,
25370:33, 25372:41,
25377:34
seek [4] - 25372:21,
25374:12, 25378:28,
25407:33
seeker [1] - 25327:39
seeking [1] - 25408:4
seem [7] - 25355:5,
25367:24, 25396:5,
25399:31, 25400:26,
25400:32, 25402:17
seeming [2] - 25342:39,
25391:45
sees [1] - 25328:25
self [7] - 25330:19,
25342:15, 25365:23,
25372:22, 25372:31,
25378:6, 25378:11
self-confidence [1] -
25342:15
self-emptying [2] -
25378:6, 25378:11
self-image [1] - 25372:31
self-satisfaction [1] -
25372:22
semi [1] - 25371:36
semi-abstract [1] -
25371:36
seminarian [7] - 25314:12,
25320:20, 25328:32,
25328:33, 25328:34,
25340:40, 25356:35
seminarians [46] -
25313:12, 25313:14,
25313:46, 25314:3,
25317:23, 25317:28,
25317:33, 25317:37,
25320:14, 25320:16,
25320:28, 25321:1,
25333:26, 25335:20,
25342:33, 25353:17,
25353:22, 25353:37,
25353:43, 25354:30,
25357:35, 25358:22,
25358:27, 25358:37,
25369:9, 25369:12,
25371:37, 25372:15,
25373:24, 25374:7,
25375:3, 25375:8,
25376:13, 25376:14,
25376:34, 25376:42,
25377:41, 25378:19,

25381:33, 25388:39,
25392:34, 25393:3,
25393:11, 25395:40,
25396:34, 25397:22
seminaries [44] -
25313:12, 25317:9,
25318:18, 25318:27,
25318:34, 25325:41,
25327:28, 25332:28,
25332:41, 25333:29,
25335:11, 25335:18,
25335:29, 25336:4,
25339:24, 25341:5,
25341:19, 25349:38,
25349:45, 25350:33,
25355:8, 25355:10,
25355:16, 25355:20,
25356:13, 25358:20,
25360:4, 25362:37,
25366:28, 25367:25,
25369:10, 25380:24,
25380:31, 25380:36,
25387:9, 25392:16,
25395:21, 25399:16,
25399:22, 25399:25,
25399:34, 25400:11,
25403:33, 25406:3
Seminary [5] - 25313:36,
25314:17, 25314:32,
25319:46, 25345:47
seminary [111] - 25313:40,
25313:45, 25314:22,
25314:42, 25315:25,
25316:39, 25317:3,
25317:29, 25317:32,
25318:11, 25318:14,
25318:38, 25320:7,
25320:39, 25320:44,
25321:4, 25326:11,
25328:20, 25328:27,
25328:35, 25332:10,
25333:14, 25333:15,
25333:25, 25339:4,
25339:12, 25339:46,
25340:1, 25340:41,
25341:28, 25341:46,
25342:20, 25342:28,
25342:43, 25345:12,
25346:3, 25346:13,
25346:34, 25348:24,
25350:4, 25350:11,
25350:27, 25350:35,
25350:46, 25351:17,
25351:20, 25352:12,
25352:31, 25352:35,
25352:39, 25353:1,
25353:9, 25353:11,
25353:19, 25354:38,
25354:40, 25355:16,
25358:22, 25358:27,
25360:12, 25360:17,
25360:20, 25360:42,
25361:15, 25363:8,
25363:14, 25363:22,
25363:25, 25363:29,
25364:25, 25365:36,
25366:30, 25367:29,
25371:6, 25371:19,

25372:3, 25372:25,
25374:17, 25374:46,
25374:47, 25376:10,
25376:23, 25378:13,
25378:18, 25381:13,
25381:27, 25385:7,
25385:36, 25385:41,
25385:46, 25386:27,
25388:39, 25392:3,
25392:5, 25392:44,
25393:6, 25393:10,
25394:7, 25394:14,
25394:15, 25395:30,
25396:32, 25401:42,
25401:44, 25401:47,
25403:8, 25405:30,
25406:39, 25407:25,
25408:11
send [3] - 25328:35,
25381:2, 25401:33
sending [2] - 25356:18,
25356:23
sends [1] - 25356:4
senior [1] - 25363:24
sense [22] - 25315:25,
25318:36, 25325:24,
25329:35, 25347:42,
25348:28, 25356:18,
25356:30, 25356:31,
25358:14, 25360:42,
25361:15, 25365:23,
25368:24, 25370:1,
25372:34, 25373:23,
25374:7, 25378:8,
25378:34, 25400:40,
25402:16
sent [3] - 25323:29,
25324:28, 25324:33
separate [3] - 25353:24,
25358:14, 25389:15
separated [2] - 25357:21,
25383:39
separateness [1] -
25355:23
separation [2] - 25347:8,
25347:13
serious [4] - 25339:43,
25340:47, 25373:8,
25373:45
seriously [2] - 25343:41,
25368:46
servant [1] - 25378:5
serve [7] - 25315:20,
25317:7, 25372:21,
25373:5, 25374:12,
25396:37, 25397:18
served [7] - 25312:47,
25316:25, 25316:31,
25319:29, 25320:11,
25340:14, 25374:13
serves [2] - 25316:47,
25320:8
Service [1] - 25327:10
service [6] - 25315:27,
25359:30, 25364:23,
25371:47, 25372:38,
25378:1

