

TRANSCRIPT

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

Inquiry into the handling of child abuse by religious and other organisations

Melbourne — 27 May 2013

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Cardinal G. Pell, Archbishop of Sydney.

The CHAIR — In accordance with the guidelines of the hearings, I remind members of the public gallery that they cannot participate in any way in the committee's proceedings. Only officers of the Family and Community Development Committee secretariat are to approach committee members. Members of the media are also requested to observe the media guidelines. I ask that you all have your mobile phones either turned onto silent or turned off. I also remind members of the public gallery that the proceedings will be conducted in silence.

On behalf of the committee I welcome Your Eminence Cardinal George Pell from the Catholic Archdiocese of Sydney and former Archbishop of Melbourne. All evidence taken by this committee is taken under the provisions of the Parliamentary Committees Act, attracts parliamentary privilege and is protected from judicial review. Any comments made outside the precincts of the hearings are not protected by parliamentary privilege. Witnesses may be asked to return at a later date to give further evidence if required.

All evidence given today is being recorded. Witnesses will be provided with proof versions of the transcript. Please note that these proceedings are not being broadcast on the parliamentary website but that some media outlets may broadcast some of today's hearings.

We have a large number of people interested in today's proceedings, and I welcome all of you. Under our terms of reference we have been requested to look at policies and procedures within religious and non-government organisations as to whether there are systemic practices within those organisations that prevent reporting to appropriate authorities or have contributed to the abuse of children, and whether changes to the law or to practices, policies and protocols are required to help prevent the criminal abuse of Victorian children in the future.

Thank you, Cardinal Pell, for providing your submission to the committee and for a number of additional documents, which the committee received on Friday evening. The committee would like to ask you about a number of issues that have been raised throughout the course of this inquiry. Following questions you will have an opportunity to make a brief statement to the committee. Could you please identify to the committee the support people you have with you today?

Cardinal PELL — Certainly. They are Danny Casey, the business manager from Sydney; Katrina Lee, in charge of our media; Jennifer Cook, the in-house lawyer for the archdiocese, a part-time position; and Michael Casey, my secretary. All of them are married people with children, keen to help us in the fight against this problem.

The CHAIR — Thank you for that clarification. During the course of this inquiry the committee has heard from many people through written submissions and appearances before this committee at public hearings and in-camera sessions. As I said, we have also received a number of written submissions, and we are still receiving those. The committee has looked at many documents and gathered a significant amount of evidence.

The evidence is quite clear: criminal sexual abuse of children happened under the watch of the Catholic Church and it was covered up. In fact, Cardinal Pell, these facts are not in dispute, as was conceded by your successor, Archbishop Hart, when he came before this committee last Monday. It appears, therefore, that the leadership within the Catholic Church has been misdirected and geared towards the protection of the church and its assets. I would like to start today with this notion of leadership and the direction that the Catholic Church will take into the future.

I would like to draw your attention to the press conference you conducted following the announcement of the royal commission last year at which you said you were only the bishop of a diocese but you acknowledged that you have a moral authority more broadly within the church. Do you therefore agree that people view you as the face of the Catholic Church in Australia and have done for some time?

Cardinal PELL — Thank you for the question; I am happy to respond to it. I would like to say that I asked to make a brief opening statement of 2 or 3 minutes. That was denied to me, although I gather it had been extended to others.

The CHAIR — Cardinal Pell, I will just stop you there. Yes, I did get that request. We have heard from many people, and it is true that victims, experts and other witnesses we have had before us have made a statement to us, but anyone who has dealt directly with children, including organisations, has made their

statement at the end. So this is in terms of consistency. You will have an opportunity to make a statement at the end of the hearing.

Cardinal PELL — My point is that if it is part of a consistent policy, I fully accept it. I would just like to say that I am happy to accept the invitation of the Premier to say that I am fully apologetic and absolutely sorry, and that is the basis for everything that I will say now.

The CHAIR — Thank you for that. Could I return you to my question in relation to your position within the Catholic Church and how you are perceived?

Cardinal PELL — There are two questions: one is how I am perceived and the other issue is what the reality is. I do concede that I am one of the better known public faces of the Catholic Church in Australia. I am the senior Catholic bishop in Australia in this sense: I am archbishop of the oldest diocese and I am also a cardinal. A cardinal is an office of the diocese of Rome, so I have a church in Rome. The cardinals are the advisers to the Pope. Our big role is to elect a new Pope when a Pope dies.

Within Australia I only have jurisdiction within my diocese. I have very limited powers in extreme situations as Metropolitan of New South Wales, but they are very limited. I am not the Catholic Prime Minister of Australia; I am not the general manager of Australia. The Catholic Church is — and I will come back to this perhaps later — a very interesting example of a flat organisation. The bishops are answerable to the Pope via the congregations in Rome.

The CHAIR — Thank you for that. We have heard from many witnesses who have described the structure of the church. At times it has been described as a structure of convenience due to the nature of how the dioceses are structured and how archbishops have carriage of those particular dioceses. Can I take you to another point then.

Cardinal PELL — Would you like me to say a further word on the point you just raised?

The CHAIR — You can answer that; I am happy for you to answer that.

Cardinal PELL — The church is, as you well know, a very old organisation. Just as in our democracy we have a separation of powers, in the Catholic Church the system is arranged so that no local leader has complete and unfettered authority in the area. For example, I mentioned that my authority is limited to my archdiocese, but even within the archdiocese religious orders answer directly to Rome. That was one of the fights that Mary MacKillop, our first saint, had. She wanted her religious order to be independent in the sense that it could appeal to Rome. Some of the bishops wanted her to be under them. Mary MacKillop appealed to Rome and she was vindicated. One of the functions of Rome is to ensure that justice is done in the dioceses.

The CHAIR — Thank you for that clarification. Technically you are only the head of the archdiocese of Sydney but you are perceived as the head of the Catholic Church in Australia. Would you agree with that?

Cardinal PELL — Yes, and that is a mistaken point of view, which I have endeavoured many times to clarify. Still people will write to me about problems in this part of Australia or that part of Australia, and I always refer them back to the appropriate authority.

The CHAIR — But do you agree that you are perceived, with statements that you might make — I mean you appear on television programs and various other media outlets. You would understand that many would perceive your attitudes as very likely to be influential both within the church and outside the church; would you agree to that?

Cardinal PELL — I cannot answer about how people would feel about what I am saying. I think it is not an unreasonable hypothesis. What I have consistently tried to do is to explain the limitations of my authority.

The CHAIR — Thank you very much. I would like to move on then. In relation to this issue that we are dealing with, why do you think there have been so many instances of abuse within the Catholic Church?

Cardinal PELL — That is a very good question, a very profound question. A lot of work has been done attempting to answer that, especially in the United States, and we have done a bit here. Professor Parkinson makes the interesting — a very basic point on the frequency of incidents and the frequency with which those

incidents are reported. It is possible but not absolutely certain that those two figures come pretty closely together, because we have had 25 years of intermittent hostility from the press, which has had a beneficial effect of encouraging us to deal with it.

One big factor is, of course, we deal with an enormous number of children, probably more children than all the other churches put together. For example, in the archdiocese of Melbourne when I was here there were 140 000 students. Why is there so much? Well, there is too much — I will come back again to talking about that. It peaked, at least in this part of the world, in the 1970s. It has dropped away dramatically. But one of the suggestions is that it is because of the celibacy of the clergy. That might be a factor in some cases. Two final points just at this stage: as we all know, of course, most of the paedophilia is acted out outside institutional settings and by married people, so marriage is no necessary deterrent to the paedophilia; also — and I am sure we will come back to this — the entry procedures, the criteria, the searching and the investigation of candidates back, say, in the middle of last century was much too loose.

The CHAIR — Thank you for that. With that in mind and how you are perceived across Australia, I would like you to reflect on your very public expression of support for Father Gerald Ridsdale, which has been well reported, notorious as one of Australia's worst paedophiles. You walked with Ridsdale as he entered the Melbourne Magistrates Court — 20 years ago to the day — on 27 May 1993. This was Ridsdale's first appearance in court, and on that occasion he pleaded guilty to 30 charges relating to sexual offences committed against nine boys aged between 12 and 16.

Presumably you were well aware of the nature and number of offences involved at that time, and you certainly knew of the offences that he committed against his nephew, who I understand sought to get some advice from you just a few months prior to that court appearance. You have made mention of this in your submission to us — on Friday. But at the time when you were asked about appearing with Ridsdale you said that Ridsdale had made some terrible mistakes and accompanying him was 'simply a gesture on my part'. Can you explain to the committee what you meant by 'terrible mistakes'?

Cardinal PELL — Yes, there were many, many crimes — terrible crimes.

The CHAIR — So why did you not just say, 'He committed terrible crimes', and not 'terrible mistakes'?

Cardinal PELL — It was just an expression on my lips. I did not mean in the slightest to suggest that they were not criminal. Obviously it was before the courts.

The CHAIR — And that is true. Do you understand therefore when repeated criminal sexual assaults of children over many years are 'mistakes', as you had described it, whether terrible or otherwise, that is grossly offensive to those many victims who were victims of Ridsdale and to many other victims who were also subject to paedophile priests?

Cardinal PELL — Could I say a word or two to set this in context?

The CHAIR — By all means.

Cardinal PELL — Thank you. This was 20 years ago. I knew there was a very significant number of offences. I did not know the details of those offences. I knew that Ridsdale was pleading guilty. His lawyer asked me to appear in court before him. I discussed this. I asked Archbishop Little and the curia about this, and they said it would be appropriate to do it. It would have been better if I had other advice, but I was the one who made the decision.

When I went to the lawyer's chambers beforehand, I said to him, 'I am not going to say that he has not done these things. I am not going to impugn the integrity of the witnesses, and I will say that he has done enormous damage. All I would be prepared to say is that as well as that damage he has done some good things'. The lawyer said, 'Well, you know, would you walk down to the court with him?'. Now, I said yes.

One of the roles of a bishop is always within the bounds of justice to support the priests — within the bounds of justice. I had been with him for 12 months, I did not know him particularly well and I so accompanied him. I realise that that was a mistake. Because I have always been on the side of victims I did not realise that the

atmosphere was such that such a demonstration of support would be translated as hostility or scepticism towards the victims. Now that was never my intention, and it has never been the way I have acted.

The CHAIR — Cardinal Pell, you just said you did not know him particularly well, but it is our understanding that you lived with him for 12 months. Is that not the case?

Cardinal PELL — Yes, and that is obviously two things. I am well aware of that, and I acknowledge that, but I was not in any sense a close friend of his.

The CHAIR — That is another issue in relation to that relationship you had with him and what he was doing at the time in Ballarat. You also said that the lawyers said it was appropriate to do it.

Cardinal PELL — To do what, I am sorry?

The CHAIR — To accompany him.

Cardinal PELL — He asked me to.

The CHAIR — The lawyers asked you to accompany him, and you just said that they said it was appropriate to do it. I think that is what you just said.

Cardinal PELL — He would not have asked me if he did not think it was appropriate.

The CHAIR — That is what I want to understand. Why did he think it was appropriate? Was it because you were an auxiliary bishop and you had some standing within the Catholic Church and within the community? Why would they ask you to do it, or why did they think it was appropriate?

Cardinal PELL — That is a good question. Obviously the fact that I had some standing, perhaps to show that Ridsdale was not alone. You see, at that stage nobody knew — or at least I certainly didn't — the full extent of what proved to be an infamous career. I did know that there was a very significant number of charges, but I had no idea about all the other things that would unfold.

The CHAIR — He had 30 charges relating to sexual offences committed against nine boys aged between 12 and 16.

Cardinal PELL — That is right.

The CHAIR — Quite a litany. You must have known that Ridsdale was walking into court, as you said, pleading guilty to those criminal sexual assaults against children. Yet only six months ago at that press conference that you held following the announcement of the royal commission, you described it as an act of 'priestly solidarity', and you referred to that to me just a few moments ago. Could you explain to the committee what that actually means? What does 'priestly solidarity' mean?

Cardinal PELL — I think I have tried to explain that. Certainly it was as a bishop, as a priest, and within the bounds of justice that you can give support to a person like him. As a general background, I had a principle that any time I was asked to go to court on behalf of one of my parishioners I generally did. I always said, 'I am here just to say that there is a good side to this person, and I support them to the extent that is compatible with justice'. I certainly never intended — and I made that quite clear to him and the lawyers — to aid and abet or to dodge the issues. He was pleading guilty, and I realised that.

The CHAIR — But how could you say that and have that view knowing that he had committed so many criminal offences against children?

Cardinal PELL — Priests regularly visit people in jails. He was at the absolute bottom of the pile with these — I intended no disrespect to the victims. I understand now that they perceived it — and probably rightly — as such, but I did not at the time.

The CHAIR — Did you not understand the insensitivities that showed not only to the victims but to his nephew, who at the time had gone to you some months previously, asking for advice, knowing that you were a family friend?

Cardinal PELL — I do realise very clearly now how upsetting that would have been to David.

The CHAIR — How could you support both? How could you support Ridsdale, who had committed all those crimes, and support the victim of a perpetrator?

Cardinal PELL — My support for him was limited. My sympathy — —

The CHAIR — Your support to who? Support to Ridsdale or support to the nephew?

Cardinal PELL — To the priest. My support to the perpetrator was limited. It was expressed as far as it goes. I drew strict limits to it. My sympathy for all these victims is total.

The CHAIR — Can you not understand then the insensitivities, again, of the actions, and how completely inadequate that explanation is to victims even today?

Cardinal PELL — I am not sure that I would use the word ‘insensitivity’. I regret if the explanation is found to be inadequate. It is a true explanation, and I regret that it has caused such angst amongst victims. It was never intended to provoke that.

The CHAIR — I think I am trying to describe to you how the nephew, David, must have felt, and how insensitive those actions of yours, walking with Ridsdale to court and the subsequent comments you have made — would you agree?

Cardinal PELL — Yes, David said many different things at the time, but there is no doubt — I am not sure that he has ever mentioned that particular activity of mine as incensing him. I might be wrong on that, but the general reasons he has given for being cross with me was the conversations we had on the phone.

The CHAIR — Cardinal Pell, he might not have said ‘insensitive’, but from many witnesses and others that we have heard from, there are insensitivities that they feel about that action. But I — —

Cardinal PELL — My problem is not with the word ‘insensitive’. What I am pointing out is that I do not recall David — —

The CHAIR — I am not suggesting David did use that word.

Cardinal PELL — No, no, that is not my point either. I am not suggesting that David claimed that my walking with his uncle was what provoked him. What he said on the television was that — well, he said different things, but one of the things he said was I offered him this and I offered him that. It was my reaction to his telephone call is what he has generally said has provoked his dissatisfaction, and I regret that. I was a family friend and am a — I have not seen them for years, but I wish them well.

The CHAIR — I would like to move on to another area. I understand there was a special issues committee that was established in the archdiocese in 1988. Could you explain to the committee why it was established?

Cardinal PELL — Yes, I can; because there were no protocols and no procedures in the archdiocese before that. In 88 people were trying to come to grips with this and they put into place — was it a special issues committee? Then nationally they drew up some rudimentary protocols in 92. I suppose it was a recognition that things had not been handled well and we needed to do better.

The CHAIR — That was established, and the composition and function was really about identifying that there was an issue, things had not been done very well, so that was the reason for it to be established. Is that right?

Cardinal PELL — No, I would imagine the basic reason would have been to help the victims. Certainly it was not just a committee to protect the church. That has never been our policy, even if that was sometimes listed as a first priority. The desire was always, however ineffectively, to try to obtain justice for the victim.

The CHAIR — As auxiliary bishop, were you involved in setting up the process? Is that what you are saying?

Cardinal PELL — No.

The CHAIR — Did you have any input into the setting up and establishment?

Cardinal PELL — Very little. When I was Auxiliary Bishop of Melbourne I was not a part of the system or procedures for dealing with paedophilia. As Archbishop of Melbourne, as Archbishop of Sydney for 17 years, I have had an important role in implementing the procedures and systems. As an auxiliary bishop I certainly did not.

The CHAIR — In 1988 the church was very well aware that there was a major problem with paedophilia within its own ranks. Is it fair to say that?

Cardinal PELL — Yes. I do not think anybody then had a recognition of the full extent that would emerge, but it was in the press. There was certainly a recognition that it was a problem, and we had heard about terrible situations, for example, in Canada.

The CHAIR — In *Facing the Truth*, the submission we received from the Catholic Church here in Victoria, it says that:

In December 1988, the Australian Catholic Bishops Conference ... considered the implications of allegations of criminal behaviour ... made against clergy and religious.

It also established that special issues committee off the back what was going on in Canada, as you have just said, and also what was happening at a national level. So right across Australia within the Catholic Church this was being considered as a significant national problem. Is that true?

Cardinal PELL — It was an emerging problem; certainly we recognised that.

The CHAIR — In December 1992 you referred to a rudimentary protocol that was established and adopted for dealing with allegations of criminal behaviour by clergy?

Cardinal PELL — That is right.

The CHAIR — Were you part of the decision to adopt the protocol in your position as Auxiliary Bishop?

Cardinal PELL — I had a vote at the conference, and I exercised that vote in favour of that.

The CHAIR — Was it because of that issue that you say was emerging that was the reason for the adoption of the protocol?

Cardinal PELL — Yes.

The CHAIR — Thank you. I would like to move on to another area then, if you could speak to a number of questions. At the time you were appointed Archbishop of Melbourne — could you confirm the date to the committee?

Cardinal PELL — It was certainly 96. It might have been 30 October — it might have been. It was certainly 96. No, it was not; it was three months before that.

The CHAIR — August?

Cardinal PELL — August, yes.

The CHAIR — August 1996 until 2001, until your appointment?

Cardinal PELL — That is right.

The CHAIR — Thank you. So at that time that you were appointed there was knowledge that records had begun to be kept by Monsignor Cudmore in accordance with the 1992 protocol and that an increasing number of complaints were being received.

Cardinal PELL — That is right. I would like to put on record how conscientious and serious Monsignor Cudmore was at that time under the leadership of Archbishop Little. Archbishop Little never impeded him in any way. It was not a satisfactory situation because he was supposed to be running the diocese

as well. You would say in retrospect at least on a couple of occasions that things were not done as we would do them now, but I do want to put on record just how hardworking and conscientious and how much he tried to help victims — Monsignor Cudmore.

The CHAIR — Thank you. I would also like to confirm with you that between 1978 and 1996 there had been 59 complaints made regarding 19 priests, and between 1992 and 1996 there had been 47 complaints made regarding 18 priests. That is the information we have received from the Archdiocese of Melbourne. Is that your recollection of those numbers?

Cardinal PELL — Yes. I do not recall those precise numbers. I do have a set of numbers in my head which come at it from a slightly different angle, but if the Archdiocese of Melbourne has said that, I accept it.

The CHAIR — You are not disputing that, but you have a different set of numbers?

Cardinal PELL — I probably have the same set of numbers in slightly different categories.

The CHAIR — That the archdiocese had not settled or resolved any claim for damages or compensation for victims alleging child abuse involving priests in the archdiocese?

Cardinal PELL — Before 96 — yes, that is right.

The CHAIR — That 35 writs which were still outstanding had been issued against the archbishop?

