

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

**Public Hearing - Case Study 50  
(Day 255)**

Level 17, Governor Macquarie Tower  
1 Farrer Place, Sydney

On Friday, 24 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 <MARK BENEDICT COLERIDGE, on former oath: [10.01am]  
2  
3 <DENIS JAMES HART, on former oath: [10.01am]  
4  
5 <ANTHONY COLIN JOSEPH FISHER, on former oath: [10.01am]  
6  
7 <PHILIP EDWARD WILSON, on former oath: [10.01am]  
8  
9 <TIMOTHY JOHN COSTELLOE, on former oath: [10.01am]  
10

11 <EXAMINATION BY MS FURNESS:  
12

13 MS FURNESS: When we adjourned yesterday, you were giving  
14 evidence, I think, Archbishop Wilson and  
15 Archbishop Coleridge, in relation to the 2020 plenary  
16 council. There is also available, as I understand it, to  
17 the Church a synod, and I don't think there has been  
18 a national synod for some decades; is that right?  
19

20 ARCHBISHOP COLERIDGE: In one sense, I would have to say  
21 there hasn't been a national synod. Synods tend to be of  
22 two kinds. You could have a national synod, certainly, but  
23 they tend to be more diocesan synods. There have been  
24 a number of those over the years in Australia. But then  
25 there is also the international synod, called the Synod of  
26 Bishops, that is held every three or four years.  
27

28 MS FURNESS: Archbishop Wilson, you wanted to say  
29 something?  
30

31 ARCHBISHOP WILSON: Yes. In the structure of canon law,  
32 there are meetings called synods which operate usually at  
33 the diocesan level. What the archbishop referred to, the  
34 Synod of Bishops, is another element that was created by  
35 Pope Paul VI, which is a gathering of bishops in Rome to  
36 discuss a topic that is set for them, and that happens  
37 regularly over every three or four years.  
38

39 In the system, the really important gathering for the  
40 local Church is called the plenary council. The plenary  
41 council involves not just the bishops, although they are  
42 part of it, but it involves an engagement with other clergy  
43 and laypeople and it has to have a program of consultation  
44 to prepare for its action.  
45

46 The plenary council has the ability to make  
47 regulations and rules, so it has a legislative power, which

1 makes it a very important part of the way in which the life  
2 of the Church operates.

3

4 MS FURNESS: Are the laity invited to attend or they can  
5 choose to attend?

6

7 ARCHBISHOP WILSON: According to the rules of the  
8 composition of the plenary council, the laity would be  
9 invited to attend. It wouldn't be like a mass invitation.  
10 There would be all sorts of structured ways for laypeople  
11 and other organisations to participate in the lead-up to  
12 the council, to prepare for the work of the council, and  
13 then the actual event of the council itself.

14

15 MS FURNESS: And laity includes non-ordained religious,  
16 doesn't it?

17

18 ARCHBISHOP WILSON: That's right. The religious men and  
19 women, consecrated people, would be an important part of  
20 that process.

21

22 MS FURNESS: The diocesan synod is a forum that can be  
23 organised by the bishop; is that right?

24

25 ARCHBISHOP WILSON: It is, that's correct.

26

27 MS FURNESS: Does it have any legislative powers?

28

29 ARCHBISHOP WILSON: It doesn't have legislative powers in  
30 the formal sense that a plenary council does, but it is  
31 able to set guidelines and operation goals for the local  
32 Church. In the synods that have been held in Australia  
33 over the last 20 years in some of the dioceses, there has  
34 been the formulation of pastoral plans and programs,  
35 setting out the agenda of what they think the diocese  
36 should concentrate on in its future life.

37

38 MS FURNESS: A diocesan synod can, at the discretion of  
39 the bishop, include laity, other than religious; is that  
40 right?

41

42 ARCHBISHOP WILSON: Oh, it is required that there be  
43 representation of the life of the local Church, so laity  
44 would be a very important part of that process.

45

46 MS FURNESS: When was the last diocesan synod that was  
47 held in your area, archbishop?

1  
2 ARCHBISHOP WILSON: In the Archdiocese of Adelaide,  
3 I don't think they have ever had a diocesan synod.  
4  
5 MS FURNESS: What about in Perth?  
6  
7 ARCHBISHOP COSTELLOE: Not to my knowledge, no.  
8  
9 MS FURNESS: Sydney?  
10  
11 ARCHBISHOP FISHER: No.  
12  
13 MS FURNESS: Parramatta?  
14  
15 ARCHBISHOP FISHER: Parramatta did have one, I think,  
16 probably in the 1980s.  
17  
18 MS FURNESS: Melbourne?  
19  
20 ARCHBISHOP HART: No.  
21  
22 MS FURNESS: Brisbane?  
23  
24 ARCHBISHOP COLERIDGE: Brisbane in 2003, and Canberra and  
25 Goulburn, where I was previously, 1989 and I think it was  
26 2002, certainly in the early 2000s. So there were two in  
27 fairly quick succession in Canberra, and there has been one  
28 in the last 15 years in Brisbane.  
29  
30 MS FURNESS: What is the structure beneath the diocesan  
31 synod which is an opportunity for laity or indeed  
32 a requirement for laity to be consulted about matters of  
33 significance?  
34  
35 ARCHBISHOP WILSON: In the arrangements that have been put  
36 forward by the 1983 Code of Canon Law, it is suggested that  
37 every diocese have what they call the diocesan pastoral  
38 council, and that's to represent all the different groups  
39 of people who are involved in the life of the church, which  
40 would be largely laypersons.  
41  
42 MS FURNESS: That's a requirement, did you say?  
43  
44 ARCHBISHOP WILSON: No. In the 1983 Code, it is  
45 recommended; it is not required. A diocese is required to  
46 have a diocesan finance council that would have laypeople,  
47 experts on it. But it is recommended that they have

1 a pastoral council, and I think, Ms Furness, that's because  
2 when they were making legislation for the universal church,  
3 they knew that they were dealing with all kinds of  
4 different cultures and experiences. But there has been  
5 a lot of emphasis to ask that that work be done.

6  
7 MS FURNESS: So there can be a pastoral council in place,  
8 but whether or not it meets frequently is a matter for the  
9 bishop?

10  
11 ARCHBISHOP WILSON: That's correct. I would imagine that  
12 every pastoral council that operates in dioceses would have  
13 its own statutes and rules, and part of that, I would  
14 think, would mean that there would be regular meetings of  
15 the council.

16  
17 MS FURNESS: Do you have a council?

18  
19 ARCHBISHOP WILSON: I do.

20  
21 MS FURNESS: How frequently does it meet?

22  
23 ARCHBISHOP WILSON: It meets about every six weeks.

24  
25 MS FURNESS: Thank you. Perth?

26  
27 ARCHBISHOP COSTELLOE: No, we don't have one. We have  
28 just been through the process of an extensive consultation  
29 to develop a pastoral plan or an archdiocesan plan, and one  
30 of the intentions is that that is the preparatory step  
31 towards the establishment of a diocesan council. There was  
32 one in Perth, I understand, in the past. I'm not sure why  
33 it failed, but it apparently wasn't successful. My  
34 intention is to use the archdiocesan plan as the  
35 preparatory work for the creation of a diocesan pastoral  
36 council.

37  
38 MS FURNESS: Sydney?

39  
40 ARCHBISHOP FISHER: The experience, I think, has been very  
41 similar in Sydney and Parramatta, where I was. Parramatta  
42 did have a pastoral council. It ran out of steam, I think,  
43 by the end of the 1990s. So we engaged, in the five years  
44 I was there and more recently in Sydney, in a series of  
45 local listening sessions, deanery by deanery, to hear what  
46 people wanted in terms of new structures and their  
47 aspirations for the parishes and ministries of the diocese.

1 So that occurred in Parramatta and led to a very major  
2 pastoral plan for that diocese coming very much from the  
3 people, and we've started similar listening sessions here  
4 in Sydney.

5  
6 MS FURNESS: You don't have a pastoral council?

7  
8 ARCHBISHOP FISHER: We don't have a council at present.  
9 Whether that will be recommended coming out of this process  
10 we'll see.

11  
12 MS FURNESS: Archbishop Hart?

13  
14 ARCHBISHOP HART: My predecessors and I haven't had  
15 a pastoral council. Our experience after the Second  
16 Vatican Council was that they started with an education  
17 board, which went along for quite a while but ran out of  
18 steam, and there didn't seem, at that time, to be a great  
19 deal of energy. But I certainly have openness to whatever  
20 will carry things forward.

21  
22 MS FURNESS: Energy by the bishop and the parish priests,  
23 when you say "ran out of energy"?

24  
25 ARCHBISHOP HART: I think the topics that were being  
26 discussed, people just didn't participate quite as much as  
27 they might, and people lost a bit of interest, but that was  
28 quite a while ago now.

29  
30 MS FURNESS: Perhaps one could have reinvigorated the  
31 topics?

32  
33 ARCHBISHOP HART: Yes.

34  
35 MS FURNESS: Archbishop Coleridge?

36  
37 ARCHBISHOP COLERIDGE: Canberra and Goulburn, when I went  
38 there in 2006, had an archdiocesan pastoral council which  
39 struck me and others as being quite dysfunctional and I set  
40 about moving it from a point where it was simply people  
41 coming in from what we call the deaneries and reporting on  
42 what was happening in the deaneries to a body that was  
43 engaged with me in thinking about and planning for the  
44 future, in other words, a strategic body. That was  
45 a difficult process, but it was worthwhile.

46  
47 When I got to Brisbane, I discovered that there had

1 been a diocesan pastoral council in the past, but it was no  
2 longer in existence, and apparently the experience, for  
3 whatever reason, had been a difficult and unhappy one. So  
4 when I floated the idea of reviving an archdiocesan  
5 pastoral council, even just recently in connection with the  
6 plenary council, there was a strong feeling that that  
7 wasn't the way to go.

8  
9 MS FURNESS: Strong feeling by whom?

10  
11 ARCHBISHOP COLERIDGE: By many people, including some of  
12 our lay leaders.

13  
14 MS FURNESS: But largely by the clergy?

15  
16 ARCHBISHOP COLERIDGE: No, not at all. Across the board.  
17 I interested to hear opinions on this because it seemed to  
18 me worth at least considering with a view to the plenary  
19 council. What I have done is convene a number of ad hoc  
20 groups and assemblies that have functioned as a kind of  
21 diocesan pastoral council in the sense of working with me  
22 to think about and plan for the future, in other words,  
23 a more strategic function.

24  
25 The other thing that happened when I went to Brisbane  
26 was that I was told it was the expectation that the  
27 archbishop would attend meetings of the archdiocesan  
28 finance council, which is commanded by canon law. I was  
29 a bit puzzled by this because I had never been in the  
30 custom of attending the finance council meetings, except  
31 once a year, in the past, in other places.

32  
33 So I did attend those meetings, and what I discovered  
34 was that the archdiocesan finance council in Brisbane, at  
35 least, functions as a kind of pastoral council because  
36 decisions about money in a diocese are deeply embedded and  
37 have all kinds of pastoral implications, and we have a very  
38 impressive group of people on that council.

39  
40 So that has given me a certain sense of reassurance  
41 that the finance council isn't just about money. In many  
42 ways, it does function and functions quite well as a kind  
43 of pastoral council also.

44  
45 MS FURNESS: Archbishop Fisher, would you consider  
46 a recommendation by this Royal Commission that the formal  
47 structures available under canon law should be used in

1 order to involve laity, including laymen and women other  
2 than religious, in order to provide a forum to discuss  
3 matters that have been discussed here as contributing to  
4 the incidence and response to child sexual abuse?

5  
6 ARCHBISHOP FISHER: I would take very seriously anything  
7 this Royal Commission recommends, and I think to be  
8 prompted in this area, as in several others, would be  
9 helpful to me.

10  
11 MS FURNESS: Archbishop Hart?

12  
13 ARCHBISHOP HART: I certainly think that that would be my  
14 thinking. Ms Furness, may I also add that what  
15 Archbishop Coleridge has described about the pastoral  
16 aspect of his finance council would apply also in  
17 Melbourne, and I have chaired the council at every meeting  
18 since I've become archbishop, so it has had a very broad  
19 pastoral focus.

20  
21 MS FURNESS: You understand, Archbishop Hart, that a deal  
22 of evidence, including recently by Bishop Long, to the  
23 Royal Commission has pointed to the absence of the  
24 involvement of laity, in particular women, in the  
25 decision-making and governance aspects of the church - you  
26 understand that?

27  
28 ARCHBISHOP HART: I'm aware of that, yes.

29  
30 MS FURNESS: Is it the case that you believe that the  
31 establishment of formal structures, including pastoral  
32 councils, with those people involved to provide  
33 a decision-making forum as well as a consultative forum  
34 would deal with that issue?

35  
36 ARCHBISHOP HART: I believe that that would be helpful.  
37 I would like also to say that the boards and committees of  
38 things like the aged care or things like our social  
39 services all have wide participation, participation of  
40 women. One or two of them have been or are being chaired  
41 by women. So the more we can do to broaden that, the  
42 better we will be able to be in touch with the people we're  
43 seeking to serve.

44  
45 MS FURNESS: The committees you are referring to have  
46 employees sitting on them?

47



1 ARCHBISHOP HART: The finance council would have the  
2 business manager there, but normally they are independent  
3 bodies.  
4  
5 MS FURNESS: So the aged care doesn't have the director or  
6 someone sitting --  
7  
8 ARCHBISHOP HART: The director would be there, but it is  
9 a completely independent board.  
10  
11 MS FURNESS: Independent with employees relevant to the  
12 area as members of the board?  
13  
14 ARCHBISHOP HART: No, there would be an employee - the  
15 director that serves the board and walks with the board -  
16 but the others are all outsiders.  
17  
18 MS FURNESS: Do you, as archbishop, chair those boards?  
19  
20 ARCHBISHOP HART: No, I don't. I chair the finance  
21 council and the diocesan consultors, obviously. These  
22 other boards all have independent and largely lay chairs,  
23 women or men.  
24  
25 MS FURNESS: They are effectively advisory bodies to you?  
26  
27 ARCHBISHOP HART: I'm sorry?  
28  
29 MS FURNESS: Are they advisory bodies to you?  
30  
31 ARCHBISHOP HART: Yes, they are advisory bodies.  
32  
33 MS FURNESS: Thank you. Referring again to Bishop Long's  
34 evidence - and I'm sure it has been brought to the  
35 attention of each of you; is that right?  
36  
37 ARCHBISHOP WILSON: Yes.  
38  
39 ARCHBISHOP FISHER: Yes.  
40  
41 ARCHBISHOP HART: Yes.  
42  
43 ARCHBISHOP COSTELLOE: Yes.  
44  
45 MS FURNESS: He referred to the power now for a parish  
46 priest to excommunicate a parishioner as well as to  
47 unilaterally, effectively, sack a parish council. Now, is

1 it your understanding, Archbishop Costelloe, that that  
2 power exists today?

3

4 ARCHBISHOP COSTELLOE: In relation to a parish priest  
5 excommunicating a parishioner, that was the first time in  
6 my life I'd ever heard that suggestion. It may indicate -  
7 I'm quite serious here - that I have a lack of  
8 understanding of canon law, but I was quite surprised by  
9 that suggestion. It's not my understanding, certainly.

10

11 MS FURNESS: What about parish council?

12

13 ARCHBISHOP COSTELLOE: Yes, my understanding would be that  
14 a parish priest, at present - and, again, I'm not a expert  
15 in canon law, but my understanding would be that he could  
16 probably - I presume he could dismiss a parish council,  
17 yes.

18

19 MS FURNESS: Is that desirable?

20

21 ARCHBISHOP COSTELLOE: I would think not, unless there are  
22 some very extreme circumstances which might warrant it.

23

24 MS FURNESS: There is also reference in Bishop Long's  
25 evidence to what he described as a lack of downward  
26 accountability and a lack of accountability of the parish  
27 priest to the community.

28

29 ARCHBISHOP COSTELLOE: Mmm-hmm.

30

31 MS FURNESS: Do you understand that to be his evidence?

32

33 ARCHBISHOP COSTELLOE: Yes.

34

35 MS FURNESS: That's how you would understand the Church  
36 operates, I gather?

37

38 ARCHBISHOP COSTELLOE: I think that largely it operates  
39 like that. In practical terms or perhaps more in  
40 theoretical terms, the parish priest would be accountable  
41 in some degree to his finance council for the  
42 administration of the finances of the parish. There would  
43 be some things that he is not allowed to do, no decisions  
44 he can take, without the consent of that council.

45

46 The parish council, as opposed to the finance council,  
47 is a much more consultative body, so in one sense the

1 accountability is all upward, at least in theory. In  
2 practice, I think the experience of many parishes is that  
3 the parish priest sees himself as - I wouldn't say  
4 necessarily - well, perhaps "accountable" is the right  
5 word. He is certainly a collaborator with his council, as  
6 in the leadership of the parish.

7  
8 MS FURNESS: The role of the parish priest has been  
9 described as exercising unregulated public power. What do  
10 you think of that?

11  
12 ARCHBISHOP COSTELLOE: I didn't quite understand exactly  
13 what that meant, "unregulated public power". I was unsure  
14 what the "public" was referring to.

15  
16 MS FURNESS: A parish priest operates in the public  
17 environment of his parishioners, doesn't he?

18  
19 ARCHBISHOP COSTELLOE: Oh, within the context of the  
20 parish? Yes, yes.

21  
22 MS FURNESS: Can you offer any suggestions to the  
23 Royal Commission as to how that structure might be altered  
24 so as to ensure the involvement of laity, including women,  
25 as has been discussed on many occasions as being an  
26 impediment to reform?

27  
28 ARCHBISHOP COSTELLOE: I have to be honest and say  
29 I haven't given a great deal of detailed thought to how  
30 that might happen. I think in reality, in some parishes -  
31 but of course it would depend both on the composition of  
32 the parish council and on the approach of the parish  
33 priest - that is already in place. But in many places, of  
34 course, it wouldn't be, because it would depend on the  
35 willingness of the council and the willingness of the  
36 priest to collaborate with each other.

37  
38 I presume that a bishop could - he can certainly offer  
39 counsel; he can certainly give directives. But in learning  
40 over the course of this Commission and leading up to it,  
41 there is the possibility for bishops to make what is called  
42 local law for their own dioceses. Now, I presume that  
43 might provide an option or an opening for some of these  
44 things to be formalised.

45  
46 MS FURNESS: Archbishop Wilson, you would understand that  
47 Bishop Long and others have spoken of the desirability of

1 having the involvement of the laity in appointing parish  
2 priests, and indeed bishops, and removing them. What is  
3 your view of that?  
4

5 ARCHBISHOP WILSON: I think that the question of the  
6 appointment of a parish priest is a bit different from the  
7 question of appointment of a bishop. What I understand  
8 about the appointment of a bishop is that there is already  
9 consultation that takes place, but it takes place in secret  
10 and it is organised by the representative of the Pope, the  
11 Papal Nuncio. So if anyone is appointing a bishop or  
12 people are appointed to a particular diocese, there is some  
13 consultation with the laity in that area before those  
14 appointments take place.  
15

16 MS FURNESS: Are you aware of Father Doyle's evidence?  
17

18 ARCHBISHOP WILSON: I am, yes.  
19

20 MS FURNESS: He described what happened when he was in the  
21 Papal Nuncio's office in, I think, Washington.  
22

23 ARCHBISHOP WILSON: In Washington DC, that's right.  
24

25 MS FURNESS: The checking that he referred to was referee  
26 checking, effectively.  
27

28 ARCHBISHOP WILSON: I'm not sure exactly how all that  
29 works. I've not been privy to that, although I've been  
30 subject to it. I'm not privy to exactly how it all works,  
31 but I do know that there has been much discussion about the  
32 way in which the appointment of bishops can be handled in  
33 a different manner, and there are many people, bishops  
34 included, who are arguing that we need to have a different  
35 system to the one that we have at the moment.  
36

37 MS FURNESS: Do you understand that canon law prevents,  
38 firstly, that process being laid open to public scrutiny  
39 and, secondly, the involvement of laity in that  
40 consultation process?  
41

42 ARCHBISHOP WILSON: No, I don't understand it to be that.  
43 I know that everything about the appointment of bishops  
44 takes place confidentially, but my understanding is that  
45 laypeople are consulted in all of those consultations,  
46 albeit individually and in confidence.  
47

1 MS FURNESS: You haven't been involved in the process  
2 yourself, other than being the subject, of course, of the  
3 discussions?  
4

5 ARCHBISHOP WILSON: Except as a bishop, I've been asked  
6 sometimes about different appointments, and so on, and made  
7 some comments about that.  
8

9 MS FURNESS: So your knowledge of involvement of laity in  
10 the process comes from where?  
11

12 ARCHBISHOP WILSON: When I studied canon law, and we  
13 talked about the processes involved with the appointment of  
14 bishops, they talk about the fact that this consultation  
15 process has to take place in the local Church and it has to  
16 involve bishops and clergy, religious and laity.  
17

18 MS FURNESS: Canon law prescribes that, does it?  
19

20 ARCHBISHOP WILSON: It is a specific part of canon law.  
21 There is a particular area of canon law that outlines how  
22 the arrangements have to be made for the appointment of  
23 bishops. It is not to be found in the 1983 Code, but it is  
24 in the documentation which is apart from that.  
25

26 MS FURNESS: So are we to understand, then, that canon law  
27 prescribes that there must be involvement of laity in  
28 consultation about a bishop?  
29

30 ARCHBISHOP WILSON: That's my understanding.  
31

32 MS FURNESS: Is that a provision of canon law that is  
33 considered one that must be followed?  
34

35 ARCHBISHOP WILSON: I would imagine that the arrangements  
36 that have been made by the Holy See would require the  
37 Nuncios and those involved to follow the rules.  
38

39 MS FURNESS: I think it's clearly understood that Towards  
40 Healing, in at least some respects, doesn't follow canon  
41 law, does it?  
42

43 ARCHBISHOP WILSON: Towards Healing is a local process  
44 that has been formulated here. It could have become part  
45 of canon law, but the bishops in Australia decided not to  
46 do that, although it is very closely related to the  
47 requirements that there are in the 1983 Code about

1 relationships between bishops and priests and actions  
2 within a diocese.

3  
4 MS FURNESS: Didn't the Vatican refuse recognition of  
5 Towards Healing because it was inconsistent with canon law?

6  
7 ARCHBISHOP WILSON: I don't know that. I don't think so.

8  
9 MS FURNESS: Does anyone have an understanding whether  
10 that indeed was the case?

11  
12 ARCHBISHOP COSTELLOE: I'm not aware of that.

13  
14 ARCHBISHOP COLERIDGE: My understanding is that that is  
15 true only insofar as dealing with clerics.

16  
17 MS FURNESS: So that aspect of it, dealing with clerics,  
18 is inconsistent with canon law?

19  
20 ARCHBISHOP COLERIDGE: Well, that is an argument. It is  
21 a question of interpretation, it seems to me. The canons  
22 provide for the disciplining of clergy, the now famous  
23 Canon 1717 and beyond. The judgment, I presume, of the  
24 Holy See - I'm no canonist, but the judgment was that canon  
25 law was adequate to deal with clergy and therefore Towards  
26 Healing didn't need to apply to them.

27  
28 MS FURNESS: Archbishop Wilson?

29  
30 ARCHBISHOP WILSON: In the subsequent editions of the  
31 printed Towards Healing document, you will see that there  
32 are references to the particular canons in the Code that  
33 line up with the provisions that are contained in Towards  
34 Healing.

35  
36 MS FURNESS: So Towards Healing has been altered over the  
37 course of the last 20 years to accommodate canon law?

38  
39 ARCHBISHOP WILSON: I wouldn't say that Towards Healing  
40 has been altered. I think, rather, that people have been  
41 able to show how Towards Healing fits in with the general  
42 patterns that are contained in the Code of Canon Law.

43  
44 Secondly, Ms Furness, in the last 20 years, there has  
45 been a huge change in the way that we deal with these areas  
46 canonically. Subsequent to the formulation of the  
47 1983 Code of Canon Law, there has been more legislation

1 that has come from the Holy See about how we deal with  
2 issues associated with clerical sexual abuse, and they have  
3 been channelled through the Congregation for the Doctrine  
4 of the Faith, which is responsible for dealing with these  
5 issues.

6

7 MS FURNESS: Can I turn to you, Archbishop Fisher. There  
8 has been evidence, most recently by Bishop Long, that there  
9 are some seminarians, current seminarians, who have  
10 a preference for the more traditional approach of the  
11 Church, which some have described as a clerical approach.  
12 There has been some evidence of that. There has been some  
13 evidence that that is also not the case. What has your  
14 recent experience been?

15

16 ARCHBISHOP FISHER: I think there has been a huge change  
17 in the nature and the culture of seminaries in my lifetime.  
18 When I was a boy here in Sydney, the Sydney seminary was  
19 this monastery on the top of a hill in Manly, very, very  
20 institutional and very monastic.

21

22 MS FURNESS: Can I just stop you there, Archbishop Fisher,  
23 and ask you to turn your mind to currently, whether  
24 currently you see that there is a --

25

26 ARCHBISHOP FISHER: Yes, that's right. Exactly. I want  
27 to highlight the present by showing what is changing and  
28 has changed. I think, now, the seminarians live in  
29 suburban houses in small communities. They used to be much  
30 younger, on average. Now, they are more experienced, more  
31 worldly wise. They have usually studied and worked before  
32 they enter the seminary.

33

34 I have introduced a major change from the Tridentine  
35 model in that I now send them all to university for their  
36 first degree, to make sure they interact with women and men  
37 of different ages, certainly of their own age - a broader  
38 group of people than just fellow seminarians in their  
39 training.

40

41 MS FURNESS: Just coming back to my question, if you  
42 would: have you seen recently that tendency that others  
43 have described?

44

45 ARCHBISHOP FISHER: No, I don't agree with that. I think  
46 that you have all sorts in a seminary. You have some  
47 people who are very traditionally minded and there are

1 others that are much more progressive minded. I think  
2 there's a whole range of young men that are attracted to  
3 the priesthood that are received into the priesthood and it  
4 has not been at all my experience that there is some kind  
5 of return to a clericalism of the past amongst my young  
6 seminarians or young priests.

7  
8 MS FURNESS: Archbishop Costelloe, do you have any  
9 observations to make about that?

10  
11 ARCHBISHOP COSTELLOE: I would agree with  
12 Archbishop Fisher. We have two seminaries in Perth, both  
13 quite small. I have been there now for five years, and  
14 I haven't detected a major swing back to what you might  
15 call an ultra-conservative approach.

16  
17 I think many of the young men who come to the  
18 seminaries are looking for the breadth of the Catholic  
19 tradition rather than just one dimension of it, and so some  
20 of them are interested in some aspects of the past, which  
21 for them are exactly that, a past that they didn't  
22 experience and grow up with and to some extent reject.

23  
24 So amongst some of them, but certainly not all of  
25 them, there is an interest in some of those things, but it  
26 doesn't dominate. It certainly doesn't dominate the  
27 seminaries. I think in the case of our archdiocese, the  
28 rectors of both seminaries are very conscious of this,  
29 aware of the possibility - not the certainty, but the  
30 possibility - that this might be a sign of something else  
31 that needs to be looked at, and I think our seminary  
32 formators are very alert to this and are taking steps to  
33 deal with it.

34  
35 In short, no, my experience is not that there has been  
36 a major swing back to an ultra-conservative approach.

37  
38 MS FURNESS: There is a sufficient concern for them to be  
39 very alert to it?

40  
41 ARCHBISHOP COSTELLOE: They are very alert to it, as they  
42 are to many things. I have always been very conscious of  
43 the dangers of clericalism in the sense of that desire for  
44 prestige and deference and those kinds of things. We work  
45 very hard to identify if that is there - and it is not  
46 there very often, but where it is, that we take steps to  
47 see whether the young man can grow through this or he is so



1 locked into this that he's not suitable for ordination.

2

3 THE CHAIR: Do all of you accept the theory of ontological  
4 change upon ordination or not?

5

6 ARCHBISHOP COLERIDGE: It depends how you understand it,  
7 if I might --

8

9 ARCHBISHOP WILSON: Yes, okay. That's all right.

10

11 ARCHBISHOP COLERIDGE: Ontological change is born of one  
12 particular world view, which is static, and is concerned  
13 with ontology, being, rather than relationship.