Services [1] - 25326:21
services [6] - 25315:26,
25321:9, 25327:43,
25347:23, 25381:32,
25390:41
servicing [4] - 25372:10,
25372:46, 25374:9,
25374:30
session [1] - 25408:36
sessions [5] - 25326:45,
25343:31, 25361:38,
25379:38, 25387:2
set [4] - 25350:33,
25374:37, 25375:21,
25375:31
setting [5] - 25334:34,
25355:28, 25363:9,
25364:41
seven [6] - 25314:9,
25323:32, 25323:33,
25346:29, 25381:5,
25399:26
seven-month [1] -
25323:32
seventh [1] - 25345:42
several [2] - 25350:16,
25354:37
sex [8] - 25330:7, 25330:9,
25330:38, 25330:46,
25331:31, 25334:28,
25336:16, 25395:13
sexual [45] - 25326:41,
25326:44, 25327:6,
25330:1, 25330:9,
25330:15, 25330:16,
25330:17, 25330:31,
25330:35, 25334:24,
25335:9, 25335:23,
25339:1, 25344:32,
25361:31, 25365:40,
25366:19, 25366:32,
25367:19, 25367:40,
25368:5, 25368:10,
25368:23, 25375:11,
25382:16, 25389:27,
25389:38, 25389:41,
25390:37, 25390:41,
25391:19, 25391:36,
25392:12, 25392:17,
25392:21, 25392:34,
25392:35, 25393:17,
25393:31, 25393:43,
25394:8, 25394:15,
25404:29, 25404:38
SEXUAL [1] - 25311:15
sexuality [16] - 25329:37,
25329:39, 25329:41,
25330:2, 25334:20,
25335:23, 25338:21,
25338:24, 25342:4,
25364:2, 25365:11,
25365:12, 25367:29,
25393:12, 25394:47,
25395:1
sexually [9] - 25330:3,
25330:34, 25331:2,
25376:19, 25382:36,

25383:45, 25384:34,
25392:19, 25406:44
shaking [1] - 25363:25
shall [1] - 25369:35
share [4] - 25341:21,
25346:34, 25384:2,
25399:35
shared [3] - 25382:4,
25382:17, 25400:2
sharing [2] - 25341:23,
25361:11
Shepherd [4] - 25313:36,
25314:17, 25314:31,
25328:22
shepherd [1] - 25378:5
shoes [3] - 25363:18,
25364:20, 25390:20
SHORT [1] - 25345:7
short [1] - 25350:2
shortening [1] - 25324:7
show [1] - 25338:42
showing [1] - 25329:17
shown [1] - 25405:46
shows [2] - 25367:4,
25401:23
side [3] - 25327:4,
25357:43, 25379:40
sides [1] - 25388:34
sign [2] - 25340:34,
25342:41
significance [2] -
25368:41, 25389:25
significant [5] - 25327:3,
25327:23, 25357:21,
25388:40, 25392:43
significantly [3] -
25347:29, 25351:12,
25386:44
signs [5] - 25340:36,
25342:15, 25344:27,
25365:16, 25371:10
silent [2] - 25334:41,
25334:43
silos [2] - 25349:15,
25364:26
similar [5] - 25317:30,
25327:35, 25338:11,
25387:16
similarly [1] - 25343:30
simply [1] - 25368:43
sin [1] - 25389:16
sincerely [1] - 25387:41
Singapore [2] - 25326:38,
25328:2
single [2] - 25334:3,
25395:34
singular [1] - 25379:43
sister [27] - 25312:15,
25312:20, 25315:17,
25315:38, 25328:17,
25331:18, 25332:46,
25333:46, 25334:19,
25336:8, 25337:25,
25344:21, 25353:13,
25356:46, 25358:36,
25376:32, 25383:34,
25384:18, 25384:40,

25393:15, 25394:20,
25403:9, 25403:37,
25404:1, 25404:25,
25406:1, 25407:5
SISTER [172] - 25312:18,
25312:23, 25312:28,
25312:33, 25312:37,
25312:45, 25313:3,
25313:7, 25313:11,
25313:20, 25313:25,
25313:30, 25313:35,
25313:42, 25314:1,
25314:9, 25314:14,
25314:19, 25314:24,
25314:28, 25314:34,
25314:39, 25314:45,
25315:3, 25315:14,
25315:23, 25315:29,
25328:24, 25329:10,
25329:31, 25329:44,
25330:23, 25331:8,
25331:15, 25331:22,
25331:28, 25331:34,
25331:41, 25332:12,
25332:18, 25332:26,
25332:38, 25332:44,
25333:13, 25333:39,
25333:44, 25334:6,
25334:26, 25334:33,
25334:43, 25335:16,
25335:31, 25335:36,
25335:42, 25336:1,
25336:13, 25336:22,
25336:27, 25336:31,
25336:36, 25337:5,
25337:10, 25337:22,
25337:28, 25344:24,
25353:15, 25354:24,
25354:44, 25355:10,
25355:15, 25355:31,
25356:7, 25356:28,
25357:8, 25357:14,
25357:27, 25357:34,
25358:2, 25358:6,
25358:19, 25358:29,
25358:34, 25358:40,
25358:44, 25366:43,
25367:1, 25367:10,
25367:28, 25368:1,
25368:9, 25368:34,
25369:5, 25371:42,
25372:28, 25372:33,
25373:3, 25373:11,
25373:16, 25373:22,
25373:34, 25373:40,
25374:1, 25374:6,
25374:25, 25374:41,
25374:46, 25375:15,
25375:27, 25375:34,
25375:41, 25375:46,
25376:6, 25376:12,
25381:32, 25382:7,
25382:30, 25383:15,
25383:36, 25384:22,
25384:27, 25384:31,
25384:44, 25385:10,
25385:14, 25392:7,
25392:14, 25392:29,