Cardinal PELL — I did not know it was 35, but yes.

The CHAIR — That four notorious paedophile priests — Glennon, Ridsdale, O'Donnell and Gannon — had all been convicted of many criminal sexual offences against children?

Cardinal PELL — That is right, yes. Ridsdale was not a Melbourne priest, but that is absolutely true.

The CHAIR — We understand he was in Ballarat and elsewhere — that some priests who had been the subject of complaints of conduct amounting to criminal conduct had fled the country. Were you aware of that, and can you name them?

Cardinal PELL — The only one I can name is Ridsdale, and — —

The CHAIR — Did he flee the — —

Cardinal PELL — Not Ridsdale, Pickering.

The CHAIR — Yes, so Father Pickering and Father Chalk — would you agree?

Cardinal PELL — Father?

The CHAIR — Chalk.

Cardinal PELL — I don't know. Was Chalk a Melbourne priest or an order priest? I do not know much about Chalk. I am sorry.

The CHAIR — That is all right. But Father Pickering you can confirm?

Cardinal PELL — Yes.

The CHAIR — Yes. That the issue of the sexual abuse of children by priests and members of orders and allegations of cover-ups had meant the Catholic Church was caught up in a worldwide scandal?

Cardinal PELL — You could say that, yes.

The CHAIR — Thank you. I would like to now take you to a speech that you made in Cork on 29 July 2011. At that time, when you were giving that speech, you were expressing your view concerning the serious problem confronting you in Australia and your objectives for setting up the Melbourne Response. The speech was reported in the Catholic press under the heading 'Authentic Catholicism versus Cafeteria Catholicism'. It

addresses what you considered was the need for clear, determined and vocal leadership. The section of the speech is headed 'Renewal: the Australian experience'. I am going to read this. You were quoted as saying:

First of all I had to deal with the abuse scandal and in this I was given some very good advice from a former Supreme Court judge. He told me that the scandals would bleed us to death year after year unless we took decisive action. I was also summoned by the Premier at the time who made it clear that if we did not clean the church up, then he would, and so we made a determined effort to do so. Incidentally, the Premier was a deeply irreligious man who also denounced religious leaders as yesterday's men; this was back in the 90s and he has been gone from political life for about a dozen years! So we did clean it up; we set up an independent commission, we set up a panel to provide counselling and a system to pay compensation — and please God the worst of it is behind us.

Now at the time I think you were referring to Premier Kennett; is that correct?

Cardinal PELL — Yes, certainly.

The CHAIR — And you describe a problem for the church and how you fixed it. So in that statement, Cardinal Pell, where in that description is there any indication to the many victims of paedophile priests of what happened to them or any expression of real concerns for those victims?

Cardinal PELL — This was not a topic that was addressed specifically at that meeting. I was speaking with very limited notes. There was no suggestion in anything I said of disrespect for the victims. The fact that we cleaned it up — by that I meant not simply from the point of view of the reputation of the church, but we were able to help people and face up to the problem.

The CHAIR — In that speech which I have read, and it is reported in the press, there are a number of headlines: 'Where have all the fighters gone?', 'Gospel Christians versus radicals', 'Catholicism in Australia', 'Renewal: the Australian experience', 'Religious education', 'Vocations', 'Focus on youth', 'Leadership role of the priest' — nothing about victims. But I will move on.

Cardinal PELL — With due respect, I think the section you read out is certainly about victims, and certainly when I said that we had fixed it up — —

Let me give you some statistics that involve Towards Healing and the Melbourne Response. In Victoria there were upheld complaints in the 1970s of 242 cases — in the 1970s. This is the information that has been supplied to you.

The CHAIR — We have had that. It is in *Facing the Truth*, and it is in your submission that you supplied to us on Friday evening; thank you.

Cardinal PELL — And I would like to repeat it for the sake of the guests here. In the 1980s there were 82 complaints upheld. In the 1990s there were, I think, 22 or 24. There were 12 in the next section, and only one or two in the years 2000. There is some confusion over whether there are five or six police cases that do not fit in that, but 300 people received compensation through the Melbourne system. The incidence of misbehaving, of crimes, has significantly reduced, so I pray, and I think it is reasonable to say, and I hope, that the worst is behind us.

The CHAIR — I would like to just take you back to that piece of the speech and ask you: what did you think the Supreme Court judge meant when he said that the scandals would bleed us to death? Did you think he was talking about money and a potential deluge of litigation?

Cardinal PELL — No, I do not think he was. He was — no, I knew Justice McGarvie well. McGarvie was a good man. He was not just interested in money. What he said was — he implied that it would be destructive of our position in the community. And, as you know, immense damage has been done to our position in the community.

The CHAIR — Thank you for that. So what did you think, or what did you understand, the Premier to be talking about when he said, 'Either you clean it up or I clean it up'?

Cardinal PELL — That was a paraphrase; that was the basic sense. Kennett was saying just what Napthine had said before I came down here. Dr Napthine said that I had to fully apologise and be absolutely sorry. Kennett, as Premier, recognised that in the Catholic community there was a big problem, and he said, 'I want

you to clean it up'. Now some people have ignorantly suggested that just because Kennett said that to me, I was going to do it and that somehow I was rushed into it. I admire Kennett in many ways. We are not entirely dissimilar personalities. He saved the state from bankruptcy, but he and I had many — —

The CHAIR — Are you saving the church from bankruptcy?

Cardinal PELL — Pardon?

The CHAIR — Are you saving the church from bankruptcy?

Cardinal PELL — Chair, are you talking about moral bankruptcy or financial bankruptcy?

The CHAIR — No, I think you were referring to Premier Kennett.

Cardinal PELL — I am asking — I am sorry?

The CHAIR — Cardinal Pell, I think you were referring to Premier Kennett — that he saved this state from bankruptcy.

Cardinal PELL — Financial bankruptcy.

The CHAIR — Yes, so my question to you was: were you saving the Catholic Church from bankruptcy?

Cardinal PELL — And I was asking whether you were talking about moral or financial?

The CHAIR — I think we both mean financial.

Cardinal PELL — I do not; I certainly mean moral. Certainly I do not think the church's money — it has to be spent prudently and justly, and in terms of compensation the Catholic Church should be treated exactly like every other institution in Australian society. In any position in which I have had the lead, we have fully respected the obligations to compensation.

The CHAIR — Were you trying to ensure that the Premier, who you referred to as a deeply irreligious man, did not intervene so that you could ensure that you dealt with the matters in-house?

Cardinal PELL — It was hardly in-house. We held a press conference to announce the institution of these three measures. They were publicised in every parish and school in the diocese. The sort of implication that this was somehow done under the table by half-reputable bishops who wanted to keep everything quiet is totally misleading, and that is evidenced by the quality of the people who consented to work on our committees.

The CHAIR — I am not disputing the quality of those people; I am describing to you that it is in-house; it is not totally independent.

Cardinal PELL — Pardon?

The CHAIR — That Melbourne Response is not totally independent; that this was an in-house matter that you put together.

Cardinal PELL — Excuse me, I would really like to speak at some little length on that because I think this is evidence of the shabby treatment that Mr O'Callaghan has received. He was the independent commissioner. Let me go on. Mr O'Callaghan is one of the senior members — —

The CHAIR — I am not referring to Mr O'Callaghan. I am talking about the entire Melbourne Response and the setting up. So my question is that it is an in-house process that was set up within the Catholic Church; it is not totally independent. This is no reflection on Mr O'Callaghan.

Cardinal PELL — Excuse me; could I answer the question?

The CHAIR — Yes, but I am just clarifying my question to you because — —

Cardinal PELL — That was a misunderstanding.

The CHAIR — On your part or on mine?

Cardinal PELL — On your part, and I would like to be able to explain it if you would give me a little time.

The CHAIR — You can explain the Melbourne Response. There are many other committee members who have questions relating to the Melbourne Response. I put it to you that in relation to the speech that you delivered in Cork, where the Premier said, ‘You clean it up, or else I will’, that this was an in-house matter that you did?

Cardinal PELL — It was in no sense an in-house matter. I would once again request that I be given permission to explain the role of Mr O’Callaghan in that because he was given the almost total responsibility of doing the day-to-day handling of those issues, and the suggestion that somehow he was not independent is, I think, totally misleading and unfair to one of the most senior members of the bar who is constrained by the principles of the bar to be independent. No-one would suggest that the judges are not independent because they are paid by the government when they sit on and judge cases to do with the government. Mr O’Callaghan was given complete independence. There is no evidence that either myself or Archbishop Hart interfered in any way in his decision making, and the suggestion that somehow he was not independent I totally reject.

The CHAIR — As I said, I am not reflecting on Mr O’Callaghan. We have heard from Mr O’Callaghan. He has come before this committee and we have heard from him in great detail. We have a great deal of evidence in relation to that hearing. I will move on to my final question. During the course of this inquiry I have asked many, many victims what does justice look like for them. So I would like to ask you: what do you think justice looks like for victims?

Cardinal PELL — That is an important question. Could I enumerate some of the elements that I think are essential? One is that as soon as the church is notified of an offence or a possible offence, if there is prima facie evidence, that person is removed from contact with children. The second is that the allegations of the victims are heard sympathetically, realistically. These allegations do have to be tested and then the victims, quite justifiably, expect punishment to be applied. On top of that I think it is not at all unreasonable, and we have encouraged this, that there would be compensation. That was available in two ways: through the compensation panel, or people could go through the courts. The third area — there are two other areas but the third area principally — was counselling; that through the sufferings that many of these people had, and sometimes their family members too, that counselling be available to them.

We never prohibited anybody going to the police, if they wanted their day in court. That is fully within their rights and in a certain sense it made it less complicated for us. If there are other aspects that I have not mentioned, I am happy to hear what they are and I will give you my response if I have omitted anything.

The CHAIR — Thank you very much.

Mr McGuire — Cardinal Pell, you are an adviser to the Pope and the figurehead of the Catholic Church in Australia. I put it to you that that is the way that people see you.

Cardinal PELL — I am certainly an adviser to the Pope, and I am certainly one of the figureheads of the church.

Mr McGuire — You are coming before the Parliament today, and there is a great expectation from the community that you will actually go to the heart of this matter and we can get to the truth of what occurred. Do you agree with that?

Cardinal PELL — I have been endeavouring to do that in my first series of responses.

Mr McGuire — Do you agree with the Pope’s instruction in 1962 to all bishops that sexual abuse of children was the foulest crime?

Cardinal PELL — Yes. I think the 1962 statement talked about a particular crime with children, and that is using the confessional to entice children to commit this crime. I think that was the specific instance there. But there is no doubt that it is a foul crime.

Mr McGuire — Do you acknowledge that there was also a requirement from the Pope that such heinous crimes be treated with such strict confidentiality?

Cardinal PELL — Yes. That, as you know, was changed later. The reasons for that then were because of the seal of confession, but there were a couple of other reasons. The priest who was attacked because of the seal of confession — they had to receive indirect evidence; he could not break the seal. Also it was to protect the privacy of the person making the allegations. We regard those restrictions now as inappropriate, but they were the three reasons for them at that time, I believe.

Mr McGuire — Do you agree that the Catholic Church listened to insurers and lawyers whose advice was, ‘Admit nothing and never say you are sorry’?

Cardinal PELL — Undoubtedly in some cases I think that was the case. That has never been a principle I follow.

Mr McGuire — This was an admission that Bishop Connors has made to this inquiry, and it has been corroborated by insurers. Are you aware of that?

Cardinal PELL — Yes. All I can say is that I have never been party to such an approach.

Mr McGuire — Do you agree the church was too keen to look after herself and her good name and not keen enough to address the terrible anguish of victims?

Cardinal PELL — I would agree that we have been slow to address the anguish of the victims and dealt with it very imperfectly. I think a big factor in this was not simply to defend the name of the church; that was an important dimension. Many in the church did not understand just what damage was being done to the victims. We understand that better now.

Mr McGuire — Cardinal, I will go to this issue because this goes to the point of the matter. Was it not the fact that people did understand how devastating this was? It was the foulest crime. In Victoria it used to be a capital offence.

Cardinal PELL — I am talking about the long-term psychological, spiritual, holistic effects on the victims. I think that was not understood then as well as it is understood now.

Mr McGuire — But I just want to go back to the point that this was a capital offence in Victoria. It has always had serious imprisonment against it. I do not understand your point that it was not known and understood. Surely this was known and understood?

Cardinal PELL — With due deference, I take you back to the 1970s. It was only in the 1970s that articles started to appear about the significance and importance and the terrible crimes of paedophilia. This crime, I suppose — what was it? The sodomy of children. That was always regarded as being totally reprehensible.

Mr McGuire — Do you agree that the church’s motive was also to protect its treasure — its reputation and money?

Cardinal PELL — The primary motivation would have been to respect the reputation of the church. There was a fear of scandal. I do not think any damages were paid out until the 1990s or something like that. At least in Australia saving the money was not a significant factor. I am not sure of the 1980s, but, as I said, there was no compensation paid, as far as I can remember.

Mr McGuire — But the fear of the scandal led to the cover-up, didn’t it?

Cardinal PELL — Yes, it did. It was one of the factors.

Mr McGuire — Do you agree there was a cover-up by your predecessor as Archbishop of Melbourne, Sir Frank Little, who kept no records and told no-one of complaints made to him against priests who were child rapists?

Cardinal PELL — Could I just develop a response on this? In examining the records now, there is one very clear example — that is with Father Baker — where Archbishop Little did cover up. He swore on oath that he did not know about O'Donnell's offence before he appointed him to Oakleigh. It is true that Archbishop Little spoke to nobody about this. At the meetings — what we used to call the curia of the assistant bishops — he never once raised the issue, and he never raised the issue with me personally. I do not know whether I mentioned it with Monsignor Cudmore. Monsignor Cudmore said to me that Archbishop Little never impeded him, but never gave him one word of advice or one word of direction. He seems to have judged these things himself. He erred badly on Baker, but on a man called Glennon, a priest who was jailed, after he was let out of jail the first time the psychiatrist or the psychologist urged Archbishop Little to let him go back to work. Even the governor of the jail wrote a glowing report on Glennon. Archbishop Little refused, and he managed to get him to accept laicisation.

With this background you have to say yes, Archbishop Little did cover up, but he inherited a situation where there were no protocols and no procedures, and for some strange reason he never spoke to anybody about it. If I could be pardoned going on just one more — I will let — —

Mr McGuire — I just want to go to that because the reality was that it was described by the church as the 'foulest crime' and it was a criminal offence — it was a heinous crime — so it was known and understood.

Cardinal PELL — Pardon?

Mr McGuire — It was known and understood. How could he not know about its complexity?

Cardinal PELL — He did not know how to deal with it. He would certainly have understood the gravity of the crime.

Mr McGuire — But it was clear-cut. He needed to take it to the police, surely?

Cardinal PELL — There was no obligation I believe in Victorian law then to take it to the police. Certainly, on the one example which he mishandled drastically, he should have removed Baker permanently.

Mr McGuire — Are you putting on record here that Sir Frank Little, the former Archbishop of Melbourne, was effectively involved in a criminal conspiracy?

Cardinal PELL — I do not know the technical meaning of 'criminal conspiracy'. I do know that he mishandled the Baker issue. Whether judges would say that that was a criminal conspiracy, I simply do not know. But he certainly did not do the right thing.

Mr McGuire — Are you saying he lied under oath to cover up?

Cardinal PELL — No, I never said that; I would not accept that. If he said that he did not know about O'Donnell before he appointed him to Oakleigh, I would certainly accept what Archbishop Little said. I have no evidence to disbelieve him.

Mr McGuire — Do you agree that Bishop Mulkearns, whom you also knew in Ballarat, used the same modus operandi, keeping few records and even destroying documents?

Cardinal PELL — I have discovered just recently in preparing for this that he did this; apparently he did destroy documents.

Mr McGuire — When did you discover that?

Cardinal PELL — In preparing for this, within the last few weeks.

Mr McGuire — Do you agree the Catholic Church placed paedophile clergy above the law?

Cardinal PELL — In some cases where they should have acted, they did. Unfortunately I cannot understand why Bishop Mulkearns acted as he did, but his actions were followed by disastrous consequences.

Mr McGuire — Going directly to that issue, do you agree that this systemic cover-up allowed paedophile priests to prey on innocent children?

Cardinal PELL — Yes, you would have to say there is significant truth in that. If I could say, some people have said there was a culture of abuse. I do not think that was generally true at all. I think the bigger fault was that nobody would talk about it; nobody would mention it. I certainly was unaware of it. I do not think many persons, if any, in the leadership of the Catholic Church, knew what a horrendous, widespread mess we were sitting on. I have sometimes said that if we had been gossips, which we were not, and we had talked to one another about the problems that were there, we would have realised earlier just how widespread this awful business was.

Mr McGuire — I will come to that issue in a minute. Do you also agree that placing paedophiles above the law by moving them to innocent parishes with access to vulnerable children resulted in more heinous crimes being committed?

Cardinal PELL — That is on the record, yes.

Mr McGuire — Do you agree that these heinous crimes blighted lives and led to suicides?

Cardinal PELL — There is no doubt about it that lives have been blighted. There is no doubt about it that these crimes have contributed to too many suicides, and that is an ultimate tragedy.

Mr McGuire — Therefore do you agree the Catholic Church aided paedophile clergy to commit child rapes that led to suicide?

Cardinal PELL — I would not use the word ‘aided’. Through inactivity that was certainly a consequence, but I could never describe, say, Mulkearns or Little as aiding this. They would never have intended that directly. As a consequence that did happen.

Mr McGuire — Did they facilitate it?

Cardinal PELL — Once again, I am not quite sure what ‘facilitate’ means — —

Mr McGuire — They allowed it to happen and did nothing to stop it.

Cardinal PELL — In some cases that is certainly true.

Mr McGuire — Did you ever transfer a priest about whom you knew there were allegations of child abuse?

Cardinal PELL — I do not believe I did. I would say that I never meant to, I do not believe I did and therefore I am quite happy to say I did not.

Mr McGuire — Did you in any way cover up offending?

Cardinal PELL — No, never.

Mr McGuire — This goes to another issue. Obviously from what you have already said in your testimony, here was Ridsdale, you had been living in the same place as him and there was this issue of these allegations around you. The question that has been raised with me is: were you guilty of wilful blindness?

Cardinal PELL — No, I certainly was not. His own family — his brother and wife; David’s family — did not know about this until 92 or 93. There was no wilful blindness. We are talking about quite a while ago. We did not think in those terms, that people would be doing that.

Mr McGuire — Did you tell the Fosters that until abuse allegations are proven in court, ‘It’s just gossip, and I don’t listen to gossip’?

Cardinal PELL — No. I do not recall saying those words, but I can explain where I would have used words very similar to those. I met with the Fosters just before — I met with three groups of victims and their families and supporters in the first three or four months in Melbourne. I was keen to do what I could to help. The first one was okay; the second one was not too bad; the third one, after my meeting with the Fosters, it went badly. Now what people started to say at that meeting, they started to accuse this priest here, who was still working, and that priest there and somewhere else, they were saying, ‘They are paedophiles and you must remove them’.