14

15 My own understanding of ontological change is set  
16 within a much more dynamic and relational world view, which  
17 is the kind of world view I think this culture takes for  
18 granted. In other words, when a man is ordained, either  
19 priest or bishop, the pattern of his relationships changes  
20 radically, and it's not dependent upon him, but as long as  
21 he is a priest or a bishop, he relates differently  
22 literally to everyone. That more dynamic and relational  
23 change, which is radical and does go to the core of a man's  
24 being, can look and feel a bit like an ontological change,  
25 but I think the language of ontology is simply born of  
26 another time and is very foreign to us, and I wouldn't  
27 adopt it, but I would speak about the change that happens  
28 in a man's life in a more dynamic and relational way, which  
29 is radical.

30

31 THE CHAIR: Can you help me to understand that? I'm not  
32 sure I do.

33

34 ARCHBISHOP COLERIDGE: A seminarian, for instance, can go  
35 into a parish and have a pastoral year. That's one of the  
36 newer elements of our seminary training now and a very  
37 positive one, I think. But there is no way he relates to  
38 the people in that pastoral year as he will later on as  
39 a priest.

40

41 As a priest, you have access to people's lives in  
42 a most extraordinary way, which can be either very creative  
43 or very destructive. The fact that you are a priest means  
44 that you relate differently even to the wider society, the  
45 secular world, so that every --

46

47 THE CHAIR: Can you help me - why? Why is that? In what

1 way?

2

3 ARCHBISHOP COLERIDGE: Simply because you are a priest and  
4 all that you embody - and, in fact, very often the priest  
5 or the bishop can embody a presence and a set of values,  
6 a history, a tradition, in a way that he himself is not  
7 conscious of.

8

9 The fact that I am the bishop affects every  
10 relationship in my life in a fairly radical way. I relate  
11 to you, to this Royal Commission, to the wider society in  
12 Brisbane and beyond, to my own church community - I'm not  
13 just Mark. I am Mark, but I'm Archbishop Mark, and that  
14 does signify a change of relationship. Even some of the  
15 titles we use - they are not necessarily honorific, but  
16 they are a recognition of a change of relationship.

17

18 ARCHBISHOP WILSON: Your Honour, I've followed this  
19 interesting question ever since it came up earlier and I've  
20 been studying the issue. What I would like to say is this:  
21 we believe, in the Catholic Church, that if you receive  
22 a sacrament, it does something to your relationship with  
23 Jesus. So at the moment of your baptism, Jesus enters your  
24 life and enters into a personal relationship with you that  
25 never changes.

26

27 Now, the issue about the language of ontology is  
28 simply because that was the philosophical framework that  
29 people used and they were categories that came out of  
30 Aristotelian philosophy and it was the language that the  
31 Church used to explain these things.

32

33 But beyond that philosophical language, it's about the  
34 realistic nature of the relationship we have with Jesus.  
35 As a Christian, baptised by the Christian Church, you enter  
36 into a special relationship with Jesus, who is with you  
37 then forever.

38

39 What happens when a person is ordained is that that  
40 relationship with Jesus is just formed again in a new way  
41 so that that person is utterly able to be of service to  
42 God's people in the name of Jesus.

43

44 So ontological change doesn't mean making a person  
45 superior. The way that we have always understood this,  
46 correctly, is that it ordains somebody for service, that  
47 they are more radically committed to the service of God's

1 people than they are from the moment of their baptism.

2

3 Baptism, orders - they are both related. One receives  
4 holy orders, and there is a change that takes place to what  
5 is already existing in every Christian at the moment of  
6 their baptism.

7

8 THE CHAIR: Is it, as has been suggested, possible that an  
9 immature understanding of what you are both talking about  
10 can feed clericalism in the Church?

11

12 ARCHBISHOP WILSON: I'm sure it can.

13

14 ARCHBISHOP COLERIDGE: Absolutely.

15

16 ARCHBISHOP WILSON: I think if you look at history, you  
17 can see that happened. In the history of the Church,  
18 around about the year 1000, there was this major change  
19 that took place in the way that we thought about ourselves  
20 and looked at ourselves, and that's when the notion of  
21 clerics being separate and apart began to come into our  
22 life experience. So for a long period of time in our  
23 Church, when we went to worship God, it was the clerics who  
24 did all the worshipping and we just happened to be there  
25 and be present for it.

26

27 For the last 150 years, there has been this  
28 extraordinary change taking place in the life of the  
29 Church, which is expressed in our liturgical life, where we  
30 understand now that the primary agent of liturgy happens to  
31 be the assembly of the people of God - everybody together.  
32 It's within that context, then, that priests, deacons and  
33 bishops have their role.

34

35 But the primary presence of Christ is within the  
36 community, and that applies to the Church, everything about  
37 the Church. The primary reality is the gathering of the  
38 baptised faithful. Priests are ordained in order to serve  
39 them, not to lord it over them, but to serve them and care  
40 for them. You can twist that out of shape because of human  
41 nature and historical factors, but that's what it is at  
42 root.

43

44 THE CHAIR: Yes. You look at the history, including the  
45 architecture, of Christian Churches and ask the same  
46 questions, don't you? But is it, then, conceivable that  
47 until very recently an immature understanding of this

1 process may have led to clericalism and the downfall of  
2 many priests?

3

4 ARCHBISHOP WILSON: I think it's highly possible that even  
5 into modern times, people might have had the wrong idea  
6 where they thought that the change that occurred in  
7 priesthood separated you and elevated you. I think in my  
8 lifetime, that is an idea that has been really fought  
9 against.

10

11 THE CHAIR: The problem that we see with that process is,  
12 of course, in the ordained person, but it is the way it is  
13 understood by the laity that has caused the real problem,  
14 which was the family approach to the place of the priest in  
15 the household - and you understand the whole discussion.

16

17 ARCHBISHOP WILSON: Mmm.

18

19 MS FURNESS: So it's actually through the eyes of the  
20 laity that one sees the problem emerging with profound  
21 effect. Does anyone else want to contribute to this  
22 discussion?

23

24 COMMISSIONER MURRAY: Before you answer the question,  
25 I would add to what his Honour has just said. We have been  
26 told in private sessions that at the moments of abuse,  
27 a child at the time, because of what they had been taught  
28 and because of the way the priest presented himself,  
29 thought that they were being abused by the representative  
30 of God. So it has immense and immediate meaning with  
31 respect to child sexual abuse.

32

33 ARCHBISHOP WILSON: That's about the most horrible thing  
34 I could ever hear, I think. It's just awful that people  
35 would behave like that and do that.

36

37 COMMISSIONER MURRAY: I must tell you, we have heard it  
38 many times.

39

40 ARCHBISHOP WILSON: I'm not questioning that.

41

42 COMMISSIONER MURRAY: That is why we must focus on it.

43

44 ARCHBISHOP WILSON: Your Honour, I'm not questioning that.  
45 I'm just saying it is awful.

46

47 THE CHAIR: Do any of the other three want to contribute to

1 the discussion?

2

3 ARCHBISHOP COLERIDGE: I don't want to steal

4 Archbishop Fisher's thunder, but I will. He speaks about

5 this question of ontological change as really pointing to

6 the totality of the claim that is made upon the ordained.

7 Once you are ordained, it is a total claim. You sign

8 a blank cheque. You don't realise it is blank at the time,

9 but it is. So ontological change is a way of speaking

10 about the totality of the claim.

11

12 Now, that totality can be a totality of service, of

13 self-giving, or it can be a totality of self-serving. When

14 it becomes a totality of self-serving, you end up with the

15 kind of destructiveness that Commissioner Murray refers to.

16 Again, we have heard this too.

17

18 So it is a question of how to manage totality, which

19 is not easy, necessarily. It can be wonderfully positive

20 but it can be spectacularly destructive as well. But that,

21 I think, for me is a helpful way of understanding what the

22 language of ontological change is really talking about.

23

24 THE CHAIR: Archbishop Fisher, is your thunder exhausted?

25

26 ARCHBISHOP FISHER: Yes. I agree.

27

28 ARCHBISHOP HART: I would simply say, your Honour, that if

29 the priesthood ever becomes "all about me", then you have

30 clericalism which is destructive, not only of the

31 individual but of the community which it is meant to serve.

32 That then leads, of course, when there is abuse, to what

33 Commissioner Murray said here - it's just the most awful

34 travesty of what priesthood should be. Because priesthood

35 is always for Christ and for people.

36

37 COMMISSIONER FITZGERALD: Could I ask this question - and

38 it is particularly related to the multicultural nature of

39 the Catholic Church, and all of the evidence is that it

40 will be even more multicultural in years to come, as is the

41 American Church.

42

43 Many of the adherents come from countries where the

44 priests are seen as deified figures; priests are seen as

45 quite exalted within the community, both Catholic and

46 socially, and many of the priests may come with a view that

47 that's exactly what they are.

1  
2           You would have heard over the three weeks a genuine  
3 concern about increasing clericalism in the Catholic  
4 Church, not only in relation to overseas priests but more  
5 generally.  
6

7           The question I have is, given what his Honour said and  
8 what Commissioner Murray has said, has the role, nature of  
9 priesthood been fully explained to the Australian faithful  
10 in a way that encourages them not to misunderstand, not to  
11 in fact interpret in the way that Commissioner Murray has  
12 indicated? Because this seems to be a conversation within  
13 the clergy, and there are very many views about it, but one  
14 of the things that hasn't come through in any of the panels  
15 so far is a conversation with the laity so that they may  
16 fully understand their relationship between themselves and  
17 the priest, the role of the priest, the understanding.  
18

19           Again, I go back to my point that many of those who  
20 are very devout within the Catholic Church have  
21 a preconception that those old notions of the deified  
22 priest are still there. I may be wrong but I was  
23 wondering, perhaps Archbishop Fisher, to start with, is  
24 that interpretation that I put off track?  
25

26 ARCHBISHOP FISHER: I think, Commissioner, there has been  
27 enormous discussion with the laity since the Second Vatican  
28 Council if you look at homiletics, at renewal groups, at  
29 Lenten programs - again and again there has been talk of  
30 the role of the laity to lead in our Church and in our  
31 world, to not look to priests to answer all their  
32 questions. The days when laypeople went to their priest to  
33 ask, "Should I have another child?", or "Should I build  
34 another room on my house?", are well and truly over.  
35 I think that is very well understood.  
36

37           I think you are quite right to say we do have people  
38 coming from other cultures who may not have gone as far in  
39 that discussion, and when they come to Australia that can  
40 be a bit of a shock, that they are expected to assume  
41 leadership or to advise or critique their clergy in a way  
42 that never happened at home. They do become very Aussie  
43 very quickly, in my experience, but I think it is  
44 a challenge for our faithful who have come from overseas  
45 and for our priests, and I think it's something all of us  
46 bishops are very aware of in terms of our enculturation  
47 programs for our priests, that you have to impress on them

1 that the idea that they are some kind of spiritual elite  
2 and that people just do as they are told - pray, pay and  
3 obey, as people used to say - that has gone. That is not  
4 the way forward in Australia. If they want to be a priest  
5 here they are going to have to know it is about service,  
6 about collaboration, and that laypeople will often be the  
7 ones giving the lead and they will be fitting in with their  
8 decisions and their directions.

9  
10 ARCHBISHOP WILSON: I was just going to say, Commissioner,  
11 I think the point that you have made is a very timely one  
12 for us to consider. While there has been much going on in  
13 educating people about the roles of people within the life  
14 of the Church and the proper role of laypeople and their  
15 place of honour and all that, it would do no harm for us,  
16 when we're looking at the issue of enculturation of priests  
17 and looking at issues about the ministry of our priests and  
18 bishops and deacons, to actually develop a program that  
19 would be engaging with the laypeople about that, so that  
20 they really understand what we think happens to be the  
21 correct way of thinking about these things and acting.

22  
23 COMMISSIONER FITZGERALD: Archbishop Costelloe?

24  
25 ARCHBISHOP COSTELLOE: I was just going to comment that  
26 I think you are actually touching on something that is  
27 a deep cultural issue in Catholicism, and it is very much  
28 a products of our history. But one of the great strengths  
29 of Catholicism in my view is the role, for example, that  
30 religious have played in the life of the Church and that  
31 the priesthood plays in the life of the Church.

32  
33 The flip side of it is that I think we have perhaps  
34 unintentionally created the idea that there is  
35 a professional class, who are the truly religious people,  
36 and then everybody else. And the professional class does  
37 all of the religious things and then everybody else is on  
38 the receiving end of all the religious things.

39  
40 That's a radical misunderstanding I think of what the  
41 Christian life is supposed to be and what the Christian  
42 Church is supposed to be. But it creates a kind of  
43 two-tiered approach, if you like. So that there are those  
44 who give and those who receive. There is the professional  
45 religious people who do all the religious things. And the  
46 others who are on the receiving end of all of the religious  
47 things. That was certainly the kind of Church that

1 I experienced as a child. It's certainly not, at least in  
2 our theology, the kind of Church that we believe in.  
3 I think it's changing and changing slowly. Partly because  
4 of the diminishment in religious life in particular, but  
5 I think there is a fairly rapid taking-up of leadership  
6 positions within the Church by laypeople which is going to,  
7 I think, fairly rapidly change the culture.

8

9 It's perhaps more prominent in our parishes than  
10 anywhere else, and possibly largely because of the reason  
11 you have mentioned about the multicultural nature of our  
12 parishes and the kinds of Church models that people have  
13 come from.

14

15 MS FURNESS: A perhaps related issue, in a very broad  
16 sense: there has been much discussion over the past few  
17 weeks about whether or not celibacy, mandatory celibacy,  
18 has been a contributing factor or a cause in relation to  
19 the abuse of children and the response to that sexual  
20 abuse. Can I start with you, Archbishop Hart? Do you have  
21 a view you wish to express on that?

22

23 ARCHBISHOP HART: I would certainly say that the only  
24 legitimate way in which celibacy can be lived is lived as  
25 a gift by someone who freely and totally embraces it, and  
26 given the discipline that we have in the western Church at  
27 the moment that celibacy is necessary for ordination,  
28 I would say to anyone: look, if you can't see celibacy as  
29 not putting something aside but embracing, in imitation of  
30 Christ, a love of a whole range of other people rather than  
31 a particular commitment of marriage - if you can't see it  
32 that way, please, please don't go forward to the  
33 priesthood.

34

35 So celibacy seen as a burden runs the risk of turning  
36 in on oneself and would feed any immaturity or lack of  
37 balance in the person. If they just go to the priesthood  
38 and they don't think of all that is implied and they are  
39 not educated and supported to see what is implied, then  
40 I think we're in dangerous country.

41

42 MS FURNESS: There has been a deal of evidence, including  
43 recently from Archbishop Fisher, that in the past, men  
44 going into the seminary were not the subject of any  
45 particular testing or inquiry as to their suitability; they  
46 were accepted. So on the basis of what you have said, it  
47 must follow that there are likely to be or likely to have



1       been men with the immaturity that you have described, in  
2       the priesthood?

3  
4       ARCHBISHOP HART:    I have to say yes.

5  
6       MS FURNESS:    And has that type of priest been  
7       a contributing factor or a cause in relation to the sexual  
8       abuse of children within the Church?

9  
10      ARCHBISHOP HART:   I think when I am confronted by the  
11      statistics of offending and I remember that they are not  
12      just statistics, these are all people who have suffered  
13      terribly and whose families have suffered terribly, I would  
14      have to say that I believe that psychosexual immaturity,  
15      lack of proper human formation, as well as the other things  
16      I believe necessary for priesthood - they can and I believe  
17      do contribute to the occurrence of abuse.

18  
19      MS FURNESS:    How does mandatory celibacy fit into the  
20      psychosexual immaturity and lack of proper human formation?

21  
22      ARCHBISHOP HART:   In terms of the person's capacity, not  
23      merely intellectually to understand, but to live the life  
24      as a committed celibate person. I was using that as  
25      a factor which shows how people can or cannot live the  
26      life.

27  
28      MS FURNESS:    I understand you are saying that men who  
29      don't have a capacity one way or another or a commitment to  
30      living a celibate life, go through the seminary experience  
31      without the human formation that perhaps some of them get  
32      now --

33  
34      ARCHBISHOP HART:   Correct.

35  
36      MS FURNESS:    -- and then become a priest, does that mean  
37      that their being at that stage is a contributing factor to  
38      or a cause of sexual abuse by perhaps that person or within  
39      the culture of people like that in the Church?

40  
41      ARCHBISHOP HART:   I think it has to be understood in the  
42      totality of that, yes.

43  
44      MS FURNESS:    What is the "yes" to?

45  
46      ARCHBISHOP HART:   Those factors that you have mentioned  
47      I'm agreeing to.

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MS FURNESS: So you are agreeing that celibacy, or mandatory celibacy, is a contributing factor or a cause of sexual abuse?

ARCHBISHOP HART: I wouldn't say that specifically. I would say that in a person who hasn't got the capacity to embrace celibacy intellectually and in their own person, where there are weaknesses there, then I would have to admit that the capacity or the possibility of abuse is certainly increased.

THE CHAIR: Archbishop Hart, I think that means, at least looking back, given what we now know about candidates for the priesthood and religious, and the way that they are accepted, inadequacies in their formation, that you end up saying that mandatory celibacy in some of those who have offended has been a contributing factor.

ARCHBISHOP HART: I could agree with that, your Honour.

THE CHAIR: They just couldn't handle it?

ARCHBISHOP HART: Yes, I could agree with that, your Honour.

THE CHAIR: Putting that in simple terms.

ARCHBISHOP HART: Thank you for helping.

MS FURNESS: Archbishop Fisher?

ARCHBISHOP FISHER: I think the Commission has received evidence from several social scientists that the great majority of child sexual abuse, as far as we know, occurs within families. So clearly it's not just a problem for celibates. And I think people can hide behind celibacy and the clerical state; they can hide behind marriage and the family state. People, predators, can use these situations in awful ways.

I think that in Australia today, we now know that the majority of Australians of marriageable age are now not married, and many of those are not sexually active at any particular time. We don't regard those as a hazard to the public. So it's not something about celibacy or sexuality per se that makes you a risk to children or to vulnerable

1 adults for that matter. It is about have you learnt to  
2 integrate sexuality into the rest of your state, whether  
3 it's a priestly religious life or a married life or  
4 a professional single life. Are you living that  
5 authentically? Are you living that in a way that is just  
6 to everyone around you? I think we have faced a particular  
7 challenge, but too often we assumed it was enough that  
8 someone came into seminary idealistic, wanted to give  
9 themselves to God and to God's people. That would be  
10 enough to carry them through. Now we would say, well, you  
11 need a lot more by way of very careful discernment before  
12 and during those seminary years, formation in a healthy  
13 celibacy, support in that after ordination, too. It's not  
14 enough just to be in the clerical state. People need  
15 training and support in living a healthy celibacy, as  
16 I would say they need in living a healthy married life or  
17 single life in the world.

18  
19 MS FURNESS: So is it the case that you agree with  
20 Archbishop Hart that mandatory celibacy in some of those  
21 who have offended has been a contributing factor?

22  
23 ARCHBISHOP FISHER: Look, I think that was put as  
24 a shorthand for a more complex discussion. I don't think  
25 mandatory celibacy, any more than saying mandatory fidelity  
26 in marriage, is what causes people to offend against  
27 celibacy or to offend against marriage.

28  
29 MS FURNESS: Is it a contributing factor, archbishop?

30  
31 ARCHBISHOP FISHER: No, no. I don't blame marriage for  
32 why some men in marriage offend against their wives or even  
33 against their own children. I don't blame celibacy for why  
34 some men in the celibate state offend against celibacy. In  
35 each case, I would say: if only you were more faithful to  
36 your own ideals or the ones you profess publicly, you  
37 wouldn't have hurt people.

38  
39 MS FURNESS: Do you accept there is a distinction between  
40 a cause and a contributing factor?

41  
42 ARCHBISHOP FISHER: Yes, I do.

43  
44 MS FURNESS: In relation to a cause, your evidence is  
45 clearly no, it is not a cause?

46  
47 ARCHBISHOP FISHER: I don't believe it is a cause.

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MS FURNESS: In relation to a contributing factor?

ARCHBISHOP FISHER: In the sense that people can hide behind celibacy or use that state and the whole clerical state that we have been critiquing today and throughout the life of this Commission, people can use that, as they can use other good things, for predatory behaviour, yes, it could be a contributing factor.

MS FURNESS: Archbishop Wilson, unless you wish to traverse the reasons that have been given by others, can I ask you in shorthand whether or not your view is that it is a cause or a contributing factor?

ARCHBISHOP WILSON: I think it could be a contributing factor.

MS FURNESS: Thank you. Archbishop Costelloe?

ARCHBISHOP COSTELLOE: Look, I agree that it could well be a contributing factor, and certainly is in many cases. I would just want to add this thought for consideration, and it relates to what I just said before: when the whole idea of giving your life to God within the Catholic context was limited to religious and to priests, because there was no other way to do it, because of the kinds of cultural things I talked about before, I think many people may have wanted to be a priest and thought, well, celibacy is part of the deal, so I'll have to go along with it.

I think it's the motivation for choosing celibacy that is the key to this. If the motivation is just a practical one or if the motivation is unsound, then the potential for the enormous damage that we have seen is very real. So I think it's not so much that it is mandatory; it is that those who wanted to give their lives to God, particularly in the period that we're particularly looking back to in the past, seemed to think - well, they were right - "There is no other way to give my life to God. I will have to be a priest. I don't really want to be celibate, but it is part of the deal."

I think that has been a major contributor, but that's no longer the case, because so many of our works, the life of our parishes, are conducted by laypeople. So people who feel a desire to do something for the Church or for God no

1 longer have just two limited options, priesthood or  
2 religious life; they have many other options as well.

3

4 MS FURNESS: When you say much of the work is done by the  
5 laity, you mean the education and the social services work?

6

7 ARCHBISHOP COSTELLOE: Very much those things, yes. But  
8 in - yes, basically, yes.

9

10 MS FURNESS: Thank you. Archbishop Coleridge, Dr Whelan  
11 gave evidence recently in relation to this issue and he  
12 described it in terms that the Church has called more  
13 people to celibacy than God has. Do you understand what  
14 that means?

15

16 ARCHBISHOP COLERIDGE: Yes and no. "Mandatory celibacy"  
17 is the phrase that is used, but there are other ways of  
18 talking about it that do look beyond the Church's  
19 prescription to the call of God.

20

21 As I understand it, certainly in my own life and  
22 I think in the life of others, celibacy is a call to  
23 totality.

24

25 Now, celibacy poorly lived I think is certainly  
26 a contributing or aggravating factor in all of this.  
27 I don't believe it is a cause.

28

29 Now, what do I mean by "celibacy poorly lived"?  
30 Celibacy lived as a burden, precisely as mandatory and not  
31 as a gift and a call that comes from God, whom you  
32 introduced. So I do understand that, that if celibacy is  
33 simply a burden, which has been made mandatory, then it is  
34 not of God. But if it is a call to totality and in that  
35 sense a gift that comes from God, and if it is lived  
36 totally, then I think it can be wonderfully creative. But  
37 poorly lived, in that sense, I have no doubt at all that it  
38 has been a contributing or aggravating factor, though not  
39 a cause.

40

41 MS FURNESS: Archbishop Hart, you responded visibly to  
42 what I indicated Dr Whelan said. Do you have anything you  
43 want to say?

44

45 ARCHBISHOP HART: Well, I think that probably summarised  
46 the point I made earlier, that in my view, the only  
47 authentic celibacy is one which is freely embraced by

1 people rather than put on as an oppression. I accept  
2 mandatory celibacy, but I say that people who can't live it  
3 freely or can't see it as a vision and see it as meaningful  
4 should think whether they come forward for priesthood.

5  
6 MS FURNESS: Thank you.

7  
8 THE CHAIR: That ultimately leads to the conclusion,  
9 doesn't it, that if celibacy remains - and I understand in  
10 some parts of the Church there is an active debate about  
11 that, but if celibacy remains - it is critical that the  
12 Church get its selection and formation processes right.

13  
14 ARCHBISHOP FISHER: Yes.

15  
16 ARCHBISHOP HART: Yes, your Honour.

17  
18 THE CHAIR: Otherwise you just go on repeating the  
19 problem.

20  
21 ARCHBISHOP HART: Yes, I would agree totally.

22  
23 ARCHBISHOP WILSON: Your Honour, that was the point I was  
24 going to make. That if we do maintain celibacy as  
25 a requirement, we have to be really, really careful about  
26 our selection process, the evaluation of people, and also  
27 to be just to them, to form them properly, to give them  
28 a very healthy way of living out their sexuality and so on  
29 in a celibate manner.

30  
31 ARCHBISHOP COLERIDGE: If I might just say, that task has  
32 become more complex and more difficult in what is a highly  
33 sexualised culture.

34  
35 In the past, to which we have referred, much of this  
36 was simply taken for granted. It was done in the home or  
37 not done in the home. When one thinks of education in  
38 human sexuality in the past, it was either not done at all  
39 or done in the most fumbling manner.

40  
41 So we have to be very realistic in accepting exactly  
42 what your Honour says, but understanding that the context  
43 within which it has to be done is extremely challenging,  
44 and none of this happens in a vacuum. Seminaries might be  
45 in some sense set apart but they are not a vacuum.

46  
47 COMMISSIONER FITZGERALD: Could I take the living example

1 of your own church, and that is the eastern rite churches.  
2 We had the bishop of the Maronite rite talk to us the other  
3 day. Their Church is both celibate and married, so too the  
4 Melkites and a number of the others.

5  
6 Now, for various reasons, which are not yet  
7 understood, they have very low levels of reporting of child  
8 sexual abuse, both in our private sessions and in the  
9 claims data that has been provided - extremely low. There  
10 may be cultural reasons for that, and I don't want to  
11 presume that it is simply the fact that it is a mixed  
12 arrangement of married and celibate, but your own Church  
13 embraces churches where both exist in the same church.

14  
15 Is there any evidence at all that those churches  
16 perform less well in tending to the needs of the faithful,  
17 in tending to the salvation of their adherents and their  
18 commitment to God by having a mixed model? I'm not  
19 suggesting this from a preference, it's simply saying the  
20 numbers actually show, at the moment - and I'm very  
21 cautious about this - that there is a difference.

22  
23 ARCHBISHOP COLERIDGE: And that needs to be considered and  
24 is open to a variety of interpretations.

25  
26 I might just add as a footnote that the bishops are  
27 always celibate and therefore they tend to be, as  
28 Bishop Tarabay himself is, a monk from the monastic  
29 tradition.

30  
31 You ask about the difference of character of the  
32 churches of the east which do have married secular clergy,  
33 parish clergy, not monks or nuns. They tend to be more  
34 identified with a particular nation or culture than the  
35 Latin Church is, the Church to which we belong.

36  
37 I think it's also fair to say that the Latin Church,  
38 in part because of celibacy, has had a more missionary  
39 thrust and has been able to reach out globally in a way  
40 that the eastern Churches haven't been able to do or  
41 haven't sought to do.

42  
43 So if you wanted to point to one significant  
44 difference between the Latin Church and the eastern  
45 churches, it would be that - a more missionary character,  
46 a more global character that is tied, in part, I think, to  
47 the fact that we have had celibate priests and religious.

1  
2 This is one of the points, I think, where you see our  
3 strengths have become our weaknesses. It is a point to  
4 which I have returned in my own reflection again and again  
5 and again - the fact that there was such pastoral intimacy  
6 between priest and family was a great strength, but it  
7 became a huge weakness. The fact that there was such  
8 respect for the clergy was a great strength, because it was  
9 respect born of the sense of gratitude for the gift that  
10 God had given. But here you see celibacy, which in my  
11 observation and experience of it can bear extraordinary  
12 apostolic and spiritual fruit, which can also turn so dark  
13 and destructive when it is poorly lived.

14  
15 So I think the fact that our strengths so often have  
16 become our weaknesses makes the task of reform more  
17 challenging than it might seem otherwise.

18  
19 COMMISSIONER MILROY: Can I also just ask a question on  
20 that, particularly to you, Archbishop Coleridge. We had  
21 some evidence earlier about some of the factors that may  
22 contribute to boundary violations or abuse of children and  
23 adolescents, and one of the issues was around selflessness;  
24 that extreme selflessness itself can also be a problem or  
25 create a vulnerability and a life that is almost impossible  
26 to live.

27  
28 I'm just wondering whether we are in danger of going  
29 to the other extreme of reducing power to the point of  
30 powerlessness, which will also create its own pathology.

31  
32 ARCHBISHOP COLERIDGE: Again, Commissioner, you would know  
33 a good deal more about pathologies than I do, but I sense  
34 the truth of what you are saying. Again, it would be  
35 a powerlessness that is not empowering. The kind of  
36 powerlessness that I regard myself as being called to is an  
37 empowering powerlessness, if I could resort to paradox.