25392:37, 25392:46,
25393:9, 25393:20,
25393:25, 25393:31,
25393:36, 25393:43,
25394:25, 25394:42,
25395:11, 25395:16,
25396:34, 25401:42,
25402:14, 25403:19,
25403:40, 25404:14,
25404:32, 25404:43,
25405:7, 25405:13,
25405:19, 25405:27,
25405:32, 25405:38,
25405:43, 25406:5,
25406:10, 25406:18,
25406:24, 25406:29,
25406:34, 25406:41,
25407:7, 25407:11,
25407:16, 25407:23,
25407:28, 25407:38,
25407:42, 25407:47,
25408:7, 25408:13,
25408:21
Sister [7] - 25312:18,
25348:7, 25361:21,
25371:40, 25392:3,
25396:31, 25404:25
Sisters [1] - 25312:21
sisters [2] - 25312:26,
25374:31
sitting [1] - 25355:5
situation [26] - 25334:47,
25350:12, 25355:46,
25356:36, 25357:4,
25363:22, 25365:34,
25366:26, 25367:8,
25367:10, 25368:4,
25384:14, 25384:16,
25384:19, 25384:44,
25385:33, 25385:38,
25387:14, 25389:15,
25389:16, 25390:43,
25390:46, 25393:44,
25393:45, 25394:13,
25397:23
situation" [1] - 25365:40
situations [9] - 25324:31,
25353:32, 25357:6,
25357:10, 25360:25,
25370:42, 25372:17,
25372:19, 25380:16
six [10] - 25314:6,
25316:34, 25323:30,
25324:25, 25324:29,
25339:47, 25346:29,
25352:47, 25353:29,
25381:19
skeleton [1] - 25337:15
skills [2] - 25344:35,
25391:24
skirt [1] - 25379:41
slippery [1] - 25379:10
slope [1] - 25379:10
slower [1] - 25380:20
small [2] - 25317:27,
25342:11
snapshot [1] - 25347:44

soak [1] - 25350:21
Social [1] - 25326:21
social [5] - 25342:47,
25344:35, 25390:23,
25390:41, 25402:35
socially [2] - 25350:43,
25353:6
Society [2] - 25322:16,
25324:3
society [13] - 25368:23,
25368:27, 25375:11,
25388:40, 25388:42,
25388:44, 25389:5,
25389:6, 25389:7,
25389:8, 25390:39,
25390:44, 25397:16
Society's [1] - 25324:2
sociopathy [1] - 25344:37
solid [4] - 25315:32,
25347:19, 25365:17,
25403:26
solving [2] - 25370:45,
25376:39
someone [28] - 25328:5,
25330:33, 25333:13,
25334:27, 25339:25,
25342:11, 25342:12,
25343:17, 25356:39,
25358:23, 25367:7,
25369:24, 25371:6,
25372:9, 25373:26,
25373:27, 25384:2,
25384:4, 25384:45,
25385:28, 25385:30,
25393:45, 25394:13,
25394:18, 25394:23,
25401:3, 25401:33
sometimes [5] - 25343:19,
25374:39, 25398:6,
25398:10, 25401:40
soon [2] - 25347:21,
25395:43
sorry [16] - 25320:42,
25328:33, 25332:18,
25336:29, 25337:15,
25346:10, 25375:34,
25382:32, 25383:4,
25386:1, 25387:41,
25388:21, 25388:25,
25388:28, 25407:13,
25407:23
sort [12] - 25340:10,
25341:24, 25342:29,
25348:1, 25349:14,
25356:21, 25359:24,
25388:11, 25394:22,
25400:19, 25402:18,
25403:1
sorts [3] - 25329:28,
25376:9, 25396:18
soul [1] - 25390:10
souls [1] - 25390:2
souls" [1] - 25389:42
sound [3] - 25353:11,
25401:30, 25402:17
sounds [1] - 25343:46
sources [3] - 25379:11,

25400:26, 25400:27
soutane [2] - 25358:34,
25358:38
South [3] - 25315:12,
25327:10, 25349:23
space [6] - 25345:1,
25360:43, 25364:28,
25373:7, 25373:19,
25374:22
speaking [4] - 25328:11,
25347:31, 25369:44,
25402:2
speaks [1] - 25365:39
special [9] - 25356:19,
25356:32, 25358:15,
25358:23, 25370:18,
25371:13, 25374:38,
25379:33, 25396:3
specialties [1] - 25334:2
specific [6] - 25334:21,
25334:23, 25334:39,
25365:33, 25391:2,
25404:37
specifically [1] - 25336:46
speed [1] - 25347:26
spend [2] - 25392:16,
25392:23
spends [1] - 25352:46
spent [2] - 25325:41,
25359:43
Spirit [2] - 25319:46,
25345:46
spiritual [5] - 25349:36,
25351:26, 25355:42,
25361:5, 25361:6
spirituality [1] - 25398:12
spoken [3] - 25334:45,
25349:35, 25365:16
spread [1] - 25314:6
Springwood [1] -
25325:42
Sri [2] - 25318:8, 25327:41
St [7] - 25316:10,
25317:42, 25326:14,
25326:20, 25326:21,
25365:45, 25365:46
staff [9] - 25317:16,
25317:17, 25330:27,
25332:2, 25394:9,
25401:44, 25405:47
stage [4] - 25323:45,
25326:12, 25345:18,
25362:23
stance [1] - 25335:23
stand [1] - 25359:34
standard [2] - 25345:33,
25359:21
standards [8] - 25332:30,
25381:3, 25381:25,
25381:33, 25381:37,
25382:8, 25391:15,
25391:22
Standards [1] - 25381:38
stands [1] - 25351:25
start [14] - 25312:15,
25317:15, 25337:41,
25345:11, 25347:17,

25349:44, 25350:1,
25358:14, 25361:7,
25363:10, 25376:38,
25381:19, 25395:25,
25403:4
started [3] - 25326:46,
25327:34, 25394:45
starting [5] - 25328:19,
25343:9, 25348:20,
25348:22, 25350:14
starts [1] - 25363:6
state [4] - 25319:17,
25321:24, 25325:32,
25370:20
statement [10] - 25315:29,
25322:40, 25322:41,
25324:6, 25324:16,
25346:19, 25352:16,
25367:6, 25391:3,
25407:18
states [1] - 25407:33
States [11] - 25312:35,
25312:41, 25328:11,
25332:27, 25332:31,
25336:2, 25336:3,
25355:17, 25359:20,
25366:27, 25392:16
stating [1] - 25372:36
statistical [1] - 25354:25
statistician [1] - 25354:26
statistics [5] - 25314:35,
25344:27, 25367:44,
25400:23, 25400:33
status [1] - 25408:41
Statute [1] - 25406:21
stay [3] - 25326:18,
25384:11, 25398:13
steal [1] - 25397:47
steer [1] - 25354:19
stepfather [1] - 25375:20
Stephen [2] - 25311:43,
25403:19
steps [2] - 25322:44,
25340:46
still [9] - 25318:25,
25325:17, 25328:33,
25338:40, 25353:11,
25354:41, 25369:28,
25372:25, 25395:36
stir [1] - 25353:44
stirring [1] - 25360:47
stood [1] - 25379:38
stop [1] - 25348:20
stopping [1] - 25329:7
stops [1] - 25334:12
story [2] - 25357:30,
25357:31
straight [2] - 25325:7,
25377:25
strategies [7] - 25348:47,
25377:10, 25377:17,
25377:31, 25377:33,
25402:45, 25403:1
strategy [2] - 25377:8,
25377:31
street [1] - 25383:41
strengths [2] - 25369:22,