This was said in the meeting, and I said, 'No, I can't do that and I won't do that. I can't act on gossip. These cases against these priests have to be established and when they're established I will certainly act, but I can't pull somebody out of a parish simply because you're alleging that he's done something'.

Mr McGuire — But was this not a critical point where there needed to be formal investigation by the police?

Cardinal PELL — Yes, and they were free to do. We had encouraged people then publicly, these people, to take their complaints to the police or to the Melbourne Response.

Mr McGuire — But would you not understand even now that victims would see that you were effectively playing Pontius Pilate over this, that you were washing your hands, and you were the moral leader that they were looking to do something?

Cardinal PELL — I think that is a complete misunderstanding and a complete misstatement. Why on earth would I go to three meetings of victims to speak with them, to listen to them, if I was playing Pontius Pilate? Why on earth would I set up the Melbourne Response with these three arms if I was playing Pontius Pilate?

Mr McGuire — The point I am making is they raised these concerns with you; they were looking for you to take decisive action against them. That is the point I am making.

Cardinal PELL — I had already taken decisive action. Some of them in the audience to which I was objecting were not raising concerns, they were accusing particular priests. And truth and justice are essential for all the parties in this.

Mr McGuire — Did you dismiss teachers from the Holy Family School Doveton who reported concerns about paedophile priest Peter Searson, telling them it was not your role, there was nothing you could do?

Cardinal PELL — No, I certainly did not do that, and if you would give me a little time, I will — I met on at least two occasions with groups of teachers from Searson's school. One was in 89 and the other one was in 91 or 92. I think it was after the second meeting I asked the curia about it. It was mentioned that the Catholic Education Office had been investigating these things — I certainly did not do nothing; I certainly did. I was sent back to Searson to tell him to follow the protocols correctly, because people were saying he was misbehaving. He was furious at that.

Mr McGuire — He did not follow them, did he?

Cardinal PELL — Pardon?

Mr McGuire — He did not follow the protocols.

Cardinal PELL — Well, he has never been convicted of a sex crime. He was convicted for an act of cruelty. Let me go on — —

Mr McGuire — The burden of proof is incredibly high, though, is it not, Cardinal? Is this not when there should have been a more empathetic and a more worldly intervention?

Cardinal PELL — If you would let me go on, there were two police investigations into Searson, I think in 89 and 91. They were inconclusive. The Catholic Education Office got the lawyers Minter Ellison to evaluate what was done and whether it was done properly, and they were still unable to pin anything on the man. He was not a pleasant man. He denied everything and anything. In the Searson matter I certainly acted on that, and this is one case where we consistently tried to do the right thing.

Mr McGuire — Just from your evidence, can you understand how victims regard what happened during this period was really hear no evil, see no evil, say nothing about evil from the church?

Cardinal PELL — I think that is an objectionable suggestion, with no foundation in the truth. No conviction was recorded for Searson on sexual misbehaviour. There might be victims. He was convicted for cruelty. But speaking more generally, I totally reject the suggestion.

Mr McGuire — But do you understand that this is where there needed to be a smarter response to what was going on?

Cardinal PELL — That is why I set up the Melbourne Response in 1996.

Mr McGuire — I am coming to this. You have testified that you supported serial paedophile Gerald Ridsdale in court. Have you attended court to support a victim?

Cardinal PELL — Just as a matter of accuracy, I never supported him in court by speaking about him, as you heard. I went to the court with him, and I think I sat in the court. I have never been asked by a victim to accompany them to court as a support. I do not think it is likely that they would. I would certainly have done so if I was asked, because I have consistently spoken with people who are victims or survivors and consistently tried to help them.

Mr McGuire — You have acknowledged that there was a fear of scandal about how this could affect the church, and this goes to the threat that the church could be bled to death by this scandal, so there was a concern financially in your mind as well when you were setting up the Melbourne Response?

Cardinal PELL — Not particularly, no. I have tried to be prudent with money, but my record shows that I have acted compatibly with the general standards of the community and I have tried to be generous. In terms of the visibility of the church, if I was only interested in some Pontius Pilate effect, I would not have accompanied him. I did not realise the full extent of the insult that would be taken by the victims. I realised it would not be particularly helpful to the church, but I felt that — —

There is something in the gospels where Christ speaks about being with the lowest of the low and, as an expression of solidarity, I gave that limited support.

Mr McGuire — Did you provide support for victims in any case?

Cardinal PELL — Yes, in many, many cases.

Mr McGuire — I want to go to the Melbourne Response and how it was established. You have disclosed today that Richard McGarvie, a former Governor of Victoria, was part of your legal advice. Who else was involved — —

Cardinal PELL — Excuse me. No. It was not a formal legal — he was a friend. We were at a breakfast. Actually by coincidence it was a Christian Brothers breakfast for fundraising or something like that. We were sitting together, and we started to talk. He made the suggestion that what we needed was something like a Catholic royal commission, to get a senior person to judge and evaluate these crimes, give him independence and that would be the best way forward. I canvassed that option. It was discussed at a meeting with a group of very senior advisers so that when Kennett asked me about it and said the matter needed to be cleaned up, I was able to tell him, 'This is what we are proposing to do'.

Mr McGuire — So he was an influencer?

Cardinal PELL — Very much so.

Mr McGuire — Who were the other influencers around you?

Cardinal PELL — Some of the people at the meeting. Certainly Ted Exell, the business manager, was a source of very good advice; Jim Gobbo was on our committee; Barry O'Callaghan; Joseph Santamaria. At that stage Bob Santamaria was alive, and on a number of occasions I would ask Bob what he thought was a good — these are some of the people who advised me.

Mr McGuire — Were there any representatives of victims?

Cardinal PELL — Not at that stage because there was no — we were in I am not saying uncharted territory but it was new territory.

Mr McGuire — Do you believe that was a mistake?

Cardinal PELL — No, I do not. I think the establishment — what was a mistake? The establishment of the Melbourne Response?

Mr McGuire — No. Not to have a representative to give the victims side of how this played out.

Cardinal PELL — We regularly had people doing that — for example, Helen Last and Monsignor Cudmore. We were well aware of the perspectives of victims. They were not at those particular meetings, but their approach was certainly considered as we set this up, and it was to help them that we set it up.

Mr McGuire — This inquiry has heard harrowing accounts of child rape and abuse from more than 100 victims who have had the courage and fortitude as survivors to testify. In particular the experience of the Fosters is revealing. When the Fosters initially contacted the church it was a cry for help, wasn't it?

Cardinal PELL — Certainly.

Mr McGuire — The Fosters were not seeking money, were they?

Cardinal PELL — I don't know.

Mr McGuire — The Fosters rejected a \$50 000 payout from the Melbourne Response, yet eventually received a payout of \$750 000 plus costs, didn't they?

Cardinal PELL — There were always two options: people could either go through the compensation panel or through the courts. My information was they received \$450 000. That might be quite wrong; you might be right.

Mr McGuire — I understand the figure is \$750 000.

Cardinal PELL — That is not my recollection, but you are probably right. I was not involved in the court case. I had left Melbourne before that court case had started.

Mr McGuire — Just on that, will you release the Fosters from their confidentiality clause so that the public can understand the details of this payment?

Cardinal PELL — The only confidentiality element was about the amount of money, and that is manifestly true because of the book that was written and the regular interventions in the press of the Fosters. There was no attempt to silence them.

Mr McGuire — When Anthony Foster told you how Father Kevin O'Donnell repeatedly raped his daughter Emma when she was five years old, did you reply — and I quote — 'I hope you can substantiate that in court'?

Cardinal PELL — I think I have already answered that. I have got no recollection of saying that, and where I did say some words like that was later at that meeting. I have every sympathy for the two daughters. It is a great tragedy the way the things have happened, and what happened to them was appalling.

Mr McGuire — When Anthony Foster outlined concerns about the church's Melbourne Response protocol for abuse victims, did you interject, and again I quote, 'If you don't like what we are doing, take us to court'?

Cardinal PELL — I do not think I used exactly those terms, but you can imagine the trouble I would have got into if I had said, 'Well, don't go to the police and don't go to court'.

Mr McGuire — When Chrissie and Anthony Foster showed you a photograph after their daughter Emma had slashed her wrist, did you respond, and again I quote, 'Mmm, she's changed, hasn't she'?

Cardinal PELL — Probably. But let us put this in context. We now know that was an attempted suicide. When you just look at a photo suddenly in front of you, how do you recognise just from the photo that this was an attempted suicide? When you say, 'Well, there is blood on the arms' — sure. But you have got to understand that production of this photo was something sudden and I did not have a chance for a considered response. I fully understood the enormity of the suffering.

Mr McGuire — Anthony Foster told this inquiry your behaviour displayed, and again I quote, ‘A sociopathic lack of empathy’. Do you understand why he drew that conclusion?

Cardinal PELL — I think it is a pretty big call after a 20-minute meeting, and I do not think the actions of the church since then in any sense justify that. For example — and I do not begrudge this — I think it was during my time that the church paid out \$100 000 for counselling for the Fosters, and that was money well spent. Peter O’Callaghan visited the Fosters in their home on two occasions to help them as they were putting together their case. After I had that very unfortunate encounter with them, the Fosters continued following the Melbourne Response procedures in an attempt to get justice. Whatever is said about my style, I believe compassion is best expressed through actions and we have consistently, with next to no success, tried to demonstrate that we are not hostile to the Fosters and in particular in no sense to the daughters.

Mr McGuire — As Archbishop of Melbourne you wrote a letter to Emma Foster on 26 August 1998 that said:

On behalf of the Catholic Church and personally, I apologise to you and those around you for the wrongs and hurt you have suffered ...

The letter included a modest offer, \$50 000 of compensation to Emma. In the same envelope there was a second envelope with different intent. It emphasised that the offer was:

... a realistic alternative to litigation that will otherwise be strenuously defended.

This was a warning sign by the Catholic Church’s lawyer, Richard Leder. The two letters in one envelope neatly go to the strategy behind the Melbourne Response — and victims particularly see this — that really it is, ‘Take less money than a court would award in damages for these heinous crimes because if you take the church to court we will use every legal means to defeat you’. Does this reveal that the Melbourne Response was based on expediency, not justice?

Cardinal PELL — No, it was certainly based on justice. I would remind you that the cap that the Melbourne Response put on those payments was paralleled by the cap on the government’s offer to the victims of crimes, which was then \$50 000. I have seen the list, right across Australia, of the caps that governments put on these compensation payments. I am not sure if there are any today that are much above \$50 000. In other words, our response was comparable to what was done right across the nation.

Mr McGuire — There is a critical difference here, surely, Cardinal, that the state is not responsible for those crimes?

Cardinal PELL — If they are committed in government institutions, obviously it would be.

Mr McGuire — No, without exception, we are talking about two totally different propositions here?

Cardinal PELL — No, they are not totally different. I take your point: they can be significantly different.

Mr McGuire — They are significantly different, I put to you.

Cardinal PELL — Not always.

Mr McGuire — The church was responsible for these crimes.

Cardinal PELL — Once again, that needs to be clarified. I am not responsible in law for the crimes that someone, say, a priest or an employee of the Catholic Church, has committed — technically. I am technically responsible if I was warned about this person and did nothing.

Mr McGuire — This was the point we got to. There were warnings; there were lots of warnings.

Cardinal PELL — In that case the bishop is clearly guilty. But let me say, if a crime was committed by a Melbourne priest when I was archbishop, before my time, technically we might not have been liable, but we always paid compensation because we acknowledged the moral obligation that followed.

Mr McGuire — This goes to a critical issue for people to try to understand — that is, the church will gladly take a position of convenience, as is seen in this matter. Sometimes it will argue as the universal church and then other times it will try to separate out into different orders to try to lessen the payout. That is the bottom line, isn't it?

Cardinal PELL — No, I think that is a complete misstatement and misrepresentation, not only of what I have done but of the structure of the church, which goes back nearly 2000 years. Religious orders are independent. Parishes have significant independence from the bishop. Dioceses are independent one from another. People might like it to be different, but this dispersal of power, this separation of powers, goes back 1500 years at least. I think it is a good system, and justice can be obtained through the system and has been obtained through the measures that we have put into place since 1996.

Mr McGuire — But is not what you are describing a male medieval monarchy?

Cardinal PELL — Pardon? A male — —

Mr McGuire — Is not what you are describing — the Catholic Church and its structure — a male medieval monarchy?

Cardinal PELL — Mr McGuire, I think it is worse than that. It goes back to very soon after the time of Christ.

Mr McGuire — But is this not one of the issues structurally and systemically about how to deal with a complicated issue like child sexual abuse?

Cardinal PELL — No, the problems are not in the structures of the church. The problems are in the errors of judgement or the inactivity of church leaders.

Mr McGuire — The committee has been provided with information that in 1993 the Catholic Church Insurance were reserving their right to provide an indemnity to the Ballarat diocese in respect of the activities of Ridsdale. Additionally, in 1996, CCI refused to indemnify the Sale diocese in respect of the activities of Father Hourigan. Were you aware at that time — in 1996 — that issues had arisen with regard to the preparedness of indemnities to the church in respect not only of Ridsdale but of other paedophile priests?

Cardinal PELL — I was generally aware that Catholic Church Insurance was involved. I cannot remember when I first heard that. I had been aware of it for a long time. The reason why Catholic Church Insurance would not indemnify the crimes of Ridsdale, and presumably — what is his name, Hourigan?

Mr McGuire — Yes.

Cardinal PELL — I do not know much about him. It was because the bishop had been informed and had not acted, and Catholic Church Insurance said therefore that they were the protocols. If the bishop had no knowledge of an offence, Catholic Church Insurance would pay out the compensation. If in fact the bishop had been informed and had done nothing, it was their fault and therefore Catholic Church Insurance would not pay.

Mr McGuire — But a refusal to indemnify would have exposed the diocese concerned to possibly heavy financial liability, wouldn't it?

Cardinal PELL — Yes, the diocese has to meet its responsibilities. Everywhere in Australia, on every occasion, religious orders and dioceses have met their financial responsibilities.

Mr McGuire — Cardinal, that is the point that I just want to resolve — that money was a factor; it could not have been avoided.

Cardinal PELL — Money is a factor. In my mind it was never the primary factor, and I suspect that was the case in many other instances of church leadership. There was a greater fear of scandal, a greater concern for the reputation of the church.

Mr McGuire — And cost?

Cardinal PELL — I have explained that a few times.

Mr McGuire — Thank you.

Mrs COOTE — Cardinal Pell, thank you very much indeed for being here today. The Chair asked you before to clarify your position within Australia, and you said that you are really only responsible for the archdiocese of Sydney. But you went on to say that there is a perception that you are like the Prime Minister in political terms, and I think that is reinforced by the fact that you give the Christmas message and the Easter message, which are very prime ministerial in their approach.

I would like to ask you particularly about your relationship internationally. At the outset I would like to clarify who in Australia has more authority — you as the Cardinal, or the Vatican's own representative here in Australia?

Cardinal PELL — That is a difficult question. As a preliminary, could I say that archbishops in all the capital cities put out Christmas messages which are carried. I would be better known publicly than the nuncio would be. The nuncio does not have jurisdiction anywhere. He is the direct representative of the Holy Father in this country.

Mrs COOTE — But your role as a cardinal is as the Pope's servant; is that correct?

Cardinal PELL — I am an adviser to the Pope. I have no papal role across Australia.

Mrs COOTE — But he does?

Cardinal PELL — He does.

Mrs COOTE — So he would be more important, in Rome's eyes, in Australia than you? Is that a yes?

Cardinal PELL — No, I am not sure I would say that as a matter of fact. Whether it should be like that, I do not know.

Mrs COOTE — That is a matter of fact: he does have more power than you, from Rome's position; is that right — than a cardinal?

Cardinal PELL — Well, what power would he have? He does not appoint priests, he does not dismiss them, he does not run a diocese. What he does is convey the messages of the Pope. He has a big role in the collation of information and sending off names to become new bishops, but he makes no decisions about Catholic life in Australia.

Mrs COOTE — But your role in appointing priests is not in your role as a cardinal. That is in your role as an archbishop. That is what you told us before.

Cardinal PELL — That is correct.

Mrs COOTE — So you would not expect him to be doing that, would you?

Cardinal PELL — No, and I just explained that.

Mrs COOTE — Okay. So basically at best on a par with him?

Cardinal PELL — People would make their own judgements about that. I would be certainly better known — I might even be better known in Rome than he is — but that is for people to judge.

Mrs COOTE — Could you, then, explain to the committee what your first position of responsibility with the Vatican actually was?

Cardinal PELL — My first one, a very early one, was I was a member of the Congregation for the Doctrine of the Faith.

Mrs COOTE — And you were appointed by?

Cardinal PELL — John Paul II.

Mrs COOTE — And in what period were you actually on the Congregation for the Doctrine of the Faith?

Cardinal PELL — From 1990 to 2000.

Mrs COOTE — So for most of that time, who was actually in charge of that? Was it Cardinal Ratzinger, your friend?

Cardinal PELL — It was, yes.

Mrs COOTE — So could you explain, then, what the Congregation for the Doctrine of the Faith actually did, what your responsibility was with them?

Cardinal PELL — Yes. We used to have plenary meetings every so — I do not know, every 18 months or a year. The overwhelming majority of the time was spent on hearing about the doctrinal situation around the world, and sometimes we would have a specific topic. Say, for example, in the preparation of a very important encyclical of John Paul II, *The Splendour of Truth*, on moral matters — we provided some input into that.

Mrs COOTE — Okay. So therefore you met on a what, monthly basis or quarterly basis?

Cardinal PELL — No, no — once every 12 months, once every 18 months.

Mrs COOTE — Okay. And there was a secretariat to the CDF? Can I call it the CDF? It is just a lot easier.

Cardinal PELL — Yes. Please do.

Mrs COOTE — Thank you. There was a secretariat to the CDF?

Cardinal PELL — Yes. They have — I do not know — perhaps 20 or 30 members.

Mrs COOTE — And they kept records of the meetings, presumably?

Cardinal PELL — Yes, which are secret.

Mrs COOTE — I am sure they would be. Therefore, with that in mind, considering you are not on that at the moment, were there major international issues discussed at the CDF at this time?

Cardinal PELL — On what sort of topics?

Mrs COOTE — I am just asking — any topics.

Cardinal PELL — Major international issues — I cannot think of one that would fall into the category.

Mrs COOTE — Well, what about child sexual abuse by the clergy?

Cardinal PELL — That was in those days, in the 90s, overwhelmingly the competence of the Congregation for the Clergy, and during the 90s — I was involved in a couple of these meetings — it became apparent that the Congregation for the Clergy, to put it in paraphrase, did not get it. They were not responding properly to the situations. So the American cardinals persuaded the Pope that the Congregation for the Clergy was no longer the appropriate body to do that, but the whole thing should be transferred to the Congregation for the Doctrine of the Faith.

Now, if I could give two other points. It was very difficult to get a priest laicised until 2001 if he was unwilling to be laicised. The way it was, it could be handled through the Congregation for the Clergy, and what you had to do was to persuade the priest to ask for laicisation.

Mrs COOTE — Yes, we have been told that.

Cardinal PELL — There was a provision before 2001 that the Doctrine of the Faith could laicise a person against his will, but it was very murky. There was a lack of clarity about who had the competence, and it was hardly ever attempted because it was so difficult.