38  
39 COMMISSIONER MILROY: Do you think that is always  
40 understood or taught in --

41  
42 ARCHBISHOP COLERIDGE: No, I don't think for a moment,  
43 because there can be a kind of powerlessness, not just  
44 among the clergy but more broadly, that is destructively  
45 disempowering.

46  
47 Now, that's not the kind of powerlessness or



1 selflessness that is part either of priestly life or the  
2 celibate call. The call is to live a kind of  
3 self-emptying, if I could use that expression, which in  
4 fact creates another kind of fullness. You are deprived  
5 but only in order that you might be filled in one way and  
6 fill the lives of others out of your own emptiness. Here  
7 I'm talking the language of the New Testament and the  
8 language of the Cross, which is not necessarily the  
9 language of the Royal Commission, but I don't know how else  
10 you can talk about some of this stuff.

11  
12 COMMISSIONER MILROY: Do any of the others want to comment  
13 on that sort of different dynamic?

14  
15 ARCHBISHOP COSTELLOE: I'm not sure if I've understood  
16 correctly, but I wonder whether it doesn't, yet again,  
17 point to the need for this very careful initial and ongoing  
18 discernment of people who are putting their hands up to be  
19 priests. From what I understood you to be asking, it is  
20 a poorly integrated person, perhaps, who will end up in the  
21 kind of position you are talking about. If they have  
22 a rather poor sense of self and then they find themselves  
23 completely powerless, they may then look for ways to  
24 exercise that power in very damaging, destructive and even  
25 criminal ways.

26  
27 So many of the things that we are talking about seem  
28 to me always to be coming back, at least in part, to this  
29 vital question of the initial discernment of a person's  
30 desire to be a priest - where is that coming from, what is  
31 that about - and then the ongoing discernment, because it  
32 will only reveal itself over time, the ongoing discernment  
33 of the motivation that is driving the person.

34  
35 Now, none of us will have completely pure, perfect  
36 motivation, but the basic motivation has to be solid and  
37 grounded in a well-formed personality. If it's not, then  
38 we know what the tragic results can be. I think that might  
39 be a contributing factor to this.

40  
41 ARCHBISHOP COLERIDGE: Commissioner, if I might just  
42 follow on from Archbishop Costelloe to consider domestic  
43 violence. I was reading something the other day about it,  
44 and it was making the point that domestic violence is  
45 always a sign of weakness, not strength, and is born of an  
46 experience of powerlessness against which the violence  
47 strikes out. It seeks to empower.

1  
2 Now, I think you could make some kind of connection  
3 also with sexual abuse. We have talked about it being  
4 a misuse of power, but in many ways it is born of weakness,  
5 not power, and is a sign of a kind of a powerlessness  
6 against which the abuse itself seeks to protest.

7  
8 COMMISSIONER MILROY: I guess I was raising it because we  
9 have heard a lot about the sort of clericalism side of it  
10 and the abuse of power from a status and a powerful  
11 position, but we haven't seen the flip side of that, which  
12 I think is also something we need to be careful about going  
13 forward.

14  
15 MS FURNESS: Can I turn from celibacy to going forward.  
16 Each of your archdioceses are members of the Truth, Justice  
17 and Healing Council, and I think you, Archbishop Coleridge,  
18 and perhaps one other are members of the supervisory group?  
19

20 ARCHBISHOP COLERIDGE: Yes, Bishop Wright of  
21 Maitland-Newcastle.

22  
23 MS FURNESS: Is there another one here who is a member of  
24 the supervisory group?  
25

26 ARCHBISHOP COSTELLOE: Of the supervisory group, yes, we  
27 all are.  
28

29 ARCHBISHOP COLERIDGE: We are all part of the supervisory  
30 group, but only myself and Bishop Wright are members of the  
31 Council itself.  
32

33 MS FURNESS: You will have each known about the proposal  
34 by the Council to deal with the new company limited by  
35 guarantee that has been set up to, among other things, set  
36 standards and audit compliance with those standards. Can  
37 I ask you first whether each of you were involved in  
38 discussions about what was the best method to achieve some  
39 level of accountability?  
40

41 ARCHBISHOP COSTELLOE: We were all involved in the  
42 discussions. My recollection is that proposals came to us  
43 really from the Truth, Justice and Healing Council and then  
44 those proposals were considered by ourselves and the other  
45 members of the supervisory group, the religious who were  
46 also part of the supervisory group. Feedback was then  
47 sought, I think, from various constituencies and we would

1 kind of indicate any problems we saw or any suggestions we  
2 had. That's my recollection.

3

4 MS FURNESS: Did you personally have any problems or  
5 solutions that you put forward?

6

7 ARCHBISHOP COSTELLOE: No, not in particular. I was  
8 involved in the discussions, but nothing in particular  
9 beyond seeing the wisdom of it and agreeing with the  
10 proposal.

11

12 MS FURNESS: Did any of you put forward any alternative  
13 approach? Perhaps Archbishop Wilson?

14

15 ARCHBISHOP WILSON: Ms Furness, I've not participated in  
16 any of the activity of the supervisory group because of the  
17 particular position I'm in at the moment.

18

19 MS FURNESS: Certainly, I understand. Archbishop Fisher?

20

21 ARCHBISHOP FISHER: I didn't propose any alternative  
22 models, but we did go through the different parts of the  
23 constitution once that was offered to us, and, before that,  
24 we talked through different issues about how do we make  
25 this compliant with canon law and Australia's civil law;  
26 how do we respond to the public expectation that this body  
27 be more independent of the bishops, yet obviously it's  
28 still a Church body, so how will that be received by  
29 people. We looked at what its particular role would be:  
30 for instance, would it do investigations into allegations  
31 or would it, rather, set the policies on how those would be  
32 done and they would still be done more locally.

33

34 So we had quite some discussion, at times quite robust  
35 discussion, about its objects and the way it would work.  
36 But the idea that we have a company external to the bishops  
37 set up came from the Truth, Justice and Healing Council as  
38 their best attempt, after consulting a lot of different  
39 stakeholders, to offer something new that might respond to  
40 community expectations of us at this time.

41

42 MS FURNESS: Do you want to add to that, Archbishop Hart?

43

44 ARCHBISHOP HART: Yes, I would make one point. We  
45 certainly looked at it very carefully. I think it is  
46 important to understand that this was not only looked at by  
47 the Truth, Justice and Healing Council and people they

1 consulted or by the supervisory group. The whole proposal  
2 went to the plenary assembly of the bishops and the plenary  
3 assembly of the religious leaders. So there is  
4 a commitment right across the Church to this way of acting  
5 because it provides clarity and independence and is  
6 involving the best people that we could think of in the  
7 field.

8  
9 MS FURNESS: I take it that each of you will be prepared  
10 to enter into the agreement, however it is described, to  
11 comply with the standards that are ultimately devised; is  
12 that right?

13  
14 (ALL ARCHBISHOPS): Yes.

15  
16  
17 MS FURNESS: Archbishop Coleridge, we have discussed this  
18 previously with you.

19  
20 ARCHBISHOP COLERIDGE: Yes.

21  
22 MS FURNESS: In terms of the standards,  
23 Archbishop Costelloe, what areas would you best be guided  
24 by?

25  
26 ARCHBISHOP COSTELLOE: I would probably at this stage say  
27 that the standards that we have applied in our own  
28 safeguarding project in Perth, the 12 Child Safe  
29 Standards - are you talking about Child Safe Standards?

30  
31 MS FURNESS: No, I'm talking about the role of the company  
32 in setting standards that each of you will be required to  
33 comply with. What standards would you like to see them set  
34 which would most assist you in your work?

35  
36 ARCHBISHOP COSTELLOE: Oh, I'm sorry. I would like to  
37 see, obviously, standards around child-safe institutions.  
38 That's obviously the key to the whole thing. I think we  
39 need standards around how complaints are dealt with. I'm  
40 not sure how the final decision will end up about where the  
41 complaints are handled. I suspect it will end up that they  
42 are handled locally. I think that is really the only way  
43 to do it. But how they are handled - so a set of protocols  
44 or standards against which our own performance can be  
45 measured.

46  
47 MS FURNESS: What about matters such as record-keeping,

1 dealing with civil authorities, those sorts of less process  
2 related standards?

3

4 ARCHBISHOP COSTELLOE: Oh, okay, yes. I'm having trouble  
5 just detailing them all. They are all things that I have  
6 just presumed will be a part of it and that I'm expecting  
7 to find. There's nothing that jumps out at me that I'm  
8 presuming might be a problem, if I can put it that way. So  
9 I'm actually putting a lot of faith in the process.

10

11 MS FURNESS: Archbishop Wilson, is there anything you wish  
12 to say about the standards that you think should be set?

13

14 ARCHBISHOP WILSON: Yes, I think that it's really  
15 important for us to have a comprehensive set of standards  
16 that would apply to all the different elements associated  
17 with our safeguarding of children and protecting them and  
18 supporting our community. I don't have any clear and  
19 distinct ideas about what they might be, but I'm hoping  
20 that the company will be able to provide us with a very  
21 good pattern of standards that we are committed to and  
22 would be helpful to us in our work.

23

24 MS FURNESS: Archbishop Fisher, as you would know, the  
25 basis of the company will be to require, by contract, you  
26 to perform in accordance with the standards, and it leaves  
27 it up to you as to how you will have those who work beneath  
28 you, if you like, the parish priests and the like, to  
29 comply with those standards. What are your thoughts as to  
30 how you will achieve that?

31

32 ARCHBISHOP FISHER: I think that once we do get standards  
33 in different areas from this body - and I think it is going  
34 to be in areas of Church life, like one that has come up in  
35 this Commission is confession with children, I think in  
36 areas like we've talked about, discerning vocations,  
37 forming vocations, supervision and ongoing formation after  
38 ordination, I think in lots of different areas, there's  
39 going to be some very helpful advice to us answering  
40 exactly some of the weaknesses identified by this  
41 Commission.

42

43 It will be my task, then, to engage, as I'm doing at  
44 the moment, with my new office for safeguarding and  
45 professional integrity, to educate my clergy, my lay  
46 employees, volunteers and the general community - because  
47 they have to hold us to account to these things as well as

1 I have to hold my people to account - educate them on what  
2 these standards say, what they mean and unpack them  
3 practically for them.  
4

5 I think we will then face periodic audit of whether we  
6 are performing according to the standards that have been  
7 set, and that will be very healthy and a helpful process.  
8 We will then also have the collegial pressure of each of us  
9 on the other, "Your diocese is not doing so well", or,  
10 "Your order is not doing so well in this area. You have to  
11 perform better." We all have a stake in this. So I think  
12 we're going to find it working very locally and right up to  
13 the national level - the pressure to actually perform  
14 according to these standards.  
15

16 MS FURNESS: There is nothing available to you at canon  
17 law, is there, in relation to dealing with your parish  
18 priest if he doesn't comply with those standards, or is  
19 there?  
20

21 ARCHBISHOP FISHER: Yes, there is. There is. It's very  
22 clear, a priest will only have an appointment if I give him  
23 an appointment as parish priest. He will only have  
24 faculties if I give him faculties. That's the licence to  
25 preach, hear confessions and do the other things a priest  
26 does. I've been very clear with my priests, "I expect you  
27 to come to this training. I will put it on a number of  
28 occasions, so you can't say, 'Because I have a funeral that  
29 day, I can't go.' You are going to go, and you are not  
30 going to be reappointed or continue to be licensed with  
31 faculties in the diocese if you won't take part in this  
32 kind of education and training." It's just too important  
33 to allow people to slip through the holes and never have  
34 the training.  
35

36 MS FURNESS: Have you taken any action, removing  
37 faculties, with standing a person down because of their  
38 failing to comply with what you have set in place recently  
39 in relation to safeguarding?  
40

41 ARCHBISHOP FISHER: So far, both in my experience in  
42 Parramatta and then in Sydney, through various kinds of  
43 pressure, usually my vicar general making repeated phone  
44 calls to say, "You have to be at one of these sessions",  
45 every priest has taken part in them. So far, I've not  
46 faced anyone resisting radically.  
47

1 I think different people engage in this more or less  
2 enthusiastically than others. Some may say, "I already  
3 know this stuff. I don't need more of this professional  
4 training." Some might say they don't like what they are  
5 offered. But in the end, they know it is an expectation  
6 now on them. I think one of the effects of this Commission  
7 is going to be that it is even clearer to the priests and  
8 religious of this country that the whole community and the  
9 Church expects of them this kind of ongoing professional  
10 development and training.

11  
12 MS FURNESS: Archbishop Hart, as Archbishop Costelloe  
13 said, in his view, it's likely that the complaint handling  
14 will end up being local in perhaps a redress scheme. If  
15 that were to be the case, would you propose to keep the  
16 Melbourne Response as the way in which you handle  
17 complaints?

18  
19 ARCHBISHOP HART: Ms Furness, our approach - we're already  
20 in dialogue with the Anglicans, the Uniting and the  
21 Salvation Army with the Victorian Government. We endorse  
22 totally what the Commission is recommending about a general  
23 redress system for the whole of the country. We are  
24 committed to going forward into the common one for the  
25 whole country, if we can do it and permitted by Victorian  
26 law, or, if that's not possible, our serious negotiations,  
27 together with other churches, with the Victorian Government  
28 would mean we are definitely intending to go into that.

29  
30 MS FURNESS: In the event that what that is leaves you  
31 with a local complaint handling process, will you continue  
32 with the Melbourne Response as that local complaint  
33 handling process?

34  
35 ARCHBISHOP HART: I would have to take advice on the pros  
36 and cons of that, but I would certainly be prepared to look  
37 at it.

38  
39 MS FURNESS: It's the case, isn't it, that your  
40 archdiocese has not to date published information about  
41 complaints coming to it - outcomes of those complaints; is  
42 that right?

43  
44 ARCHBISHOP HART: Apart from the statistics which were  
45 published at the beginning of this exercise.

46  
47 MS FURNESS: Which the Royal Commission published?

1  
2 ARCHBISHOP HART: Yes, which the Royal Commission  
3 published. We haven't published statistics as such, no.  
4  
5 MS FURNESS: The audits which are proposed to be  
6 conducted - it is proposed, subject to the exceptions in  
7 the constitution, that they be made public. You understand  
8 that?  
9  
10 ARCHBISHOP HART: I understand and we endorse that.  
11  
12 MS FURNESS: That will be the first time that, I suspect,  
13 any of your archdioceses will be in the position of audits  
14 being made public of your performance in relation to  
15 standards relevant at least in our terms to this work of  
16 the Royal Commission. That must cause some disquiet,  
17 archbishop?  
18  
19 ARCHBISHOP HART: I think it's a necessary sign of our  
20 total commitment to what we're all doing together, with the  
21 help of the Royal Commission, going forward.  
22  
23 MS FURNESS: It's starkly different from the secrecy which  
24 has shrouded much of your dealings with child sexual abuse  
25 over the last few decades, isn't it?  
26  
27 ARCHBISHOP HART: Correct.  
28  
29 MS FURNESS: Archbishop Costelloe, is there any disquiet  
30 in your area about being so exposed through this process?  
31  
32 ARCHBISHOP COSTELLOE: No, there's not. I'm completely  
33 committed to that proposal and believe that it is the best  
34 way to demonstrate that our intention is that the present  
35 and the future look very different to the past. I'm not  
36 concerned really about it at all.  
37  
38 MS FURNESS: You would understand from the constitution,  
39 each of you having read it, that the powers given to the  
40 board members to not disclose the audit are very broad?  
41  
42 ARCHBISHOP COSTELLOE: Mmm-hmm.  
43  
44 MS FURNESS: You understand that?  
45  
46 ARCHBISHOP COSTELLOE: I have some understanding of it.  
47 I wouldn't say that I was completely on top of it, no.



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MS FURNESS: Would you like me to read those --

ARCHBISHOP COSTELLOE: No, I have read them, but I don't have a legal background, so I don't pretend to be an expert. That's what I meant.

MS FURNESS: What those powers or areas of discretion do is to permit the board not to disclose the results of your audits for a range of reasons. Do you anticipate that you would wish to have some say in whether or not there would be, for example, harm caused or misleading information provided in relation to your audits?

ARCHBISHOP COSTELLOE: I don't anticipate the need for that. My presumption would be that this new body that we are establishing would have on it people who were sensitive enough to those issues to themselves make a decision as to whether or not the publishing of any particular information would be detrimental to the survivors of sexual abuse, and that would be the only criterion I could imagine that would stop anything from being published. To be honest, I would prefer that someone else a little bit objective of the archdiocese were to make that decision.

MS FURNESS: Does it concern any of the other archbishops that the power under the constitution which gives the discretion to the board members not to publish is too broad - Archbishop Wilson?

ARCHBISHOP WILSON: I have that thought. I am wondering whether there is another way of being able to express that power or expressing the values that are needed to control that sort of process of suppressing information, but I have a certain amount of disquiet about the way it is expressed now.

MS FURNESS: Archbishop Fisher?

ARCHBISHOP FISHER: I think the discussion here in the Commission may well lead us to want to narrow that power. I imagine the lawyers that drew it up for us had in mind particularly where you don't want to be revealing things about survivors that they don't want revealed in the public, but there may have been other things in people's minds.

1 I think, as I understand it, when audits occur in  
2 other parallel contexts, sometimes they are done by way of  
3 a draft and a discussion with the group about what they  
4 could change and trying to help them to change, and if they  
5 still stubbornly won't change, you ultimately publish it;  
6 but if they do change, you don't. Auditing is often  
7 a dynamic process rather than just a single report. That  
8 might have been in their mind. Clearly what we don't want  
9 is any risk of returning to the era of cover-ups and  
10 excuses and avoiding scrutiny.

11  
12 MS FURNESS: You have answered in terms that the  
13 discussion may lead you to want to narrow it. What is your  
14 view as to whether it should be narrowed?

15  
16 ARCHBISHOP FISHER: From the discussion I have heard so  
17 far, I think that either the power itself is going to need  
18 to be narrowed in the constitution, the charter for the  
19 group, or there are going to have to be some very clear  
20 decisions by the board, the chair and the board, right from  
21 the beginning, about how they understand that power, what  
22 are the circumstances in which it would ever be used, and  
23 they would be very narrow and clear to everybody on the  
24 board. Probably the neatest thing is to actually narrow  
25 the power, and that's something we would need legal advice  
26 on.

27  
28 THE CHAIR: Archbishop, everyone can understand why it is  
29 necessary to protect information that may damage  
30 a survivor. You will find it almost impossible for other  
31 people to accept that there is anything else that should be  
32 secreted in an auditing process.

33  
34 ARCHBISHOP FISHER: Yes, I agree. I agree. As I say,  
35 I think that sometimes the way audits are done, they are,  
36 as I say, dynamic. They go through several drafts and they  
37 force change on someone, and then you don't have to make  
38 the complaint any more. But you might still want to record  
39 that that had to happen, so --

40  
41 THE CHAIR: I think that might be right in your case.

42  
43 ARCHBISHOP FISHER: I think that's a fair judgment,  
44 your Honour.

45  
46 ARCHBISHOP COLERIDGE: My own understanding is that the  
47 lawyers who drafted this were trying to cover every base,

1 obviously, but their intention was to focus upon the rare  
2 case when publication may do more harm than good. You have  
3 mentioned the obvious one, and it may well be the only one.  
4

5 My own completely non-legal sense at this point of the  
6 discussion is that that particular point of the  
7 constitution really does need to be reconsidered and  
8 I think redrafted, because there was no intention, as  
9 I remember it, in the drafting process of reinforcing  
10 a culture of concealment. It was a very restricted  
11 understanding of the rare case where publication may, for  
12 whatever reason, do more harm than good, but I do think it  
13 needs to be revisited.  
14

15 MS FURNESS: I note the time, your Honour.  
16

17 THE CHAIR: Morning tea. We will take the adjournment.  
18

19 **SHORT ADJOURNMENT**  
20

21 MS FURNESS: Thank you, your Honour.  
22

23 Can I turn to you, Archbishop Wilson. You have  
24 provided, as we indicated earlier, a statement answering  
25 various questions, and I want to direct your attention and  
26 the rest of the panel's attention to the question of  
27 support and supervision of priests.  
28

29 You deal with that starting at page 24 of your  
30 statement, and you refer to a number of aspects of the work  
31 of your archdiocese which supports, supervises and provides  
32 assistance. Do you have that in front of you?  
33

34 ARCHBISHOP WILSON: I do. Question 13?  
35

36 MS FURNESS: That's right. At paragraph 106, you refer to  
37 pastoral associates, who work closely with priests. Who  
38 are pastoral associates?  
39

40 ARCHBISHOP WILSON: Pastoral associates are either  
41 religious, mainly religious women, sisters, and laypeople,  
42 men and women, who work in conjunction with priests in the  
43 pastoral care of the people in our parishes.  
44

45 MS FURNESS: How do those people provide assistance for  
46 clergy in coping with the various matters that we have  
47 discussed and support for the clergy?

1  
2 ARCHBISHOP WILSON: It would vary somewhat from one parish  
3 to another. The way that they work in a parish is aligned  
4 to the particular dimensions of that parish. Most of them  
5 would work in the parish in a team situation, so they would  
6 work alongside the priest and be involved in the  
7 administration of the parish and in the pastoral care of  
8 the people, in conjunction with the priest.

9  
10 MS FURNESS: It is not to be thought that their job in any  
11 way related to supervision and oversight of the clergy or  
12 performance review in any way?

13  
14 ARCHBISHOP WILSON: No, no. They would be, rather, seen  
15 as people who work in cooperation with the priests and the  
16 deacons.

17  
18 MS FURNESS: Thank you. You also refer at paragraph 112  
19 to the position of vicar for religious. Do you see that?

20  
21 ARCHBISHOP WILSON: Yes, that's right.

22  
23 MS FURNESS: Again, that's under the heading of describing  
24 how clergy or religious are supported and supervised. In  
25 what way does that position support or supervise clergy?

26  
27 ARCHBISHOP WILSON: There are some clergy in our diocese  
28 who are religious - Passionist priests or Missionaries of  
29 the Sacred Heart. So she would have some connection with  
30 them, promoting their religious life and their community  
31 life.

32  
33 For instance, we have a number of meetings and social  
34 gatherings that invite all of the religious in the  
35 dioceses, brothers, priests and sisters, to come, and  
36 Sister Marie would be the agent who looks after all of  
37 that.

38  
39 MS FURNESS: But again, you are not suggesting that she  
40 provides any supervision or oversight of the priest?

41  
42 ARCHBISHOP WILSON: No. Her role would be mainly  
43 characterised by assisting and caring for people. In the  
44 work that she does, she does report to me when she has  
45 concerns about people, and that involves sometimes some of  
46 the priests, just personal issues that they are facing, and  
47 so on.

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MS FURNESS: But you are not suggesting in your answer to question 13 and the various subheadings that you have anybody, structure or person in the archdiocese who provides regular performance review?

ARCHBISHOP WILSON: No, we don't.

MS FURNESS: And day-to-day supervision or oversight?

ARCHBISHOP WILSON: Day-to-day supervision and oversight comes mainly through the office of the vicar general, who is responsible for all of those matters. Also, in the diocese, we have a series of - the diocese is divided into deaneries, and each dean is given the responsibility for caring for the priests who are in that particular region. But we don't have any formal supervisory and evaluation processes. This is something that the vicar general and I and the council of priests have been talking about for some time. We think it is a lack, and we need to do something about it.

MS FURNESS: Are there any impediments you see now to putting that into place?

ARCHBISHOP WILSON: No. We have made several attempts already to do some things, but what we need to do now is to come out with a process whereby we can do that work, and then that will need to be mandated by me as operative in the diocese and covering everybody.

MS FURNESS: So you don't doubt that you have the power to require your priest to undergo regular performance review?

ARCHBISHOP WILSON: No, no, Ms Furness. No, I think when you look at the Code of Canon Law, the responsibility given to the bishop in the Code about the supervision of pastoral life gives the bishop plenty of authority and power to actually create standards and to supervise those standards.

MS FURNESS: Thank you. Now, if I can turn to you, Archbishop Costelloe. In your statement, you also refer to this, and I think starting at paragraph 117.

ARCHBISHOP COSTELLOE: Yes.

MS FURNESS: Do you have that?

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ARCHBISHOP COSTELLOE: I do, yes. You also refer to the vicar for clergy, which is a similar position to that described by Archbishop Wilson?

ARCHBISHOP COSTELLOE: Yes.

MS FURNESS: And a clergy assistance scheme. Tell us about that?

ARCHBISHOP COSTELLOE: The clergy assistance scheme is a program that we instituted I think last year, or possibly earlier, a year before. It's primarily a scheme which provides confidential counselling for priests who identify personal issues that they feel that they need to deal with. It's funded by the archdiocese. It is really an attempt to provide one mechanism for priests to deal with issues that are affecting their own performance, I suppose, or their own personal lives.

MS FURNESS: Is that scheme a scheme that you could strongly recommend or urge that a priest take part in because of concerns you had about the priest?

ARCHBISHOP COSTELLOE: It is, and I have done that sometimes. Alternatively, as well as the clergy assistance scheme, we also have some trained professionals to whom I might refer a priest and basically require him to go, or at least certainly exert as much pressure as I can on him to go.

MS FURNESS: You say you don't have any formal structures for regular performance review or day-to-day supervision --

ARCHBISHOP COSTELLOE: No, we don't.

MS FURNESS: -- other than in relation to the safeguarding project; is that right?

ARCHBISHOP COSTELLOE: That's correct, yes.

MS FURNESS: Do you consider there is any impediment to your having such structures in place?

ARCHBISHOP COSTELLOE: I don't think there are any canonical impediments. I think there may be a cultural impediment. It is not a part of the culture of the

1 archdiocese. In saying that, I'm presuming - well, I'm not  
2 presuming anything. I imagine I may well strike some  
3 resistance precisely because it would be something quite  
4 new.

5  
6 I understand, even listening to the kinds of things  
7 that Archbishop Wilson has been saying, that I have the  
8 authority to implement these things and mandate them, and  
9 I think I've made reference to that later in my submission  
10 in relationship to ongoing professional training, so yes.

11  
12 We do have the vicar for clergy. We have also just  
13 reconstituted the whole Office For the Care of Clergy to  
14 establish - it's in the process of being established -  
15 a board, which has been called the Board for Clergy Life  
16 and Ministry, which up until now has only contained or been  
17 comprised of clerics, of priests, and myself or the  
18 auxiliary bishop but will now also include laywomen and  
19 laymen as part of that board. So we're moving in the  
20 direction of broadening the provisions we have in place to  
21 provide care and supervision of clergy, but it is a work in  
22 progress.

23  
24 MS FURNESS: Do you accept, from the evidence you are no  
25 doubt aware of from the last three weeks, that there is  
26 a need for professionalisation, if I can put it that way,  
27 of clergy, including performance appraisal, performance  
28 review and supervision?

29  
30 ARCHBISHOP COSTELLOE: Yes, I do.

31  
32 MS FURNESS: You can see the relationship between that and  
33 preventing abuse in the future?

34  
35 ARCHBISHOP COSTELLOE: Absolutely, yes.

36  
37 MS FURNESS: Thank you. Now, if I can turn to you,  
38 Archbishop Fisher. In your statement, paragraph 163 - do  
39 you have that in front of you?

40  
41 ARCHBISHOP FISHER: I do.

42  
43 MS FURNESS: You refer, firstly, to the supervision of  
44 clergy in the context of canon law. Do you see that at  
45 paragraph 162?

46  
47 ARCHBISHOP FISHER: Yes.

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MS FURNESS: Is it the case that it is your view that because of canon law, there is nothing you can do to formally supervise your priests?

ARCHBISHOP FISHER: Oh, no, I don't take that view at all. I think I have a duty to do what I can, and I believe I can do a lot.

I have introduced several layers of middle management, you might describe them as, so that apart from myself, it's not just me supervising each priest day to day, but I have a vicar general, an episcopal vicar for clergy, a vicar for religious, regional bishops in three regions of Sydney and deans in nine deaneries of Sydney, and we have talked through with all these groups how they might be involved in various kinds of supervision and support of our priests.

We also have a parish support service and we have a service dealing with the retired priests and their support. So there are many different kinds of supervision, intelligence gathering and conversation that I can have with my clergy.

That said, what I referred to there about the, in some ways I think mysterious to the general public, relationship of a priest to his bishop, that he is not an employee - and that's not just peculiar to the Catholic Church. I think it would be similar in many other religious organisations. In some ways they are more like, as I described it there, legal practitioners or medical practitioners, with a certain independence, but they are licensed by a body to practise, and there are parallels there with that. But even that is incomplete.

MS FURNESS: So do you have regular performance reviews that you are involved in in respect of your priests?