25374:33
striving [1] - 25372:9
strong [5] - 25338:44,
 25372:34, 25375:6,
 25378:15, 25390:45
strongly [5] - 25349:46,
 25395:47, 25397:40,
 25402:41, 25403:3
structure [10] - 25348:8,
 25348:17, 25348:24,
 25349:31, 25349:32,
 25352:31, 25352:35,
 25352:36, 25353:9,
 25353:11
structured [1] - 25402:18
structures [6] - 25347:37,
 25348:13, 25368:47,
 25402:45, 25403:1,
 25403:15
struggled [1] - 25317:15
strutting [1] - 25378:3
stuck [1] - 25350:18
student [5] - 25350:2,
 25352:43, 25352:45,
 25352:46, 25377:23
student's [1] - 25345:28
students [11] - 25320:13,
 25327:27, 25345:26,
 25349:30, 25353:5,
 25371:5, 25371:12,
 25372:25, 25396:46,
 25397:12
studies [10] - 25323:5,
 25323:18, 25323:20,
 25325:16, 25325:17,
 25345:14, 25351:26,
 25362:19, 25401:38,
 25403:20
study [10] - 25314:7,
 25323:6, 25323:22,
 25323:23, 25323:28,
 25325:14, 25398:11,
 25403:28, 25403:33,
 25403:37
Study [1] - 25311:19
studying [2] - 25319:39,
 25349:7
stuff [2] - 25371:29,
 25378:3
style [1] - 25401:26
subconsciously [2] -
 25376:36, 25376:38
subject [1] - 25382:34
substantial [4] - 25347:22,
 25351:30, 25371:24,
 25371:25
substantive [2] -
 25326:36, 25327:19
suburb [1] - 25322:36
suburban [1] - 25322:35
successful [1] - 25346:33
successfully [1] -
 25396:21
Sudan [1] - 25349:23
suddenly [1] - 25351:14
suffer [3] - 25369:15,
 25369:24, 25369:25

suffered [2] - 25369:15,
 25369:16
suffering [4] - 25369:13,
 25369:24, 25369:26
suggest [4] - 25343:35,
 25348:13, 25401:15,
 25401:39
suggested [4] - 25326:17,
 25333:3, 25373:30,
 25385:26
suggesting [7] - 25334:1,
 25339:23, 25348:6,
 25348:7, 25363:7,
 25363:9, 25380:19
suggestion [3] -
 25315:19, 25350:27,
 25362:40
suggestions [1] - 25385:2
suicide [1] - 25389:40
suitability [2] - 25338:18,
 25339:44
superior [1] - 25316:31
supervise [1] - 25354:9
supervised [4] - 25353:33,
 25362:21, 25371:6,
 25397:36
supervising [2] -
 25353:37, 25375:2
supervision [5] -
 25324:29, 25351:3,
 25351:6, 25353:31,
 25403:5
supervisor [4] - 25362:18,
 25377:20, 25377:21,
 25377:26
supervisors [2] - 25351:7,
 25370:20
supervisory [1] -
 25351:36
support [3] - 25361:12,
 25380:38, 25380:40
supported [1] - 25396:39
suppose [2] - 25318:43,
 25345:41
supposed [1] - 25382:22
surely [2] - 25346:32,
 25367:17
surprised [1] - 25344:16
surround [1] - 25370:24
Surveys [1] - 25404:1
surveys [1] - 25404:3
survive [1] - 25349:5
surviving [1] - 25397:8
survivors [5] - 25327:6,
 25361:33, 25361:37,
 25362:13, 25362:30
susceptible [1] - 25333:7
suspect [3] - 25348:8,
 25349:40, 25388:40
sustained [1] - 25365:21
sworn [5] - 25312:5,
 25312:7, 25312:9,
 25312:11, 25312:13
Sydney [10] - 25311:24,
 25315:1, 25315:3,
 25317:12, 25318:11,
 25318:13, 25328:9,

25360:33, 25365:45,
 25377:25
syllabus [1] - 25380:29
syllabuses [1] - 25391:33
symptoms [1] - 25344:27
system [5] - 25327:7,
 25334:11, 25353:42,
 25371:45, 25403:32

T

tab [7] - 25337:1,
 25404:47, 25405:9,
 25405:23, 25405:40,
 25406:20, 25406:47
table [1] - 25379:39
Tarabay [1] - 25320:12
task [1] - 25334:3
tasks [1] - 25351:36
taught [15] - 25349:31,
 25370:8, 25370:9,
 25372:1, 25372:13,
 25372:25, 25376:9,
 25383:29, 25385:36,
 25385:41, 25385:45,
 25386:27, 25386:33,
 25386:44, 25387:9
Taylor [1] - 25377:11
tea [2] - 25337:25,
 25345:10
teach [8] - 25313:37,
 25327:20, 25327:23,
 25370:19, 25371:26,
 25377:40, 25381:40,
 25408:14
teachers [1] - 25371:7
teaching [20] - 25312:39,
 25321:42, 25323:9,
 25327:20, 25327:32,
 25327:34, 25327:36,
 25371:43, 25381:18,
 25382:7, 25385:7,
 25385:43, 25392:20,
 25392:40, 25394:46,
 25395:6, 25398:23,
 25406:12, 25406:41
team [3] - 25327:43,
 25334:1, 25372:12
technically [1] - 25385:21
template [2] - 25402:29,
 25407:2
ten [2] - 25324:29,
 25367:45
tend [5] - 25325:14,
 25325:16, 25340:43,
 25342:13, 25373:22
tended [1] - 25342:11
tendencies [5] - 25334:22,
 25334:40, 25335:14,
 25338:31, 25365:37
tendency [4] - 25375:7,
 25392:42, 25393:4,
 25402:47
tender [1] - 25404:46
tenth [1] - 25320:4
term [3] - 25355:8,