Mrs COOTE — It was my understanding that leading up to the issue of the Congregation of the Clergy and giving the child sex abuse issues to the Congregation for the Doctrine of the Faith, Cardinal Ratzinger decided to centralise all child abuse records of priestly clergy abuse in the world. Is that right — centralise them in Rome?

Cardinal PELL — Two things. He would not have had the authority to do that. To the extent that it had happened it would have been a decision of John Paul II. What was decided was that the authority to deal canonically with these cases — and that included laicisation whether the priest wanted it or not — was to be the province of the doctrine of the faith.

Mrs COOTE — You say it is secret, how these child abuse files are kept within the Congregation of the Doctrine of the Faith.

Cardinal PELL — I do not think I said that; I said that the discussions at the Doctrine of the Faith, when I was there, were secret. In terms of the sort of secrecy — this might help you — some months ago when I was at the Vatican I told a senior official about the upcoming royal commission. And he assured me, after my question, that every document the Vatican had will be available to the royal commission. He said obviously it would have to go through the appropriate channels, recognising that the Holy See is an independent country.

Mrs COOTE — Given your status on the international clerical scene in Rome, would you therefore guarantee to this committee that you will get back all of the files on record in the Vatican on anybody in Victoria?

Cardinal PELL — Absolutely.

Mrs COOTE — Absolutely?

Cardinal PELL — Absolutely, because I have been assured by a senior official in the Vatican that they will do that. We have said we will cooperate fully with the royal commission, and we mean to.

Mrs COOTE — I do not mean the royal commission. We are not the royal commission. I am talking about this committee, and I am asking if all files — not, ‘Oh, this wasn’t my turn’, or, ‘I wasn’t in power now’, or, ‘This is some other order or somebody else’, or some other excuse, but all files, religious orders, anything to do with any archdiocese, any information at all on child sexual abuse by clergy in Victoria, at any time at all, you will guarantee to give to this committee?

Cardinal PELL — I cannot guarantee that. What I can guarantee is if the royal commission asks for that, it will be given. That was the only question I asked of them in Rome.

Mrs COOTE — We are not the royal commission. However, can I then ask you: will you go back to the same official — in fact is he the authority who can give you that acknowledgement? Is he the highest authority to ask that question of, or is it going to be knocked back by someone else?

Cardinal PELL — No, I do not think we will be knocked back, and I am happy to ask that question.

Mrs COOTE — Thank you very much indeed. I will be very pleased to see that. Going back to the Congregation for the Doctrine of the Faith and sexual abuse by clergy in Victoria in particular, you have told us in detail about your meeting with the Fosters. You must have been aware at that time that Father O’Donnell in fact had been perpetrating sexual abuse against children. In fact we have been given a table by Francis Moore, who is the business manager for the Archdiocese of Melbourne. He says going back as far as 1978 there were cases of offences by Baker, Glennon, Bongiorno, Searson, O’Donnell, Gannon, Eames, Bongiorno, Pickering, O’Donnell again — in 1994 there were eight cases. You had already admitted that you had heard of the issue of the Fosters. You must have heard of other complaints against Father O’Donnell at the time, because they were obviously out there among people at that stage.

Cardinal PELL — By the time I spoke with the Fosters, O’Donnell had been jailed and released, so I was well aware, not in particular detail, of the fact that he was guilty of these offences.

Mrs COOTE — Going back to the Congregation of the Doctrine of the Faith and your relationship with Cardinal Ratzinger, you did, as we know, accompany Gerald Ridsdale to court, and you said today that you were aware that there were 32 charges that he was defending at that time.

Cardinal PELL — Yes.

Mrs COOTE — Did you mention to Cardinal Ratzinger and the committee about the child sexual abuse in Victoria at the time?

Cardinal PELL — No, it was not one of the — —

I might have mentioned it informally in conversation, but it was not one of the top — we were a doctrinal, not a disciplinary, committee.

Mrs COOTE — So you did not feel that this was against the morals of the church? You did not feel that this was against the doctrine of the church to have children sexually abused by priests?

Cardinal PELL — Of course I did. Everyone else in those groups would have known that it was completely abhorrent. They did not need me to tell them that it was against Christian teachings — the direct antithesis of everything Christ taught.

Mrs COOTE — So therefore, at that time, given that it was an international body, were you aware of the sexual abuse by priests in other jurisdictions — in Canada, in the United States, in Ireland, for example?

Cardinal PELL — I was.

Mrs COOTE — Therefore why did you not explain what was happening in Victoria?

Cardinal PELL — Because, as I have explained two or three times, this was a doctrinal committee; it was not a disciplinary committee. It was not a formal item on the agenda. If we had been asked to report, as sometimes we are, on what is going on in the church in a particular area, doctrinally or otherwise, I would certainly have mentioned it. I would have made no attempt, informally or otherwise, to have hidden what was happening in Victoria. People in Rome from 96 onwards were aware of the Melbourne Response, and pleased with it.

Mrs COOTE — Therefore, with the status that you enjoyed in Rome, you did not take that opportunity to take the case of the laicisation of Father O'Donnell to the highest possible person in Rome?

Cardinal PELL — No, I did not. I think in a certain sense that laicisation is not quite a red herring but a tertiary thing. The two really important steps are that a priest is removed from where he can damage people and then when he has his faculties removed. That is a life sentence. It is not as though he is removed from the register of lawyers or doctors for six years; it means that when his faculties are removed he can no longer ever again act as a priest. That is the important penalty.

Mrs COOTE — Why did you not remove Father O'Donnell until it had been proven whether he was guilty or not? Why did you not take him out of the church so he could not abuse other children?

Cardinal PELL — But we did. He was jailed — —

Mrs COOTE — Eventually.

Cardinal PELL — and after he was jailed he never worked as a priest again.

Mrs COOTE — You could have taken the opportunity to have him laicised. Would you not have thought that that was a very clear message to the victims and the secondary victims of exactly how serious the church was about these paedophile priests?

Cardinal PELL — I do not think we could have — I suspect then people would not have known too much about laicisation. In the 90s it was almost impossible without the cooperation of the priest. Laicisation is something that was then reserved for the very, very worst offenders. I do concede that O'Donnell fits that

category, but the really important thing was his public humiliation and removal — the prevention of exercising any role as a priest.

Mrs COOTE — As we know your friend Cardinal Ratzinger became Pope Benedict XVI. He was criticised severely by victims around the world for not releasing the child abuse files that went into the Congregation of the Doctrine of the Faith's black hole. Would you agree with that?

Cardinal PELL — The first thing I would say is I would not want you to overstate my friendship with Ratzinger; I was certainly a friend, but I do not want to appear to be grandstanding. The second thing is Cardinal Ratzinger has been criticised very wrongly for his activities. Once he got authority in 2001, he acted very courageously and regularly to clean this up. I do not recall criticism of him for putting documents in a black hole. They might have been made, but what I do know is that under Ratzinger's leadership of the Doctrine of the Faith there was a whole flow of laicisations which had probably never happened before in church history. He is a major part of the improved procedures, certainly not deserving of reproof.

Mrs COOTE — So is it your view that in fact, as has been said, it was because of Pope Benedict XVI's former actions about child sex abuse and the increasing child sex abuse scandals in the world that he resigned?

Cardinal PELL — I think that is a nonsensical statement.

Mrs COOTE — I would like to take you now to a comment that he made before he actually resigned and in a letter to the priests in Ireland after the Ryan report was completed. This is a comment that the Holy Father, Pope Benedict XVI gave to the Catholics of Ireland on 19 March 2010. It is a long document, and I will not go on with it all, but there are excerpts I would like to read.

Cardinal PELL — Certainly.

Mrs COOTE — He says:

For my part, considering the gravity of these offences, and the often inadequate response to them on the part of the ecclesiastical authorities in your country, I have decided to write this pastoral letter...

He says:

To the victims of abuse and their families

You have suffered grievously and I am truly sorry. I know that nothing can undo the wrong you have endured. Your trust has been betrayed and your dignity has been violated. Many of you found that, when you were courageous enough to speak of what happened to you, no-one would listen. Those of you who were abused in residential institutions must have felt that there was no escape from your sufferings.

He also said in the church's name:

... I openly express the shame and remorse that we all feel.

He went on to say:

To priests and religious who have abused children

You betrayed the trust that was placed in you by innocent young people and their parents, and you must answer for it before Almighty God and before properly constituted tribunals. You have forfeited the esteem of the people of Ireland and brought shame and dishonour upon your confreres.

Then finally he says:

To my brother bishops

It cannot be denied that some of you and your predecessors failed, at times grievously, to apply the long-established norms of canon law to the crime of child abuse ... it must be admitted that grave errors of judgement were made and failures of leadership occurred.

We have heard here at various times from the victims who feel that they have been let down by the church —

Cardinal PELL — Could I comment now, or later?

Mrs COOTE — I am leading to something else, and I will give you an opportunity to comment on the letter.

Cardinal PELL — To comment on the letters, good.

Mrs COOTE — They feel you are only saying sorry here in Australia because you were caught out protecting the paedophile priests and that to date you have only been paying lip-service to understanding the real pain experienced by primary and secondary victims. So, Cardinal Pell, are you prepared to issue the same strong statement to the people of Victoria and the people of Australia that your friend Pope Benedict XVI made to the people of Ireland, and will you publicly denounce former Archbishop Frank Little and Bishop Mulkearns for their roles in harbouring and protecting paedophile priests, knowing that they were allowing these priests to continue to abuse children?

Cardinal PELL — First of all, I think that statement of Pope Benedict is a good example of my claim that Benedict is part of the answer and not part of the problem.

Mrs COOTE — Thank you. My question is to you: will you give a statement that is as strong and as forceful — —

Cardinal PELL — I will come to that. The situation in Ireland is not exactly the same situation as it is in Australia.

Mrs COOTE — It never is.

Cardinal PELL — Pardon?

Mrs COOTE — It never is, is it? It is different in every jurisdiction; this is what we have been told by the Catholic Church all the time: it is someone else's fault; it is different in other places.

Cardinal PELL — I did not say it was anybody else's fault, I just said the gravity of the derelictions there are not exactly the same as they are here, and I have never resiled from admitting that guilt. The Holy Father did not mention by name the bishops who erred, some of whom had to resign there. I will take it on notice. I have already stated quite explicitly, acknowledged the errors that have been made by Bishop Mulkearns and Archbishop Little, and I would take it on notice as to — —

I am no longer Archbishop of Melbourne. I am happy to put out a statement repeating what I have said many times before, because I have — —

Mrs COOTE — The fault. Not about that you are sorry to the victims but the fact that your Catholic Church covered it up. That is what the victims and the secondary victims are wanting to hear, just as your former friend the Pope has said.

Cardinal PELL — What the former Pope said was that some of the bishops and religious superiors covered up. That is quite different from the whole of the church. He never said that; the whole of the church is not guilty of that. Some certainly did cover that up, and I am certainly prepared to acknowledge that.

Mrs COOTE — Right. We look forward to the statement. As Ms Crozier said, she has asked victims what justice means to them, and many of them said they do not want any money from the Catholic Church because they feel that the money is tainted. Others have said we live in a capitalist society and that in fact a financial remuneration is a very clear sign that the Catholic Church has put its money where its mouth is and has really felt the financial pain. So given again your role in the international Catholic Church scene, what is your understanding of the amount of money that the Catholic Church in Ireland and the United States has paid out to victims of church sexual abuse?

Cardinal PELL — I simply do not know. I know it is billions in the United States. It would be very, very considerable in Ireland, but I do not have those figures.

Mrs COOTE — An article from the *Economist* of 18 August 2012 says that there have been, in America:

Thousands of claims for damages following sexual abuse cases, which typically cost the church over \$1 million per victim.

It then goes on to say of the total payout in the United States:

The molestation and rape of children by priests in America has resulted in more than \$3.3 billion of settlements over the past 15 years ...

And \$1.3 billion of that is in California alone.

Given that you have known of these amounts and given that you were on the international scene for the church in Rome, why is it that you allowed only up to \$75 000 — not even \$75 000 in many cases — in Australia, and in Melbourne in particular, to be the amounts of money paid out?

Cardinal PELL — Well, it was \$75 000 plus counselling costs. The situation in Australia is different from that of the United States.

Mrs COOTE — Yes, I am sure it is.

Cardinal PELL — One other fact is that the church there is 12 or 13 times as large as it is here. My position has consistently been that whatever is the national norm in these areas for sexual abuse for all organisations — government and non-government — —

We have always complied with the law of the land, and we will comply with the law of the land in the future.

Mrs COOTE — Archbishop Hart said to us last week, here, that \$75 000 does comply favourably with the state, and he said there is no block to things being increased further. We took that to understand that in fact there is an opportunity for further reparation by the church to the victims. Would that be your understanding of his comment?

Cardinal PELL — It certainly would be, and my ambition, and what I would work for, is that whatever is done — and we should be generous — is comparable across all the institutions in Australia.

Mrs COOTE — Ms Crozier read out your comments in Cork in 2011 where you said that Justice McGarvie told you that the scandals would ‘bleed us to death year after year unless we took decisive action’. Would you believe that therefore you hastened to make certain that it was up to a \$75 000 payout rather facing huge ‘being bled to death’ issues here in Australia?

Cardinal PELL — I have already explained a number of times what I meant by being bled to death. In my mind it was a secondary consideration — the financial considerations. Whatever the norms are in the country, whatever the country decides, the legislature decides is appropriate, we will pay.

Mrs COOTE — Would you agree that in an international sense you are an international statesman for the Catholic Church and that the \$75 000 here is a pittance in comparison with, for example, the United States? I look at San Diego. In 2007 they paid \$1.375 million to a victim.

Cardinal PELL — You are well aware that the situation in the United States is a very different society. They are a very litigious society, and generally they pay a much higher rate of damages than here. As I repeat, whatever we are compelled to do, we will do. We are more than happy to pay according to the prevailing Australian norms. I think an important consideration is not just the amount of cash; what I believe is regularly more useful is to give money to victims for particular purposes. So, for example, in Sydney we might pay the school fees for the children or victim, or they might want to do this or they might want to do that. I think there are two considerations: one is the amount of money and, secondly, what it was used for. This flexible use is one of the good things out of that Grandview agreement that has been proposed in Canada.

Mrs COOTE — I think some of the victims would think that was patronising, but I will let them explain that to you for themselves. There is also, you would be aware, internationally many archdioceses that have gone bankrupt.

Cardinal PELL — There would not be many; there are certainly some.

Mrs COOTE — I will read some of the ones in America. There is Portland, Oregon. There is San Diego, and in San Diego they filed for chapter 11 hours before the lawsuits. There are several others there as well, and I am sure you are aware that in Ireland there are many archdioceses also facing serious financial stresses.

Cardinal PELL — I was not. Are there any in Ireland that are bankrupt?

Mrs COOTE — They have not been bankrupt, no, but they are facing severe financial — I would like to just ask you: in your deliberations, both on an international level or here on a national level, have you discussed the issue of bankruptcy of the Catholic Church?

Cardinal PELL — No, because we do not regard it — and this might be mistaken — as something that is likely here. We believe and hope we will be able to continue to meet our obligations.

Mrs COOTE — And you would be aware therefore that in other areas, as the *Economist* article in August says as well, ‘Plaintiffs’ lawyers have raised questions about financial transfers in dioceses threatened with bankruptcy’, and the church does shift assets as part of a single pool to avoid having to pay out victims. Then, here in Australia, on the *AM* program of 19 November 2012 Emily Bourke said in an article with Tony Eastley:

Unlike other Christian denominations that have been corporatised, the Catholic Church is not recognised as a legal entity and as such can shield its assets that are held in property trusts from any civil ... liability.

It then goes on to say:

The church is effectively immune from suit unlike every other church in Australia, and unlike the Roman Catholic Church in the rest of the common-law world.

Therefore is it because your assets here in Australia are so carefully hidden within trusts and other organisations that you will not be finding bankruptcy as an issue to get out of paying victims?

Cardinal PELL — No, our assets are not hidden in trusts. Church officials can be sued. Church officials have been sued. You cannot sue a body which has no authority on a particular activity. We have always met our obligations for compensation. For example, the Melbourne archdiocese, I am told, has paid out about \$10.5 million in compensation.

Mrs COOTE — To victims of child abuse?

Cardinal PELL — Victims of child abuse.

Mrs COOTE — At \$75 000 max. It is a pittance in comparison with what is happening overseas. Could you tell me your understanding of what the Catholic Church’s assets are in Australia?

Cardinal PELL — One, I do not know. Secondly, it would depend a bit how you define them — you know, what value is there in a church building? — but they would certainly be very, very considerable.

Mrs COOTE — There is an article in the *Sydney Morning Herald* of 16 June 2012, and it says:

An investigation by *BRW* magazine in 2006 put the Catholic Church’s revenue in Australia for the previous year near \$16.2 billion, all tax-exempt. It is Australia’s biggest private property owner and non-government employer, with more than 150 000 people on its payroll.

In the foreword to the Catholic Church’s — in your archdiocese — major fund that you have — —

Cardinal PELL — The Catholic Development Fund?

Mrs COOTE — Thank you so much, yes, the Catholic Development Fund. It says the Catholic Development Fund in New South Wales has \$766 million invested. Here in Victoria that sum is \$1.1 billion invested in the Catholic Development Fund. I am not certain what it is in Brisbane, but I am led to believe it is a similar amount. How much of that money invested in that fund — the Catholic Development Fund — is actually money of the church? If you do not know the Australian, I would be happy to have the archdiocese of Sydney.

Cardinal PELL — In those development funds, a few of them have deposits from laypeople, but most of them are deposits from church organisations, especially schools. We have this immense network of schools. We educate one in five of every Australian youngster, and certainly the education offices would often use the development funds. They use it, for example, in problems of liquidity, where over the Christmas holidays they might not have the money coming in, so they will borrow that money. What is important and is to repeat, I

think: we are always ready to pay whatever the law of the land says about compensation, and we want to do that, in an Australian context, like any other Australian group.

Mrs COOTE — And you would do that retrospectively?

Cardinal PELL — Yes, we have. We have tried to do that since we have paid the compensation.

Mrs COOTE — Right. And for people who perhaps have been paid out to that amount of money, would you revisit that?

Cardinal PELL — If there were a good case. I can only speak for Sydney.

Mrs COOTE — Okay. I would just like to refer to a *Sydney Morning Herald* article of 16 June 2012, and it talks about your residence in Rome. It says you have a splendid residence in Rome.

Cardinal PELL — Yes.

Mrs COOTE — I will wait until you have your glass of water.

Interjection from gallery.

The CHAIR — I ask members of the public gallery to remain silent. Mrs Coote, if you could just repeat that question again.

Mrs COOTE — You have a splendid palace in Rome. It cost \$30 million. It was said at the time:, said at the time that:

‘Perhaps the money could have been put to some other, better use’, says Eugene McKinnon, chairman of the National Council of Priests.

You conceded that the price tag was hefty. You said:

It’s the cost of a high school, perhaps a high school and a church ...

It is also apparently a business. That \$30 million would help pay an additional \$75 000 to over 400 victims. Please comment. I am keen to know.