ARCHBISHOP FISHER: At the moment, they are very informal and they occur usually at the time when a priest is seeking an appointment elsewhere or to be reappointed after his six-year appointment. Then there is a discussion with his dean and the other deans about how he is going, what we know about, perhaps if a bishop has been on visitation to his parish in the meantime, what was gleaned there.

MS FURNESS: That's in the context of whether he has the



1 skills to do something different?

2

3 ARCHBISHOP FISHER: Yes, or even to continue in his  
4 present appointment, because those are renewed or not after  
5 six years.

6

7 MS FURNESS: So that review is every six years?

8

9 ARCHBISHOP FISHER: They are six-year appointments, yes.

10

11 MS FURNESS: So I take it that the answer, then, is there  
12 is no regular performance review in a structured way within  
13 your archdiocese?

14

15 ARCHBISHOP FISHER: Not of the kind I would like to see.  
16 We do have a national document that is offered - it is  
17 optional. It is offered to priests as a way of engaging in  
18 appraisal, periodic appraisal of how they are going.  
19 I strongly favour that practice. I have begun discussion  
20 with my council of priests and consultors about how we  
21 might make that a required practice in our diocese.

22

23 As part of giving a lead to that, the bishops in  
24 Sydney have agreed that they will submit themselves to such  
25 a process, too, on a similar periodic basis, at least at  
26 the time of an appointment or reappointment, but possibly  
27 halfway through a term as well.

28

29 MS FURNESS: So if I understand your evidence, you have  
30 agreed that you will submit yourself to that process?

31

32 ARCHBISHOP FISHER: I have.

33

34 MS FURNESS: What is that process?

35

36 ARCHBISHOP FISHER: The national document, which we may  
37 tweak to apply locally, suggests that you get some external  
38 people, professionals in appraisal, perhaps people who know  
39 something about you and your work or people that can  
40 interview others to gather that kind of information, and  
41 they will be asked to examine a number of aspects of your  
42 life and performance, to talk to people who work with you,  
43 work under you or beside you or above you, to get back the  
44 kind of feedback that I think would be very common now in  
45 other professions when people are appraised, to engage in  
46 conversation with the man himself about how he thinks he is  
47 going and where his weaknesses are.

1  
2 MS FURNESS: I'm sorry to interrupt you, but I don't  
3 understand whether that is prospective or whether it is  
4 happening now. Perhaps you could help me with that?  
5  
6 ARCHBISHOP FISHER: No, the national document proposes  
7 such a process, which I would hope to make normal practice  
8 here in Sydney.  
9  
10 MS FURNESS: When you say you would "hope to", what is  
11 stopping you?  
12  
13 ARCHBISHOP FISHER: I have to bring people with me.  
14 I have begun the conversation with my council of priests,  
15 which are representatives of the priests, and with the  
16 consultors, who are my senior clergy. I think it is  
17 a change of culture, but it is one, because of my previous  
18 life before the priesthood, that I just take for granted as  
19 a sensible practice for professionals of different kinds.  
20  
21 MS FURNESS: Sorry, you take it for granted, but it hasn't  
22 been put in place in your archdiocese?  
23  
24 ARCHBISHOP FISHER: Not yet, no, but it is on the way.  
25 I assure you, it is on the way. I really do believe that  
26 periodic appraisal is helpful for the guy himself, what he  
27 learns, and gives other people a chance to have their say,  
28 too, about how he is going. They are often quite affirming  
29 as well as critical, and I think we need to hear both.  
30  
31 MS FURNESS: You speak about bringing people with you,  
32 which is obviously part of leadership, but also, if you  
33 were to start doing it yourself tomorrow, that may well be  
34 a form of leadership that encourages them to come with you.  
35  
36 ARCHBISHOP FISHER: I agree.  
37  
38 MS FURNESS: If I can turn to you, Archbishop Coleridge.  
39 You refer to this also in your statement at, I think,  
40 paragraph 207.  
41  
42 ARCHBISHOP COLERIDGE: Yes.  
43  
44 MS FURNESS: Do you have that in front of you?  
45  
46 ARCHBISHOP COLERIDGE: I do, yes.  
47

1 MS FURNESS: Do you consider there is any impediment to  
2 you of regularly supervising and overlooking your priests  
3 and requiring them to engage in some regular performance  
4 review?

5

6 ARCHBISHOP COLERIDGE: Only the kinds of impediments that  
7 the other archbishops have described. It does represent  
8 a significant shift in culture. One of the things in the  
9 past that has in some ways been a strength, I think, of the  
10 diocesan clergy, the parish priests, is the kind of  
11 independence that they have been conceded; in other words,  
12 Big Brother hasn't been breathing down their neck.

13

14 If you look at the canons of the Church, they are  
15 interestingly weighted against the bishop and for the  
16 priest, which I presume is a reaction to the historical  
17 fact of overweening authority by the Bishop. So there is  
18 nothing that I can see other than cultural impediments.

19

20 There is a particular challenge, though, I think, and  
21 that is that supervision of a priest isn't just supervision  
22 of professional performance. It is that, but it is also,  
23 in some sense, supervision of a whole life. Again, I come  
24 back to the point of totality. So it would be supervision  
25 of a kind that would be a little different from the  
26 supervision of professional performance. Mind you, that is  
27 an important element, because the priesthood is a job, but  
28 it's more than that. It's like a job and a marriage, with  
29 a bit of value-add on top of that as well.

30

31 MS FURNESS: Just let me come back to your statement for  
32 the moment.

33

34 ARCHBISHOP COLERIDGE: Sure.

35

36 MS FURNESS: Under paragraph 217, you say:

37

38 *Clergy performing pastoral ministry within*  
39 *the Archdiocese are not employees and it is*  
40 *not possible to direct them to undergo any*  
41 *regular performance review.*

42

43 Now, that is a different position from those of your fellow  
44 archbishops.

45

46 ARCHBISHOP COLERIDGE: Well, it may not be as different as  
47 it seems in black and white. I can't absolutely force

1 a priest to do it. I mean, I have tried this once or  
2 twice, I have to say, and what has become evident is that  
3 you can lead a horse to water but can't make him drink.  
4 They have gone through the motions even of serious clinical  
5 assessment, but it has produced no fruit because they  
6 really weren't willing to do anything other than go through  
7 the motions.

8  
9 But I appreciate perhaps more clearly now than I did,  
10 listening to people like Archbishop Wilson, that I have in  
11 fact more sanctions available to me than I thought I did,  
12 and I would be quite willing to use them in this case.  
13 I have been pondering the need for this for as long as I've  
14 been a bishop, because the system that we have is  
15 anachronistic in all kinds of ways. I am certainly clear  
16 on the point with my clergy that we need structures, not  
17 just words but structures, of accountability, including  
18 supervision, for not just the priests but also for the  
19 bishops.

20  
21 MS FURNESS: How long have you been a bishop?

22  
23 ARCHBISHOP COLERIDGE: Fifteen years.

24  
25 MS FURNESS: So you have been pondering it for 15 years?

26  
27 ARCHBISHOP COLERIDGE: I have been pondering it for  
28 15 years.

29  
30 MS FURNESS: And the position that you have reached is set  
31 out in paragraphs 217 and 218, that is, that you can't do  
32 it?

33  
34 ARCHBISHOP COLERIDGE: No, the position that I have come  
35 to is set out in the detail that begins at paragraph 207.

36  
37 We in fact do a great deal, I think, in the  
38 Archdiocese of Brisbane to accompany, support, care for and  
39 even supervise the clergy. Is it enough? No. And I say  
40 that within the context of the need to devise a structured  
41 lifelong formation. In other words, supervision isn't an  
42 isolated element. As far as I can see, it has to be  
43 situated within a structured lifelong formation and, at the  
44 heart of that, supervision of some kind.

45  
46 MS FURNESS: So in relation to what you have said about  
47 regular performance review in paragraphs 217 and 218, that

1 is, that you are not in a position to direct them, in  
2 relation to day-to-day supervision and oversight, at  
3 paragraph 219 you say:

4  
5 *Within a parish setting, Associate Pastors*  
6 *are supervised by their Parish Priest.*  
7 *There is no program of supervision of*  
8 *parish priests themselves. That would be*  
9 *contrary to the provisions of the canon*  
10 *law.*

11  
12 Is that a view you hold, given that your statement was  
13 signed on 20 January this year?

14  
15 ARCHBISHOP COLERIDGE: I would have to say that the  
16 formulation as it is put there in black and white doesn't  
17 quite match what I've described in those earlier paragraphs  
18 to which I referred. I can provide opportunities for  
19 supervision, and if I could go beyond that, I certainly  
20 would.

21  
22 MS FURNESS: At paragraph 220, you say:

23  
24 *As Archbishop, I am not in a position under*  
25 *canon law to supervise Parish Priests.*

26  
27 ARCHBISHOP COLERIDGE: That, again, is a formulation that  
28 I would or should revise. I supervise them, but, again,  
29 it's a question of what kind of supervision I'm able to  
30 provide. I can't perform the kind of supervision that  
31 perhaps a spiritual director or a counsellor, or even  
32 a professional supervisor, would provide. They are all  
33 important, but they don't pertain to the role of  
34 archbishop.

35  
36 MS FURNESS: The three of your colleagues who have given  
37 evidence each found no impediments of the sort that you  
38 describe here to carrying out the work of performance  
39 review and supervision.

40  
41 ARCHBISHOP COLERIDGE: No, I can supervise and I can urge  
42 priests to undertake professional review. I can even  
43 propose sanctions. But it depends upon the willing  
44 cooperation of the priest concerned if it is going to have  
45 real effect.

46  
47 MS FURNESS: Well, you could withdraw their faculties,

1           couldn't you?

2

3           ARCHBISHOP COLERIDGE:    I could.  That is one of the  
4           things.  I could also dock their pay.  There is a number of  
5           things that would be available to me as bishop, and  
6           I wouldn't exclude any of the sanctions that have been  
7           proposed to me.

8

9           MS FURNESS:    Could this be a fruitful topic for standards  
10          by the new company?

11

12          ARCHBISHOP COLERIDGE:    I would think it would be a very  
13          fruitful topic for standards, yes.

14

15          MS FURNESS:    Can you turn to you, Archbishop Hart - I'm  
16          sorry, did you wish to say something more?

17

18          ARCHBISHOP COLERIDGE:    Just if I could say, Ms Furness, on  
19          standards, one of the things that I find reassuring is that  
20          we don't begin with a carte blanche.  We have the very  
21          detailed standards of the Irish Church to draw upon, so  
22          we're not starting from scratch.

23

24          COMMISSIONER MURRAY:    I'm sorry, before you move on, just  
25          quickly, Archbishop Coleridge, one of the ways in civil  
26          society that people have got over that conundrum of what to  
27          do about somebody who isn't an employee is to have a formal  
28          agreement, a contract, between them.  There is nothing to  
29          stop you, either in canon law or in normal practice, having  
30          a formal contractual agreement with a priest, is there?

31

32          ARCHBISHOP COLERIDGE:    No, there isn't, and this was  
33          something, Commissioner, which I mentioned when I was  
34          giving evidence with regard to CPS.  I would certainly  
35          consider asking the clergy to enter into a formal  
36          agreement, and, as far as I know, there is nothing in the  
37          canons that would prevent that.

38

39          MS FURNESS:    Archbishop Hart, you have also addressed this  
40          issue in your statement.  I think at paragraph 49 you speak  
41          of support and supervision.  It begins at paragraph 37.  
42          Perhaps if you could turn to that first?

43

44          ARCHBISHOP HART:    Thank you, yes, yes.  Paragraph 37 and  
45          then through to 49.

46

47          MS FURNESS:    Yes, thank you.  Then if you can move over to

1 paragraph 49, which is support and oversight, you refer to  
2 the introduction of professionally conducted supervision by  
3 accredited supervisors for clergy which commenced in 2000.  
4 Tell us about that?

5  
6 ARCHBISHOP HART: It is a voluntary program whereby  
7 priests can either be encouraged to or can themselves seek  
8 professional consultation in carrying out their ministry,  
9 to help them to see things, to help them with lacunae in  
10 maybe personal relationships, maybe how to deal in their  
11 own personality with difficult challenges they have.  
12

13 At the moment, it is voluntary. It was conceived, as  
14 I say back in paragraph 37, as part of the Ministry to  
15 Priests program. The things that are offered by that  
16 program, of course, do include personal counselling and  
17 help even without my knowing that. So a priest has open to  
18 him a confidential ability to seek help but not to do so in  
19 a way that draws opprobrium on him or anything like that.  
20 I think I would say now, of course, that supervision and  
21 reporting, in the same context as the others have said, is  
22 an important thing we need to address.  
23

24 MS FURNESS: You don't doubt that you can, with your  
25 priests, by one means or another require them to do it?  
26

27 ARCHBISHOP HART: I would believe that we should work  
28 through that issue and achieve that end.  
29

30 MS FURNESS: I'm sure you should work through it and  
31 achieve the end, but my question, archbishop, was whether  
32 you now believe there is any impediment of the sort that  
33 Archbishop Coleridge has spoken of to you engaging in that  
34 supervision and regular performance review?  
35

36 ARCHBISHOP HART: I don't believe there is an impediment,  
37 but I admit the challenges that attend it.  
38

39 MS FURNESS: And the challenges are cultural ones such as  
40 Archbishop Fisher referred to?  
41

42 ARCHBISHOP HART: Well, we're dealing with human beings.  
43 We all have to try to go forward together in a way that is  
44 possible. That doesn't deter me from taking the step, and  
45 I would certainly want to do that.  
46

47 MS FURNESS: And you would agree that were there to be

1 a standard which set out clearly what should be done in  
2 respect to priests and clergy, that would be desirable?

3

4 ARCHBISHOP HART: Yes, because it spells out a clear  
5 understanding of our vocation and calling and the  
6 appropriate ways in which to relate, and I think this is  
7 tremendously important in the light of the awful failures  
8 and the wrongdoing of the past.

9

10 MS FURNESS: Thank you. Archbishop, can I turn to the  
11 question of training. What training is made mandatory for  
12 priests, if at all, in your archdiocese?

13

14 ARCHBISHOP HART: All the priests are required to have  
15 a regular sabbatical. We give a sabbatical once every  
16 seven years, and we use the Ministry to Priests and that  
17 committee to facilitate where they go and what they do so  
18 it will be really helpful to ministry. We have an annual  
19 diocesan seminar. The Ministry to Priests puts on regular  
20 lectures and talks and meetings and gatherings to deepen  
21 and facilitate a whole lot of aspects of priesthood.

22

23 Of course, in the time of the Royal Commission, we've  
24 been absolutely insistent that all clergy attend briefing  
25 and formation on the requirements of safeguarding and child  
26 protection. I may just say, on the way in passing, that  
27 we're currently doing the same with parish workers and  
28 there are things in my statement, I think, that refer to  
29 what is being done in schools.

30

31 So all of those things are offered. Strong  
32 encouragement is provided. It seems to be going well.  
33 I won't say it can't be improved, but there are significant  
34 opportunities offered.

35

36 MS FURNESS: You understand that many professions mandate  
37 training relevant to the work of the professional on an  
38 annual or periodic basis - you understand that?

39

40 ARCHBISHOP HART: I do.

41

42 MS FURNESS: It is likely, in the agencies that are  
43 associated with your archdiocese, that indeed they do the  
44 same with respect to their staff?

45

46 ARCHBISHOP HART: Correct.

47



1 MS FURNESS: Why shouldn't that happen in relation to the  
2 clergy?

3  
4 ARCHBISHOP HART: I am happy that it happen.

5  
6 MS FURNESS: Why hasn't it happened to date?

7  
8 ARCHBISHOP HART: I suspect, again, that the emphasis has  
9 been on trying to encourage people and give them the  
10 opportunity, and whether from us in the diocese, whether  
11 from the bishops and vicar general going around, whether in  
12 the deaneries and through the council of priests, to try to  
13 stress the importance of this kind of formation and to try  
14 to motivate a positive response. I think that's what  
15 I would say.

16  
17 MS FURNESS: So to stress it would be to require it,  
18 wouldn't it?

19  
20 ARCHBISHOP HART: Yes, yes.

21  
22 MS FURNESS: Is that something that you will now give  
23 consideration to?

24  
25 ARCHBISHOP HART: I would certainly consider what we can  
26 achieve, how we can achieve it, with again, as I said  
27 before, the objective of making sure that it does happen  
28 right across the board.

29  
30 MS FURNESS: You, I take it, would welcome a standard?

31  
32 ARCHBISHOP HART: Definitely.

33  
34 MS FURNESS: Archbishop Fisher, do you mandate training  
35 for clergy?

36  
37 ARCHBISHOP FISHER: I do already, including in this area  
38 of professional standards, and I've made it very clear that  
39 if priests won't agree to do it - and most of them I have  
40 no trouble at all persuading them to, but if they won't  
41 agree to do it, that's going to affect their future  
42 appointment or their faculties. So I think it is very well  
43 understood now.

44  
45 I think what we are in the process of is creating  
46 a different expectation, so that clergy from the day they  
47 are ordained know, going forward, they are going to have to

1 have regular ongoing formation or professional development,  
2 supervision and support of some kind and appraisal.  
3 I think all three of those things are needed.  
4

5 I think having a national standard will be helpful, if  
6 that comes and when that comes. It's part of a significant  
7 change from a day when people would have thought that doing  
8 my seminary years and being ordained, I was complete, to  
9 a notion that you are not complete until you are dead, and  
10 it has to keep going on all the way through your  
11 ministerial life.  
12

13 MS FURNESS: You are also proposing to make available  
14 trauma informed practice training?  
15

16 ARCHBISHOP FISHER: Yes.  
17

18 MS FURNESS: Who are you proposing to make that available  
19 to?  
20

21 ARCHBISHOP FISHER: We've already had seminars for all our  
22 clergy in that area. We've been discussing similar things  
23 being available to some of the other people engaging in  
24 ministries for us, so not just our clergy but some of our  
25 laypeople engaged in ministry, too.  
26

27 MS FURNESS: Thank you. Archbishop Wilson, what have you  
28 done in that area? Have you mandated training for your  
29 clergy?  
30

31 ARCHBISHOP WILSON: We have had a series of programs where  
32 priests have been asked to participate, but I think our  
33 efforts in this have not been as good as they should be.  
34 We need to have a much more professional approach to this.  
35 We should set standards and then also ask people to do  
36 specific training in relationship to those, to help them in  
37 their ministry.  
38

39 We have done a lot of training in the diocese about  
40 child protection and all those matters. Everybody has been  
41 asked to participate in those, and they have, and that goes  
42 on on a regular basis. People have to be involved in that  
43 every three years, to go through a renewal, and so on.  
44

45 MS FURNESS: I think in paragraph 44 of your statement,  
46 you describe it as:  
47

1           *Archdiocesan policy requires that personnel*  
2           *(clergy, religious and paid employees)*  
3           *attend a mandatory notification training*  
4           *course ... a seven-hour course initially,*  
5           *and a three-hour update course every three*  
6           *years.*

7  
8       ARCHBISHOP WILSON:   That's correct.

9  
10       MS FURNESS:    Are you satisfied that that is sufficient in  
11       terms of contact time?

12  
13       ARCHBISHOP WILSON:   I think that these programs that we  
14       have been involved in are being audited at present. We  
15       keep revising them all the time and checking them out, so  
16       we will be evaluating the results of that program, and if  
17       it's necessary, we would change it.

18  
19       MS FURNESS:    External or internal audit?

20  
21       ARCHBISHOP WILSON:   Internal audit.

22  
23       MS FURNESS:    I take it you would also embrace a standard?

24  
25       ARCHBISHOP WILSON:   Yes, indeed. Could I just say as well  
26       that I think there needs to be some kind of program  
27       established for our clergy that parallels the kinds of  
28       expectations that there are for people who belong to  
29       professional groups, like psychologists and so on. I think  
30       that that would be very helpful for us and would be a good  
31       development for our clergy.

32  
33       MS FURNESS:    A lot of the pastoral work that a priest does  
34       is in fact akin to the work of counsellors, isn't it?

35  
36       ARCHBISHOP WILSON:   It is, and there are specific things,  
37       Ms Furness, that priests have to do that are part of our  
38       religious training, and they need to have skills for that,  
39       too.

40  
41       MS FURNESS:    You will be aware that psychologists are  
42       required to be registered; that's right?

43  
44       ARCHBISHOP WILSON:   That's right.

45  
46       MS FURNESS:    Do you have a view as to whether priests  
47       should be licensed or registered in respect to that area of

1 their work?

2

3 ARCHBISHOP WILSON: Oh, I think that we would do well to  
4 have a register that imposes some sort of testing on them  
5 in regard to everything they do.

6

7 MS FURNESS: That's a Catholic Church register or  
8 something structured outside of the Church?

9

10 ARCHBISHOP WILSON: There could very well be some elements  
11 that are brought from outside the Church.

12

13 I would just make the point that historically the  
14 Church attempted to do this after the Council of Trent  
15 400 years ago, in that they developed a system whereby  
16 clergy had to go through periodic training and there were  
17 what they called junior clergy exams, so that people in the  
18 first five years of their life as priests, after they left  
19 the seminary, would be expected to do further study and  
20 more formation and be tested on that.

21

22 Then when people came to become parish priests, they  
23 had to take part in what was called the concursus, where  
24 their skills and their abilities were tested to see whether  
25 or not they would be able to do that work.

26

27 The difficulty in Australia was that for a long period  
28 of time we were a missionary territory, and so things in  
29 missionary territories were not held up to the same  
30 standards because they didn't have structure that enabled  
31 that to happen. Therefore, we lost that part of our  
32 history as well.

33

34 So it's not as if this is something that the Church is  
35 now imposing; it is really something that they have been  
36 concerned about, the authorities have been concerned about,  
37 since the middle ages, and making sure that people are  
38 being prepared and then being tested to see whether they  
39 have the skills to take up the office.

40

41 MS FURNESS: Some would say that is a very long passage of  
42 time, archbishop.

43

44 ARCHBISHOP WILSON: They would, indeed.

45

46 MS FURNESS: Can I go back to you, Archbishop Fisher.  
47 What are your thoughts on licensing priests to perform that

1 sort of work, not the work that has a sacramental  
2 component?

3

4 ARCHBISHOP FISHER: I think, to begin with, we have to be  
5 clear that a lot of what we would call counselling, let  
6 alone psychotherapy or psychiatry, priests shouldn't be  
7 doing, so they should know when to refer to people who are  
8 more professional in those areas. What I wouldn't want is  
9 any system that made it look like priests were actually  
10 professional counsellors or psychotherapists, because they  
11 don't have that training. They have some basic training in  
12 psychology and pastoral care, which, as you said, is akin  
13 to in some ways, but it is not the same as, professional  
14 counselling.

15

16 I think, in a sense, we already have a licensing  
17 system, and that's faculties.

18

19 MS FURNESS: That's not a licensing system that comes with  
20 conditions which are available to the public to know, is  
21 it?

22

23 ARCHBISHOP FISHER: Well, the public have access to the  
24 Code of Canon Law and can see on what basis a bishop may or  
25 may not authorise someone to be a parish priest or to be an  
26 assistant priest, to have the faculties to hear confession,  
27 celebrate mass, preach, and so on.

28

29 MS FURNESS: You are not suggesting that's the same as  
30 a person with professional registration where there is  
31 a register that's publicly available, are you?

32

33 ARCHBISHOP FISHER: No, what I'm saying is we already have  
34 some structures that could be used in this way. The things  
35 that you require for someone to get faculties, to be  
36 licensed, could be upped using those existing structures.

37

38 I would think that there would still be a criticism  
39 that we were self-regulating. Of course, a lot of  
40 professions are exactly that. Even the very understanding  
41 of a profession is that they are self-regulating. But as  
42 things have evolved, more and more would say, well, on  
43 those accrediting boards, there probably should be some  
44 external people from outside that profession as well.

45

46 So it could be that the people, going forward, that  
47 help bishops to decide who is given faculties or not could

1 include outsiders and not just the priests' normal body of  
2 consultors. That's possible.

3

4 MS FURNESS: Archbishop Hart, do you have any views on  
5 that?

6

7 ARCHBISHOP HART: I would certainly believe that this  
8 matter needs to be looked at very, very carefully because  
9 we are dealing with profound spiritual works that require  
10 a whole array of talents, a whole list of abilities to  
11 relate, and I would certainly think that registration or  
12 supervision or regular accreditation, whichever way you  
13 take it, needs to be there to a standard, and therefore the  
14 registration is the holding Father X to a particular  
15 standard, and I think that is good.

16

17 MS FURNESS: And by "holding" him, you mean requiring him  
18 to do various parts of the standard?

19

20 ARCHBISHOP HART: Exactly, yes.

21

22 MS FURNESS: Archbishop Costelloe?

23

24 ARCHBISHOP COSTELLOE: Yes, I would have no real  
25 difficulty in any of the things that are being proposed.  
26 I would echo what Archbishop Fisher said, however: I think  
27 there is quite a danger in giving any sort of impression  
28 that a priest, by the fact that he is a priest, is the  
29 equivalent of a trained psychologist. So we would need to  
30 devise a system that made it very clear the difference  
31 between the role of a priest and the role of even  
32 a counsellor, a trained counsellor, because it is very  
33 important that priests don't step outside their area of  
34 responsibility and competence. But with that proviso, I am  
35 very open to all of those suggestions.

36

37 MS FURNESS: Do you mandate training for your priests?

38

39 ARCHBISHOP COSTELLOE: No, we're a long way behind,  
40 obviously, as I listen to these discussions. We mandated  
41 attendance at the Professional Standards and Safeguarding  
42 workshops that we did as part of introducing that project.  
43 Anyone who didn't attend - to the best of my understanding,  
44 the safeguarding project officer then contacted them  
45 individually and sometimes ran not so much individual  
46 programs but more concentrated programs for those few who  
47 didn't come. There were very few who didn't come.

1  
2           Apart from that, we don't have a culture of mandating  
3 ongoing formation. We provide a lot of opportunities, but  
4 we rely on the goodwill of the priests to come. Many do,  
5 but not all.