25365:20, 25401:4
terms [41] - 25322:17,
 25329:45, 25330:2,
 25330:12, 25330:16,
 25332:14, 25333:10,
 25334:34, 25335:25,
 25336:4, 25336:17,
 25339:40, 25344:41,
 25347:47, 25350:28,
 25353:21, 25353:38,
 25354:16, 25355:35,
 25359:17, 25367:35,
 25368:40, 25372:5,
 25372:11, 25374:9,
 25376:26, 25385:10,
 25385:16, 25387:37,
 25393:31, 25394:16,
 25394:47, 25397:40,
 25398:38, 25400:21,
 25400:35, 25401:2,
 25401:9, 25402:1,
 25402:9, 25403:12
terrible [1] - 25390:3
territory [5] - 25348:21,
 25407:34, 25407:35,
 25407:36, 25407:38
tertianship [2] - 25322:20,
 25323:31
tertiary [1] - 25325:10
test [11] - 25324:36,
 25334:40, 25340:35,
 25341:2, 25345:23,
 25345:30, 25345:37,
 25345:43, 25349:8,
 25363:13, 25376:46
tested [1] - 25363:17
tester [1] - 25340:6
testimony [2] - 25384:9,
 25384:10
testing [18] - 25329:3,
 25329:17, 25332:28,
 25333:28, 25333:29,
 25333:32, 25334:20,
 25334:41, 25335:10,
 25337:33, 25337:36,
 25337:39, 25337:40,
 25338:2, 25340:31,
 25341:18, 25345:18,
 25364:1
tests [5] - 25329:4,
 25329:5, 25329:8,
 25329:10, 25341:24
thankfully [1] - 25317:13
THE [80] - 25316:15,
 25329:28, 25329:41,
 25330:21, 25331:5,
 25331:12, 25343:46,
 25344:5, 25344:14,
 25344:18, 25344:45,
 25345:5, 25356:46,
 25357:10, 25357:17,
 25357:29, 25357:41,
 25358:4, 25358:12,
 25358:26, 25358:32,
 25364:37, 25364:46,
 25365:6, 25365:30,
 25366:17, 25366:24,
 25366:36, 25366:46,

25367:6, 25369:31,
 25369:35, 25373:1,
 25373:7, 25373:14,
 25373:19, 25373:30,
 25373:36, 25373:45,
 25374:3, 25374:19,
 25374:35, 25374:44,
 25375:10, 25375:17,
 25375:30, 25375:37,
 25375:44, 25376:3,
 25376:9, 25376:29,
 25376:44, 25382:32,
 25382:44, 25383:2,
 25383:9, 25383:17,
 25384:18, 25384:24,
 25384:29, 25384:39,
 25385:7, 25385:12,
 25385:18, 25386:7,
 25386:21, 25388:9,
 25388:19, 25388:24,
 25388:31, 25390:20,
 25394:20, 25394:35,
 25401:38, 25403:12,
 25404:20, 25409:10,
 25409:16, 25409:19,
 25409:21
theme [2] - 25361:36,
 25367:20
themselves [13] -
 25329:34, 25333:37,
 25341:21, 25354:6,
 25357:4, 25370:1,
 25372:37, 25376:37,
 25378:15, 25378:16,
 25378:38, 25386:16,
 25402:9
theologian [1] - 25383:23
theological [7] - 25323:18,
 25323:20, 25336:25,
 25336:36, 25336:44,
 25363:44, 25377:1
Theological [1] - 25323:7
theologically [1] -
 25336:10
theology [17] - 25318:21,
 25323:22, 25323:24,
 25323:26, 25324:12,
 25326:24, 25327:21,
 25351:32, 25364:8,
 25364:9, 25366:9,
 25372:2, 25385:42,
 25385:43, 25386:29,
 25387:12, 25398:12
theoretical [1] - 25377:1
theory [1] - 25336:33
therefore [3] - 25343:34,
 25360:10, 25379:23
they've [11] - 25319:12,
 25323:20, 25325:5,
 25325:17, 25330:3,
 25339:3, 25344:28,
 25348:41, 25353:7,
 25381:43, 25381:44
thinking [6] - 25349:15,
 25360:34, 25366:18,
 25371:36, 25377:16,
 25377:35
thinks [1] - 25371:33

third [4] - 25338:18, 25372:7, 25400:30, 25400:47
Thirteen [1] - 25366:46
thirteen [1] - 25367:1
Thompson [10] - 25315:38, 25315:42, 25319:15, 25339:39, 25345:9, 25346:27, 25352:29, 25370:27, 25385:18, 25395:25
THOMPSON [61] - 25312:5, 25315:42, 25315:47, 25316:4, 25316:9, 25316:19, 25316:23, 25316:28, 25316:34, 25316:38, 25316:44, 25317:2, 25318:5, 25318:16, 25318:29, 25318:41, 25319:7, 25339:43, 25340:21, 25340:28, 25340:33, 25340:43, 25341:15, 25341:30, 25341:36, 25342:2, 25342:8, 25342:32, 25343:16, 25343:37, 25344:2, 25344:11, 25344:16, 25345:3, 25345:21, 25345:35, 25345:41, 25352:34, 25366:22, 25366:26, 25366:39, 25370:31, 25370:39, 25371:4, 25376:32, 25379:20, 25380:13, 25380:29, 25380:38, 25385:20, 25385:40, 25386:43, 25387:11, 25387:23, 25395:32, 25399:8, 25399:38, 25399:42, 25399:46, 25400:5, 25400:17
thorough [1] - 25371:4
thoughts [3] - 25348:26, 25365:7, 25383:10
thousands [1] - 25361:37
three [18] - 25320:31, 25323:5, 25323:13, 25323:17, 25323:21, 25325:28, 25338:7, 25341:19, 25361:8, 25371:46, 25375:20, 25377:25, 25394:2, 25399:14, 25400:27, 25401:15, 25401:16, 25401:19
three-day [1] - 25341:19
throughout [10] - 25327:22, 25350:46, 25353:16, 25354:39, 25372:2, 25372:17, 25381:34, 25395:26, 25399:33, 25403:8
throw [1] - 25356:29
thunder [1] - 25397:47
timetable [1] - 25408:46