Cardinal PELL — I would like to say that your introduction was a comprehensive misstatement and entirely misleading. It is not a palace. It is not my home. I have two nice rooms there that I am very happy about and which I use as a base when I am in Rome. It is a hostel for pilgrims. It is not a charitable organisation; it is expected to pay its way. We sold a property in North Sydney. We invested it there. It is still owned by Sydney; it is a Sydney asset. It is part of a long tradition of pilgrim houses in Rome. The Saxons from England in the ninth century — —

Mrs COOTE — With all due respect, Cardinal Pell, I do not want to know about the Saxons.

Cardinal PELL — But I would like to tell you. I would like to tell you, and I would appreciate the courtesy of you listening — that is, that this is a long tradition of national groups having hostels where people can come and stay. It is an attempt to strengthen the links between the Holy See and Australia and to develop the pilgrim side of their trips. That is what we are trying to do.

Mrs COOTE — Could I suggest that there are some very cheap pensiones in Rome. Obviously you stated early on that you have a great relationship with Rome and that you see yourself as the lead Australian representation of Rome, over in fact the Vatican’s appointment — —

The CHAIR — Can I get some confirmation, Mrs Coote — is that value accurate?

Mrs COOTE — The date?

The CHAIR — Is the value accurate in relation to — —

Cardinal PELL — It would be roughly accurate.

The CHAIR — Thirty million dollars?

Mrs COOTE — Thirty million dollars. Finally, you have said that you have responsibility for the morals of thousands of Australian Catholics. You regularly preach on the topic of morality and you profess to show leadership on the issue of morality. We have heard from hundreds of victims of sexual abuse by the Catholic Church. Many were anally and orally raped when they were as young as seven or eight by priests such as your friend Gerald Ridsdale and other associates. They may have eventually been awarded a maximum of \$75 000 — a pittance by international standards — by your Catholic Church. Their lives have been ruined. I therefore ask you: where is the morality in paying the victims of clerical sexual abuse a mere \$75 000 when you have the opportunity to stay in a \$30 million residence in Rome and the Catholic Church in Australia has billions of dollars of assets?

Cardinal PELL — The church has never claimed that it would be unable to pay appropriate compensation. Our compensation is low in comparison with the United States. I suspect that with the vast majority of the world we would compare quite favourably, but whatever about that we are prepared to — it goes without saying: we will pay whatever the law recommends as appropriate compensation.

Also, if I could just repeat, and as you said, many of the victims are not particularly interested in money. The more important thing is due process, justice and help with getting on with their lives.

Mrs COOTE — Cardinal Pell, you have actually said that you will do what the government does, but I am asking you what the church will do morally.

Cardinal PELL — The church will continue to fulfil its obligations as they are defined in Australian society and will continue to try to help the victims.

Mrs COOTE — So you do not believe that you have a moral obligation to give more reparation to the victims of the church sexual abuse in this country?

Cardinal PELL — I do not believe we have a moral obligation to match the unusual figures from the United States. I myself, in my bailiwick, certainly in Sydney I would — in Sydney I do not have an inflexible cap. In other words, these things are — —

Mrs COOTE — Perhaps you could sell the place in Rome.

Cardinal PELL — I think Rome is a red herring. It is an investment there. We do not need to sell investments at the moment to pay our damages. Whatever damages and compensation there are, we will be fully able to do so. I think the misnomer that this is a palace that is somehow my residence is a total distraction from the main question. Could I also make another question, because it is quite fundamental to — —

Mrs COOTE — Excuse me; I think, Cardinal Pell, we are asking the questions here today.

The CHAIR — Would you like to make a comment, Cardinal?

Mrs COOTE — If you would like to make a comment, I think that would be fine.

Cardinal PELL — Thank you, and I would like to make a comment. You yourself stated that there have been hundreds of victims of Catholic organisations. Mr O’Callaghan, when he appeared, asked for details of those so that he could attempt to answer as to whether this was right or wrong. Certainly there have been many, many gross cases. Whether there have been hundreds of rapes, I would be very surprised — as victims of the Catholic Church I would be surprised. If there are, certainly we concede that. You do concede how difficult it is to answer generalised accusations when we do not have specifics or numbers or identities. It is only too easy to paint the church in a picture that is worse than an already bad reality.

Mrs COOTE — Thank you.

The CHAIR — Cardinal Pell, I will inform you that Mr O’Callaghan and the lawyers from the Catholic Church did have access to some of the public submissions.

Cardinal PELL — But Mr O’Callaghan did say at his hearing that he was not able to get sufficient full information, that he would have welcomed more information so that he would be better able to — at least that was what I read in the transcript. I might be mistaken.

The CHAIR — As part of this process many of those submissions were given to this committee in confidence and so he was not able to access those submissions, which is proper process I would suggest.

Cardinal PELL — Yes, I fully accept that, but you understand the consequences. I do not think there is any other way around it but it does make it difficult for us.

The CHAIR — I just make that point — that we have heard from many victims.

Cardinal PELL — I accept that.

Ms HALFPENNY — Thanks, Cardinal Pell. Following on from Andrea Coote’s last question, would you consider the idea which has been raised by a number of victims during this inquiry of a redress scheme, where the church contributed to a redress scheme that was independent of the church? It was not part of the Melbourne Response or Towards Healing. It was a program that supported people in all aspects that were required, whether it was health, housing or whatever.

Cardinal PELL — I cannot speak for Melbourne. Personally I have no problem with that, no problem whatsoever. The only thing I would ask is that it be across the board and we would be asked to do what other people do.

Ms HALFPENNY — The same question has been asked of other organisations, not just the Catholic Church.

Cardinal PELL — Good.

Ms HALFPENNY — The thing I wanted to talk about, I guess, is more about your time as Archbishop of Melbourne but also about the future in terms of protecting children. I think while we need to uncover what has happened in the past, it is also about the community having confidence that their children are safe within the church, whatever religious organisation it is, or other non-government organisations. Before — I think when you were answering a question from Frank McGuire — you objected to the notion that the structures of the church in any way contributed to the abuse of children or the ongoing or systematic abuse of children. Is that correct?

Cardinal PELL — I do not think I said it quite like that, but I would agree. The problems are not with the structures; the problems are with the mistaken decisions or inactivity of officials in those structures. The responsibility is first of all with the national leaders — the national bishops — and the superiors of religious orders or the directors of schools.

Ms HALFPENNY — What do you mean by saying the responsibility is with them? What is their responsibility?

Cardinal PELL — To investigate these things, to refer them to the police, to provide compensation, to provide counselling. Some people are inclined to say, ‘That’s the province of Rome’. No, the responsibility lies with us to deal with these things.

Ms HALFPENNY — I was talking about the prevention of child abuse, so the structures of the church and whether they are in some way a barrier to preventing child abuse within the organisation.

Cardinal PELL — We have worked mightily at this. Could I remind you of the statistics for Victoria over the last two decades? There were 12 offences, I think, in the 90s and 1 or 2 in the 2000s, so this would seem to suggest to me that the Catholic environment at the moment is very safe. That is what the evidence at the moment would indicate. We have implemented a massive cultural change.

Ms HALFPENNY — I will come back to that, but perhaps I will first go back to when you became the Archbishop of Melbourne and the creation of the Melbourne Response. Would you accept that there was a

significant number of child abuse cases that were around priests Gannon, O'Donnell and Pickering? Do you agree that that was the case when you became the archbishop?

Cardinal PELL — I repeat: I realised the situation was unsatisfactory, and that was why we brought in the Melbourne Response, certainly.

Ms HALFPENNY — Again I am looking at the prevention side of things. At that time did you conduct any investigation and inquiry into how that abuse could have come about? Were there any things in common? Were there situations or circumstances that led to the ability of that abuse to continue for so long and by a number of priests?

Cardinal PELL — That has been a continual topic for discussion and examination right through. The crimes are totally regrettable and the damage is enormous. I think I touched on some of the reasons why that might have been the case. Certainly that was something we looked at.

Ms HALFPENNY — So you did investigate those cases?

Cardinal PELL — We did not commission a group to investigate it, but it was a regular topic of discussion and examination; for example, in our seminaries. Every candidate now has to undergo a psychological assessment. I could go on.

Ms HALFPENNY — We have heard of those. Archbishop Hart, for one, and others have explained that to us, and we have received material. Do you think that at that time there were not really the checks and balances and accountability that was required to protect children? That was really the problem at the time. There were not the checks, there were not the balances and there was not the accountability.

Cardinal PELL — That is correct. That is why I implemented the Melbourne Response.

Ms HALFPENNY — There were protocols I think going back to 1992 that talked about criminal behaviour by the clergy. Do you think those protocols were monitored in any way at the time?

Cardinal PELL — Oh, yes; there was a national committee — and I am aware of one or two slip-ups locally since 92, but generally we were certainly heading in the right direction since then.

Ms HALFPENNY — When you say that there was some monitoring, just during your time as the Archbishop of Melbourne, who was it who enforced those church protocols — for example, within the parishes?

Cardinal PELL — I did.

Ms HALFPENNY — How did you go about doing that?

Cardinal PELL — We publicised the requirements. Certainly all our school principals were very sensitive to these requirements. We had the total cooperation of the Catholic Education Office. If people said to us, 'They're not being applied; we've got problems', as with Searson, we attempted to deal with it.

Ms HALFPENNY — But in terms of a priest within a parish — as I understand, the structures of the church are that they have autonomy within that parish — how do you actually monitor or oversee to ensure that the conduct within that parish is in accordance with the protocols and procedures that you have in writing?

Cardinal PELL — I do not know whether technically a parish priest is autonomous, but certainly they have considerable room to move. You are quite right; they are not my direct employee. How do we ensure that they follow them? On this issue now there is widespread public sensitivity, and also people regularly, if they feel dissatisfied with the priest, or if the school feels dissatisfied with the priest, or any other agency, they will regularly write to the bishop, asking him to do something about it — to investigate it.

Ms HALFPENNY — So you are relying on the parents to keep things in check for you?

Cardinal PELL — No; certainly partly the parents. We would also be relying on all the other church officials, and we would be relying on other priests. I think you have had evidence before this committee of priests who were disturbed by the apparent activities of other priests and have taken it up with the bishop.

Ms HALFPENNY — But you do not have any system of monitoring and auditing that you initiate to go out there and ensure that certain systems and protocols are in place? You are relying on others to feed back to you with individual complaints?

Cardinal PELL — No. There are regional officers in all the regions for the Catholic education system. They go out, and they would be regularly aware of what is happening in the parishes, because there is a very close link between the parish priest and the school. Secondly, auxiliary bishops are responsible for a particular area — I think there are three zones in Melbourne — and they certainly would monitor what is happening there.

Ms HALFPENNY — I am sorry. In terms of the schools, there is a whole lot of other monitoring that happens, not by the church itself but by, I guess, government departments or whatever, because it is within the education system. I am just talking in terms of the actual church itself and the monitoring that it conducts, because normally monitoring is about having a systematic approach to look at an organisation and look at the way its protocols and policies are being implemented. It is not just an ad hoc way of going around visiting people; it is actually a systematic way of ensuring that those policies are being followed. For example, I think in *Integrity in Ministry* there is a requirement for religious and clergy to maintain records that show, when they meet with people, what the purpose of those meetings is, times and dates. Is there any monitoring of those records? Can you be sure that priests and religious are actually completing those records?

Cardinal PELL — A preliminary clarification: the Catholic schools are not government schools. The Catholic schools have an education office, a whole set of officials — —

Ms HALFPENNY — But you also have requirements for mandatory reporting —

Cardinal PELL — That is correct, yes.

Ms HALFPENNY — and other legal responsibilities, separate from the church?

Cardinal PELL — Well, we are good citizens, so if the government sets regulations for the whole of society, we certainly follow them.

Ms HALFPENNY — We were talking about how you monitor and ensure that the policies and procedures to prevent child abuse are actually being enforced and implemented.

Cardinal PELL — It would be more systematic in the schools, where the overwhelming majority of our young people are, because unfortunately not as many of them go to Sunday mass as are at the schools. So that would be regularly monitored by the education office. It would be less systematic but equally real in our parishes, certainly through the regional bishops and through the regular sort of discussions. The bishops are regularly out in the parishes, speaking with people, and people do not feel frightened to complain about this or that.

Ms HALFPENNY — But I think we are all aware that one of the problems with child abuse is that it is done in secret and it is done in a very sneaky and underhand way. So, again, prevention is about ensuring that policies and procedures are implemented to prevent abuse. How is that done within the parishes?

Cardinal PELL — I would say first of all through the parish school, because that is where most of the children are most of the time. On top of that, there is a vicar for clergy. The clergy are vigilant in support of one for the other. They will often say if there are problems developing. The bishops are generally not always but pretty well informed about problems.

Ms HALFPENNY — Because you know that if you say you have a procedure or a policy and it is not implemented, it could actually be worse than not having one, because it gives the community a false sense of security. So you are sure that the procedures and policies are monitored; because otherwise people may feel that there is security there, when in fact it is not?

Cardinal PELL — Nobody is complaining to me that they are not being monitored, and the level of crimes that are being reported is very low.

Ms HALFPENNY — I just want to raise two examples — and they are just by way of example — of non-compliance with the church's policies and ask you to give a view on that. The first example is that the *Towards Healing* policy document states at 45.6:

Whenever a cleric or religious is to transfer from one diocese ... to another (whether within Australia or coming from overseas) ... the church authority ... shall ask for a written statement ... indicating whether ... complaints of abuse ...

have been substantiated or

... there are known circumstances that ...

may lead to abuse.

In the case of the Salesian representative who came before the committee, it was asked of him whether there were additional checks insisted upon when a priest, or a father, was brought in from another country. The answer to that inquiry was: no; they only rely on the normal standard visa checks that are required by the police or the country, rather than any additional requirements from the church authorities. So that is a clear case of breaching the policy. Were you aware of that?

Cardinal PELL — With the Salesians?

Ms HALFPENNY — Yes.

Cardinal PELL — On that particular example, I was not aware of that. It is a clear breach. Certainly I think it is spelt out in *Towards Healing*, if you have a priest coming in from another diocese you would need an explicit clearance from whomever he was with previously, say in another diocese or school.

Ms HALFPENNY — But who oversees that, who monitors that, who ensures that that provision is complied with?

Cardinal PELL — In the religious order, it would be the religious order. In the diocese, it is the bishop.

Ms HALFPENNY — So what will be done about that breach of the protocols?

Cardinal PELL — With the Salesians?

Ms HALFPENNY — I have just named an example of a breach of protocols. Who is responsible for that?

Cardinal PELL — It would have to be corrected — and brought to our notice. Either they would have to ask the previous employer or the previous bishop to give a clearance; if they could not give a clearance, they would have to be removed.

Ms HALFPENNY — But the problem is that here is a breach, and there is does not seem to be the monitoring or oversight in order for the church itself to pick up these breaches.

Cardinal PELL — Yes, there would be a monitoring or oversight, because there is a superior in Australia, of the Salesians, and he would have an obligation to ensure that in his institutions the *Towards Healing* protocols are being followed.

Ms HALFPENNY — But obviously quite a high-ranking Salesian representative was here and was not aware of the protocols that he is supposed to be enforcing.

Cardinal PELL — It is inexcusable.

Ms HALFPENNY — Another example is the case of out-of-home care. We have received some information from the Department of Human Services. I want to take you to another example of a breach — that is, according to those documents MacKillop Family Services, which is run by the Christian Brothers and the Sisters of Mercy and operate in both Victoria and New South Wales — in October last year on three occasions did not comply with the government requirements to report alleged incidents of assault to the relevant department within one working day. What do you think about that — that they breached that provision?

Cardinal PELL — It is a clear breach of protocols, and it cannot be condoned in any way.

Ms HALFPENNY — Who is responsible for ensuring that those protocols are monitored and followed?

Cardinal PELL — I would say in those cases there would be a dual responsibility with the superiors of those two religious orders, and if they were part of a welfare network, it would also be the responsibility of the leaders of that network to ensure that these things are being done.

Ms HALFPENNY — Do you still think that without any action being taken or other regulation put in place the church should be able to monitor and oversee its own protocols in order to protect children?

Cardinal PELL — If there are any defects like you have explained, they must be remedied. I just remind you that there is a very low level of offences in the last 20 years. But if there are breaches, they must be acknowledged; they must be fixed up.

Ms HALFPENNY — Again, the *Integrity in Ministry* document provides that in the cases of money and finances of a parish, the priest must have accounts audited and monitored. Where within that document is the requirement to monitor and audit the protocols and policies to protect our children?

Cardinal PELL — I think that is regularly done. The Towards Healing requirements are spelt out. The dioceses have signed up to them. There is a national committee, and they would have a general supervision of those.

Ms HALFPENNY — In the last submission you sent to us on Friday — and also I think earlier you talked about supporting Victoria introducing a system similar to New South Wales, where the Ombudsman investigates allegations of child abuse. Are you aware that the Ombudsman does not have jurisdiction over priests and allegations of abuse in the case of the clergy in New South Wales? Do you agree that in Victoria it could be extended to the clergy?

Cardinal PELL — I am not sure that the way you have presented it is accurate. I am not sure the Ombudsman investigates anything. The Ombudsman supervises and sometimes will advise that you must do this or that. You have to report to the Ombudsman about how you are going. The Ombudsman certainly has authority over any priest who is working with children or continues to work with children. We have to get a clearance from him. There are situations where perhaps a priest might no longer be working with children. But any such limitation — I think it would be very good to have a general body a little bit similar to the Ombudsman. If there are limitations which are unacceptable, I think it would be a very good thing for church bodies and all non-government, and government bodies, to have to report what they are doing to something akin to the role of the Ombudsman. It would be an insurance for the leaders that the right thing is being done and to help protect the kids.

Ms HALFPENNY — I will just read from the Catholic Church submission.

The NSW Ombudsman also provides valuable advice and support for agencies undertaking complex investigations and making difficult decisions regarding the management of persons who are the subject of accusations.

Even within the submission you are talking about the Ombudsman investigating allegations and being part of that.

Cardinal PELL — I am sorry, it does not say that.

The CHAIR — That is your submission, Cardinal Pell.

Cardinal PELL — Yes, and if you could read it again, you will see the submission says that they aid and advise us on what should be done — —

Ms HALFPENNY — ‘provides valuable advice and support for agencies undertaking complex investigation’.

Cardinal PELL — And they certainly do that, and our agency generally does the investigation.

Ms HALFPENNY — So you are not supporting the Ombudsman to conduct investigations of allegations?

Cardinal PELL — That is not his role. That sort of role is generally dealt with by the police. If there was a new system where, say, instead of the — —

Ms HALFPENNY — Sorry, I suppose what I am really trying to get at is: would the church be agreeable to independent monitoring or overseeing of policies and processes within the church to protect children?

Cardinal PELL — We have them in New South Wales. I am totally in favour of them.

Ms HALFPENNY — Along the lines of what you are saying within your submission or further than that?

Cardinal PELL — That is not Holy Writ. I would be quite happy if it could be done better. I have got no problem whatsoever with a general supervision of those organisations that deal with children and the reporting on how crimes are investigated et cetera. I was just going to say that the Ombudsman has been of great help to us in New South Wales in asking ‘Should you do this?’, ‘Should you do that?’, or, ‘Is that sufficient?’.