6  
7 MS FURNESS: The discussion so far has been in relation to  
8 priests, and I will come back to you Archbishop Coleridge.  
9 Can we turn to a discussion of bishops and whether bishops  
10 should be held accountable to particular standards,  
11 starting with you, Archbishop Costelloe?  
12

13 ARCHBISHOP COSTELLOE: I would have no problem being held  
14 accountable to standards, no difficulty at all. When I had  
15 been the archbishop, I think, for 12 or 18 months,  
16 I commissioned an external audit - I think that's the right  
17 word - of my own performance as archbishop. So I'm quite  
18 open to it. I have professional supervision. I'm very  
19 open to those things, yes.  
20

21           I can't quite imagine at this moment - I haven't given  
22 it enough thought - as to what that would look like or who  
23 would determine either the standards or the process. The  
24 role of a bishop is a pretty complex one, so it would be  
25 a big challenge. But in theory, yes, I would have no  
26 difficulty with it.  
27

28 MS FURNESS: The company that has been established to  
29 establish standards and then audit compliance with them -  
30 couldn't that company --  
31

32 ARCHBISHOP COSTELLOE: It could do, yes, yes.  
33

34 MS FURNESS: Would you encourage that company and the  
35 directors to move down that path of developing such  
36 standards for bishops?  
37

38 ARCHBISHOP COSTELLOE: I think - yes, I would. I have no  
39 difficulty with it.  
40

41 MS FURNESS: Does anyone have any difficulty with that  
42 company having a role in developing a standard of that  
43 sort - leaving aside the content of the standard, just the  
44 fact of it?  
45

46 ARCHBISHOP WILSON: No, I think it would be very good -  
47 a good move.

1  
2 ARCHBISHOP FISHER: I think it would make sense for things  
3 like appraisal to apply to bishops, priests, deacons,  
4 religious women, religious men and lay pastoral associates.  
5 Anyone held out by the Church as ministers to the public  
6 could go through a similar process, I think.  
7  
8 ARCHBISHOP HART: I'm quite sure that if we are requiring  
9 that of others, we have to require it of ourselves, and  
10 I think the way suggested is excellent.  
11  
12 MS FURNESS: If it happens that way, then there will be an  
13 audit and there will be a publication of the audit results?  
14  
15 ARCHBISHOP HART: Yes.  
16  
17 MS FURNESS: That's right?  
18  
19 ARCHBISHOP FISHER: Yes.  
20  
21 MS FURNESS: Archbishop Coleridge?  
22  
23 ARCHBISHOP COLERIDGE: Yes, I certainly think the company  
24 could function in this way, and if there is a standard to  
25 that effect, there would have to be an audit and there  
26 would have to be some kind of publication of the results of  
27 the audit. It would be, again, a challenging thing to do  
28 because it would represent a significant cultural shift,  
29 but I would certainly see the company performing that  
30 particular function, which I think would be very welcome.  
31  
32 MS FURNESS: You speak about significant cultural shift.  
33 I think each of you has said that what is required in the  
34 Church is significant cultural shift; is that right?  
35  
36 ARCHBISHOP COLERIDGE: Precisely.  
37  
38 MS FURNESS: Does anyone disagree with that?  
39  
40 ARCHBISHOP HART: No.  
41  
42 ARCHBISHOP FISHER: No.  
43  
44 MS FURNESS: Could I turn to an issue which is a modern  
45 issue, and that is online risks. You will have heard  
46 evidence that for some people - and I think for Ms Devlin  
47 from Ireland - there is a serious current risk in priests



1 accessing online pornography and that that is something  
2 that needs to be looked at. Now, have any of you given any  
3 thought to that? Archbishop Costelloe?  
4

5 ARCHBISHOP COSTELLOE: I think it's commonsense that the  
6 danger is very real and I would be amazed were it not the  
7 case that some priests, as in the general population, are  
8 accessing pornography. I think it's a dangerous indication  
9 of problems that a person may be experiencing.  
10

11 Beyond that, to be honest, I don't have a suggestion  
12 as to how we can monitor that, because no matter what  
13 safeguards you put in place, I think people who are tech  
14 savvy, if I can use that phrase, will know how to get  
15 around them. So I think it's a major concern. My  
16 impression is that it is very widespread in society, and  
17 therefore I presume that it is also an element in the lives  
18 of some priests and religious. Precisely how we deal with  
19 it, I must confess, I'm at a little bit of a loss.  
20

21 MS FURNESS: Again, that may well be a role for the  
22 company to consider what standards might be put in place to  
23 monitor or otherwise regulate or deal with that issue.  
24 I take it you would all agree with that prospect?  
25

26 ARCHBISHOP WILSON: Yes.  
27

28 ARCHBISHOP FISHER: Yes.  
29

30 ARCHBISHOP HART: Yes.  
31

32 MS FURNESS: Can I turn now to monitoring offenders.  
33 That's clearly an ongoing issue with the Church. Perhaps  
34 if I can start with you, Archbishop Hart. You refer to  
35 your approach - it's in your statement at paragraphs 32  
36 to 33.  
37

38 ARCHBISHOP HART: Yes.  
39

40 MS FURNESS: You say that there are no written policies in  
41 relation to the monitoring of offenders; however, the  
42 practice you adopt is for priests placed on administrative  
43 leave or whose faculties have been withdrawn, their  
44 compliance with the terms of the withdrawal are monitored  
45 on behalf of the archdiocese by a monitoring officer, who  
46 is a retired senior police officer experienced in dealing  
47 with sexual offenders, and regular visits are made and can

1 also include unannounced or spot visits. How is that  
2 working?

3  
4 ARCHBISHOP HART: It has only been begun comparatively  
5 recently. It was very highly resented early on, as you  
6 might imagine. However, we have been insisting on it. It  
7 has to be taken in the context of support in leading their  
8 lives, so that here is someone who knows the awful things  
9 that have transpired and is there to assist them to live  
10 a life where they are safe, but, above all, where there is  
11 no possibility of re-offending, inasmuch as we can  
12 determine it.

13  
14 And that's the challenge, how you visit - we try to  
15 make sure that we know where they are living. They know  
16 that the supervisor will come, a very, very fine person  
17 with knowledge of this sort of offending, who will keep in  
18 touch with them. There would be phone calls and things as  
19 well. So it's working well. Whether it is totally  
20 sufficient remains to be established.

21  
22 MS FURNESS: Does this system apply for priests who have  
23 been convicted of an offence and who have served their  
24 sentence?

25  
26 ARCHBISHOP HART: Yes.

27  
28 MS FURNESS: Do you have many in your archdiocese who fit  
29 either of the two categories that you refer to as well as  
30 offending priests who --

31  
32 ARCHBISHOP HART: I can't be sure of the precise numbers.  
33 There could be, oh, something in the high 20s. That would  
34 include - people who are living. I'm not referring to  
35 historic offenders who are now dead. That could be taking  
36 in those who have been placed on administrative leave with  
37 no conviction that have offended; those who have been  
38 convicted and have done a prison sentence and are now back  
39 in the community; and obviously, as I say in my statement,  
40 all of those who have been convicted - every one of them  
41 I've reported to Rome, but the ones who have been  
42 convicted, I have requested that laicisation be granted.

43  
44 MS FURNESS: So do those who are laicised follow the same  
45 monitoring process?

46  
47 ARCHBISHOP HART: We do the best we can with them, to have

1           them visited --

2

3           MS FURNESS:   Is that a different process from that which  
4           is set out in your statement?

5

6           ARCHBISHOP HART:   No, it is the same process.

7

8           MS FURNESS:   Are you able to find out from those who have  
9           been laicised where they are living when they come back,  
10          presumably, to Melbourne?

11

12          ARCHBISHOP HART:   We do normally try to keep that very  
13          accurately, because part of the process of notification of  
14          laicisation invites them to come and meet with my delegate,  
15          and we try to establish very clearly where they are and to  
16          keep in touch with where they are, to the best of our  
17          ability.

18

19          MS FURNESS:   If they don't want you to know, presumably  
20          they won't come anywhere near you?

21

22          ARCHBISHOP HART:   Well, I think even the Holy See has  
23          struck the problem. They say that once the Pope decides  
24          that this person is laicised, it takes effect whether they  
25          come and accept the notification or whether they don't. So  
26          we do what we can. We are very vigilant. We inquire in  
27          the community, and so on.

28

29          MS FURNESS:   Thank you. Archbishop Fisher, what is your  
30          archdiocese's practice in relation to monitoring offenders?

31

32          ARCHBISHOP FISHER:   I was very interested to read this  
33          process when I was preparing for today. I will certainly  
34          have a good look at whether we should have someone of that  
35          level of experience monitoring.

36

37                       At the moment, most often those who have been taken  
38          out of ministry are either in a religious community,  
39          hopefully being well supervised by their own religious  
40          superiors; they might be living with another priest; they  
41          might be living in the community.

42

43                       I can't pretend - I have puzzled about this now for  
44          several years. I can't pretend we have remotely sufficient  
45          supervision for me to be assured that they are not  
46          misbehaving again, that they are no risk.

47

1 MS FURNESS: There isn't any supervision, is there, of  
2 your diocesan priests?

3

4 ARCHBISHOP FISHER: Well, if, for instance, they are  
5 living with another priest, the other priest will be asked  
6 to be watching what they are up to. But we all know how  
7 people can be very deceptive and clever in not letting on  
8 what they are up to. So I can't pretend this is a kind of  
9 level of supervision that if they were in a prison cell we  
10 would have, for instance. It is some, but I really puzzle  
11 about what we can do in general with members of the  
12 community who have offended or who we regard as a risk, to  
13 supervise them adequately.

14

15 We do some things. I likewise have moved to encourage  
16 someone to apply for laicisation or forcibly to laicise  
17 them, particularly in the case of someone who our  
18 professionals who do risk assessments say might be  
19 a continuing risk and over whom I seem to have no ability  
20 to monitor and supervise them. I want them to leave the  
21 priesthood and lose any title or pretence to be engaging in  
22 priestly ministry. But I'm also aware there are some who  
23 just, after a conviction, disappear. They want nothing  
24 more to do with us. They are angry at the Church for  
25 having helped in their conviction, and so I can't supervise  
26 them all.

27

28 MS FURNESS: No, but if there was an offender who had  
29 finished his sentence, do you take any steps to find out,  
30 to the extent you can, where he is living?

31

32 ARCHBISHOP FISHER: Yes.

33

34 MS FURNESS: You do?

35

36 ARCHBISHOP FISHER: I do.

37

38 MS FURNESS: What do you do with that knowledge. We have  
39 tried to ensure that convicted offenders are not living  
40 anywhere near a school or near children. And so in terms  
41 of any involvement we have in their housing, that's one  
42 area where we can have some influence, if we have some  
43 involvement in their housing.

44

45 We have tried to encourage them to have a spiritual  
46 director, supervisor, another priest - somebody that will  
47 have a role in their life of giving them feedback and

1 giving me feedback on how they are going.

2

3 Some will submit to that and some won't. As I say, at  
4 times I reach a point where all I can do is say, "I've got  
5 to put you out of the priesthood because you will not  
6 accept any genuine supervision from me."

7

8 MS FURNESS: You would be involved in their housing if you  
9 were supporting them financially?

10

11 ARCHBISHOP FISHER: Yes.

12

13 MS FURNESS: Generally, is it the case that you do support  
14 financially those offenders who have served their sentence?

15

16 ARCHBISHOP FISHER: Normally that is the case. They  
17 continue to be supported. And that would include  
18 assistance with housing and some other kinds of assistance.

19

20 As I say, some of them just break all further contact  
21 with me and with the diocese and so I'm not involved with  
22 those ones.

23

24 It is a hard question of how much I should continue to  
25 support such people. There is a side of me that I'm so  
26 angry at what they have done I don't want to give them  
27 anything further by way of help. But throwing them back on  
28 their family or on the community, others would say that's  
29 just the Church washing its hands again of  
30 a responsibility. So it is a genuinely hard thing to say  
31 what should we do with these guys.

32

33 MS FURNESS: In relation to most diocesan priests, I take  
34 it, particularly those who have served a time in gaol, it  
35 wouldn't be expected that they would have much by way of  
36 assets?

37

38 ARCHBISHOP FISHER: No.

39

40 MS FURNESS: So in the event the church was not to pay for  
41 them, and leaving aside their family's circumstances for  
42 the moment, it is likely that they would receive funds  
43 through, ultimately, the Commonwealth taxation system. So  
44 that if you didn't pay for them, we would be paying for  
45 them.

46

47 ARCHBISHOP FISHER: Yes. That's why, as I say, you are

1           throwing them back on the community. And many people would  
2           say that's the Church just washing its hands of  
3           responsibility again. On the other hand, others would say  
4           "We don't like that you are continuing to support these  
5           guys in any way." It is a situation of damned if we do and  
6           damned if we don't, I think.

7  
8           THE CHAIR: Ladies and gentlemen, I asked yesterday that  
9           we keep comments out of the discussion.

10  
11                   (A member of the public gallery left the hearing room)

12  
13           THE CHAIR: Madam, thank you.

14  
15           MS FURNESS: Archbishop Wilson? What do you do in  
16           relation to monitoring offenders.

17  
18           ARCHBISHOP WILSON: Ms Furness, I don't have any  
19           circumstances, in Adelaide, where I have that issue to deal  
20           with, practically. But it is something that I've given  
21           a lot of thought to and especially reflected upon through  
22           my association with the United States and the dioceses over  
23           there.

24  
25                   I have always felt that we have a responsibility to  
26           supervise and care for all these people, even if it means  
27           that we are dealing with people who have been convicted and  
28           come out of prison.

29  
30                   I think we have a responsibility to supervise them and  
31           I think that, in terms of that supervision, part of it is  
32           expressing some care for them as well.

33  
34                   But I agree with Archbishop Fisher, that it is a very  
35           complicated issue, and you could end up having great  
36           difficulties trying to carry that policy out because of the  
37           individual circumstances of people and their responses and  
38           so on.

39  
40                   But as a matter of principle, I think it would be  
41           important for us as a community to make sure that if there  
42           were people who have been abusers within our system, that  
43           if they came out of a prison, that we wouldn't just step  
44           aside from them, but to care for them.

45  
46                   As that lady just said, that responsibility, of  
47           course, is directed towards those who have been abused and

1 harmed by all of this, too. So it's not a matter of one or  
2 the other. We have to care for all of the people.

3  
4 MS FURNESS: Archbishop Costelloe?

5  
6 ARCHBISHOP COSTELLOE: We are in a similar position to  
7 Archbishop Wilson. We don't have anybody in this situation  
8 at the moment who is a diocesan priest under my  
9 jurisdiction. I have been aware of Archbishop Hart's  
10 general approach, and that would be the kind of approach  
11 that we would probably adopt.

12  
13 MS FURNESS: Thank you. Archbishop Coleridge, I think you  
14 refer to this in your statement. Perhaps if I can first  
15 take you to paragraph 61, because you refer there to having  
16 undertaken what you describe as comprehensive reports on  
17 circumstances of priest offenders --

18  
19 ARCHBISHOP COLERIDGE: That's right.

20  
21 MS FURNESS: -- and those who have been convicted. Now,  
22 you say that that provides a valuable resource. Is that  
23 information that you have used in relation to any  
24 monitoring work?

25  
26 ARCHBISHOP COLERIDGE: It is, but what it was intended to  
27 do was to provide a clearer framework for the generation of  
28 policy. In fact, the whole situation, and the state of the  
29 files for that matter, was rather chaotic, and we decided  
30 to engage a lawyer who went through all the files - it was  
31 a massive task - simply just to ascertain facts, and of  
32 course that work fed in, then, to the documentation we had  
33 to prepare for this Royal Commission.

34  
35 So it could well be used for deciding how best to  
36 manage the priests we have.

37  
38 We have six living in the diocese who were convicted  
39 and gaoled and who are now living within the bounds of the  
40 archdiocese. There is one who died in more recent times,  
41 another who has been dismissed from the clerical state.

42  
43 After a very long process of reflection and discussion  
44 with many people, I decided to petition of the Holy See to  
45 have all of those who had been convicted and gaoled - there  
46 were eight of them - dismissed from the clerical state. As  
47 it turns out, one of those petitions was granted; one is

1 still pending; the others, the decision was - and in the  
2 end it's a decision by the Pope - that they would not be  
3 dismissed from the clerical state but would be assigned to  
4 what is called a life of prayer and penance.

5  
6 As a result of that decision, what I have done is draw  
7 up what is called a penal precept - though we're calling it  
8 a personal precept - which spells out, with an accompanying  
9 document, the circumstances in which those men are expected  
10 to live. So they are one very important group of men in  
11 the diocese that we are attending to.

12  
13 There is a smaller group of others who have been  
14 removed permanently from ministry, though not convicted in  
15 the courts and gaoled, and they are subject not to a penal  
16 precept, to use the canonical term, but they are supervised  
17 by the director of clergy life and ministry, and by those  
18 we call the clergy care coordinators, who are three nurses,  
19 in fact, who work closely with the priests, not just on  
20 health in a physical sense but more generally.

21  
22 MS FURNESS: You say in paragraph 24 of your statement  
23 that the significant impediment in implementing the reforms  
24 generally has been the attitude and approach of the  
25 offender. You say that in your experience, no offender  
26 priest has ever admitted offending. Now, you wouldn't,  
27 I take it, expect that your experience would be the last  
28 word on whether or not offender priests have admitted  
29 offending, would you?

30  
31 ARCHBISHOP COLERIDGE: No, I wouldn't. I would listen to  
32 other voices.

33  
34 MS FURNESS: You understand that of the case studies that  
35 have been conducted by the Royal Commission in relation to  
36 Catholics, many of those concerned priests who had admitted  
37 offending to others in the Catholic Church.

38  
39 ARCHBISHOP COLERIDGE: Yes, I understand that from the  
40 case studies.

41  
42 MS FURNESS: So your experience is perhaps somewhat  
43 limited?

44  
45 ARCHBISHOP COLERIDGE: I wouldn't doubt that at all. All  
46 I can say is that it has been quite striking to me, and to  
47 others who work with me in the area, that the denial of



1 culpability, or the minimisation of it, at least, is  
2 unmistakable and makes the task of working with these men  
3 in a way that really does amount to effective monitoring  
4 more difficult than it would be otherwise.

5  
6 MS FURNESS: Your Honour, I note the time.

7  
8 THE CHAIR: Yes. We will take the luncheon adjournment.

9  
10 **LUNCHEON ADJOURNMENT**

11  
12 MS FURNESS: Can I turn to the topic of reconciliation.  
13 There are two aspects I want to raise with you. The first  
14 is that I think Archbishop Hart has issued an instruction  
15 that reconciliation take place in an open setting where  
16 there's some supervision; that's right?

17  
18 ARCHBISHOP HART: That's correct, yes.

19  
20 MS FURNESS: Have any of the other archbishops, perhaps  
21 starting with you, Archbishop Fisher, done anything  
22 similar?

23  
24 ARCHBISHOP FISHER: It's already the longstanding policy  
25 of the Catholic Education Office, now Sydney Catholic  
26 Schools, with all our schools, that the children have  
27 confession in a public space where there's full sightline.  
28 So that's well understood by the priests when they're  
29 hearing the confessions of our young ones.

30  
31 MS FURNESS: Has that been communicated to parents and the  
32 like?

33  
34 ARCHBISHOP FISHER: I would presume the parents know that,  
35 but I don't know if there has been a formal communication  
36 to them of how it's done in our schools. That would be of  
37 interest to them to know, so maybe I should make sure that  
38 happens.

39  
40 MS FURNESS: Yes, because they need to know what the rules  
41 are as much as the priests do. Archbishop Wilson?

42  
43 ARCHBISHOP WILSON: We've done exactly the same as  
44 Archbishop Hart, and I would imagine that it having gone to  
45 our schools, it would have been shared, then, with the  
46 parents through the communications that go from schools,  
47 but I'll check that and make sure.

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ARCHBISHOP COSTELLOE: I haven't issued a formal instruction the way Archbishop Hart has. It is the standard practice in Perth, and generally parents are invited to bring their children to the sacrament, and so the parents are there.

MS FURNESS: Is that invariably the practice, that the parents are there, as far as you know?

ARCHBISHOP COSTELLOE: As far as I know, but I haven't done an audit of it.

MS FURNESS: Archbishop Coleridge?

ARCHBISHOP COLERIDGE: Yes, I haven't issued a formal instruction, either, but it certainly is archdiocesan policy that the Sacrament of Reconciliation should never be celebrated behind closed doors. So when I go to visit a parish, one of the first things I do is to have a look at the arrangement for the sacrament, and if there are not very clear sightlines, I make it clear to the priest that has to change. I've had no resistance to that whatsoever, and I've been in all but I think about two of our parishes in the time I've been there, and I'd be fairly satisfied with the provisions.

With regard to the school, again like the others, the Brisbane Catholic Education Office has made it clear that, with children, it must be done visibly and preferably out in the open where there are teachers, and very often in the case of first penance you'll have the parents there and others. So although there's no written document, the policy and practice are very clear in the diocese, I think.

MS FURNESS: You said "preferably out in the open", so a discretion is given?

ARCHBISHOP COLERIDGE: Well, it wouldn't necessarily be out in the middle of the Church, but it would be somewhere where it would be very, very visible, and usually, as far as I understand with the children, it is in the Church where everyone can see.

MS FURNESS: Were you, Archbishop Fisher, referring only to children in schools or was your answer in respect of parishes as well?

1  
2 ARCHBISHOP FISHER: No, I was referring to our schools  
3 policy. It is possible that a child would come, for  
4 instance, with their parents on a Saturday morning to  
5 a parish and, in that situation, they might go into the  
6 confessional. It's possible, I suppose, a child could  
7 bring themselves to Church and just wander into  
8 a confessional, although that's pretty unlikely today. In  
9 that case, they would be in the same situation as any  
10 adult.

11  
12 MS FURNESS: You wouldn't expect the priest to say, "Look,  
13 better to do it outside"?

14  
15 ARCHBISHOP FISHER: I think this is an example of one of  
16 these evolving standards that we might end up with  
17 nationally, and that might be a very good policy. I would  
18 expect some of my priests would automatically want to go  
19 outside if they saw a child, because they're very aware of  
20 these issues at the moment. But there may be some very  
21 old-fashioned ones that want to guard the child's right to  
22 privacy, and if the child has brought themselves in, they  
23 respect that, too. I think that's probably something we're  
24 going to have a national standard on soon.

25  
26 MS FURNESS: So in the event there was a national standard  
27 that invariably, without a discretion, children would be  
28 not within a confessional, would be outside in the open and  
29 subject to supervision, I take it you would all agree with  
30 that?

31  
32 (ALL ARCHBISHOPS): Yes.

33  
34 MS FURNESS: In the Truth, Justice and Healing Council  
35 submission, there's reference to one diocese having -  
36 "refused" is probably too strong a word - the preference  
37 for children being within the confessional box, if I can  
38 call it that. Is that a diocese, which of course the  
39 Council didn't tell us the name of, or else I'd give it to  
40 you, that any of you are familiar with?

41  
42 (ALL ARCHBISHOPS): No.

43  
44 MS FURNESS: We might ask the Council, through their  
45 counsel, if they could provide us with the name of that  
46 diocese?

47

1 MR GRAY: I'm certainly happy to ask that. I don't know  
2 the answer to that now, but I'm happy to find out.

3

4 MS FURNESS: Thank you.

5

6 Now, the second issue, which I'm sure you're well  
7 aware of, is in relation to the circumstances in which the  
8 seal effectively protects what is said in the confessional  
9 and the circumstances in which it doesn't. I'm sure you're  
10 all aware of the evidence given by the canon law panel; is  
11 that right?

12

13 (General assent)

14

15 MS FURNESS: There seemed to be some confusion or  
16 uncertainty as to when it might or might not apply. If  
17 I can indicate what I understand to be the issues, and you  
18 can perhaps correct me if you think they're different.  
19 I think the name Sally was given by Commissioner Atkinson,  
20 so perhaps if I can stick with that. Sally comes to  
21 confession and confesses having stolen lollies and tells  
22 the priest that she is being abused by a person - it might  
23 be a priest, it might be a member of the family.

24

25 Is it the case that what Sally has said about stealing  
26 lollies is subject to the seal and therefore can't be  
27 revealed, and what she has said about her own abuse is  
28 separate from that and therefore can be revealed?  
29 Archbishop Hart, can I start with you?

30

31 ARCHBISHOP HART: I realise that that is an opinion held  
32 by reputable canonists. As a pastor, I'm confronted -  
33 first of all, I'd want to get Sally outside to talk to me  
34 in a situation where I could do something about it. But as  
35 a pastor, people expect that when they come to confession,  
36 everything is covered, and that's the difficulty that  
37 I have, because I think the common expectation of people  
38 has been, up to this point of time, that everything inside,  
39 from "In the name of the father" to "Go" is included, and  
40 I'd have to grapple with not meeting, in a serious matter,  
41 the expectations of people.

42

43 So I'm in difficulties there, but I would do my level  
44 best to get Sally outside to talk to me about it in  
45 a context that I could do something about it. I wouldn't  
46 just lie down accepting it. Or as I think  
47 Commissioner Atkinson said, "Let's come and talk to mummy

1 about it", or something like that.

2

3 MS FURNESS: In the event that you couldn't get Sally to  
4 talk to you outside of the confession, I take it,  
5 notwithstanding you're grappling, you would feel unable  
6 to --

7

8 ARCHBISHOP HART: I would feel unable, as a pastor,  
9 because of the expectations of people that I've universally  
10 experienced. I'm not happy, but I am --

11

12 THE CHAIR: If they're the expectations, then work could  
13 be done to change the expectation, couldn't it?

14

15 ARCHBISHOP HART: Conceivably, yes, yes.

16

17 THE CHAIR: "Conceivably" - why couldn't it?

18

19 ARCHBISHOP HART: I don't want to go on and on about this,  
20 but when you're dealing with people spiritually, you have  
21 to establish an understanding of not merely what they are  
22 telling you but what their expectations of this meeting  
23 are. In the most sacred way it applies to the  
24 confessional, but there are all sorts of other ways in  
25 which you're dealing with people. So I would incline  
26 always towards respecting them, but I agree that work could  
27 be done on it. We could clarify it.

28

29 MS FURNESS: Archbishop Fisher?

30

31 ARCHBISHOP FISHER: When a Catholic comes to a priest to  
32 confess, they understand they're talking to God, and the  
33 priest is there to mediate that, to encourage that, to  
34 confirm that. But they think their conversation is to God.

35

36 For a priest to repeat anything that has occurred  
37 during that confession would be a very serious breach of  
38 trust with them and contrary to our understanding of the  
39 sacrament.

40

41 And I'd say even little children have spiritual  
42 rights, if they've come to confession and it all tumbles  
43 out, whatever's in their heart, that they know whatever  
44 they've said, they've said to God and it won't be repeated.

45

46 Now, I know that to people who are not part of the  
47 Catholic tradition or practising going to confession, this

1 sounds strange. But to us, it would be like bugging the  
2 confessional to say the priest can go and repeat some parts  
3 of it to some people but other parts he can't. It's  
4 between that penitent and God. So I'd say my job, then,  
5 with a child who has revealed this, is to persuade Sally  
6 that she has to tell me outside of confession, she has to  
7 tell mum, she has to tell her teacher. "How can I help you  
8 to bring that about?"  
9

10 It's not a choice of either I respect the seal and do  
11 nothing or I don't respect the seal and I go straight to  
12 the police. I find a third possibility in terms of  
13 persuading her to come with me to mummy or to the teacher  
14 or to whoever she will talk to.  
15

16 THE CHAIR: Archbishop, it's not uncommon for stepfathers,  
17 fathers, grandfathers, to be the abuser. The young girl,  
18 Sally, may find it impossible to speak outside the  
19 confessional and go with you to see mum in those  
20 circumstances. It's one of the very common phenomena that  
21 occur. You understand that we've had evidence from some  
22 that you would be able to tell the authorities about  
23 Sally's dilemma with the abuser? You hold to the view that  
24 you can't?  
25

26 ARCHBISHOP FISHER: I do.  
27

28 THE CHAIR: Which means that the child, to your knowledge,  
29 remains imperilled?  
30

31 ARCHBISHOP FISHER: Yes. That's why I will do everything  
32 in my power to persuade the child to come with me to the  
33 police. If they won't go near mum and dad because of the  
34 situation, the child comes with me to the police. In one  
35 way or another, though, I respect that child, whose trust  
36 in adults has already been terribly damaged, and I want  
37 that child to still have somewhere that they think they can  
38 go to talk and I'm going to be trying to use that  
39 opportunity to extricate them from the danger and get them  
40 to go to authorities or a relative or someone that can get  
41 them to a safe place.  
42

43 THE CHAIR: But the question is, if you can't succeed in  
44 that, what do you do?  
45

46 ARCHBISHOP FISHER: If I can't persuade that child of that  
47 option, having tried everything I can, then I believe I'm

1 bound by the seal of confession not to repeat it.

2

3 MS FURNESS: Archbishop Wilson?

4

5 ARCHBISHOP WILSON: In this matter, there are some  
6 differences of opinion. The overarching issue, of course,  
7 is the fact that the seal of confession is a terribly  
8 important value, a supreme value. We think you wouldn't do  
9 anything to destabilise that. So much so that in practical  
10 terms, in being prepared to be a confessor myself, we were  
11 trained never to say anything to anybody about anything.  
12 It was as if the confession you heard just didn't exist.  
13 You weren't allowed ever to talk about who might have come  
14 to confession or the circumstances or anything like that.  
15 So there was this great protective layer around the  
16 experience of confession.

17

18 But since these questions have been asked in the Royal  
19 Commission, I've been talking to people and doing some  
20 study myself, and one of the points that some canonists  
21 make is that the seal of confession applies to sins that  
22 are confessed. If there's other information that you're  
23 given that is not a sin, it doesn't get covered by the  
24 seal.

25

26 Now, I again would need to do more research about  
27 that, but it would seem to me to be plausible, in those  
28 circumstances, that if a child told you this was happening  
29 to them, they're not confessing a sin. They're just giving  
30 you some information about what's happening to them. In  
31 that doctrine, it would be possible, then, to do something  
32 about it.

33

34 In my own practical terms, what I would do would be to  
35 bring the confession process to a conclusion immediately,  
36 just complete the confession, and then go on to have  
37 a little discussion with that person so that I was in  
38 a position to be able to then do something about it. So  
39 I wouldn't ask them to come back at another time.

40

41 I think you have to understand that the seal applies  
42 to that moment when somebody is actually going to  
43 confession. If you can get somebody to talk to you about  
44 those things, even immediately after that confession comes  
45 to an end, then there's no issue, then, about having to  
46 fulfil the seal.

47

1 MS FURNESS: So that if Sally talks to you about having  
2 stolen lollies, the minute she stops speaking about the  
3 lollies and moves to another topic which is not  
4 a confession or is not indicating a sin, notwithstanding  
5 that you're sitting in the same place, nevertheless the  
6 nature of the change of the conversation means it's not  
7 covered?

8

9 ARCHBISHOP WILSON: You'd just bring the confession to  
10 a close.

11

12 MS FURNESS: In your own mind?

13

14 ARCHBISHOP WILSON: Well, no, by the actions you take.  
15 Part of the processes of confession - you have a greeting,  
16 the person comes in, a prayer, then they tell their sins,  
17 then after that statement the priest then says, "For your  
18 penance, go away and say two Hail Marys", or something, and  
19 then a final prayer and blessing and away they go.