titled [1] - 25406:21
TO [2] - 25311:15, 25409:22
today [17] - 25312:1, 25341:40, 25341:45, 25342:26, 25354:41, 25355:21, 25359:2, 25359:5, 25359:21, 25360:5, 25364:4, 25378:44, 25378:46, 25379:9, 25390:44, 25393:2, 25408:29
together [24] - 25323:35, 25334:34, 25341:19, 25344:26, 25350:42, 25351:14, 25353:23, 25353:26, 25357:18, 25361:8, 25363:39, 25371:45, 25381:4, 25382:10, 25384:15, 25385:28, 25391:47, 25393:47, 25394:12, 25399:35, 25400:3, 25402:7, 25402:8, 25403:22
tolerance [1] - 25354:2
tomorrow [7] - 25397:44, 25402:24, 25402:26, 25402:42, 25403:46, 25404:17, 25409:12
Tonga [2] - 25398:16, 25398:18
Tongan [1] - 25398:22
took [4] - 25321:38, 25366:43, 25368:13, 25403:22
tool [2] - 25340:43, 25341:2
top [1] - 25407:14
topic [7] - 25332:47, 25337:31, 25338:21, 25338:35, 25353:13, 25393:1, 25397:44
tormenting [1] - 25349:26
tortured [1] - 25363:20
total [1] - 25320:16
touch [2] - 25378:46, 25380:30
touched [1] - 25393:1
toward [1] - 25394:18
towards [3] - 25323:8, 25324:9, 25406:35
Tower [1] - 25311:23
town [1] - 25349:45
tradition [2] - 25354:21, 25363:32
traditional [1] - 25348:43
traditionally [1] - 25324:25
train [4] - 25317:6, 25317:33, 25358:6, 25360:3
trained [6] - 25318:37, 25319:9, 25398:34, 25400:27, 25400:29, 25400:31
trainee [2] - 25370:7,

25371:15
training [24] - 25312:30, 25312:39, 25317:8, 25317:43, 25318:3, 25322:16, 25339:4, 25353:38, 25358:13, 25359:1, 25359:41, 25372:3, 25372:17, 25376:41, 25381:20, 25395:21, 25395:29, 25399:16, 25399:23, 25399:32, 25399:34, 25402:12, 25403:6, 25404:28
transcript [1] - 25369:42
transference [5] - 25372:8, 25376:16, 25376:17, 25376:21
transparency [1] - 25361:12
transparent [2] - 25344:41, 25348:29
trappings [3] - 25356:24, 25357:20, 25359:28
trauma [1] - 25349:21
travel [1] - 25400:28
travelling [1] - 25323:36
treated [1] - 25371:17
treating [1] - 25370:24
treatment [1] - 25346:21
tree [1] - 25364:4
tremendous [1] - 25351:2
Trent [2] - 25350:33, 25353:11
tribunal [1] - 25346:10
Tridentine [6] - 25350:17, 25350:31, 25351:12, 25351:15, 25352:36, 25352:37
tried [2] - 25317:19, 25384:15
trouble [1] - 25317:16
troubling [1] - 25341:40
true [13] - 25326:1, 25330:38, 25330:39, 25343:47, 25344:39, 25353:9, 25355:33, 25356:12, 25369:9, 25372:43, 25373:26, 25373:27, 25373:31
truly [1] - 25404:5
trust [8] - 25361:12, 25374:39, 25375:19, 25375:22, 25375:24, 25375:32, 25376:18, 25376:27
trusting [2] - 25380:5, 25393:13
try [13] - 25351:38, 25359:10, 25370:29, 25374:46, 25378:18, 25380:32, 25384:14, 25386:17, 25389:10, 25389:28, 25391:46, 25392:1, 25397:18
trying [13] - 25331:43, 25336:8, 25338:31,

25338:46, 25347:25, 25357:42, 25359:28, 25359:29, 25361:16, 25367:6, 25388:3, 25388:45, 25389:31
Tuesday [1] - 25311:27
turn [10] - 25315:39, 25317:29, 25321:23, 25325:31, 25328:17, 25337:30, 25339:39, 25345:45, 25364:37, 25395:18
turns [1] - 25388:10
twice [1] - 25395:35
two [35] - 25317:5, 25317:43, 25320:12, 25320:14, 25320:35, 25322:12, 25322:15, 25322:17, 25322:35, 25323:4, 25323:17, 25324:24, 25326:26, 25327:23, 25333:3, 25338:27, 25341:19, 25347:8, 25353:25, 25355:31, 25360:36, 25361:22, 25361:26, 25362:4, 25366:30, 25381:17, 25381:24, 25386:30, 25393:47, 25394:2, 25394:12, 25395:5, 25401:2, 25403:20
two-day [1] - 25381:24
type [3] - 25341:12, 25348:29, 25350:33
types [1] - 25350:47
typical [1] - 25353:42