Ms HALFPENNY — But that would include monitoring and investigating within the church.

Cardinal PELL — They do not technically investigate — —

Ms HALFPENNY — But you would not disagree with that happening?

Cardinal PELL — You have to report to them and satisfy them that you are doing it properly.

Ms HALFPENNY — I am still trying to get to the bottom of how you do the monitoring and overseeing. I have given you examples of breaches, and you have said, ‘That’s somebody else’s responsibility’, or, ‘Somebody else would have to look at that’. This is where I think people get a bit cynical. I would like to quote from the Archdiocese of Sydney website, where there is an explanation of Ellis. I think this makes the point, and I would like to ask you what you think after I read it out. This is the *Ellis v. Pell* case. It says:

Ellis stands for nothing more than the common-sense proposition that you cannot be liable for wrongdoing of others unless you are directly or indirectly responsible for supervising their conduct.

Therefore the church structures that allow nobody to be responsible also allow no-one to take liability and therefore there is no real impetus to ensure that children are protected within the church.

Cardinal PELL — No, I am sorry. The church has a very clear structure of authority whereby people are responsible. In a parish the priest is responsible. In a diocese the bishop is responsible. In a school it is the school principal. Ellis tried to sue the wrong people. If it is a property trust, the property trust can be sued — —

Ms HALFPENNY — So who was responsible for the priest in the Ellis case?

Cardinal PELL — Who was responsible for the priest in — —

Ms HALFPENNY — Yes, for the actions of the priest.

Cardinal PELL — I suppose the priest was, first of all, and then he answered to the bishop — —

Ms HALFPENNY — But do you get the point — exactly. The priest is responsible to the priest. Nobody else is responsible for the actions of the priest. Therefore the priest can do whatever he likes within the parish. There is no oversight or monitoring or auditing of the actions — —

Cardinal PELL — No, it is not like that at all. The priest is responsible for his own errors. He has to answer to the bishop. With Ellis we acknowledged the moral responsibility. We refused to support Ellis changing the law. We have paid Ellis in formal compensation, ex gratia, something like \$500 000, plus we remitted his legal fees. In the corridors of the Parliament in New South Wales it was suggested that the only thing the church had given him was \$30 000. That obviously was very inaccurate. We have contributed to him — I have met with Ellis. We have given to help him do this and do that, plus or minus, of the order of \$500 000.

Ms HALFPENNY — Just moving on a little bit further now to the Melbourne Response, when you were the Archbishop of Melbourne and involved in the creation of the Melbourne Response, at that time — and it continues today, and we have heard evidence from representatives of the Melbourne Response — there was no

procedure for the independent commissioner, the church independent commissioner, to report any criminal allegations to the police. That was established at the very start, when the Melbourne Response was first created, when you were the Archbishop of Melbourne. At that time did you agree that the police should not be involved unless a victim wanted it?

Cardinal PELL — As you would be well aware, when the Melbourne Response was set up there were extensive negotiations with Assistant Commissioner Brown. Also the senior sergeant in, I think, the children's exploitation unit — that might not be the title — said he thought it was a very good development. We cleared it with the solicitor-general. When the press conference was held announcing the three initiatives we got a public letter from the police supporting that. Of course you are well aware that in Victoria there is no obligation to report to the police. In New South Wales that is different.

Ms HALFPENNY — But at the time did you think it was appropriate that there was no reporting to the police?

Cardinal PELL — I relied on the advice that was given to us by the solicitor-general and the assistant commissioner of police that what we were doing was appropriate. This was publicly endorsed by the police at the time, and that was good enough for me.

Ms HALFPENNY — So you do not have a view either way? It is just whatever the law is? Is that your view?

Cardinal PELL — No, I have views on things. I support what the situation is in New South Wales. I think there is one inviolable right, and that is that if the victim does not want to go to the police, that should be respected. Just as when people came and spoke in confidence here and did not want it to go further, you respected that; so must the process. What happens in New South Wales, where there is mandatory reporting, I think is a very sensitive and appropriate mechanism — that is, that the person accused is notified to the police, the details of the abuse are notified to the police but the identity of the complainant is not passed on without their consent. I think that is a good system.

Ms HALFPENNY — But in terms of the Melbourne Response do you accept that it may be that because the independent commissioner did not provide information to the police of cases of abuse or individual details this may have led to perpetrators of abuse not being brought to justice?

Cardinal PELL — I do not know what may or may not have happened. What I do know is that the independent commissioner persuaded 18 of his complainants who did not want to go to the police to do so. In some cases he phoned up the — —

Ms HALFPENNY — Sorry, I have to pick you up on that, just as you pick us up inaccuracies, because the documentation actually did not really support that claim that was made by the independent commissioner.

Cardinal PELL — I cannot — —

Ms HALFPENNY — We will leave it at that. Thank you.

The CHAIR — The hearing will now be suspended for a short period of 5 minutes and will recommence at 4.20 p.m.

Hearing suspended.

The CHAIR — I ask members of the public gallery to please take their seats and to remain silent while we continue with the hearing.

Mr WAKELING — Cardinal Pell, thank you very much for your attendance at today's proceedings. If I may start, Cardinal, your successor, Archbishop Hart, acknowledged that your predecessor, Archbishop Little, kept no records and was also involved in a cover-up of the movement of paedophile priests, which resulted in innocent children being the victims of those paedophile priests. Archbishop Hart acknowledged that in regard to both O'Donnell and Baker. I acknowledge that you query O'Donnell, but you certainly acknowledge Baker. Can I just confirm, firstly, that you, like Archbishop Hart, concur with that position?

Cardinal PELL — I do, but I have got no reason to doubt Archbishop Little's claim that he did not know about O'Donnell's misdemeanours before he appointed him to Oakleigh.

Mr WAKELING — Thank you for that.

Cardinal PELL — I agree with Archbishop Hart.

Mr WAKELING — If you agree with Archbishop Hart, at least in respect to the fact that there was confidentiality and also the fact that there was a cover-up with respect to Baker, did you, in your position as Archbishop Little's successor, accept responsibility for the actions of your predecessor?

Cardinal PELL — Yes, and I think that is why I set up the Melbourne Response.

Mr WAKELING — Can I just confirm that you, in your position as then Archbishop of Melbourne, accepted responsibility for the actions of your predecessors?

Cardinal PELL — I do not know whether I would quite put it like that, but if the archbishop had done wrong — this was acknowledged and recognised, for example, in compensation payments under my watch. There was no attempt to avoid responsibility for what might have gone wrong there.

Mr WAKELING — If I may — and I appreciate you were not here last week, but your evidence is rather contradictory to the position that was put by your successor, Archbishop Hart, when he would not accept responsibility. Do you believe in that lies an inherent problem for the church in terms of the way it deals with this important issue?

Cardinal PELL — As a legal technicality I am not responsible for what Archbishop Little did. I have a moral responsibility to cope with his mistakes. I am sure that, whatever about the legal — not niceties, realities — Archbishop Hart continued to deal with these things, either through the Melbourne Response, adjudicating what went wrong, providing counselling and for compensation. To that extent he, like myself, has certainly acknowledged a moral responsibility for the mistakes that were made earlier.

Mr WAKELING — But if I may, Cardinal Pell, if we had the chief executive of any business in metropolitan Melbourne sitting before us here, talking about the actions of their organisation, of which there may have been numerous chief executives running the organisation at the time at which actions have occurred, it is expected of the current chief executive to take full and frank responsibility for the actions of their predecessors. That is accepted within the Victorian community; it is accepted across the nation. Do you agree with that proposition?

Cardinal PELL — It depends on the composition of the body. If they are an international or a modern corporation, obviously that follows. If they are private associations, unincorporated, this group or that group — each association has to be judged in terms of its own constitution. Our constitution is recognised, as I have explained, by the state. It was set up by a state act in Victoria, I think in 1936, and we continue to abide by it. If it has changed, of course we will abide by that, but I think the important thing is that there has been no attempt by myself or, I would believe, by Archbishop Hart, to avoid our moral responsibilities for the bad things that happened.

Mr WAKELING — Cardinal Pell, if I may be quite frank, the issue here is the fact that horrendous crimes have been perpetrated over a long period of time, there was knowledge, those priests were moved into new parishes where there were new victims, and the community is looking for leadership on this very important issue. What they are wanting to hear from that leadership is, 'Yes, we not only apologise but we accept responsibility for the actions that have taken place'.

Cardinal PELL — I think I have said that already. With respect, and to be equally frank, a welter of generalisations like that is not particularly helpful when you have to — it is not right for people to be blackened generally when, as far as we know, they have only erred here or there or anywhere else. Where it is established that they have done wrong, this is acknowledged. It is not appropriate for those instances to be multiplied without evidence.

Mr WAKELING — If I may move on, Cardinal Pell, mention has been made of the pastoral care units that were established through the pastoral response office. There has been knowledge of two such forums that were

established in parishes throughout Melbourne, through your diocese: one is Macleod but also through Oakleigh, which was referred to earlier. Certainly it is our understanding it was an opportunity for victims and their families to actually meet with you and your representatives to deal with this very important issue. How many forums were organised?

Cardinal PELL — I attended three such fora: one at the cathedral; two at Oakleigh.

Mr WAKELING — Can I then ask: if they were a good mechanism for victims to come forward and seek assistance from the church, why was that practice not continued?

Cardinal PELL — The first thing is that according to my recollection that particular form of pastoral response was not recommended in the document. It might have been; my recollection might be wrong. I was not keen to continue them precisely because of the bad experience at the third meeting, which I have already recounted, where people were condemning priests here, there and everywhere, and I said, ‘That has to be established’. I took the decision, just myself personally, that I thought it was much better for me, as distinct from my representatives or staff — that is an entirely different thing — to meet only with the victims after the situation had been adjudicated in some way or another. To meet with them beforehand, there is a possibility that they either regard you as rude, or, if you are too ingratiating, that you are somehow encouraging them not to go to the police.

What the pastoral response certainly envisaged was teams that would go out to the parishes to explain what was happening, to organise for counselling and help and to deal with special groups. They were not wedded irrevocably or essentially to that, and in the light of especially that third meeting, where I explained what I had to say — people were cross — it did not contribute to making things better.

Mr WAKELING — Certainly those situations can be difficult or challenging, but we are not talking about people’s views on whether or not we need a new road built. We are talking about the safety of children, and I would have thought that such an important issue, such as hearing from the Catholic community in a particular parish with particular concerns about the actions of a parish priest, would have been paramount in your mind and that this was a perfect opportunity to have those views aired.

Cardinal PELL — There are a number of factors there. If you are talking about the measures that have to be put into place to protect children, an acrimonious public meeting is not the best way to do it. Secondly, on many occasions, less controversial figures than the head of the church are much better placed to be able to talk with these people and help them. I think that it is useful to have somebody — I have been blessed with somebody who is very good at this, a priest, in Sydney — to go out and talk to these people in these circumstances. Generally, though, it is better done in small groups or in a family or individually than in big groups, where things can deteriorate quickly.

Mr WAKELING — If I take on your evidence that you said that the meeting approach did not work and that there were alternatives, how many times did you implement those alternatives?

Cardinal PELL — In Melbourne I am pretty certain I met — for the first part, with any victim who wanted to meet with me. Secondly, Maria Kirkwood was in charge of the pastoral response project, and she carried that out. I know that — for example, when Searson was stood down I wrote to the parish, and we put out a press release that he had been stood down. The team went out to help and to talk to people. I believe that basically the other elements of the pastoral response went forward. I would not preclude the fact that perhaps more needs to be done on that.

Mr WAKELING — More needed to be done, but more importantly of your own initiative you did not proactively seek to engage with parishes where there had been known offenders.

Cardinal PELL — I ensured that agents of the archdiocese engaged constructively to help the people in those situations, and quite a number of secondary, as they are called, victims were helped through counselling. I am totally supportive of that.

Mr WAKELING — If I may take you to one parish, the parish of Gardenvale, where Father Pickering, who you referred to earlier, certainly had previously practised, this is a priest who I am led to believe left the church prior to the commencement of his authorised leave and fled to England in May 1993. Complaints were made

about him soon after. In October 1993 in fact he had sought approval to operate in a parish in Cliftonville in Kent, and that parish had in fact sought feedback from the then Most Reverend Archbishop Little. In fact they were provided a response in which a letter had been provided to Pickering that there had been several sources of allegations of serious sexual misconduct by him. This is in a letter of January 1994, so clearly there was knowledge of his activities as early as 1993 and 1994.

In addition to that, in 1994 the diocese of Ballarat was seeking to try to find a Father Ryan, who was required for investigation as part of an ongoing investigation of potential sexual abuse in that diocese, and Father Pickering, and I quote from a letter, said in 1994 that he felt it would 'not be appropriate for him to let me know where he was at the present moment'. So here is a man who in fact was unwilling to provide information as to the whereabouts of another perpetrator. In addition to that — —

Cardinal PELL — Pickering was unwilling to provide information about himself, or Ryan was unwilling to provide information — —

Mr WAKELING — No, he was unwilling to provide information as to the location of Father Ryan.

Cardinal PELL — Pickering was not — —

Mr WAKELING — Sorry. Father Ryan was staying with Pickering for two and a half months but was no longer residing with him, and a request was made of Father Pickering to advise his current location, and that was refused. In addition to that, Father Pickering had refused to cooperate with church insurers regarding claims relating to his conduct. Information was sought, but he would become involved only on the basis that he was provided a full indemnity of providing any statement. Given all of that, and given the known concerns of Father Pickering, I was interested to know what action you took in your role as Archbishop of Melbourne to engage with the congregation to find out if there was anyone in the congregation who was aware of any actions of Father Pickering where they could in fact go forward and provide that information.

Cardinal PELL — I am not sure that we did actively go out. I did know that victims of his were coming forward.

Mr WAKELING — So can I just confirm that during your time you took no action yourself, as Archbishop of Melbourne, seeking to engage with that parish and parishioners in the parish?

Cardinal PELL — No, I certainly would not be prepared to say that, because I myself did not go to the parish. It is very possible that people from the pastoral response team did, but I did not instigate an active request for other people to come forward. I knew that some other people did come forward.

Mr WAKELING — If I may — and I am happy to provide you a copy, Cardinal — your successor, Archbishop Hart, in 2002 in fact wrote to the parishioners of St James parish in Gardenvale, in which he outlined a history of Pickering's allegations and the fact that Mr O'Callaghan accepted that there had been abuse, and that occurred during, we would assume, your period. However, in 2002 — I am interested because your successor in fact mentioned to the congregation that the archdiocese would encourage any person with knowledge concerning this conduct by Father Pickering to contact the independent commissioner. Cardinal, can you explain to the committee why, given the fact that the first concerns raised with Father Pickering occurred in 1993 — in which there are allegations of serious misconduct, he has gone to England, concerns have been raised by your predecessor — but it takes your successor to be the first person to actually contact parishioners about this important issue?

Cardinal PELL — I would be interested to know whether he had any further information beyond what I had. I do not know whether it says there when O'Callaghan finished his investigations on that particular thing. If O'Callaghan had asked me to do that, I certainly would have.

Mr WAKELING — But if I may, with the greatest respect, it is not an issue of the actions of Mr O'Callaghan. This is, I am assuming, concern for parishioners who had been victims of the actions of Father Pickering — actions which the church hierarchy knew about for at least nine years, but it took your successor to actually contact the parishioners, seeking for them to come forward.

Cardinal PELL — Certainly information had been available since '93. He fled the country. I did not know where he was. You have not been able to tell me whether O'Callaghan had additional information. I commend Archbishop Hart for doing what he did in the light of subsequent events. I should have done that earlier, and if I had been asked to do it or it had been recommended to me by anyone, I certainly would have.

The CHAIR — Cardinal Pell, can I just interrupt there and seek some clarification to a previous answer that you gave to Mr Wakeling? Did you say that victims did come forward to you?

Cardinal PELL — No, they did not come forward to me.

The CHAIR — They did not come forward to you.

Cardinal PELL — To me, but I believe, subsequent to his fleeing the country, they did come forward to the independent commissioner. Many people would go directly to the independent commissioner.

The CHAIR — Thank you for that clarification.

Mr WAKELING — But if I may, Cardinal Pell, whether or not Mr O'Callaghan was dealing with this matter in '96, wouldn't you agree, is technically irrelevant, considering the fact that in 1994 your predecessor had written to Father Pickering:

I have received from several sources allegations of serious sexual misconduct by you. Such misconduct is criminal behaviour in the state of Victoria.

I would have thought, regardless of whether or not in '96 Mr O'Callaghan had two, three, four or five victims come forward, your predecessor — he himself has written to Father Pickering, concerned about the serious nature of the allegations that had been raised against him. I cannot ask your predecessor, obviously because he is deceased, but I can certainly ask of yourself: during your period, what action did you take to find other victims? Can I confirm that the answer is that no action was taken?

Cardinal PELL — I did not initiate action myself. You would be aware that in that letter, as you yourself said, Little said they were allegations. I do not know whether they were established at that stage. We probably should have sent out a letter, as we did to the other parishes. I am a bit unsure about the chronology of who dealt with what or to what extent we knew, but it is certainly true that I did not go out, as my successor did so commendably, to ask for other — —

Mr WAKELING — Would you acknowledge that that was a failing on your part?

Cardinal PELL — It was far from perfect.

Mr WAKELING — If I can just stay with Father Pickering, in addition to the issues and allegations that have been raised about sexual behaviour, I have a note — again, I am happy to provide you a copy, if you wish. It is a confidential note regarding Father Ron Pickering, and it is dated 5 June 2002 by Monsignor Christopher Prowse, who was the vicar-general. On that, it says:

On Thursday, 30 May I was informed by the business manager ... that stipend money had been sent from the priests' retirement foundation of the archdiocese of Melbourne to a former parishioner of Father Ron Pickering in Gardenvale. The indication was that the money would then be forwarded by this intermediary to England and eventually be passed on to Father Ron Pickering.

Cardinal PELL — That is correct.

Mr WAKELING — So can I just confirm that here is a priest who in 1993 had fled Australia to England without approval and that in '94 your predecessor has written to him, raising concerns about serious sexual misconduct which is criminal behaviour in the state of Victoria? This is a gentleman who is refusing to cooperate with church insurers to provide information. This is a gentleman who is refusing to provide the details of an alleged sex offender from the Ballarat diocese, and your organisation, of which you were the archbishop, is providing him a monthly payment.

Cardinal PELL — We have an obligation to all priests who are not laicised, even if they are convicted, to continue to pay them a modest stipend. I was obliged in canon law to do that, and I did.

Mr WAKELING — Can I just confirm, then, that the only reason the money was being paid was because he had not been laicised? Is that correct?

Cardinal PELL — If he remains a priest — and he was a guilty priest — we have an obligation to provide for him. Most priests are not well off. As long as a priest is a priest, canon law requires the bishop to support them.

Mr WAKELING — If I may — and I am happy to provide a copy of the letter — but to go on to Monsignor Prowse's response, and I assume Monsignor Prowse is known to yourself?

Cardinal PELL — Certainly.