20

21 What I would do, then, would be to deal with the sin  
22 part and say, "This is your penance", and give absolution  
23 and bring the confession to an end, and then try to go on  
24 with the conversation about the other matters.

25

26 MS FURNESS: So effectively interrupt Sally telling you  
27 about the abuse so that you could close off the sin and  
28 then continue the discussion?

29

30 ARCHBISHOP WILSON: Well, I think I wouldn't interrupt  
31 her. Once that came out and I had to deal with that, I'd  
32 then, without interrupting her, let her go on, but bring  
33 the confession to a close and then endeavour to continue  
34 the conversation with her about the abuse.

35

36 MS FURNESS: Archbishop Costelloe?

37

38 ARCHBISHOP COSTELLOE: I, like all of us, am grappling  
39 with this. The opinion that the canonists produced that  
40 has been tendered to the Royal Commission about the seal of  
41 the confession only covering the specific sins confessed  
42 isn't what I was taught, and so this is a new area for me  
43 and I think, in the face of new ideas and new theories,  
44 I need to consider it carefully.

45

46 I haven't spoken much to Archbishop Wilson about it.  
47 I am very sympathetic to his approach. One of the things



1 that occurs to me is that - and not everyone agrees with me  
2 on this - not every child will necessarily understand about  
3 the secrecy of the confessional. I would also presume that  
4 if a child comes and tells me that, it's more than likely  
5 that he or she is looking for some help. And so I would  
6 want to help, and I would be inclined, until I'm told that  
7 I can't do it - this is what I would presume would be  
8 a reasonable practice - if a child said to me in the course  
9 of a confession, if it's Sally, about the lollies, and then  
10 she goes on to talk about being abused by her uncle, or  
11 whatever, I would immediately say, "This is a really  
12 serious thing. I think we should talk a bit about this.  
13 Let's stop the confession and let's talk about this and you  
14 can tell me how I can best help you."

15  
16 So I'm trying to understand, if I can, the psychology  
17 of a child who comes with this kind of issue.

18  
19 I would be worried that if I said to him or her -  
20 well, it's Sally, obviously - if I said to her, "Let's  
21 finish the confession and then we can go outside and talk  
22 about it" - I think it needs to be dealt with absolutely  
23 immediately and I would simply say, "Let's stop the  
24 confession now, because I'm not allowed to talk about  
25 anything you tell me in confession, but I want to help you.  
26 Tell me how I can help you." So I would feel, at this  
27 stage of my understanding - I would feel, as long as I had  
28 indicated to Sally that the confession part, not even was  
29 being finished, but was being interrupted, if you like, or  
30 put on hold, while we talked about this issue and  
31 I determined whether she actually was looking for help,  
32 which would be my presumption, otherwise why would she be  
33 telling me - I believe I'm obliged by my commitments as  
34 a priest to be faithful to the Church's teaching on the  
35 seal of confession, but because of that obligation, I also  
36 have an obligation to find every other way that's available  
37 to me to assist.

38  
39 As I've thought about it, this is the procedure that  
40 I would adopt. If, in the end, she said to me, "I don't  
41 want you to tell anybody", my hands would then be tied  
42 because of the seal. That would be my approach at the  
43 moment.

44  
45 MS FURNESS: Thank you. Archbishop Coleridge?

46  
47 ARCHBISHOP COLERIDGE: Theologically, my own understanding

1 is that the seal applies only to the confession of sins  
2 within the sacrament and its celebration. But a lot that  
3 goes on in the confessional is other than that.  
4

5 I served for some time, in my earlier life, in one of  
6 the big central churches of Paris where I sat for about  
7 four hours a day in one of their confessional spaces, which  
8 is like a small glass room, and people came into that space  
9 for all kinds of reasons - perhaps to confess sin and  
10 receive absolution, but for all kinds of things.  
11

12 Well, in my view, only those who came for the  
13 confession of sin - the seal would apply only to them. In  
14 other words, the place itself doesn't tell you much at all.  
15

16 So if Sally came to me and confessed that she'd stolen  
17 lollies, yes, the seal applies to the theft. But if she  
18 then goes on to talk about something which is clearly not  
19 the confession of sin and which is as grave as abuse, then  
20 I think - and here I move from the theological - just by  
21 the way, I would regard things other than the confession of  
22 sin that happen in the confessional as kind of an entrusted  
23 secret, not unlike professional confidentiality, which is  
24 a solemn obligation, but it doesn't have quite the utter  
25 solemnity of the seal of the confessional. There are  
26 different kinds of secret and an entrusted secret is  
27 different from the confessional secret.  
28

29 To move from the theological to the pastoral, I think  
30 a skilled, sensitive pastor would speak to Sally in a way  
31 that would encourage her perhaps gently to speak a little  
32 more, on the understanding that that whole - the Sacrament  
33 of Penance or reconciliation, confession, for a child is  
34 different than it is for an adult. In other words, it has  
35 a catechetical character, a teaching character. So in that  
36 context, to work gently and sensitively with the girl so  
37 that she might tell a little more of her story, and in  
38 telling the story, I would be bound by professional  
39 confidentiality - it would be an entrusted secret, but it  
40 wouldn't necessarily have the same binding force as the  
41 seal of the confessional, because it's not within the  
42 context of the celebration of the sacrament and it's not  
43 the confession of sin.  
44

45 MS FURNESS: Given that, would you feel able to go to the  
46 police with Sally's story?  
47

1 ARCHBISHOP COLERIDGE: If the circumstances were right,  
2 yes, I would.  
3  
4 MS FURNESS: What does that mean?  
5  
6 ARCHBISHOP COLERIDGE: Well, again, if it wasn't going  
7 to --  
8  
9 MS FURNESS: Sally's there. She's telling you she's being  
10 abused by her family member.  
11  
12 ARCHBISHOP COLERIDGE: I'm just trying to think of it in -  
13 yes, I can't think of any reason that might make me  
14 hesitate. Certainly not the seal in that particular case.  
15 But if I had handled it as a skilled and sensitive pastor  
16 working with the child, off the top of my head or in any  
17 other way, I can't think why I wouldn't go to the  
18 authorities.  
19  
20 THE CHAIR: Archbishop, I'm glad you came to that  
21 conclusion, because I was going to test you with  
22 a proposition: if a schoolteacher is told by  
23 a nine-year-old that they're being abused by their father,  
24 uncle, stepfather, would you have any doubt that the  
25 schoolteacher is obliged to go to the authorities?  
26  
27 ARCHBISHOP COLERIDGE: Not at all.  
28  
29 THE CHAIR: Well, is there any difference, then?  
30  
31 ARCHBISHOP COLERIDGE: The only difference is the vast  
32 sensitivity that does surround the sacrament and the seal  
33 that attaches to the sacrament. That casts a somewhat  
34 different light. But in the case where it is not the  
35 confession of sin, in my own view, the seal doesn't apply  
36 strictly and I would face the same kind of obligation,  
37 I think - not identical, but the same kind of obligation as  
38 a teacher.  
39  
40 MS FURNESS: Does that alter the view of anyone else on  
41 the panel? Archbishop Hart?  
42  
43 ARCHBISHOP HART: It doesn't alter my view, because I have  
44 a very deep sense of obligation to people, but it makes it  
45 clearer and helps me see the things that I still grapple  
46 with.  
47

1 MS FURNESS: When you say it makes it clearer, why is it  
2 different from that - why should it be different from that  
3 of a teacher?  
4

5 ARCHBISHOP HART: My belief is that, as Archbishop Fisher  
6 said, this is, if you like, a direct communication with God  
7 and the priest is there as a person facilitating that. And  
8 that's my problem.  
9

10 JUSTICE COATE: Do you think the child is asking God for  
11 help, Archbishop Hart, in that situation?  
12

13 ARCHBISHOP HART: That also is another of my problems,  
14 your Honour.  
15

16 JUSTICE COATE: Just on this topic, we understand that the  
17 Vatican is a signatory to the United Nations Convention on  
18 the Rights of the Child. Are any of you able to articulate  
19 how that convention intersects with this issue when it  
20 comes to the rights of the child as described in the  
21 convention? Archbishop Coleridge?  
22

23 ARCHBISHOP COLERIDGE: Your Honour, I really don't know  
24 the terms of the convention, so I find it difficult to  
25 answer. I'd be very happy to answer if I could be informed  
26 of what specific terms of the convention would intersect or  
27 might intersect with the seal of the confessional.  
28

29 JUSTICE COATE: So does that answer mean that, at this  
30 stage, there's no official information that's being passed  
31 back to bishops or archbishops out of the Vatican to give  
32 you direction on this issue, how you are to respond to that  
33 convention, in the context of the interests of the child  
34 being paramount when decisions are being made such as this?  
35

36 ARCHBISHOP COLERIDGE: Your Honour, the Holy See would  
37 have signed that convention as an entity, an autonomous  
38 entity, as one of the nations, as it were, of the world  
39 rather than in a Church capacity. The Holy See is  
40 represented in all kinds of ways in international fora,  
41 obviously, and this would be one of them, the United  
42 Nations, clearly.  
43

44 As far as I know, there has been no communication from  
45 the Holy See about that agreement with the United Nations  
46 and signing the convention, and I --  
47

1 JUSTICE COATE: And what it might mean theologically?  
2  
3 ARCHBISHOP COLERIDGE: Yes. I mean, it implies  
4 theological questions. Interestingly, the fact that there  
5 are different shades of interpretation evident among us  
6 here suggests that the Church has never officially declared  
7 its position on this question that we're discussing, so  
8 it's within that context I say that I at least know of no  
9 communication from the Holy See about the convention and  
10 how it relates to hearing the confession of a child.  
11  
12 JUSTICE COATE: Thanks, Ms Furness.  
13  
14 MS FURNESS: Yes, Archbishop Wilson?  
15  
16 ARCHBISHOP WILSON: Just one other complicating factor  
17 could be that the child who comes to confession is  
18 anonymous to you; you don't know who they are. Often when  
19 you hear confessions, you don't know the name or any  
20 details of the person whose confession you're hearing.  
21  
22 MS FURNESS: But if you do, Archbishop Wilson?  
23  
24 ARCHBISHOP WILSON: Well, if you do, that's a different  
25 matter and I'd take up what Archbishop Coleridge said.  
26  
27 THE CHAIR: Archbishop, the next step is to ask for the  
28 child's name.  
29  
30 ARCHBISHOP WILSON: Again, your Honour, that's another  
31 difficulty, in that the big commitment that we have in  
32 hearing confessions is you don't ask anybody's name.  
33  
34 THE CHAIR: I understand the dilemma, but that's the  
35 obvious step if the primary concern is for the welfare of  
36 the child.  
37  
38 ARCHBISHOP WILSON: So what we have here is a multifaceted  
39 difficulty that I think we have to, again, ask people to  
40 reflect on further and provide us with further advice, even  
41 if we were to go to the Pope and say, "This issue has been  
42 raised and we'd appreciate the opportunity for further work  
43 and reflection to be done on this." .  
44  
45 COMMISSIONER FITZGERALD: Could I just ask a question.  
46 It's not going to be resolved today in this panel, and  
47 we've had various opinions. Isn't the reality that you

1 have two sacred obligations that are now in conflict? You  
2 have the sacred duty to protect children based on  
3 scripture, the Church's teachings and its commitments to  
4 civil authorities. And you have an equally sacred  
5 commitment to the seal of confession. In a sense, the  
6 Church is in a dilemma, a dilemma that it equally wishes to  
7 protect children and equally wishes to maintain the seal of  
8 confession.

9  
10 From the Commission's point of view, ultimately it's  
11 about recommending what civil requirements should be placed  
12 on institutions, religious or otherwise, and whether or not  
13 there should or shouldn't be exemptions for such things as  
14 the seal of confession. But for the Church itself, it is  
15 that twin dilemma that it now has, and it hasn't yet dealt  
16 with it. Would that be a correct statement, that it is yet  
17 to deal with the dilemma of its own theology, the theology  
18 around the child or the Christology of Christ the child and  
19 the notion of the sacredness of confession?

20  
21 If I'm correct from what you're saying, that is not  
22 a dilemma that has yet been faced and dealt with?

23  
24 ARCHBISHOP WILSON: You're quite correct, and you've said  
25 it better than I was able to say it. That's exactly the  
26 point that I was trying to make, Commissioner.

27  
28 ARCHBISHOP COLERIDGE: If I could just say, too, I think  
29 you have given a very succinct summary of the question, the  
30 dilemma, that is before us.

31  
32 I think it was Commissioner Murray, was it not, who  
33 posed the very penetrating question: what kind of God  
34 would consign a child to that kind of silence that  
35 guaranteed that abuse would continue? That's a very, very  
36 haunting question, and it only serves to make more dramatic  
37 the dilemma that you have put succinctly.

38  
39 COMMISSIONER MURRAY: It leads to a bigger question, and  
40 that is this: in your very senior roles and as five very  
41 able men, you have been through a process of great learning  
42 in this field of child sexual abuse, its impacts, its scale  
43 and its horror. You are in a position, as perhaps are the  
44 Irish bishops and many of the American bishops, to lead the  
45 Vatican as a result of your learnings, which has not  
46 occurred in other countries yet.

1 To what extent, given you directly report to the Pope,  
2 are you likely to push and advocate that your learnings be  
3 understood by the Church and you get some kind of response  
4 in terms of changes to canon law and changes to a general  
5 instruction to its bishops and its priests? Have you the  
6 courage and the fortitude and the determination to do that?  
7

8 ARCHBISHOP COLERIDGE: I think we have the solemn  
9 obligation, which was precisely why, during the last synod  
10 of bishops that I attended in late 2015, it was of these  
11 matters that I spoke. We as bishops go every five years or  
12 so to visit the tombs of the apostles, as we say, Rome, the  
13 Pope, and in preparation for that visit we make a long,  
14 detailed report, and I cannot believe that the themes that  
15 have exercised this Royal Commission won't be right at the  
16 heart of those reports. They certainly will be right at  
17 the heart of my own report, because, as I suggested  
18 yesterday, the issues that we are discussing aren't just  
19 about abuse; they're about the very nature of the Church,  
20 what the Church is and does.  
21

22 The other thing is the Pontifical Commission that was  
23 discussed yesterday I think is another way in which we can  
24 have a very particular voice within the Holy See. It's  
25 a new structure. It will have and has already had local  
26 outreach. So I see that, particularly with the presence of  
27 someone like Kath McCormack on it, as a way in which the  
28 voice of the Australian bishops and others in this country  
29 can be heard in the Vatican.  
30

31 One of the difficulties that the Holy See faces - and  
32 I say this as one who worked there - is that at times these  
33 are people who have never been at the coalface. They  
34 haven't sat down with victims. They haven't heard the  
35 stories. They haven't listened to the pain, and so on. So  
36 to that extent, they're at a certain remove, and as long as  
37 that continues, there will be fumbling, at best, from  
38 people, decision-makers in the Holy See. So I think not  
39 only do we need the courage and the determination; I think  
40 we have a God-given obligation to make our voice and the  
41 voice not just of the bishops but the voice of so many  
42 others in this country heard in places like Rome.  
43

44 ARCHBISHOP WILSON: I would like to say that I think as  
45 a result of our discussions and what has been going on  
46 within the context of the Royal Commission, we don't need  
47 to wait. What we should do now is to immediately prepare

1 some material and send it to the Holy See raising these  
2 very questions. We won't go on an ad limina visit for  
3 another two years or so, but there's no reason why we can't  
4 prepare documentation and send it to Rome as a result of  
5 these discussions and this information, raising the very  
6 questions that are being raised here by the Commission, the  
7 members of the Commission and others who have been present,  
8 and asking for some guidance.

9  
10 I would think that if we were to do that, that would  
11 be taken very seriously and considered very carefully by  
12 the people who are responsible for these areas in Rome.

13  
14 MS FURNESS: Archbishop Fisher, you're a member of the  
15 Congregation for the Doctrine of the Faith?

16  
17 ARCHBISHOP FISHER: I am, yes.

18  
19 MS FURNESS: And you've been in that position for a couple  
20 of years now?

21  
22 ARCHBISHOP FISHER: For two years now, yes.

23  
24 MS FURNESS: What's your experience of the time it takes  
25 for an application from a country like Australia for the  
26 CDF to come to a view and share that view?

27  
28 ARCHBISHOP FISHER: I don't know, obviously, how long they  
29 take, because when issues come to me, I'm just presented  
30 with, "This is the issue. What's your vote? What's your  
31 opinion on it" and there's a number of us --

32  
33 MS FURNESS: Don't you receive paperwork?

34  
35 ARCHBISHOP FISHER: Yes, we're given paperwork as to what  
36 the question is that's being raised, what the opinions of  
37 different theologians who have been consulted are, but what  
38 we don't see is the initiating inquiry, on what date it was  
39 made. But my guess is that when these come in, they're  
40 sent to theologians for opinions, gathered together and  
41 then to us for a vote, and I can't see why that would take  
42 more than a year from start to finish, but that's just my  
43 guess.

44  
45 There could be some matters that are more complicated  
46 that need further fact-finding, but if they're strictly  
47 theological questions, such as we've raised today, that



1 don't require further fact checks, then I would think that  
2 it could be dealt with in the same year that it's raised.

3  
4 MS FURNESS: Ms Devlin said that she or her body had  
5 suggested that the CDF create branches, I think was her  
6 word, so that cases could perhaps be dealt with more  
7 quickly - this is in terms of laicisation - and there could  
8 perhaps be an Australian branch, or she would probably  
9 prefer an Irish branch, where those cases could be dealt  
10 with and therefore more quickly. Is that a matter that has  
11 been considered?

12  
13 ARCHBISHOP FISHER: It has not been considered by me.  
14 I have basically been asked about theological questions.  
15 They are the ones that they consult me on, not on  
16 disciplinary matters like dealing with the laicisation of  
17 priests. But on the face of it, I can't see a problem with  
18 there being regional offices of a Roman dicastery.

19  
20 This Pope is changing a lot of different things in the  
21 structures in Rome and he's enthusiastic about synodality,  
22 about more involvement by all the bishops and all the parts  
23 of the Church, not just by the Roman Curia, and so he could  
24 choose to decentralise some parts of its work. They would  
25 still be ultimately reporting to him. They're there to  
26 help him in his work.

27  
28 MS FURNESS: Thank you. Archbishop Wilson, did you want  
29 to say something about that?

30  
31 ARCHBISHOP WILSON: Yes, Ms Furness. Two points I would  
32 like to make. One is that already the Congregation for the  
33 Doctrine of the Faith, some years ago, made it possible for  
34 courts around the world to be constituted as courts of the  
35 congregation, so that these cases involving major delicta  
36 cases, sexual abuse cases, don't need to go to Rome to be  
37 judged, that they make it possible for them to be judged in  
38 the local Church, because they constitute the court here  
39 and then you use the people and the personnel here.

40  
41 So I wondered what Ms Devlin was saying and how she  
42 didn't know that, because that has been on for a while, and  
43 I know of cases in the United States where those cases have  
44 taken place in the tribunals within the United States.

45  
46 MS FURNESS: Has it happened here, do you know?  
47

1 ARCHBISHOP WILSON: No, no. We haven't done any of those  
2 cases yet, but the possibility is there for that to happen.  
3 So it's a question of utilising the arrangements that have  
4 already been made.

5  
6 MS FURNESS: Is there any reason why it hasn't happened  
7 here? From the various evidence that has been given, there  
8 are quite a few people who are, as I can say, in the  
9 pipeline?

10  
11 ARCHBISHOP WILSON: No, I don't know. I have not been  
12 directly involved with the operation of the tribunal, and  
13 I don't know why those matters haven't been taken up and  
14 dealt with at the local level.

15  
16 MS FURNESS: Can you help us with that, Archbishop Fisher,  
17 at all?

18  
19 ARCHBISHOP FISHER: No, as I said, the area that the CDF  
20 consults me in is on theological questions. These  
21 disciplinary or criminal court matters of the Church - I'm  
22 not a canonist and I wouldn't be brought in on those.

23  
24 MS FURNESS: Thank you. Yes?

25  
26 ARCHBISHOP WILSON: The second point that I would like to  
27 make is that I think in a circumstance like we're in now,  
28 there's no reason why we, the bishops of Australia, can't  
29 get together and prepare material about this with these  
30 questions that have been raised and actually send  
31 a delegation of bishops to Rome to see the Pope.

32  
33 MS FURNESS: What's stopping you doing that? Is there  
34 anything stopping you doing that?

35  
36 ARCHBISHOP WILSON: No, it's just that people have been  
37 talking about doing other things and I'm suggesting that  
38 that's what we ought to do. We can do that efficiently and  
39 quickly.

40  
41 MS FURNESS: Would you do that through the Bishops  
42 Conference?

43  
44 ARCHBISHOP WILSON: Yes, I think so. We'd have to talk to  
45 all the bishops and then arrange something that way and  
46 send a delegation.

47

1 I would imagine that because it's a doubt about law  
2 and about practice, it would end up going to the department  
3 that handles interpretations of legal texts, and so on, and  
4 it wouldn't be CDF that would look at this. It would be  
5 that organisation.

6  
7 But the crucial thing would be to go to Pope Francis  
8 and just explain our dilemma to him, and I'm sure that in  
9 the spirit of his ministry, he would get something done  
10 about it quickly.

11  
12 MS FURNESS: When is the next Bishops Conference?

13  
14 ARCHBISHOP WILSON: The plenary is in May.

15  
16 ARCHBISHOP COLERIDGE: This is certainly something that we  
17 could discuss at that meeting.

18  
19 MS FURNESS: Is anyone here responsible for the agenda?

20  
21 ARCHBISHOP WILSON: We all are.

22  
23 ARCHBISHOP COLERIDGE: We all are, because we're the  
24 permanent committee, so-called, and it's the permanent  
25 committee that decides the agenda.

26  
27 MS FURNESS: I encourage you all to put it on the agenda.

28  
29 ARCHBISHOP COLERIDGE: Thank you.

30  
31 MS FURNESS: Can I turn to a different topic. As you  
32 probably know, there's a mandatory reporting regime --

33  
34 THE CHAIR: Just before you do that, Ms Furness, there's  
35 another issue with the confessional, which I know you've  
36 been expecting would be raised, and that is - it's  
37 expressed in a number of ways, but one of them is whether  
38 or not you would grant absolution to someone who confesses  
39 to abusing a child, and I'd like to know your answer to  
40 that question.

41  
42 The second question is whether you would be prepared  
43 to break the seal and tell the authorities? I suspect  
44 I know the answer to the second, but what about the first?

45  
46 ARCHBISHOP HART: With the first one, in confession you  
47 have to be sure - the condition for granting absolution is

1 that the person is truly penitent. In matters of justice,  
2 the person has to be prepared to make restitution, to make  
3 up for what they stole or whatever. Therefore, I think  
4 those two things would need to come together before I would  
5 grant absolution. In other words, that you knew that the  
6 person was sorry - not just that they were saying it, going  
7 through a charade - and that they were prepared to take the  
8 steps to make restitution. I'd want to know those two  
9 things.

10  
11 THE CHAIR: What would amount to restitution in these  
12 circumstances for you?

13  
14 ARCHBISHOP HART: Well, I mean, I would have a strong view  
15 on that, that because the matter of abuse is so serious,  
16 that they would go to the authorities or seek medical help  
17 or something like that. I'd really want them to go to the  
18 authorities, of course.

19  
20 THE CHAIR: So you would not grant absolution until that  
21 has happened?

22  
23 ARCHBISHOP HART: I would certainly want - unless I were  
24 assured that those steps would be taken, I would withhold  
25 absolution.

26  
27 THE CHAIR: Yes. Archbishop Wilson?

28  
29 ARCHBISHOP WILSON: In about 1805 Pope Leo XII issued  
30 a decree about giving absolution and said that in order for  
31 absolution to be granted, people had to be serious about  
32 what they called the firm purpose of amendment. There has  
33 to be some indication that they are doing all that they can  
34 to stop what they're doing that's wrong. And he gave  
35 a whole range of different categories of that, and the  
36 sexual abuse of children would fit into that, too.

37  
38 So it would be quite part of the practice of the  
39 Church to say to somebody who had confessed that, "You have  
40 to make sure that you do something now and give an  
41 indication to me you've done it before I'll give you  
42 absolution."

43  
44 THE CHAIR: And would that be, "Go to the police and tell  
45 them what you've done"?

46  
47 ARCHBISHOP WILSON: I think so, yes.

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THE CHAIR: Archbishop Fisher?

ARCHBISHOP FISHER: I don't think I can make a condition of absolution that a person incriminate themselves. I think I can exhort them with all my might as confessor that if they're serious about their contrition, their desire to make satisfaction, their desire of a firm purpose of amending their life, given the repetitive nature of this behaviour, they must get medical, psychological, psychiatric help, and that they should take themselves to law enforcement authorities, because they must know, as we must know, that there is a real risk of them reoffending.

So I would exhort them with every way I could as confessor to seek those two types of help. But if they are genuinely contrite by every sign that I can see, then I'll forgive their sin, as I would a terrorist, a murderer, many other very grave matters. I do so probably feeling terribly sick inside about what might this guy do next, but I would be using all power I have to persuade him to a change of life and to seeking the help he needs to change his life, but what I can't do is, to use my analogy from before, effectively bug the confessional on behalf of the state to use it to a way of reporting crimes retrospective or prospective.

THE CHAIR: Archbishop Coleridge?

ARCHBISHOP COLERIDGE: In 1805, there was little or no understanding of addictive or compulsive behaviour such as we now have, and any confessor would have had the experience of absolving addictive or compulsive behaviours.

That said, however, in the case of sexual abuse of children, I would certainly be prepared to withhold absolution. Again, it would need to be handled skilfully and sensitively, but I would not exclude withholding absolution.

That said, too, very often in the confessional you're not quite sure what's being confessed. Someone could come in and confess to having offended against the sixth commandment. Now, you can, I guess, press for more detail, but very often there the reply there would be oblique. So it's not as simple as saying someone comes in and confesses child abuse. I suspect - and that's all it is,

1 a suspicion - that someone who wanted to confess that  
2 addictive or compulsive behaviour would come in and speak  
3 in very oblique terms, which presents the confessor with  
4 another quandary, because pastoral practice would suggest  
5 that it's best not to be an inquisitor in the  
6 confessional - that is one of the points that Pope Francis  
7 has stressed - but sometimes you need to know more. So  
8 it's a fine line when you deal with the reality we face.

9  
10 THE CHAIR: The problems we have seen have been fairly  
11 obvious, in the sense of an offender seeking forgiveness  
12 and it being very clear that the person to whom they're  
13 confessing knows precisely what's going on. Indeed, one  
14 illustration was two paedophiles confessing to each other  
15 and feeling able to then move on and continue to offend.  
16 I should say to you, outsiders to the Church would see that  
17 as a blatant abuse of the process.

18  
19 ARCHBISHOP COLERIDGE: A total abuse.

20  
21 THE CHAIR: That means, I think, like the previous issue,  
22 that there needs to be some clear thinking and clarity and  
23 direction to priests who are confessors about what they  
24 should do. Archbishop Costelloe?

25  
26 ARCHBISHOP COSTELLOE: My view would be very similar to  
27 Archbishop Coleridge. I think particularly now, we have  
28 a much better understanding of the pathology around child  
29 sexual abuse, the compulsive nature of child sexual abuse,  
30 and so it wouldn't be enough for me that someone who had  
31 confessed to that assured me that he would do his best  
32 never to do this again, because of the compulsive nature.

33  
34 So I think it could well be argued that the only way  
35 to be sure that the person is determined never to do it  
36 again is that he is prepared to hand himself in to the  
37 authorities, because even to go for counselling or  
38 something like that, my understanding, anyway, a layman's  
39 understanding of these things, is that these kinds of  
40 inclinations are - what's the right word? - incurable or  
41 whatever the right word is.

42  
43 So if I was looking for assurance that someone was  
44 determined never to fall into this again, my present  
45 thinking would be that the only way I could have that  
46 assurance is if he was prepared to hand himself in. So  
47 I think in that context, our theology of requiring a firm

1 purpose of amendment in this particular case would require  
2 that a person is prepared to hand himself in.

3

4 THE CHAIR: As you know, the issue is clearly on our  
5 plate.

6

7 ARCHBISHOP COSTELLOE: Yes.

8

9 THE CHAIR: All of that points to a direction where we  
10 should be saying, if we may, back to the Church there needs  
11 to be clarity around this issue and priests need to  
12 understand, or confessors need to understand, what they can  
13 and can't do.