U

ultimately [1] - 25379:1
unable [2] - 25343:1, 25408:37
unaccompanied [1] - 25327:40
uncommon [2] - 25383:13, 25387:1
unconscious [1] - 25333:6
unconsciously [2] - 25370:44, 25376:36
under [9] - 25317:32, 25324:29, 25326:20, 25338:40, 25351:3, 25351:5, 25362:17, 25385:21
undergo [2] - 25345:30, 25345:37
undergoing [1] - 25327:47
underlying [1] - 25331:10
underneath [1] - 25330:12
underpins [2] - 25336:34, 25389:26
understandings [2] - 25365:47, 25397:2
understood [5] - 25370:31, 25374:19,

25378:30, 25390:29, 25401:5
undertake [1] - 25347:1
unexpected [1] - 25386:8
unfair [2] - 25402:19, 25402:21
unfortunate [3] - 25374:42, 25379:25, 25408:35
uniformity [1] - 25381:7
unit [2] - 25326:13, 25381:14
United [14] - 25312:35, 25312:41, 25328:11, 25332:27, 25332:31, 25336:2, 25336:3, 25339:21, 25339:23, 25355:17, 25359:20, 25366:27, 25392:16, 25407:19
Uniting [1] - 25340:15
units [1] - 25327:23
universities [2] - 25350:37, 25353:25
University [4] - 25326:27, 25327:35, 25327:36, 25365:45
university [4] - 25327:20, 25349:5, 25353:4, 25353:5
unknown [1] - 25341:4
unless [5] - 25357:30, 25359:24, 25376:6, 25387:13, 25398:13
unspoken [1] - 25335:5
unsure [1] - 25367:24
untoward [1] - 25383:43
unusual [1] - 25356:23
unwise [1] - 25356:29
up [61] - 25314:4, 25317:47, 25320:10, 25324:11, 25325:13, 25327:16, 25327:43, 25329:45, 25332:41, 25334:34, 25337:1, 25337:2, 25338:26, 25340:44, 25341:13, 25345:21, 25347:4, 25347:25, 25348:25, 25348:34, 25349:12, 25350:21, 25350:33, 25352:11, 25353:4, 25355:23, 25356:47, 25357:3, 25357:42, 25359:8, 25360:40, 25363:30, 25363:36, 25364:3, 25364:39, 25371:29, 25371:32, 25374:37, 25375:21, 25377:25, 25378:14, 25378:19, 25379:40, 25381:27, 25382:13, 25383:40, 25383:41, 25384:7, 25385:15, 25386:46, 25387:6, 25388:10, 25388:36, 25390:38, 25400:6,

25402:24, 25403:31,
25403:47, 25405:47,
25408:2
upper [1] - 25320:24
urgency [1] - 25367:4
urgent [7] - 25365:34,
25365:39, 25365:41,
25367:8, 25367:10,
25367:11, 25367:14
uses [1] - 25319:3
utilise [2] - 25362:46,
25373:25
utmost [2] - 25370:24,
25386:24

V

valuable [2] - 25354:7,
25354:29
value [3] - 25347:47,
25348:1, 25348:9
values [1] - 25359:30
variety [1] - 25327:30
various [22] - 25314:45,
25314:46, 25315:15,
25315:18, 25315:21,
25316:25, 25318:38,
25319:29, 25321:17,
25321:42, 25325:27,
25329:20, 25341:18,
25350:47, 25351:4,
25353:33, 25361:1,
25367:13, 25372:35,
25381:2, 25394:38,
25396:47
varying [1] - 25324:27
vast [2] - 25355:6,
25399:31
Vatican [18] - 25312:47,
25313:23, 25331:20,
25334:21, 25334:22,
25334:31, 25334:36,
25334:39, 25334:41,
25335:27, 25336:9,
25351:44, 25368:10,
25377:6, 25404:27,
25404:36, 25405:36,
25408:18
vein [1] - 25347:5
vernacular [1] - 25356:41
versus [1] - 25366:15
vestment [1] - 25358:34
vetting [1] - 25408:4
viable [3] - 25317:24,
25317:25, 25317:29
Vianney [2] - 25316:39,
25319:9
vicar [1] - 25354:36
vice [2] - 25340:37,
25351:24
victim [1] - 25363:19
victim's [1] - 25397:9
victims [6] - 25327:12,
25361:32, 25361:36,
25362:13, 25362:29,
25388:7

Vietnam [6] - 25318:7,
25318:8, 25321:16,
25327:41, 25396:37,
25396:46
Vietnamese [3] -
25317:42, 25318:6,
25398:46
view [16] - 25333:1,
25334:4, 25341:23,
25342:28, 25352:29,
25353:13, 25355:19,
25357:37, 25357:42,
25359:1, 25368:7,
25379:14, 25390:13,
25391:22, 25392:32
viewpoint [1] - 25333:17
views [2] - 25396:24,
25397:44
Vincent [1] - 25316:10
Vincentian [1] - 25315:45
Vincentians [1] - 25316:6
violations [3] - 25342:23,
25344:34, 25393:34
virtues [1] - 25343:20
vis-à-vis [1] - 25354:14
vision [2] - 25379:5,
25379:8
visit [1] - 25379:29
visiting [1] - 25371:14
vitality [1] - 25347:7
vobis [2] - 25342:44,
25405:11
vocation [8] - 25317:19,
25328:24, 25328:36,
25329:23, 25334:8,
25349:9, 25349:10,
25364:41
Vocation [1] - 25405:41
voice [1] - 25404:7
volunteering [2] -
25326:14, 25326:17
vows [6] - 25321:38,
25323:45, 25324:1,
25338:40, 25393:33