Mr WAKELING — In that, Monsignor Prowse says:

Indeed, I indicated to him that the intermediary in Gardenvale was to be informed that this was the case and that this person would inform Father Ron Pickering that any further stipend from the archdiocese of Melbourne would be indefinitely suspended.

So what a layperson may take from that is that somebody has realised that money is being paid to a priest who has absconded to England for nine years, and after nine years someone has discovered that this money is being channelled out of Victoria and is being sent to England, and Monsignor Prowse has taken the view that this is inappropriate, this person should not be receiving compensation, remuneration from the archdiocese and we are going to put an immediate stop to it. Would that be a fair summation?

Cardinal PELL — I have a different view. The sum was quite modest, and as with all the other priests who were in a similar situation, I authorised such a payment.

Mr WAKELING — The letter goes to say:

We want to know his address so we can write to him and insist that he returns to Melbourne and 'face the music' regarding allegations of sexual abuse in his ministry here in Melbourne.

Cardinal PELL — I certainly was keen for him to face up to the music, but he refused to do that, and that was different from providing a rudimentary keep for him.

Mr WAKELING — To be fair — and I think we can take from that, Cardinal Pell, that it had nothing to do with laicisation, as you put. It had everything to do with the fact that somebody in the bureaucracy had discovered that this money was being channelled out of Melbourne and it was brought to somebody's attention, they immediately stopped that and said, 'This is the last person who should be receiving money', but none of this happened under your watch. During your period — —

Cardinal PELL — There was no secret in church circles about the money that was going, you know, in the immediate environment. That was not a secret, it was not done covertly. He was one of a number like that, and my successor had a different view, which obviously you commend.

Mr WAKELING — Your successor definitely had a different view as to the appropriateness of paying Pickering remuneration. If I may bring you to the situation you alluded to in Oakleigh where you did talk about the fact that you are not going to respond to gossip until it is proven in court, and you referred to that both in—
—

Cardinal PELL — To that meeting, I said that.

Mr WAKELING — In that meeting, both with myself and Mr McGuire. Was it not true, however, that at the time of that meeting, the actions of Father Baker of which concern had been raised at that meeting, certainly it was not idle gossip about the actions of Father Baker because in fact Father Baker had been under police investigation?

Cardinal PELL — Yes, well, what year was he under investigation? I would not — —

Mr WAKELING — This is in 1996.

Cardinal PELL — I would have been, they would have done exactly what I wanted — take it to the police, have it investigated, and we will deal with it.

Mr WAKELING — But would you not agree that a priest who is actually being investigated by the police, is a little more than idle gossip?

Cardinal PELL — If we had known that he was being investigated by the police we would have stood him down.

Mr WAKELING — I have a letter which is from Father Phil O'Donnell, who was the parish priest at St Thomas More's parish in Belgrave, and this is a letter to Gerry Cudmore on 12 June 1996, and he says:

What is important is the fact that both Father Searson and Father Baker are currently under police investigation over possible child sexual abuse.

This is a letter from one of your parish priests, who has written a letter to Gerry Cudmore on 12 June 1996, explicitly talking about the actions of paedophile priests, and in that he identifies the fact that Father Baker was in fact being investigated.

Cardinal PELL — Two things: Phil O'Donnell has had a commendable zeal in these matters, and I think when we moved to set up the Melbourne Response, that was broadly compatible with one of the options that he recommended. There is no evidence that Searson was being investigated by the police in 1996. There might be, either — check in the files; I could not find anything of that. Phil O'Donnell was notorious for getting things a little bit wrong, and all I do know is that I would have scrupulously followed the protocol as soon as I knew — if I was informed by the police that he was being investigated, or informed by the independent commissioner, Baker would have been stood down.

Mr WAKELING — I think we will just let the facts speak for themselves but certainly that was the evidence that was on foot at that time.

Cardinal PELL — What facts are there in that evidence? Are there allegations from Phil O'Donnell? There is no evidence to support the claim about Searson, and I would be interested to find out what the facts were about Baker.

Mr WAKELING — No, there was no allegation by Father O'Donnell of what the allegations were. What he in fact says is that Father Baker is currently under police investigation. That would be a matter for the police.

Cardinal PELL — Yes, well, if I did not know about it I could not be expected to stand him down. If I had known he was being investigated by the police, he would have been stood down immediately.

Mr WAKELING — But Cardinal Pell, with the greatest respect, this is a letter that Phil O'Donnell has sent to Gerry Cudmore. This is not Phil O'Donnell writing to a parishioner; this is a letter that he has sent on 12 June 1996 to Gerry Cudmore, and I assume Gerry Cudmore would have worked directly with you in your role when you took on the role as Archbishop of Melbourne.

Cardinal PELL — He did not continue in that role for long when I took on the archbishopric of Melbourne. All his documents were referred to the independent commissioner, and with due respect, the fact that it is written to here, there, or anybody else, it still remains to be shown whether it is accurate. All I can say is that as soon as myself or the independent commissioner had been informed by the police he was being investigated, if it was secret, I would not have known, if he had been investigated by the independent commissioner, on prima facie evidence he would have been asked to step down.

Mr WAKELING — Okay. Evidence has obviously been led in regard to the Fosters, and you have alluded to that in your own discussions. The Fosters provide a description which I think is quite apt, and I do apologise for some of the words, but I think it is appropriate when they talked about Father Kevin O'Donnell in terms of the impact that he had on their family. I quote:

O'Donnell pressed his erection against their little naked bodies, and these are children that were in primary school. O'Donnell left few physical scars. Instead, he left them emotionally tortured and spiritually ruined. He irreparably altered their development as humans so their relationships, their ideas of love and connections to others were also strained and sometimes impossible. O'Donnell and the church stole a part of their souls.

I believe that is a rather apt description of what we are talking about here. We are talking about children, we are talking about significant emotional torture, which for many has left their lives shattered and also the families shattered. What is your view on that?

Cardinal PELL — The actions of O'Donnell are appalling, absolutely appalling. He was a minister of the church so he brought disrepute on the church, and there is no doubt whatsoever about the terrible spiritual and emotional turmoil he produced. It is totally reprehensible.

Mr WAKELING — But I think the description that was provided in regard to O'Donnell would be fitting for many victims of many clergy across Victoria. Would you agree with that?

Cardinal PELL — No, I would not.

Members of the gallery interjecting.

Cardinal PELL — Let me try to — —

The CHAIR — Cardinal Pell, just a moment please. Could I please remind members of the public gallery not to speak out. You will have a warning, and if it happens again I will have to ask that you be removed. Please continue, Cardinal Pell.

Cardinal PELL — I understand people feel deeply about this, and in any case where it happened I would not want to dispute it. But it is not helpful to go from one example to a claim that it is done many, many times. What I do know from my painful acquaintance with this is that O'Donnell would be certainly amongst the worst of them — certainly amongst the worst of them. It does not condone what others might have done, or lesser. If comparable things — if any terrible things are done, we concede they are terrible and we concede also that they have ruined those people's lives. I would do anything to be able to provide some healing in that way, but I am not sure it is helpful to extend that radical condemnation without giving book, chapter and verse.

Mr WAKELING — I am not a psychologist, and I am assuming you are not either, Cardinal Pell, but we have had before us as a committee many victims of varying ages and socioeconomic backgrounds. The victims who we have seen at both the public and private hearings have one thing in common — that is, for most of them their lives have been shattered in some way, shape or form at the hands of a perpetrator. I believe that for many is the nub of the issue — that the Catholic Church hierarchy does not actually understand the impact. Yes, they apologise as a leader; yes, they express remorse, but they actually do not understand the damage caused to these victims, many of whom were just young children attending primary school. They do not understand the real impact that it has had on the victims' lives and the lives of their families.

Cardinal PELL — One of the things that one of the Fosters, Mrs Foster — I do not mean any disrespect, to Mr or Mrs Foster — said was that she did not believe in the apologies of bishops. I disagree with that. One thing she said was, and this resonates with me as a Australian of my age, 'If people keep apologising too frequently my instinct is to say, 'Well, what's going on? Apologise once and sincerely'. She or he also went on to say that actions are the important thing.

That is precisely why I set up the Melbourne Response; it was to stop this sort of stuff, these terrible things that are happening. You might say it is imperfect. I am sure the Melbourne authorities would be open to improving it, but I stood down plus or minus 20 priests in my five years in Melbourne. I believe that the Melbourne Response has had a significant impact in providing justice and stopping this thing going on. Unfortunately, with these people who are so wounded, it is very, very difficult to help them. God knows we would like to be able to in some way.

Mr WAKELING — If I may, the Fosters said in their presentation:

It is so hard to understand people talking about innocent, molested children without compassion. Perhaps priests, bishops and archbishops don't have that connection with children because they can't or rather, according to their vows, shouldn't father them. But that's no excuse. They were once children too. Surely we are not so many worlds apart that we can't share a sense of loyalty and protection of young people, humanity's future.

Cardinal PELL — I would totally agree with that, and that is precisely what I tried to do. As somebody who for 17 years, off and on, has had to grapple with the details of these appalling cases I am only too well aware of the suffering it has produced.

Mr WAKELING — Would you say, though, that you have actually dealt with issues swiftly if they have been brought to your attention, particularly when it comes to this important issue of people's concerns about child abuse?

Cardinal PELL — I set up the Melbourne Response within 100 days of becoming archbishop. I always encouraged the independent commissioner to deal expeditiously with these things. As a matter of fact I made detailed submissions on *Towards Healing*, and that was one of the points I made: that there should be a time line, and these things should be taken forward as quickly as possible and not allowed to fall through the cracks. I have endeavoured to deal with these matters expeditiously.

Mr WAKELING — I thank you for that. Given your response and your concern about dealing with these very important issues in a very timely manner, an article appeared in the *Herald Sun* on 7 April 2010 entitled 'Abuse "hush money" — Catholic Church tried to shield top clerics, says victims' mum', in which you were quoted. I am not wanting to deal with the article, but as a consequence of it — —

Cardinal PELL — Did they name anybody?

Mr WAKELING — I am happy to provide the article — —

Cardinal PELL — No, it does not ring a bell.

Mr WAKELING — But the substance of the article was not the nub of the issue. As a consequence of the article appearing, a mother, Claire Linane, wrote to Katrina Lee with sadness about this very important issue, particularly as one son — she talks about the story and says she is very concerned, particularly when it comes to Brother Dowlan. This was a letter sent to you shortly after in 2010. I note your comment before about the timeliness with which you deal with these issues because she received a response. A response was provided by your director of Catholic Communications, Katrina Lee. The response was provided to Mrs Linane three years later.

Dealing with these issues, as you said, in a timely matter — here is a mother's concern about this very important issue of child abuse, yet the letter sat in your office for three years. On 9 May this year, a response was provided, which says:

In light of the current Victorian inquiry I was looking at some of my previous correspondence and re-read your letter you sent to me in April 2010.

It goes on to say:

As you know it followed a letter in the *Herald Sun*. It was extremely unfortunate the article did not provide the correct statement and in context, as I have explained previously.

Ms Lee then goes on to say:

I have worked with Cardinal George Pell now for a number of years and he has said many times that helping victims and ensuring they are heard, believed and treated with compassion and respect must be the church's first priority.

Given that statement can you please explain, if the first priority is helping the victims to ensure they are heard, believed and treated with compassion, why it took you three years to respond?

Cardinal PELL — I do not think it did. Katrina phoned up Mrs Linane and spoke with her. She believes the initial letter was quite reasonable. There was an amicable discussion — that is Katrina's recollection. What she realised was that she had not responded in writing, and obviously we are checking all our files to see that the right thing has been done, and to ensure that that had been done, that letter was written. But her clear recollection is that she had spoken to Mrs Linane at the time.

Mr WAKELING — But given that, if your recollection was that the matter had been dealt with, would it not be seen as a bit cynical that you have actually provided a response merely days before you were to appear before this inquiry?

Cardinal PELL — No, not at all. We needed to just be sure that we had done the right thing. There was nothing cynical about it. At different stages we have regularly checked our files.

Mr O'BRIEN — Your Eminence, Cardinal Pell, in your submission dated 25 May 2013 to this committee you refer to the conversation with the Governor where he suggested that you set up a Catholic royal commission. Do you accept that the Melbourne Response, whilst it investigated individual claims, did not and has not — in fact until this inquiry was formed there was no systemic investigation into the causes of child abuse in the Catholic Church?

Cardinal PELL — I would not say there was no investigation, but there was no systemic investigation, certainly none specified by the Melbourne Response or by myself.

Mr O'BRIEN — In terms of the semantics, there was no public investigation that the public could play a part in and bring systemic issues to the attention of yourself, as archbishop, to deal with, were there, Cardinal Pell?

Cardinal PELL — I am not quite sure where you are heading.

Mr O'BRIEN — Just answer the question I am asking.

Cardinal PELL — I will when — if I may — —

The CHAIR — Could you give Cardinal Pell a bit of an explanation, Mr O'Brien?

Mr O'BRIEN — I will but — —

Cardinal PELL — In all the parishes, in all the schools, there was information that had been sent. As I said, we had a press conference alerting people to these areas. In terms of the preparation of priests, we systematically worked to see that these things would not happen again. One measure I have mentioned is the psychologist testing. This whole issue was part of the discussion. There was a synod on the preparation of priests in 1990. That brought out a series of recommendations, one of which was that there would be a very stern spiritual year of introduction to make sure that people's motives were correct. There was a visitation of the seminary sponsored by the Vatican, by Archbishop Legazpi from the Philippines in the second half of the 90s. All of these things were evidence of a significant regular attempt to make sure that this was not going to happen systematically again.

Mr O'BRIEN — But with all those actions that you took, you took them without taking the first step of understanding the systemic problems in a way that could be applied across your church. That is the case, isn't it?

Cardinal PELL — No, it is not. We would not have taken those steps if we did not have some indication of the systemic problems. I would not have set up the Melbourne Response if there had not been systemic problems.

Mr O'BRIEN — You use the key phrase, I said, 'there were some indications'. There is a big difference between 'some indications' and a detailed, thorough understanding with the involvement of the public, as has been conducted, say, in this inquiry and as may be conducted in a royal commission, isn't there?

Cardinal PELL — Certainly, yes. I regret the fact that the government was not more active earlier.

Mr O'BRIEN — So you are blaming the government for not setting up — —

Cardinal PELL — I am not blaming the government.

Mr O'BRIEN — It sounded like you were.

Cardinal PELL — It might to you, with due deference. That certainly was not my intent.

The CHAIR — Could you clarify what you meant, then?

Cardinal PELL — Yes. If there perhaps had been something like what was done in New South Wales; if there had been some equivalent of the Wood royal commission, which brought in the sorts of measures I have spoken about, such as the introduction of the ombudsman, such as the introduction of an appropriate mechanism for mandatory reporting, I think that would have been a help — with hindsight.

The CHAIR — Perhaps Premier Kennett should have set up an inquiry some years ago? Let Mr O'Brien continue.

Cardinal PELL — I am not blaming any particular Premier, but I am just saying what they did in New South Wales, and I think it was a real contribution.

Mr O'BRIEN — Cardinal Pell, if I could just return you to the actions that you took and the Catholic Church in Victoria took, you referred to the letter by Father Phil O'Donnell dated 12 June 1996. I am just going to provide you with a copy of that letter. It was addressed to Gerry Cudmore, I believe, as the vicar-general. Have you seen a copy of that letter before?

Cardinal PELL — I do not recall seeing it before preparing for this meeting.

Mr O'BRIEN — So you have seen it preparing for this meeting, because I did provide a copy — —

Cardinal PELL — I might have seen it before, but I do not remember it.

Mr O'BRIEN — All right. You talked about hindsight. In terms of Father Phil O'Donnell, he may have got a few things wrong, and they are your words. But his foresight in terms of the sorts of issues that are now facing the church in 2013, if I could just take you to the page marked as '34' — —

Cardinal PELL — Yes.

Mr O'BRIEN — Do you see it, with the highlighted extract? Do you see that he, at that stage, asked Vicar-General Cudmore to conduct an internal investigation of the possible child abuse by priests in the archdiocese?

Cardinal PELL — He made three suggestions.

Mr O'BRIEN — The third of those was what I just asked you about.

Cardinal PELL — Which is on page 34, up the top, is it not?

Mr O'BRIEN — Yes. If you could read that out so it is clear we are reading the same passage.

Cardinal PELL — No, I do not need to read it out. It is available to you.

The CHAIR — Mr O'Brien, would you like to read it out then?

Mr O'BRIEN — If you do not wish to read it, I will read it out. It says:

And so, I repeat the request that the competent ecclesial authorities in the archdiocese of Melbourne take the initiative and conduct an internal investigation of possible child abuse by priests of this archdiocese.

You had not seen the letter, but do you accept that the Catholic Church, at least Vicar-General Cudmore, was placed squarely on notice on the need for a more systemic — —

Cardinal PELL — I suggest that this is in exact parallel with what we did in the Melbourne Response, and I think that the Melbourne Response is not an exact fit to this, but it substantially fits it. That is why we set up the competent ecclesiastical authorities, which were myself. We took up the initiative and conducted internal investigations of child sexual abuse. The word he had there was 'possible', but that is covered under the nature — the Melbourne Response dealt with allegations.

Mr O'BRIEN — That is right. It deals with allegations that it receives. But it does not do an investigation into that key word 'possible', does it, Cardinal Pell?

Cardinal PELL — Of course it does. When you consider allegations, you are examining possible misdemeanours, possible crimes.

Mr O'BRIEN — Did it go to a request of all priests across the Catholic Church as to whether they knew of anything?

Cardinal PELL — That request not only went to all priests, it went to the entire Victorian population. It went to every school and to every parish.

Mr O'BRIEN — To bring forward allegations.

Cardinal PELL — Exactly.

Mr O'BRIEN — But it did not in fact undertake an investigation of its own, did it?

Cardinal PELL — We commissioned the Melbourne Response to do those investigations.

Mr O'BRIEN — Okay. His second recommendation, you will see there, is to:

... strongly request that archdiocese initiates an internal investigation through a confidential memo to each priest requesting specific or possible information.

That is about perpetrators. Was any of that action taken?

Cardinal PELL — No, we certainly did not go in that direction.

Mr O'BRIEN — Given that a number of these people have passed on, including Archbishop Little and Bishop Mulkearns, do you now regret not undertaking a more systemic inquiry within the church, apart from the Melbourne Response?

Cardinal PELL — I was not in a position to do anything then. But certainly because I introduced the Melbourne Response, obviously I would have been very happy if that had been introduced by somebody earlier.

Mr O'BRIEN — That is not an answer to my question. Do you regret not going further than the introduction of the Melbourne Response and at least initiating this memo to each priest requesting information?

Cardinal PELL — I believe that what we did with the Melbourne Response was an adequate response at the time and brought very considerable help and helped to deal with 300 people.

Mr O'BRIEN — But it did not undertake a systemic investigation beyond what claims came to it. Do you regret that you did not do that? I am asking you now for the third time.

Cardinal PELL — I am more than happy with what we did at that time. I felt it was a sufficient response to the problem at that time, and it bore very significant fruit.

Mr O'BRIEN — Because the other point that Father O'Donnell makes is that it might only be the tip of the iceberg of what went to court. Is it not the case that we do not know the extent of the child abuse problem that occurred back then because there was never a public inquiry initiated by the church?