14

15 ARCHBISHOP COLERIDGE: Mmm.

16

17 ARCHBISHOP COSTELLOE: If I could say, both in terms of  
18 the issue we talked about earlier, using the example of  
19 Sally and whether or not the seal covers only the sins  
20 confessed, and in terms of this question of withholding  
21 absolution, these are two very specific issues where the  
22 Church must do more work at clarifying its own position so  
23 that those of us who are responsible for the formation of  
24 priests can make sure that our priests are properly  
25 educated in these matters.

26

27 So I think some kind of recommendation from the Royal  
28 Commission - I mean, I can't tell you what to do, but  
29 I think --

30

31 THE CHAIR: Oh, you can try.

32

33 ARCHBISHOP COSTELLOE: But indicating that this has  
34 emerged as a major, major problem and that there is  
35 a certain level, perhaps a high level, of confusion in the  
36 Church about these matters, it needs to be clarified for  
37 everybody's sake.

38

39 THE CHAIR: I know there are divergent views on this final  
40 issue, but I assume each of you would say that you would  
41 feel bound never to go to the authorities yourselves and  
42 break the seal?

43

44 ARCHBISHOP COSTELLOE: That's a solemn obligation, yes.

45

46 ARCHBISHOP HART: Yes.

47

1 ARCHBISHOP WILSON: I was just going to say, your Honour,  
2 that it seems to me that when we're preparing our material  
3 and going to the Pope, we should add this second issue,  
4 too.

5  
6 THE CHAIR: Very much so.

7  
8 ARCHBISHOP WILSON: Yes. So I think that what we would be  
9 preparing is some kind of documentation that raises the  
10 issues that the Royal Commission have put forward to us.  
11 And whilst we would be grateful for your recommendations,  
12 we wouldn't want you to be insulted if we did it  
13 straightaway.

14  
15 THE CHAIR: Not at all. There is one final variation you  
16 might add to your list and that is whether or not, if you  
17 were requiring someone to go to the authorities and they  
18 failed to do so, whether, as it were, in lawyers' language,  
19 the confession process has miscarried altogether, freeing  
20 you from the obligation? Now, that's another complex  
21 issue, I understand, which we can't resolve today, but can  
22 I suggest you add it to your list, because it is one that  
23 has surfaced for us as well.

24  
25 ARCHBISHOP WILSON: Thank you.

26  
27 MS FURNESS: You may not be able to answer this,  
28 archbishop, but is there any expectation of a time frame of  
29 this process? We know the Bishops Conference is May, and  
30 assuming that there was agreement there as to what was to  
31 be asked and in what way, and it was then to go to Rome, as  
32 to when you might expect an answer, given your  
33 understanding of the workings of Rome?

34  
35 ARCHBISHOP WILSON: No, I don't think we would be able to  
36 say anything conclusively about a time frame, but it would  
37 seem to me that just in the beginning of March we have  
38 a meeting of the permanent committee that sets the agenda.  
39 It could do some of the original work so that the material  
40 is ready to be approved by the conference and sent in May.

41  
42 As I said, I thought that this is something that in  
43 fact could be delivered soon after our meeting in May to  
44 the Pope directly in Rome and asking him to expedite it and  
45 deal with it.

46  
47 MS FURNESS: In the event that the answer is received



1 before the Royal Commission completes its work, you might  
2 consider whether you wanted to share with the Royal  
3 Commission the response?  
4

5 ARCHBISHOP WILSON: Certainly.  
6

7 MS FURNESS: Now turning to a different topic, as you, I'm  
8 sure, all are aware, there are different mandatory  
9 reporting regimes across Australia, that is, the  
10 circumstances in which certain prescribed people are  
11 required to report to generally child protection  
12 authorities. In some states, priests are required to do  
13 so. In other states, they're not.  
14

15 Now, the test for what needs to be satisfied before  
16 a report also varies across states, but generally speaking  
17 it's a risk of harm or a significant risk of harm to the  
18 child. I want to ask each of you whether you had a view  
19 whether or not priests and religious should be subject to  
20 the requirement to mandatorily report. Perhaps if I could  
21 start with you, Archbishop Costelloe?  
22

23 ARCHBISHOP COSTELLOE: Yes, my understanding is that it's  
24 not the case in Western Australia at the moment, but  
25 I would be much happier if that law were to be changed.  
26

27 MS FURNESS: Thank you. Archbishop Wilson?  
28

29 ARCHBISHOP WILSON: Yes, I think it should apply to  
30 priests.  
31

32 MS FURNESS: Archbishop Fisher?  
33

34 ARCHBISHOP FISHER: I think it should, with the exception  
35 of the seal of confession, and I think it would be very  
36 helpful to us if it was consistent across the country,  
37 because particularly religious but also some diocesan  
38 priests move from place to place, and I think one regime in  
39 these matters would be very helpful.  
40

41 MS FURNESS: Thank you. Archbishop Hart?  
42

43 ARCHBISHOP HART: Yes, I believe that that's absolutely  
44 essential.  
45

46 MS FURNESS: Thank you. Archbishop Coleridge?  
47

1 ARCHBISHOP COLERIDGE: Yes, agreed, and like  
2 Archbishop Fisher, I would make a plea for coordination  
3 across the nation.  
4

5 MS FURNESS: Archbishop Coleridge, in New South Wales,  
6 there is a scheme called a reportable conduct scheme, which  
7 Archbishop Fisher will be familiar with. That is in  
8 consideration in other states and effectively requires  
9 certain organisations to report matters that include  
10 disciplinary matters to the Ombudsman. Is that something  
11 that you think would be of assistance in Brisbane?  
12

13 ARCHBISHOP COLERIDGE: I must say, having worked under the  
14 system in New South Wales, I think it has much to recommend  
15 it and I would think that Queensland would do well to  
16 consider it.  
17

18 MS FURNESS: Thank you. Archbishop Hart?  
19

20 ARCHBISHOP HART: We have been studying the matter and we  
21 would be very much of the same view, that there are great  
22 advantages in the reportable conduct scheme as in New South  
23 Wales.  
24

25 MS FURNESS: Thank you. Archbishop Wilson?  
26

27 ARCHBISHOP WILSON: I've not had any direct contact with  
28 this, but I know of it, and what I have seen of it I would  
29 think it would be a good thing to do.  
30

31 MS FURNESS: Thank you. Archbishop Costelloe?  
32

33 ARCHBISHOP COSTELLOE: Yes, I would agree, and my  
34 impression is that the New South Wales bishops are very  
35 grateful that this is in place. It's very helpful to them.  
36 I would be very happy to see it in Western Australia.  
37

38 MS FURNESS: Thank you. Archbishop Fisher, also in  
39 New South Wales, as you would be aware, there's a provision  
40 for exchange of information between various agencies in  
41 relation to child protection matters, and no doubt that's  
42 of benefit to your archdiocese?  
43

44 ARCHBISHOP FISHER: That has certainly been helpful to us,  
45 yes.  
46

47 MS FURNESS: In your statement, you referred to a need for

1 guidelines between Catholic religious and the archdiocese  
2 about exchange of information. Is it the case that that  
3 exchange is not covered by chapter 16A of the child  
4 protection legislation?

5  
6 ARCHBISHOP FISHER: I'd need to take legal advice on that,  
7 I'm sorry. It is the case, for instance, that some of the  
8 religious orders that work in our diocese, their  
9 headquarters might be in another state, religious coming to  
10 us might be coming from another state. Again, I think that  
11 kind of exchange, if it were a national expectation, would  
12 certainly assist me here in Sydney.

13  
14 MS FURNESS: I take it that each of you would agree that  
15 if it were to be easier to exchange information of a child  
16 protection nature in each of your archdioceses or states,  
17 you would wish that to occur?

18  
19 ARCHBISHOP COLERIDGE: Very much so.

20  
21 ARCHBISHOP HART: Yes.

22  
23 ARCHBISHOP COSTELLOE: Yes.

24  
25 ARCHBISHOP WILSON: Yes.

26  
27 MS FURNESS: Thank you. One other matter on publication.  
28 In your statement, Archbishop Fisher, you refer to  
29 documents which have been written but not published.  
30 Perhaps if we can turn to paragraph 131 of your statement,  
31 you say there that the policies and procedures that you've  
32 discussed during your statement are in writing and they're  
33 not currently published outside the relevant agency. I'm  
34 not sure who the relevant agency is for that purpose. Can  
35 you help us with that? The paragraph, for the benefit of  
36 those listening, continues that you have asked the  
37 safeguarding office and the vicar general to prepare  
38 a summary statement that might be published on your website  
39 addressing these matters.

40  
41 ARCHBISHOP FISHER: I'd have to take advice on what  
42 matters those refer to, I'm sorry, Ms Furness, but I'll get  
43 back to you in writing if that would be helpful.

44  
45 MS FURNESS: You would agree that as a matter of  
46 principle, policies and procedures that deal with the way  
47 in which the archdiocese considers matters of safeguarding

1 children should be published?

2

3 ARCHBISHOP FISHER: Should be public, I fully agree.  
4 We've published a great many just in the last two years  
5 that I've been in Sydney, and there were many before that,  
6 and I honestly don't know what that refers to there, what  
7 in-house ones there are, I'd rather they were all up on the  
8 internet and out in the public domain.

9

10 MS FURNESS: Thank you. Finally, if I can ask you,  
11 Archbishop Costelloe, to turn to your statement. You refer  
12 in your statement at paragraph 126 to various impediments  
13 to reform.

14

15 ARCHBISHOP COSTELLOE: Mmm-hmm.

16

17 MS FURNESS: In paragraph 126, you talk about a silo  
18 mentality.

19

20 ARCHBISHOP COSTELLOE: Yes.

21

22 MS FURNESS: Describe that for us?

23

24 ARCHBISHOP COSTELLOE: One of the features of the  
25 Archdiocese of Perth, which I suspect is not unique to  
26 Perth, is that we have a great many institutions and  
27 agencies which all have - or it varies from agency to  
28 agency - a quite significant level of independence or  
29 autonomy, and that, in a way, is a putting into practice of  
30 the principle of subsidiarity. So that's a good thing.

31

32 With many of these agencies, we may have two or three  
33 or four, for example, working in the same space. They all  
34 do good work and, in my view, they all should be supported,  
35 but I don't think we're very good at sharing information  
36 with each other - and I'm not talking about issues directly  
37 related to child sexual abuse; I'm talking about the  
38 mindset that sees an agency as a kind of little body of its  
39 own which can operate, generally speaking, under the  
40 leadership of the archdiocese but with this large measure  
41 of independence, and even simple questions like whether or  
42 not we're duplicating things and therefore not using our  
43 resources well.

44

45 So in this statement I'm really referring to the  
46 reality that we have many agencies, some very big, some  
47 very small. They don't always work together or coordinate

1 well together or share information together. I think  
2 that's an unhealthy thing and we're working to change it.  
3 That's really what I was referring to.

4  
5 MS FURNESS: Is CatholicCare one of the larger  
6 institutions or agencies you're referring to?

7  
8 ARCHBISHOP COSTELLOE: We don't have a CatholicCare. We  
9 have a Centacare, which is in many other dioceses called  
10 CatholicCare. It's rather unique in Perth. It's  
11 a separately incorporated body. It operates with almost  
12 total independence from the Church. So it's not - sorry.

13  
14 MS FURNESS: It wasn't one of the agencies you're  
15 referring to?

16  
17 ARCHBISHOP COSTELLOE: Yes and no. It has a much looser  
18 connection to the diocese than would be the case in I think  
19 every other diocese in the country.

20  
21 MS FURNESS: While you say that this is not specifically  
22 in relation to child sexual abuse, you would accept no  
23 doubt that if there was that disconnect, the lack of  
24 exchange of information and inefficiency, that could impact  
25 very badly on properly dealing with safeguarding issues in  
26 your archdiocese?

27  
28 ARCHBISHOP COSTELLOE: Absolutely, yes, yes.

29  
30 MS FURNESS: And from that perspective, I take it that you  
31 would wish to somewhat smartly look at those problems to  
32 see if they can be resolved?

33  
34 ARCHBISHOP COSTELLOE: We are addressing them already.  
35 One of the things we've done is that with all of our  
36 agencies, big and small, that are directly under the  
37 authority of the archdiocese, we now require a written  
38 mandate from me, renewed every three or four years, I think  
39 it is. They have to have boards of management. So there's  
40 a much higher level of accountability than there used to  
41 be.

42  
43 I've appointed a vicar for social outreach, and one of  
44 his tasks - and he's well advanced - is to do a mapping  
45 exercise of all of the agencies that we have and to come to  
46 me with proposals about how and where we might need to  
47 improve the interconnection of these agencies.

1  
2           It's the balance of trying to maintain the legitimate  
3 autonomy and yet not have people going off on their own  
4 without any kind of supervision or control.

5  
6 MS FURNESS: Thank you. The second impediment is  
7 clericalism, and I'm sure you don't have anything to add to  
8 what has already been said about clericalism?

9  
10 ARCHBISHOP COSTELLOE: No. Only that I think it may have  
11 even been Pope Francis that referred to it as a cancer in  
12 the Church. It's a very destructive thing, yes.

13  
14 MS FURNESS: You then refer to - and this is at  
15 paragraph 129 - the absence of obligatory performance  
16 reviews, formal supervision and ongoing professional  
17 development. And you've spoken of that before as well?

18  
19 ARCHBISHOP COSTELLOE: Yes, yes.

20  
21 MS FURNESS: Then you come to some solutions, as you  
22 describe them. Those solutions primarily, I think, are in  
23 paragraph 128(a).

24  
25 ARCHBISHOP COSTELLOE: Yes.

26  
27 MS FURNESS: There you speak of initial and ongoing  
28 formation and professional development, structures of  
29 accountability, provision of counselling and other  
30 assistance to enable people to address issues and the like.  
31 Most of those matters have already been discussed. Are  
32 there any other solutions which you wish to raise?

33  
34 ARCHBISHOP COSTELLOE: Look, I don't want to just repeat  
35 what has already been said. I think there is a major  
36 challenge for us in Perth - in saying that, I would  
37 presume, and I'm quite confident, that it would be across  
38 the Church; we've talked a lot about it here today - and  
39 that is the question of culture.

40  
41           To change the culture is a difficult and slow process,  
42 and I think I've listed quite a number of things that we're  
43 trying to do and I think they will take time.

44  
45           I don't think there's an obvious resistance. I think  
46 it's just a deeply seated thing. We've talked before about  
47 the independence of the clergy, their sense of, you know,

1 their being in charge of their parish and nobody else  
2 should interfere, those kinds of things. They're deeply  
3 ingrained and have a long history, so to change them is  
4 just going to take time.

5  
6 But I think the things I've listed there are all  
7 elements in an overall approach, which will gradually break  
8 down that culture.

9  
10 MS FURNESS: Thank you. Now can I ask each of the other  
11 four archbishops - we know what's in your statement and  
12 we're all very conscious of what has been said over the  
13 last little while. Is there anything in addition to - that  
14 is, new - that you wish to say finally in respect of going  
15 forward? Archbishop Wilson?

16  
17 ARCHBISHOP WILSON: Yes. One of the thoughts that has  
18 occurred to me recently is the fact that part of the silo  
19 mentality is not only within a diocese but from diocese to  
20 diocese, and I have been asking our people in Adelaide to  
21 look around the world and to pick up insights and processes  
22 and so on that we think would be useful to us. That's  
23 something that I've been doing personally, not just in the  
24 area of child safeguarding but all the ways in which  
25 a diocese would operate, looking around to see what other  
26 people are doing and see whether or not we could learn from  
27 that.

28  
29 MS FURNESS: Thank you. Archbishop Fisher?

30  
31 ARCHBISHOP FISHER: I think that this is an endless  
32 project. I don't think at any point are we going to be  
33 able to say we've now done everything we could do or should  
34 do. There will always be things for us to learn. This  
35 Commission will make lots of recommendations to us, and we  
36 will see through, take those very seriously afterwards, but  
37 then the next generation will suggest some more things to  
38 us that we should do.

39  
40 I think one big thing will be for us to be  
41 periodically re-evaluating what we are doing in this area  
42 and learning from other professions, other churches, other  
43 charities, community expectations, government expectations,  
44 and not saying, when we've finally gone through this  
45 gruelling process and heard the recommendations and  
46 responded, "Now we've ticked that box." There's a sense in  
47 which we have to take on that this is a permanent work in

1 progress of getting better and better at this whole area of  
2 child protection and ensuring that those who minister in  
3 the name of the Church are as well formed, chosen,  
4 supported, educated going forward as they can be.

5  
6 MS FURNESS: Thank you. Archbishop Hart?

7  
8 ARCHBISHOP HART: I think if we say that the Church is  
9 about people and about supporting people in a whole lot of  
10 ways, the learnings from here and from other places, other  
11 dioceses, have to be learnings that are taken very  
12 seriously, but learnings in which we continue to learn,  
13 continue to carry things forward again and again and again.  
14 It's a growth process, and I think the Commission has  
15 helped us to face this terrible scourge and to grow in  
16 ourselves and to grow in the quality of what we feel we're  
17 able to offer, albeit humbly, to our society.

18  
19 MS FURNESS: Thank you. Archbishop Coleridge?

20  
21 ARCHBISHOP COLERIDGE: A point I've touched upon a couple  
22 of times is the way in which it's precisely the strengths  
23 of the Catholic Church that became our weaknesses in this  
24 area of abuse, and this is something that has really  
25 exercised my mind a great deal in more recent times.

26  
27 Things like the closeness of clergy to people, that  
28 sense of pastoral intimacy, was a great strength, but it  
29 was precisely that that provided the opportunity for the  
30 abuse. Our massive engagement with young people in our  
31 institutions has been, in some ways, a remarkable  
32 contribution to Australian society, but again it was  
33 precisely that that opened the door to the abuse.

34  
35 The respect for the clergy and for the priesthood as  
36 a gift from God. Clerical celibacy, which has produced  
37 great fruits in many ways but again became dark and  
38 destructive at certain points. The hard-won freedom of the  
39 Church historically in the face of states that sought to  
40 control the Church - that again was one of our strengths,  
41 but it turned to a great weakness. The principle of  
42 subsidiarity, where the Holy See tended to leave it to  
43 local churches. A culture of discretion and  
44 confidentiality that became a culture of concealment, and  
45 then a culture of forgiveness, one of our greatest  
46 strengths, that became negligent in the extreme.



1           So it seems to me the challenge that we are facing  
2 within this society is to embark upon a journey of radical  
3 reform, and we can't do that on our own, and that's where  
4 the Royal Commission is, I think, crucial. In that process  
5 of reform, the challenge would be not to throw the baby out  
6 with the bath water, to build upon our strengths and to  
7 purify them in a way that doesn't allow them to become  
8 the weakness that they've become.

9  
10           Again, I very much hope that the Royal Commission will  
11 be able to help us in that task with its recommendations,  
12 and then to help us accept more and more and more the  
13 truth, again, of what Pope Francis has said, that this  
14 isn't just an era of change. It is a change of era. And  
15 that's the scope of the reform to which we're called.

16  
17 MS FURNESS: Thank you, archbishop. Now, I'm not sure  
18 that I asked each of you about the redress scheme and  
19 whether or not your intention was to become part of it.  
20 Just quickly, Archbishop Costelloe?

21  
22 ARCHBISHOP COSTELLOE: Yes.

23  
24 MS FURNESS: Archbishop Wilson?

25  
26 ARCHBISHOP WILSON: Yes.

27  
28 ARCHBISHOP FISHER: Yes.

29  
30 ARCHBISHOP HART: Yes.

31  
32 ARCHBISHOP COLERIDGE: Yes.

33  
34 MS FURNESS: Thank you. I have nothing further.

35  
36 THE CHAIR: I think the Commissioners have some questions.  
37 Commissioner Milroy?

38  
39 COMMISSIONER MILROY: Yes, thank you. This goes back to  
40 perhaps an earlier discussion around the child in the  
41 confessional, but a broader issue about the child in the  
42 Church in general and the view of children and I guess the  
43 voice and role of children across the Church and its  
44 ministries.

45  
46           Given that working with and understanding children in  
47 the professions takes a lot of study and skill development

1 in order to do it well, and this is quite separate from  
2 a curriculum based on child protection or child safety,  
3 what we heard from some of the evidence last week in regard  
4 to formation was that there was no consistent curriculum  
5 around children or child development or understanding of  
6 children, nor did there seem to be an underlying theology  
7 of the child that underpinned the teaching of how you deal  
8 with children in the Church and its ministries.

9  
10 I'm just wondering whether anyone had a view on  
11 whether this needs to be further developed or there needs  
12 to be some sort of - certainly it was agreed with the  
13 people from the seminaries last week that some sort of  
14 consistent approach at least needed to be applied, but I'm  
15 wondering if a greater degree of development needs to be  
16 done in this area?

17  
18 ARCHBISHOP WILSON: Commissioner, about 12 years ago in  
19 the Archdiocese of Adelaide, we began a new program of  
20 pastoral formation that was based on our view that the  
21 Church is a child-and-family-centred church. We've done  
22 a lot of work on that and one of our theologians, working  
23 with teachers and others, has produced a really good  
24 document on the theology of the child, and that's informing  
25 all that we're doing not just in our educational setting  
26 but everywhere else.

27  
28 We're very conscious of the fact that children are  
29 very special and precious and that there is something about  
30 our beliefs and our faith that gives us a good, precious  
31 insight into how to live and work with them.

32  
33 COMMISSIONER MILROY: Within that document that has been  
34 produced, does that then enshrine perhaps the Convention on  
35 the Rights of the Child within it?

36  
37 ARCHBISHOP WILSON: No, it's not within it, but the  
38 Convention on the Rights of the Child is presumed as being  
39 to the side of that. The commitment to that convention is  
40 something that would characterise all that we do for  
41 children.

42  
43 COMMISSIONER MILROY: Does anyone else want to make  
44 a comment?

45  
46 ARCHBISHOP COSTELLOE: I must admit I haven't given a lot  
47 of thought to this, but it does occur to me that one of the

1 things that's a very strong feature of the Catholic  
2 presence in Australia is its education system, so we have  
3 enormous numbers of very committed and dedicated and  
4 skilled and professional people in the area of every  
5 dimension, really, of working with children, so I think we  
6 have the resources there already to do this. I don't think  
7 we have, certainly not at the national level, but I think  
8 we could do it, because I think we have the resources.

9  
10 ARCHBISHOP COLERIDGE: I think in some ways, Commissioner,  
11 our great strength and even success in some ways in  
12 education can set up a silo effect. We leave it to the  
13 schools, and I think your point about something that  
14 reaches beyond the schools into Church life more generally,  
15 at least from my own point of view, is a very interesting  
16 one. I took note of Archbishop Wilson's point that  
17 Adelaide has produced a document. I would be very keen to  
18 see that, because I think you're on to something.

19  
20 We can say, "Leave that to the schools", but in fact  
21 one of the many things to emerge through the journey of  
22 this Royal Commission is, yes, leave it to the schools, but  
23 not just to the schools.

24  
25 COMMISSIONER MILROY: Thank you. I have another question,  
26 and it also came up from evidence earlier. We understand  
27 that a lot of the circumstances of the past that perhaps  
28 culminated in a number of factors that led to significant  
29 amounts of abuse are different now. For example, we don't  
30 have a lot of the missions or the large orphanages that  
31 existed some decades ago.

32  
33 But there are still some ongoing risks in certain  
34 communities into the future, for example, when we look at  
35 isolated or Aboriginal communities, there may be differing  
36 standards, there may be a different approach, there may be  
37 other complexities that create circumstances which present  
38 a risk for the safety of children.

39  
40 I'm just wondering whether all of your child  
41 protection policies, your safeguarding children education  
42 has paid enough attention to where the emerging risks are  
43 going to be and, in particular, the communities that  
44 present these particular complexities going into the  
45 future? It's really a general question.

46  
47 COMMISSIONER MURRAY: Risk analysis, in other words.

1  
2 ARCHBISHOP WILSON: We have a Bishops Commission, which is  
3 involved with Torres Strait and indigenous peoples. I know  
4 that they have done a little bit of work on that, but we  
5 really need to become more involved in risk analysis in  
6 regard to our relationship with those communities.

7  
8 There is a National Catholic Commission for Aboriginal  
9 and Torres Strait Islanders. It could very well become  
10 something that they would be able to reflect upon. They're  
11 certainly involved with those communities in a very close  
12 manner already.

13  
14 COMMISSIONER MILROY: One of the allied issues that also  
15 came up comes up in private sessions as well. Some of the  
16 discussion that we had earlier this week was that for some  
17 of those remote communities, where historically there was  
18 a lot of control by the church authorities within those  
19 communities, there still remains significant fear about  
20 speaking up and disclosing sexual abuse, and I just wonder  
21 if there have been any additional strategies that have  
22 looked at how to empower people in those particular  
23 communities to overcome some of that fear?

24  
25 ARCHBISHOP WILSON: That's certainly something that we  
26 could hand over to that group and ask them to look at.

27  
28 ARCHBISHOP COLERIDGE: I think it's a historically valid  
29 question, Commissioner, and I would very much like to hear  
30 Bishop Saunders of Broome, who was on one of the panels,  
31 and perhaps Bishop Hurley, who was on the same one,  
32 perhaps, speak about those very issues, because I think we  
33 all recognise the importance of the points you make.

34  
35 Could I just also mention my own concern for some of  
36 the immigrant communities, who address these issues very,  
37 very differently from a cultural point of view.

38  
39 We have spoken about the changing face of the Catholic  
40 community in Australia and it's quite dramatically evident,  
41 but it's not just in Australia; this is happening around  
42 the world. The Catholic Church is going through an epochal  
43 change in its ethnic make-up.

44  
45 So I am quite concerned to do the risk analysis within  
46 some of these communities who are good at telling you what  
47 they think you want to hear, but whether that flows into

1 action I'm just not sure. So there are points of  
2 uncertainty with some of the ethnic communities that  
3 underscore the importance of what you have said.

4  
5 COMMISSIONER MILROY: Thank you.

6  
7 COMMISSIONER ATKINSON: I have two issues, and I would  
8 like to direct the questions to Archbishop Fisher but then  
9 invite anyone else to comment, if they wish.  
10 Archbishop Fisher, the first one was raised by  
11 Counsel Assisting, who mentioned the evidence of Ms Devlin  
12 in relation to accessing pornography through technology  
13 being an emerging risk for clergy, and I think Archbishops  
14 Costelloe and Hart commented.

15  
16 What I want to ask you is, do you think there is an  
17 awareness throughout the clergy that some pornography is  
18 a serious crime - such as child pornography - and that  
19 technically some pornography is legal? Do you think that  
20 awareness exists?

21  
22 ARCHBISHOP FISHER: I would hope so. I would hope our  
23 clergy are at least as aware as the general population is  
24 about the laws around pornography. When I was in the  
25 Diocese of Parramatta, we developed a whole policy around  
26 the use of the new media and use of computers, including  
27 around pornography, and we went through a process with all  
28 our priests in which we told them that the computers owned  
29 by the parish were owned by the diocese, they would be  
30 monitored from time to time, and that there were some  
31 serious crimes to be aware of and there were serious moral  
32 and spiritual issues, as well, even for things that are not  
33 criminal. That policy was published, you'll be pleased to  
34 hear, and I think it is helpful to remind our clergy in  
35 these emerging worlds of Facebook and internet pornography  
36 and the new technologies, that there are whole new fields  
37 for wickedness, too, that we have to be very conscious of  
38 and preparing people to face in a healthy way.

39  
40 COMMISSIONER ATKINSON: So could I ask, then, do you think  
41 there would be no doubt that if a bishop were told that  
42 there was a reliable allegation that a priest was accessing  
43 illegal child pornography, that would be reported to the  
44 authorities?

45  
46 ARCHBISHOP FISHER: I certainly hope so, yes.

47

1 COMMISSIONER ATKINSON: But legal pornography would be  
2 seen as misconduct within the Church structure, would it?

3

4 ARCHBISHOP FISHER: It would, and you'll know in addition  
5 to the Towards Healing protocols dealing with criminal  
6 matters we also have Integrity in Ministry, a set of  
7 protocols around other aspects of life, and they address  
8 quite directly that priests should not be engaging in  
9 misconduct of that sort, that might be legal but would  
10 still be against the sexual ethic of the Church.

11

12 COMMISSIONER ATKINSON: Just taking that one step further  
13 and touching on that important discussion that was had  
14 earlier about silos and sharing information, has that ever  
15 been on the Bishops Conference and has your policy that was  
16 developed at Parramatta been shared with other bishops  
17 throughout the country?