W

Wagga [16] - 25316:39,
25317:28, 25317:32,
25317:38, 25317:45,
25318:41, 25319:7,
25340:13, 25341:27,
25346:27, 25346:33,
25353:4, 25353:6
waiting [1] - 25366:40
Wales [2] - 25315:12,
25327:10
waltzes [1] - 25378:3
war [2] - 25349:21,
25349:24
warned [3] - 25317:23,
25370:41, 25397:13
WAS [1] - 25409:21
wash [1] - 25395:42
water [2] - 25356:29,
25363:44

ways [6] - 25335:19,
25343:6, 25360:4,
25372:36, 25377:35,
25394:38
weakly [1] - 25362:12
weakness [4] - 25361:39,
25362:34, 25362:37,
25375:6
weaknesses [8] -
25354:41, 25354:45,
25361:22, 25361:23,
25362:5, 25369:22,
25374:32
wear [7] - 25358:29,
25358:32, 25358:34,
25358:37, 25359:14,
25359:22, 25359:27
wearing [3] - 25355:45,
25356:44, 25359:15
WEDNESDAY [1] -
25409:22
week [10] - 25352:43,
25356:21, 25357:23,
25361:8, 25361:9,
25371:5, 25379:15,
25382:14, 25387:6
weekend [1] - 25375:38
weekends [1] - 25353:6
weekly [1] - 25381:44
weeks [5] - 25324:29,
25326:46, 25377:27,
25388:10, 25394:2
welcome [1] - 25317:32
welcomed [1] - 25408:10
Welfare [1] - 25326:20
well-disciplined [1] -
25355:8
wellbeing [3] - 25351:40,
25391:14, 25402:9
western [1] - 25397:21
Western [2] - 25316:32,
25360:33
what-have-you [1] -
25397:10
Whelan [1] - 25354:36
whereas [2] - 25360:14,
25386:11
whilst [2] - 25356:22,
25379:39
whole [13] - 25330:18,
25348:16, 25348:26,
25355:44, 25357:30,
25357:31, 25360:25,
25360:27, 25367:30,
25368:23, 25372:3,
25388:43, 25402:42
wholeness [2] - 25343:19,
25355:43
wholly [1] - 25348:29
widely [1] - 25342:12
widespread [1] - 25362:33
William [1] - 25344:26
willing [6] - 25328:29,
25328:30, 25331:9,
25374:12, 25385:4,
25403:15
willingness [3] -

25369:21, 25376:25,
25394:30
Wisconsin [1] - 25328:13
wisdom [1] - 25390:43
wisely [1] - 25363:39
wish [2] - 25319:1,
25387:15
wished [1] - 25400:15
withdraw [1] - 25379:23
WITHDREW [1] -
25409:19
withhold [2] - 25387:43,
25388:29
WITNESSES [1] -
25409:19
witnesses [6] - 25312:1,
25349:14, 25377:29,
25383:26, 25390:5,
25402:24
Wollongong [2] -
25315:15, 25333:28
woman [3] - 25363:36,
25384:4, 25395:3
women [9] - 25342:24,
25351:6, 25353:33,
25356:42, 25367:42,
25367:46, 25395:8,
25405:20
women" [1] - 25367:44
wonder [1] - 25385:22
wondered [1] - 25401:7
wonderful [2] - 25362:31,
25371:29
wondering [5] - 25358:46,
25360:1, 25360:21,
25379:17, 25383:28
Wood [1] - 25327:11
word [5] - 25318:16,
25342:14, 25363:6,
25376:26, 25401:25
words [3] - 25373:26,
25374:10, 25390:7
works [5] - 25346:9,
25351:25, 25388:41,
25388:47, 25389:5
workshop [1] - 25381:24
workshops [1] - 25381:3
world [18] - 25323:34,
25323:35, 25324:33,
25349:8, 25349:17,
25349:19, 25349:20,
25351:2, 25351:11,
25354:22, 25356:13,
25356:16, 25356:18,
25366:8, 25368:17,
25375:47, 25377:34
worries [1] - 25363:47
worry [1] - 25375:39
worship [1] - 25343:12
worth [1] - 25354:27
write [4] - 25329:22,
25331:47, 25366:43,
25366:46
writes [1] - 25328:36
written [1] - 25361:34
wrote [3] - 25336:38,
25337:16, 25403:19

Y

year [48] - 25314:3,
25320:4, 25320:10,
25320:40, 25321:4,
25321:5, 25322:30,
25323:29, 25323:32,
25325:29, 25326:36,
25327:22, 25328:8,
25328:10, 25328:26,
25339:47, 25340:3,
25345:13, 25345:21,
25345:32, 25345:35,
25345:42, 25346:1,
25346:34, 25351:1,
25351:30, 25353:30,
25353:43, 25366:40,
25371:25, 25371:44,
25381:25, 25381:27,
25381:32, 25381:36,
25381:40, 25381:41,
25383:38, 25386:12,
25397:4, 25399:42,
25399:44, 25403:7
year's [1] - 25354:6
years [52] - 25312:33,
25314:6, 25314:19,
25316:23, 25316:34,
25316:44, 25320:39,
25321:2, 25321:43,
25322:15, 25322:17,
25322:24, 25323:4,
25323:5, 25323:13,
25323:17, 25323:21,
25323:30, 25324:24,
25325:41, 25325:44,
25326:22, 25327:37,
25335:7, 25341:17,
25341:30, 25341:39,
25341:41, 25344:24,
25346:29, 25353:30,
25355:11, 25359:41,
25365:44, 25366:30,
25366:41, 25366:43,
25366:46, 25367:1,
25367:40, 25372:7,
25377:20, 25381:17,
25381:35, 25381:42,
25390:25, 25391:12,
25391:17, 25391:41,
25398:17, 25404:2
yesterday [12] - 25315:17,
25332:47, 25344:7,
25344:14, 25347:47,
25350:16, 25369:41,
25373:30, 25374:11,
25391:30, 25391:32,
25392:26
yesterday's [1] - 25361:45
young [19] - 25315:32,
25317:18, 25327:6,
25327:7, 25327:8,
25327:12, 25327:40,
25330:36, 25330:40,
25335:20, 25335:29,
25335:39, 25335:40,
25341:46, 25342:8,

25342:16, 25378:9,
25379:27, 25384:18
younger ^[1] - 25403:30
youngest ^[3] - 25314:12,
25320:20, 25325:1
yourself ^[3] - 25369:17,
25382:44, 25390:20
youth ^[2] - 25326:15,
25326:19

Z

Zealand ^[1] - 25326:38
zones ^[1] - 25324:30