18

19 ARCHBISHOP FISHER: Within this state, this province - and  
20 that's about a third of the dioceses of Australia - we  
21 regularly, our safeguarding officers, meet on a regular  
22 basis, share their protocols. They're often copying them  
23 from each other, so you find the policies very similar one  
24 diocese to another, because one has been used as a template  
25 and perhaps tweaked for particular local matters.

26

27 But I think it probably is another weakness of the  
28 Church in Australia. Often we're each working on the same  
29 issue on our own rather than sharing all our policies and  
30 experience in this area, and not reinventing the wheel.

31

32 COMMISSIONER ATKINSON: Do any of the other archbishops  
33 wish to comment on that topic?

34

35 ARCHBISHOP COLERIDGE: Commissioner, just a couple of very  
36 small points. One is I think there have been clergy before  
37 the courts charged with accessing child pornography, and  
38 that has had a powerful impact I think in bringing to  
39 awareness the strictly criminal nature of that.

40

41 The other thing, you ask about the Bishops Conference.  
42 There has been a subcommittee of the conference examining  
43 all the issues associated with internet pornography. I'm  
44 not sure just how much it has actually achieved, but it's  
45 certainly on the radar screen. It can be a difficult thing  
46 to know what to do with, other than make statements, but it  
47 has been explicitly on the radar screen of the Bishops

1 Conference.

2

3 COMMISSIONER ATKINSON: Thank you. Archbishop Costelloe?

4

5 ARCHBISHOP COSTELLOE: I was just going to comment that  
6 I think this is a topic that is regularly on the agenda  
7 also of the meetings of the seminary rectors. Certainly in  
8 Perth the issue of internet pornography and all of the  
9 issues surrounding it are very much a part of the  
10 psychosexual education program that's part of the seminary  
11 curriculum.

12

13 ARCHBISHOP WILSON: Commissioner, I'm on the subcommittee,  
14 and we did some work about 18 months ago and then, for  
15 a number of reasons, it ground to a halt, but I'm sure that  
16 we'll be ready to attempt to work on it again.

17

18 COMMISSIONER ATKINSON: Yes, it's not an issue, of course,  
19 that's confined to the Catholic Church or any particular  
20 institution.

21

22 The second topic, but again, Archbishop Fisher, could  
23 I ask at the outset, who is on this permanent committee  
24 that sets the agenda for the Bishops Conference?

25

26 ARCHBISHOP FISHER: The metropolitan archbishops and two  
27 or three other bishops.

28

29 ARCHBISHOP HART: Bishop Long and Bishop Hurley.

30

31 COMMISSIONER ATKINSON: So not all seven archbishops?

32

33 ARCHBISHOP COLERIDGE: No.

34

35 ARCHBISHOP HART: The five of us here. Archbishop Prowse,  
36 Bishop Long and Bishop Hurley.

37

38 COMMISSIONER ATKINSON: So the only one missing is  
39 Archbishop Porteous. Thank you.

40

41 Archbishop Fisher, if I could go to paragraph 18 of  
42 your statement and read back to you the first passage of  
43 that, and it's these words:

44

45 *I am determined that those of us in*  
46 *leadership positions in the Church do all*  
47 *we can to ensure that such things never*

1                   *happen again in the Church ...*

2  
3           What I want to ask is - and accepting what you said earlier  
4           in terms that this is a project that has no end and it's  
5           ongoing learning, and some people refer to that in another  
6           sense as constant vigilance, but accepting all of that - do  
7           you have a personal vision of where you would like to see  
8           this go, in terms of where you would like to see it end for  
9           the Church, in maintaining and ensuring the safety of  
10          children and vulnerable people?

11  
12        ARCHBISHOP FISHER:   I think that part of why members of  
13        the Church and others looking in from the outside are so  
14        disenchanted, disillusioned, by our performance in this  
15        area is we should have been a model in this area. We have  
16        such high ideals with respect to children, with respect to  
17        family life, with respect to the powerless and innocent,  
18        and look what happened.

19  
20                What I would like to recover is the community's  
21        confidence that we're there inspiring high ideals in this  
22        area rather than failing them and being hypocrites. So my  
23        vision would be that having had all this scrutiny, and  
24        perhaps having had it earlier and more dramatically than  
25        some others, having learnt what we have learnt, we'll be  
26        able to help others to be better in this area as well as  
27        being the best Church that we can be going forward.

28  
29                That will require continued vigilance, constant  
30        vigilance, as you said, never being complacent, that we  
31        think we've now ticked that box and can move on to  
32        something else, and being ready always to listen to what  
33        other people are saying about us.

34  
35        COMMISSIONER ATKINSON:   And, would you agree, a plan to  
36        get you there?

37  
38        ARCHBISHOP FISHER:   Yes, I think you've seen parts of that  
39        happening in your questions to us, but it could be rather  
40        more integrated and professional than it has been.

41  
42        COMMISSIONER ATKINSON:   In that sense, with those words,  
43        "those of us in leadership positions", would you see a role  
44        for the seven archbishops of the Catholic Church of  
45        Australia to unite together --

46  
47        ARCHBISHOP FISHER:   Absolutely, for the archbishops



1 together, I'd say for all the bishops together, I'd say the  
2 bishops with the leaders of religious orders together, but  
3 also that large and growing pool of lay leaders. It has to  
4 be all of us together, not just one bit addressing this.

5  
6 In my own diocese now, many of my major departments  
7 are led by laywomen. Parallel to my parishes, which have  
8 priests, men, running them, is usually a school, and the  
9 principal is usually a woman. So in many parts of the  
10 Church now, the leaders are laypeople, and we all have to  
11 be involved, so not just seven archbishops, I'd say all the  
12 archbishops, religious leaders and now the lay leaders as  
13 well.

14  
15 COMMISSIONER ATKINSON: Would you accept, though, that  
16 there is possibly a particularly special role for the seven  
17 archbishops --

18  
19 ARCHBISHOP FISHER: Absolutely.

20  
21 COMMISSIONER ATKINSON: -- to provide the first step in  
22 that leadership journey?

23  
24 ARCHBISHOP FISHER: We must. We must, yes.

25  
26 COMMISSIONER ATKINSON: Does anyone else want to comment  
27 on that?

28  
29 ARCHBISHOP WILSON: Just that I believe that's a very  
30 important responsibility that we metropolitan archbishops  
31 have. And I think that in regard to the points you're  
32 making today about taking material to Rome, that's a big  
33 responsibility of the archbishops to decide among  
34 themselves about what we're going to do and then carry it  
35 out.

36  
37 COMMISSIONER ATKINSON: Thank you.

38  
39 ARCHBISHOP COLERIDGE: The other point, Commissioner, and  
40 it's a very practical, rather mundane thing, but most of  
41 the archbishops, certainly those sitting here, have greater  
42 access to resources. You speak of a plan, and I think  
43 absolutely rightly, but a plan is going to cost and a lot  
44 of this is going to cost, but we have the access to the  
45 resources and it really is a matter of setting the  
46 priorities and assigning the resources.

47

1 ARCHBISHOP WILSON: Everywhere except Adelaide.

2

3 THE CHAIR: Justice Coate?

4

5 JUSTICE COATE: Yes, just one discrete matter. We've had  
6 a considerable amount of evidence and discussion about the  
7 need for cultural change, and I think the five of you have  
8 consistently and forcefully agreed that that cultural  
9 change is necessary, although, of course, there are a range  
10 of views about how that's to be achieved.

11

12 I just want to go to one specific area which has  
13 arisen out of the evidence that we've heard about the  
14 difficulties with respect to adequate and proper human  
15 formation. Some of the evidence we've heard has gone to  
16 producing men out of the seminary who have apparently  
17 lacked empathy, lacked compassion, and I think some of the  
18 evidence has been that they haven't had sufficient exposure  
19 to the pain and suffering of various members of our general  
20 community.

21

22 Also on this issue, we've had opinions provided to us  
23 about the need to potentially fundamentally and radically  
24 rethink and restructure that training and formation inside  
25 seminary life, including young seminarians in fact not  
26 living in seminaries at all for extended periods but,  
27 rather, remaining in their own communities and largely  
28 being formed outside the cloistered environment of the  
29 seminary.

30

31 So I want to just raise with the five of you that very  
32 specific issue and ask you, in particular with respect to  
33 the opinions we've heard, about whether or not it would be  
34 better to create the commencement of cultural change back  
35 in the seminary by radically and fundamentally changing the  
36 way in which young seminarians are housed?

37

38 Can I start with you, Archbishop Coleridge?

39

40 ARCHBISHOP COLERIDGE: Yes, your Honour. One of the great  
41 historical ironies in all of this is that before the  
42 Council of Trent, which was the Catholic Church's response  
43 to the trauma of the Revelation back in the 16th century,  
44 one of the problems identified was an ignorant and  
45 ill-formed clergy. Therefore, one of the most practical  
46 and creative reforms of that great reforming council was  
47 precisely to establish seminaries to deal with ignorant and

1 ill-formed clergy in those days.

2

3 But we may be - in fact, we are, I think, at a point  
4 where the Tridentine seminary, the model that came to us  
5 from the Council of Trent, is now an anachronism. We don't  
6 have that model in its fully fledged form now, but we  
7 certainly have elements.

8

9 I am in favour of certainly questioning the seminary  
10 model and moving more towards an apprenticeship model, as  
11 long as we can guarantee that there will be a solid and  
12 effective formation and that we don't end up again with an  
13 ignorant and ill-formed clergy.

14

15 I find it hard to see how we wouldn't need some  
16 element, perhaps even a national element, of preparation  
17 for ordination that might be considered a seminary moment,  
18 but I do think we need, in vastly changed circumstances,  
19 not least of which is the drama that has emerged in the  
20 matters before this Royal Commission, to consider other  
21 models of training for the priesthood and religious life  
22 that would combine both an apprenticeship model with some  
23 element of seminary training for a more intense spiritual  
24 and pastoral formation.

25

26 JUSTICE COATE: Thank you. Archbishop Hart?

27

28 ARCHBISHOP HART: Your Honour, I would resonate with what  
29 Archbishop Coleridge is saying. We need spiritual  
30 training, training in prayer; we need the academic thing.  
31 We need really to beef up the human formation not only  
32 through parish placements, through human relationships, but  
33 in a formal way, and then we need to educate them as to how  
34 to be pastors, give them practical experience.

35

36 Now, how you put the various components together -  
37 I think each of them have their own demands and I think we  
38 have to look at a better way. Already, our seminary is in  
39 the city. They go across to a theological college where  
40 women and men are on the staff and are students. There are  
41 regular placements in schools, in parishes and things like  
42 that, and an extended parish placement. I think we need to  
43 look at how the various ingredients go together.

44

45 However, I just noticed what Dr Gerardine Robinson  
46 said the other afternoon, that there's nothing quite as  
47 successful as observing people over a long period of time

1 to get to know them and to get to assess their progress, so  
2 that's another component.

3

4 JUSTICE COATE: Many professions, of course, deal with  
5 that without having a long period of living in a closed  
6 environment, don't they?

7

8 ARCHBISHOP HART: Yes.

9

10 ARCHBISHOP FISHER: Your Honour, I earlier began to  
11 articulate what I think is changing before our eyes in this  
12 area. At least looking at my own diocese, we've moved from  
13 the monastery on the hill to now the young men living in  
14 small communities in suburban houses together, to my now  
15 sending them to university first, to do a university degree  
16 with ordinary university students, before they do their  
17 intensive theology at the theology college; our having now  
18 a seminary council with people from outside giving their  
19 own judgments on the life in the seminary and their own  
20 views; having external people comment on their performance  
21 when they go out for pastoral placements to lots of  
22 different activities. Over six or seven years in the  
23 seminary, that might be six or seven different placements,  
24 in a parish, in a school, with a community group, with  
25 a prison, whatever.

26

27 So I'm not saying that's perfect by any means, but it  
28 is changing before our eyes, what's happening by way of  
29 formation of seminarians, and I think there's much more of  
30 a sense of them being out in the community when they're  
31 being formed rather than them being extracted to some  
32 special, secret place for it to happen.

33

34 That said, I agree with Archbishop Hart that we have  
35 to make sure they also have a spiritual and moral formation  
36 that's particular to Catholic priesthood and to Catholic  
37 Church leadership and service. One way or another, we  
38 would have to complement whatever is done in the community  
39 to prepare schoolteachers or kindergarten teachers or  
40 others --

41

42 JUSTICE COATE: They're not antithetical to each other?

43

44 ARCHBISHOP FISHER: Exactly. We have to add to that in  
45 some way.

46

47 ARCHBISHOP WILSON: Your Honour, I don't have a seminary

1 in my diocese, so I send my students for the priesthood to  
2 Melbourne, but I have very strong ideas about what I think  
3 needs to happen in terms of their formation.  
4

5 At our local level in Adelaide, we run a program  
6 called the ministry formation program where all of our lay  
7 leaders and our deacons are prepared. Men and women are in  
8 that program. Our idea is that supplementary to what  
9 happens in Melbourne in the seminary, we would expect our  
10 students for the priesthood to participate in that program  
11 as much as they can.  
12

13 The view that I have would be that I think that they  
14 need to be formed together, because that's the Church  
15 they're going to work in. When they come out to the  
16 parishes, they're going to be working with those men and  
17 women who are working as deacons, pastoral associates, and  
18 so on, and they all need to get the same vision and to have  
19 the same pattern of formation before they do that. So the  
20 involvement of people in programs outside seminaries  
21 I think is really quite crucial.  
22

23 In reading about these matters, I discovered that in  
24 the Archdiocese of Paris in France, Cardinal Lustiger, when  
25 he was archbishop, closed the seminary and moved all the  
26 students out into houses, where they were living in  
27 separate, smaller units with priests who were their  
28 formators and being engaged, then, in the local communities  
29 with the families that were part of those parishes there.  
30 I thought that that was a very good model that we needed to  
31 consider.  
32

33 The final point that I would make is that I think that  
34 Australia, given its size, needs to give serious  
35 consideration to actually bringing together all of our  
36 formation programs to make them the best they can be. We  
37 may not be able, in Australia, to sustain all the different  
38 training programs we have, but if we brought them all  
39 together and we had a program that everybody knew and was  
40 staffed and serviced by the best people possible, that  
41 would be a really great help to move us into the future.  
42

43 ARCHBISHOP COSTELLOE: When I was listening to Dr Ranson  
44 in particular talking about seminaries, many of the things  
45 he said made a lot of sense to me. I must say, I became  
46 a little nervous, but I may have misunderstood him, because  
47 I thought he said that we might need to shorten the period

1 in the seminary and then bring the newly ordained or the  
2 priests in their first few years back in for much of the  
3 work that's presently done prior to their ordination.  
4

5 I wouldn't exclude that possibility, but if I could  
6 put it this way, once you're a priest, it's very hard to  
7 get you out, and it's much easier when you're still  
8 a seminarian. So I would be reluctant to see a lot of the  
9 basic formation move past ordination. I think that could  
10 create more difficulties for us.  
11

12 The other thing is, I would agree with what a couple  
13 of the other bishops have said. I used to be a seminary  
14 rector myself for some time, and I spent a lot of my time  
15 as a priest working in formation. It sometimes takes a lot  
16 of time just living with a person - I was in a very small  
17 religious order seminary - and seeing that person in action  
18 in all kinds of different situations and over an extended  
19 period of time, that issues begin to emerge. Some things  
20 can be hidden for a long time but not forever.  
21

22 So I'm just a little nervous about the idea that we  
23 would shift them out into the community, unless, in doing  
24 so, we also managed to find another way of achieving what  
25 we achieved by having them in a seminary where hopefully  
26 well-trained staff are able to monitor the capacity for  
27 growth and development. You take someone into a seminary,  
28 and if he perseveres, he will be ordained six, seven or  
29 eight years later. It can sometimes take that length of  
30 time for problems to emerge or for the realisation that  
31 this person just doesn't have it within him to grow and  
32 develop and widen his horizon.  
33

34 So I'm very sympathetic to the idea that we need to  
35 have our seminarians much more engaged with the local  
36 community. I also think - and this is a reflection on our  
37 own situation in Perth - that whilst we don't do too badly  
38 at this, we need to involve a much wider group of people in  
39 the ongoing discernment and assessment of our seminarians.  
40

41 So I think, as you suggested, it's not actually an  
42 either/or. We can put a lot of these things together.  
43

44 JUSTICE COATE: Thank you.

45  
46 THE CHAIR: Commissioner Fitzgerald?  
47

1 COMMISSIONER FITZGERALD: Just one very brief thing and  
2 I'll just direct it to Archbishop Coleridge. Much of what  
3 we've talked about in the last three weeks and the  
4 responses requires great goodwill within the Church, but  
5 most of us know that goodwill waxes and wanes. The issue  
6 about the Catholic Church in particular is that its canons  
7 and the canon law more generally is its underpinning  
8 structure, or defines the underpinning structure.

9  
10 I don't want to go into the details of what might need  
11 to be changed in canon law. We have heard enough of that  
12 in previous days. I just want to ask this: would there  
13 be a general view amongst the bishops, if you have a view,  
14 that it is appropriate for the Royal Commission to in fact  
15 make recommendations in relation to the canon law, and, in  
16 so doing, are there any concerns within the bishops that  
17 that somehow or another infringes on state/Church  
18 divisions?

19  
20 ARCHBISHOP COLERIDGE: It's a very telling question, and  
21 I would say in reply that it would be very appropriate for  
22 the Royal Commission to make whatever recommendation they  
23 judge to be in the best interests of children and therefore  
24 the best interests of the Church. So I personally, and  
25 I think I speak for the other bishops, would welcome any  
26 suggestions or recommendations that the Royal Commission  
27 would present.

28  
29 There is already a process under way of revision of  
30 what they call Book VI of the Code of Canon Law, which  
31 specifically treats the matters that are before this Royal  
32 Commission. If the Royal Commission, with its vast  
33 experience through these four years and its immense  
34 competence, not just the Commissioners but the staff that  
35 gather around you, could help in that process of revision -  
36 see, the canons are always lagging behind experience. Even  
37 though this code was only formulated in 1983 seeking to  
38 gather up the vision of the Second Vatican Council, 1983  
39 was a long time ago. So the canons are always catching up.

40  
41 Now, I would look to the Royal Commission, even, to  
42 provide us with some of the insight and impetus that will  
43 be required to allow the canons - or to make the canons  
44 catch up with what is vastly changed experience in this  
45 field. So I don't see it as in any way intruding upon  
46 sacred ground which isn't proper to the Royal Commission.

47

1 Now, the Royal Commission may make a recommendation  
2 which doesn't lead to the desired change, but that doesn't  
3 mean to say at all that the Royal Commission shouldn't or  
4 mustn't make the recommendation. I would think on the  
5 contrary.

6  
7 COMMISSIONER FITZGERALD: Thank you.

8  
9 COMMISSIONER MURRAY: I just have one small area left to  
10 cover. What exercises the Royal Commission's mind is how  
11 to make safeguarding children everybody's business, not  
12 just the Church's business, everybody's business.

13  
14 In the development of the social contract between the  
15 Australian people and corporations, corporations came to  
16 understand that they had to have corporate responsibility,  
17 social responsibility, be a good corporate citizen, and so  
18 they developed an understanding that beyond profits and  
19 assets and liabilities, they needed to pay attention to  
20 occupational health and safety, environmental issues, risk  
21 of doing damage to society, and so on.

22  
23 One of the ways they changed the culture of their  
24 organisations was to bring that front of mind by making it  
25 an agenda item for every relevant body that sat in  
26 a corporation, because you're forced to report to it.  
27 You're forced to think about it. You're forced to react to  
28 it.

29  
30 So my question to the five of you is: when you think  
31 of the practical implementation, the practical ways to  
32 change culture, one of the ways to do that is to make sure  
33 that this is everybody's business within your Church and to  
34 make it, as it were, an agenda item for every single  
35 relevant meeting of the Church.

36  
37 I think one of the dangers with bodies like ours, and  
38 perhaps bodies like yours, is that you think at a high  
39 level, at principles and so on. It's the practical  
40 implementation I urge upon you in your planning to  
41 consider, and I don't know yet whether your safeguarding  
42 children item, for instance, is only for the executives of  
43 the organisation as opposed to the parish council, the  
44 local school, the Catholic Education Office - each of your  
45 constituent bodies.

46  
47 I don't know if I'm preaching to people who have



1 already been converted to that, but perhaps it's something  
2 you'd take on board.

3  
4 ARCHBISHOP COLERIDGE: I do think, Commissioner, that  
5 there are some people in the Church, and they are often  
6 extremely good people, who really don't see this as their  
7 business. I agree very strongly with what you've said,  
8 that part of our task as leaders is to try to make it the  
9 business of everyone in the Catholic community, and not  
10 just the Catholic community, either, but to do what we can  
11 to help everyone in society generally to get on board.  
12

13 I think we have to accept the fact that there are  
14 some, for whatever reason, who don't see this really as  
15 their business; it's the business of the bishops or the  
16 clergy, perhaps, but it's not really the business of the  
17 whole community, when in fact I think it is the business of  
18 the whole community, and that needs to be tied down, as you  
19 say, practically and it needs to touch the grassroots and  
20 not to stay in the more rarefied air, shall we say, of the  
21 five archbishops.  
22

23 THE CHAIR: Mr Gray?

24  
25 MR GRAY: I have one question, if I may, your Honour.  
26

27 <EXAMINATION BY MR GRAY:  
28

29 MR GRAY: I'll address it to you, if I may,  
30 Archbishop Hart, as the President of the Australian  
31 Catholic Bishops Conference. For this one question, at  
32 least, you might perhaps speak, as it were, on behalf of  
33 all of the five archbishops on this panel.  
34

35 The question is this: the Royal Commission has now  
36 been engaged in its work for more than four years. In that  
37 time, as we know, there have been numerous case studies and  
38 public hearings into various Catholic dioceses and orders  
39 and institutions. We know that victims in their thousands  
40 have participated in private sessions with various of the  
41 Commissioners. And, of course, we've now had this final  
42 three weeks of hearing specifically involving the Catholic  
43 Church and its response to these issues.  
44

45 Are there any final remarks that you would like to  
46 make to the victims and their families, both those in the  
47 room and those around the country, to the Commission and

1 the Commissioners, and indeed to the Australian community  
2 in relation to the engagement of the Church with this Royal  
3 Commission?  
4

5 ARCHBISHOP HART: Thank you, Mr Gray. Your Honour, I do  
6 really want to sincerely acknowledge the suffering of the  
7 victims and their courage in coming forward and to  
8 apologise again to all those who've suffered, to their  
9 families, to those who continue to suffer, because it's  
10 a terrible, terrible scourge in the life of the Church and  
11 of the community.  
12

13 I think we are very, very grateful to acknowledge the  
14 significance of the work of the Commission at this time and  
15 the huge task that the Commissioners have undertaken, that  
16 their collaborators have undertaken, that all who have  
17 worked to bring this matter and for us to walk with them  
18 into the truth and then into the light.  
19

20 I want to say how much I'm grateful, your Honour, to  
21 yourself and the Commissioners, and to all those working  
22 with the Commission, who have brought us to look so closely  
23 at what the Church needs to be. That's where I see it,  
24 that it's a really significant point of arrival,  
25 realisation, but a point of departure and collaboration,  
26 and I do await the recommendations of the Commission, which  
27 we will take very, very seriously and honestly.  
28

29 MR GRAY: May it please the Commission.  
30

31 THE CHAIR: Do you have anything, Ms Furness?  
32

33 MS FURNESS: Nothing arising. However, I do need to  
34 tender a number of documents, your Honour.  
35

36 THE CHAIR: Perhaps I should, first of all, thank each of  
37 you. I know that some of you have given your time on more  
38 than one occasion to the work of the Commission, but we are  
39 grateful to all of you for the thoughtful contribution you  
40 have each made.  
41

42 In expressing the Commission's thanks, I should also  
43 at this point express our thanks to the Truth, Justice and  
44 Healing Council. The Commission has worked well with the  
45 Council. We appreciate the efforts which the Council and  
46 the constituent bodies of the Church have gone to to ensure  
47 that the case study work that we've done, the research

1 we've done and the general inquiries have borne significant  
2 results. We don't underestimate the effort that has been  
3 involved in that work, and we are very grateful that it has  
4 been done and it has been of assistance to the Commission  
5 in our work.

6  
7 Now it just remains for me to say to each of you,  
8 finally to you, Archbishop Coleridge, you are excused and  
9 you may step down.

10  
11 MS FURNESS: Thank you, your Honour. Does your Honour  
12 wish the witnesses to leave?

13  
14 THE CHAIR: They can leave or stay. How long will you be?

15  
16 MS FURNESS: I will be about two minutes.

17  
18 THE CHAIR: Perhaps you'd like to stay there just for  
19 two minutes, and then we can all go.

20  
21 MS FURNESS: Firstly, I need to tender what was not  
22 tendered the other day with tab 539 of exhibit 50-011. If  
23 I can formally --

24  
25 THE CHAIR: So how should I describe it?

26  
27 MS FURNESS: You don't need to, I think, describe it in  
28 any way. I'm just indicating that that tab, which was not  
29 tendered as part of exhibit 50-011, will now be part of  
30 exhibit 50-011.

31  
32 THE CHAIR: Very well.

33  
34 MS FURNESS: Secondly, I'd like to tender a bundle of  
35 documents, which we call the CCI documents, which have been  
36 put together in relation to matters concerning Catholic  
37 Church Insurance.

38  
39 THE CHAIR: They will be exhibit 50-012.

40  
41 **EXHIBIT #50-012 BUNDLE OF CCI DOCUMENTS**

42  
43 MS FURNESS: Next, I tender a bundle of documents in  
44 relation to the Society of St Gerard Majella.

45  
46 THE CHAIR: They will be exhibit 50-013.

47

1           **EXHIBIT #50-013 BUNDLE OF DOCUMENTS IN RELATION TO**  
2           **THE SOCIETY OF ST GERARD MAJELLA**

3  
4           MS FURNESS:    In relation to exhibits 50-012 and 50-013,  
5           there is a process of redaction continuing, and they will  
6           be published on the website when that process completes.

7  
8                        Exhibit 50-003 were various CVs and precisés of  
9           relevant witnesses.  Could I just indicate that they have  
10          been added to as we've received more and there have been  
11          different witnesses called, so that will be a complete  
12          exhibit available with all of the witnesses' precisés and  
13          CVs, including those of the Pontifical Commission members  
14          who gave evidence.

15  
16                       Next, Commissioner Murray sought some information in  
17          the community services panel in relation to the Australian  
18          Charities and Not-for-profits Commission.  That material  
19          has been delivered, and I tender that.

20  
21          THE CHAIR:    That will become exhibit 50-014.

22  
23           **EXHIBIT #50-014 INFORMATION IN RELATION TO THE AUSTRALIAN**  
24           **CHARITIES AND NOT-FOR-PROFITS COMMISSION**

25  
26           MS FURNESS:    Finally, I tender the response from the  
27           Truth, Justice and Healing Council to my request in  
28           relation to the intention of publishing statistics of the  
29           type referred to in the United States material.

30  
31          THE CHAIR:    So this is a letter, is it?

32  
33          MS FURNESS:    Yes, effectively.

34  
35          THE CHAIR:    All right, we'll mark that letter as 50-015.

36  
37           **EXHIBIT #50-015 LETTER FROM THE TRUTH, JUSTICE AND HEALING**  
38           **COUNCIL IN RESPONSE TO REQUEST FROM MS FURNESS IN RELATION**  
39           **TO THE INTENTION OF PUBLISHING STATISTICS OF THE TYPE**  
40           **REFERRED TO IN THE UNITED STATES MATERIAL**

41  
42           MS FURNESS:    I'm sorry, there is one additional and that's  
43           a submission from Father Chalmers.  He was unable to attend  
44           for ill health but has provided us with some material.

45  
46          THE CHAIR:    We'll mark that as exhibit 50-016.

47

1           **EXHIBIT #50-016 MATERIAL PROVIDED BY FATHER CHALMERS**

2  
3           MS FURNESS:   Thank you.  There are two additional matters.  
4           Firstly, the evidence in relation to Case Study 44  
5           concerning John Joseph Farrell has not completed.  Finally,  
6           I don't propose, your Honour, that there be any submissions  
7           arising out of this hearing.

8  
9           THE CHAIR:   Very well.  That brings the hearing to an end  
10           and we'll adjourn, but adjourn until when?

11  
12          MS FURNESS:   Monday week.

13  
14          THE CHAIR:   Monday week.  Very well.

15  
16          <THE WITNESSES WITHDREW

17  
18          **AT 3.57PM THE COMMISSION WAS ADJOURNED**  
19          **TO MONDAY, 6 MARCH 2017 AT 10AM**

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