Cardinal PELL — I think we have got some very good indications of the nature and the extent of the problem then, precisely from the volume of cases that have come through to us and the disciplinary actions that I took, as I said, in standing down 20 priests.

Mr O'BRIEN — I would like to provide you with another letter. You have provided some answers to the question of whether Archbishop Little or Bishop Mulkearns were aware of the problems and then proceeded to protect perpetrators or cover that up. Do you agree that at least in the protection priorities, Archbishop Little was prepared to protect the reputation of the church over and above the punishment of perpetrators?

Cardinal PELL — In one case that is clearly established.

Mr O'BRIEN — That is the Father Billy Baker case.

Cardinal PELL — Yes.

Mr O'BRIEN — Would you also accept that it is clearly established in part in the Desmond Gannon case? I will provide you with a copy of the letter.

Cardinal PELL — Yes, I think that is correct, but I am not absolutely sure of that, because I — —

Mr O'BRIEN — You have not undertaken an investigation into it, have you?

Cardinal PELL — Yes, I have. I am just checking my notes, and the Gannon accusations were first made in 1993.

Mr O'BRIEN — Correct. And those notes were not made in 1996. They are recent notes, are they not?

Cardinal PELL — Pardon?

Mr O'BRIEN — It does not matter; I will move on. You will see that this is a letter from Archbishop Little dated 24 May to Reverend Cudmore. You gave evidence to this committee only a few hours ago that Archbishop Little never interfered in any way or gave a word of direction or advice to Cudmore. Reading that letter, would you have to agree that that is not true?

Cardinal PELL — I was unaware of this letter. I can recount what Cudmore said to me, but this is a clear example of some sort of direction. I was unaware of its existence. I do recall what Gerry said to me.

Mr O'BRIEN — Does it cause you to change your mind and therefore your evidence in relation to the actions of Archbishop Little?

Cardinal PELL — Yes, it would.

Mr O'BRIEN — I ask you to read it for the record. If you do not want to, I will read it, but it is more helpful if you can so that you are clear about it. Could you read the first three paragraphs, from 'Dear Monsignor Cudmore' down, please, Cardinal Pell?

Cardinal PELL — I would prefer you to do it. My information is I am not required to.

Mr O'BRIEN — That is fine. I will read it. It says:

Dear Monsignor Cudmore,

I had worked ... through a letter of acceptance of the resignation of Father Des Gannon as parish priest when I realised that there is a whole administrative requirement which need to be stated in the appointment of a pastor emeritus. I think the more quickly he is appointed pastor emeritus the better.

Do you see that that is actually an acceleration of a promotion?

Cardinal PELL — It is not a promotion to go to pastor emeritus; it is an acceleration.

Mr O'BRIEN — Of a title.

Cardinal PELL — It is an exit.

Mr O'BRIEN — What does pastor emeritus mean?

Cardinal PELL — You are no longer an active priest.

Mr O'BRIEN — But it also means you are a priest with merit — emeritus? My Latin is probably not as good as yours. That is an acceleration of a conferring of a title. This is a priest who we found out in front of Archbishop Hart took 18 years to be formally laicised, with the answer, 'Better late than never', but in fact upon allegations of child abuse the conferring of pastor emeritus was accelerated. That is the case in that first paragraph, is it not?

Cardinal PELL — Yes.

Mr O'BRIEN — I will read the next part, which says:

So I would be grateful if you would kindly draft for me a letter which indicates that I accept his appointment expressed in a letter to you.

That is clear direction, is it not? He is asking for the drafting of a letter.

Cardinal PELL — That is established, yes.

Mr O'BRIEN — Then there is the next bit, which is probably more concerning, certainly to member of the Public Accounts and Estimates Committee who sat in this room previously and others, because it relates to the compiling of documents. It says:

You will note that there has been a regular pattern for such letters —

which means that there was more than one letter —

which mention the various parishes in which a priest has exercised his ministry. It would be good to date the letter 7 May 1993.

Cardinal PELL — Yes, and that is totally unacceptable. The pattern for such letters would be the letters that are sent out to the various emeritus pastors.

Mr O'BRIEN — Was there a pattern in backdating the appointments of pastors emeritus?

Cardinal PELL — I hope not. I am unaware of it.

Mr O'BRIEN — And we have not undertaken this investigation; can you see the need? I ask you to go to the last paragraph, or I will go to it. It also says:

It would also be good to indicate acceptance of his resignation as a member of the Diocesan Extension and Maintenance Fund and to thank him also for the very helpful contribution that he has made over the years.

There is no condemnation of his actions as a potential paedophile at that point, is there?

Cardinal PELL — It is an unfortunate letter, totally.

Mr O'BRIEN — And it is clear evidence of a cover-up in a number of ways, is it not?

Cardinal PELL — Yes, I think you would have to say that.

Mr O'BRIEN — Another document I will provide to you — you have all the copies; I am sorry — is a set of file notes dated 30 April 1993, and it says 'Statement by GAC', which I take to be Gerry Cudmore.

Cardinal PELL — Cudmore.

Mr O'BRIEN — This is in various parts, and I will go through it fairly quickly. It says:

I went to a private room with DG —

which I take to be Des Gannon —

and told him of the accusation, the place and the dates. He asked me if it was ...

and I will not say the name of the person —

I said no.

Then he says:

He then told me that something did happen ... but 'Thank God all that is finished'.

Do you see that?

Cardinal PELL — Yes.

Mr O'BRIEN — Under point 6:

I asked him was there any other involvements. He said yes — about 5 or 6 in different parishes.

Do you see that?

Cardinal PELL — I do.

Mr O'BRIEN — Over the page, at point 10, it says:

I spoke to TFL —

Is that Frank Little?

Cardinal PELL — Mmm.

Mr O'BRIEN — It continues:

and informed him of all the facts. He suggested I ask DG to submit a resignation as ...

as parish priest —

on health grounds.

That is again more evidence of cover-up, is it not?

Cardinal PELL — Yes, it is.

Mr O'BRIEN — Down the bottom we have this phrase, which Mr McGuire took you to, which we have heard, that the lawyers were running the show in a sense: 'We were guided by the lawyers'. It says 'Discuss with P. Connors', who says:

1. Don't admit accusation

Do you see that?

Cardinal PELL — I do.

Mr O'BRIEN — And it says:

2. Indicate that archbishop has asked for resignation ... out of parish life.

Then it says:

Resignation received 5 May 1993.

I will take you to a couple of other documents in that pile, Cardinal Pell.

Cardinal PELL — Let me say as we go along that obviously I do not approve of these at all. I was unaware of this particular incident, but it was this sort of unacceptable behaviour that prompted me to bring in the measures I did. I agree with you that it is unacceptable.

Mr O'BRIEN — It is completely reprehensible, is it not?

Cardinal PELL — It is.

Mr O'BRIEN — I would say it is also completely un-Christlike, and I was confirmed by Archbishop Little.

Cardinal PELL — I would have to agree.

Mr O'BRIEN — If Jesus Christ taught anyone anything, it is to get to the truth of the matter and certainly not to put Pharisees or church structures above helping the innocent people. That is the fundamental message, is it not?

Cardinal PELL — He got the bloke out, but the way he did it was reprehensible.

Mr O'BRIEN — I will continue on to the next letters. Do you agree that it is totally contrary to the teachings of the Christian church to be covering up, backdating letters, promoting and giving false grounds?

Cardinal PELL — Of course.

Mr O'BRIEN — The next letter you will see is to Reverend Gannon. If there was any doubt about the backdating, you will see that the front page of the letter is dated 7 May 1993, as suggested, and then on the back page — it was obviously an early word-processing problem — it still has the actual date of 28 May 1993. Do you see that, if you turn over the page, at the top corner?

Cardinal PELL — Yes, yes.

Mr O'BRIEN — And that would be consistent with a word-processing problem. But you will see on the second line:

By virtue of this letter I appoint you —

so it is an appointment —

pastor emeritus with effect 7 May 1993.

Do you see that?

Cardinal PELL — No; where is that again?

Mr O'BRIEN — The second paragraph of the letter.

Cardinal PELL — Yes, I do. I do.

Mr O'BRIEN — It then proceeds to thank him for his good deeds.

The next document, if I could you take you to that, is in fact a health certificate. Because the doctor is not before the committee, I do not want to name the doctor, but in the second paragraph it is signed:

It is with regret that I have found Fr Gannon's health deteriorating over the years to the point where I believe that he is not able to continue in his capacity as parish priest, as in my opinion, this will be detrimental to his future health.

Do you see that?

Cardinal PELL — Yes.

Mr O'BRIEN — And then over the page is the letter that I provided to you early; it is just another copy of that. The next one is a parish bulletin from the *Ignatian*, which is dated 13 May 1993. It says in relation to Fr Gannon:

With shock and sadness I received a call last weekend from Father Des Gannon with news of the archbishop acceptance of his resignation (on medical grounds) ...

Do you see that?

Cardinal PELL — I do.

Mr O'BRIEN — And do you see then how the archbishop's actions in covering this up led to misinformation being dispersed amongst the parish? Do you see that?

Cardinal PELL — I do.

Mr O'BRIEN — In some instances we have had evidence, and some of it is in camera, that people who have tried to whistleblow — that is, the families of victims — have received really terrible treatment from their fellow parishioners, who in a sense embody the church as well, because they are not initially believed. Are you aware of those claims?

Cardinal PELL — I am aware of those stories.

Mr O'BRIEN — And do you accept that this sort of behaviour further entrenches the supposed respectability of the church and in relation to these whistleblowers can further diminish their credibility in their community?

Cardinal PELL — I agree completely.

Mr O'BRIEN — And that is also reprehensible.

Cardinal PELL — Yes.

Mr O'BRIEN — All right. The last document is the document dated 3 May 1993 — no, there are two documents — from Des Gannon to Monsignor Cudmore saying:

Through you, I hereby tender my resignation as parish priest of St Martin of Tours ...

I will not go into the rest of that. The next letter is dated 3 August and says:

I wish to advise you that you do not have any faculties or priestly ministry in the Archdiocese of Melbourne at the present time.

You may celebrate mass privately in circumstances which could not lead anyone to conclude that you have any current priestly appointment.

That is again an example that this is not a process of laicisation; this is a withdrawal of the priestly faculties, which I think you gave evidence to this committee is as good as ceasing someone's activities. But it is not, is it?

Cardinal PELL — It is the cessation of all public activities. It is the cessation of any public acknowledgement that a person is a priest. Priests who are stood down and are not laicised, if they still have faith, I would consider it appropriate for them to say mass. A basic consideration is to ensure that they do not offend again, whether they are priests or ex-priests, and if a person is taking their Catholic life of prayer seriously, they are much less likely to abuse. I do not think a person could — apart from a public profession of prayer — pray personally if they were committing these dreadful acts. This permission for him to say mass privately is compatible with the general practice for a priest who is stood down.

Mr O'BRIEN — I know you have begun to reform some of these processes of laicisation, and I know you are also a great student, in a theological sense, of the Catholic Church. Would you accept that some of its practices, particularly in canon law and some of this archaic regulation of priests, are simply well out of date to cope with the modern expectations of a community like Victoria?

Cardinal PELL — The answer is yes. One recognition that this was accepted was the changes that were brought about in 2001. I do not want to be too repetitive. My introduction of these measures, the Melbourne Response, is another indication of that. Certainly the church is open to further improvements. We look forward to hearing your recommendations. I would be very surprised if all the Catholic churches in Victoria are not very cooperative in taking the matter forward. When the Melbourne Response was set up it was pointed out explicitly that the opening document was not a final set-up. It was an administrative framework; it was open to refinement and improvement, and I am sure that is the case now.

Mr O'BRIEN — I want to ask you some questions about the Melbourne Response. Just before I do, one aspect of laicisation is that they would not have been paid. That would be a benefit which I think you conceded to Mr Wakeling.

Cardinal PELL — Yes.

Mr O'BRIEN — Would another option have been excommunication or making excommunication easier? We have seen examples of threatened excommunication if a priest was to breach the confessional. We know — and I put this to Bishop Connors in the case of Father Paul David Ryan — that in fact that priest abused the confessional in obtaining information about his potential victims. Why was he not excommunicated? Do we not have to look at that inconsistency in the way they regulate their own whistleblowers, if you like, as opposed to the way they have treated their perpetrators — I mean, the church?

Cardinal PELL — Yes, well, excommunication is very radical. It is complete exclusion from the church. It is rarely used. Certainly it could be one of the things that we look at, but the traditional practice of the church

would be, for most of these things, leaving aside some particular examples, that they would be laicised rather than excommunicated.

Mr O'BRIEN — One ironic example again of excommunication in Victoria you mentioned is Saint Mary MacKillop, who was in fact excommunicated initially and then it was overturned on appeal. There is some debate about the record so I do not want to say it, but it may well have been for whistleblowing in relation to child sexual abuse. Do you accept that?

Cardinal PELL — Certainly I think she was involved in whistleblowing. I would very much doubt whether that was the main reason — —

Members of the gallery interjecting.

Cardinal PELL — It might have been. But you can understand the role of Rome a little bit better in the light of that incident. Excommunication should be very rare. Rome is there to ensure that justice is done in the local community — not to cover up but to ensure that justice is done. If excommunication is considered an appropriate option — it has not hitherto been for most of these events.

Mr O'BRIEN — Just briefly on Rome, I know you have been appointed by Pope Francis to look at reform to the curia: part of its rules and procedures have been a lot harsher on those within the church trying to speak out against activities of Rome than it has been on the perpetrators who have totally violated everything that the church was meant to stand for.

Cardinal PELL — With due respect, that is not accurate. The people — you could name them on a few hands those who have been punished or even reprimanded for wrong doctrinal teachings. There are thousands of priests who have been stood down — —

Mr O'BRIEN — I do not want to debate that with you. One action that has not been taken in all cases, at least very promptly, was the removal of plaques. One of the things the Fosters said to us in giving evidence is that the name of the notorious paedophile Kevin O'Donnell is still on the plaque at that parish church. Do you know if that is correct?

Cardinal PELL — I do not. I am not saying it is not; I just do not know.

Mr O'BRIEN — Would you support that removal?

Cardinal PELL — Yes.

Mr O'BRIEN — One other issue that the Fosters raised with me is that on page 355 of their book they indicated that you sent two sexual assault victims a letter each and dated them the same day. Both victims had complained about the same sexually abusive priest. To one victim you stated that the church investigation showed that sexual abuse had taken place and the church apologised. To the second victim you stated that the church investigation had shown that sexual abuse could not be substantiated and that no other complaints had been received about the perpetrator. Did you send those two letters and could you explain what happened?

Cardinal PELL — Yes, I would like to explain. I certainly did. I take responsibility for it. I have been — in those two letters I accepted the recommendations from the same individual who was investigating both cases. His recommendations are obviously contradictory. I was unaware that I had contradicted myself until the big hoo-ha took place just before, I think it was, World Youth Day — I might have that wrong, but before some big public event. I checked it and obviously it was. I accept responsibility for it.

I suspect one reason I was so slack is because both letters simply enunciate the verdict of the person who was examining things. I did two or three things after that, if I could just go on. Obviously the matter — this is another difference from Victoria — in Sydney we have a committee of advice to advise me on difficult situations, chaired by a retired judge. I referred this case to him. He said, 'You were in error and a compensation offer should be made', and we made it. Immediately this was discovered I got a lawyer to go through all the similar documents like this that were in any way connected with — coming from that time and the people involved, just to make sure we had not made any other mistakes.

Mr O'BRIEN — Can I just pause you there because one thing that the Fosters also identified that has not been undertaken — and you can confirm if it has — is a systemic investigation not even into the whole church in Victoria but into the activities of Kevin O'Donnell, who complaints had been made about as early as 1946, 1958 and 1986 — and all the relevant individuals who may or may not have known about that and have been in a position to have whistleblown or drawn a light to this problem and fixed it earlier as a means of understanding just one case.

They called for that, and they called for that on the public record back when they gave evidence on 23 November 2012. Was any such investigation taken under your watch as Archbishop of Melbourne?

Cardinal PELL — No.

Mr O'BRIEN — Do you understand the need for it? When we were looking at systemic things — we saw the letters that I just drew on in relation to Des Gannon. Can you see the problem?

Cardinal PELL — I can see the usefulness of doing something more specific and systematic. Whether focusing just on O'Donnell would or would not be useful, I do not know. I am not opposed to that in principle. We did not do it. O'Donnell died not too long into my time as archbishop.

Mr O'BRIEN — Are you prepared to provide not only detailed responses — because there are other questions that the Fosters have that I will not have time to put to you specifically today, although other members have covered them all, and it is best to actually respond directly to their book and their submissions.

Cardinal PELL — I have responded on numerous occasions to that book. I have communicated to some extent — not to some extent, on at least one occasion with the authors of that book. A number of those responses are on the public record. I suggest you avail yourself of — —

Mr O'BRIEN — I am very familiar with them. What I was going to say when you interrupted me — —

The CHAIR — Mr O'Brien, please get to your next question.

Mr O'BRIEN — What I wanted to say was that we have received many victims' testimonies that have specific and outstanding questions of the church. To the extent that they relate to your time, or even if they did not, are you prepared to be part of a process in providing detailed answers — not just a single-line apology but a detailed explanation as to the systemic reasons why this was allowed to happen?

Cardinal PELL — One, I have given very detailed responses about the systems and their failures. In individual cases — I am not the Archbishop of Melbourne. If questions were asked about individual cases I dealt with, I would be more than happy to respond.

Mr O'BRIEN — All right. Just some quick questions on the compensation cap, if I could. You set the initial cap at \$50 000 and then at \$55 000, and then it has gone up to \$75 000. Is it not the case that the analogy with the crimes compensation payment system is not really justified, because in the case of the church it is the church who has permitted these perpetrators to operate under the guise of the cloth, whereas the state's compensation system is in situations where the state is not actually liable — they are criminals who have committed actions against innocent parties: can you see the distinction there?

Cardinal PELL — There are a couple of muddles in what you are saying. We established clearly before that there were some cases in which they were parallel and some cases in which they were quite different. This claim that the church allowed them to do this — if the church is plainly in the wrong, if a church authority were informed that a crime had been committed and they did nothing about it, that is clearly wrong. If there was no reason why a church authority would know about this, then I fail to see how such a church authority could be held culpable.

Mr O'BRIEN — Would you accept that in England, in recent decisions around vicarious liability, the church has been found to be liable in those precise circumstances? It says a bishop is vicariously liable to victims of child abuse.

Cardinal PELL — I do not know the English decision. I do not know whether it is wise. If that were accepted that that was going to be the situation in Australia — whatever the law is, we would comply with it.

The basic point — I think it is in common law but certainly in common sense — is that you cannot be held responsible for something over which you had no authority.

Mr O'BRIEN — Is it not the case, though — and you said this to Mr Wakeling — that as a legal technicality you are not responsible, but you do accept moral responsibility for the church's actions? That is what you said. I just want to be quick. That is what you said.

Cardinal PELL — Moral responsibility for the actions of my predecessor because that did impact badly on those people. I have a moral obligation on behalf the church to cope and to assist these people. I would not accept any moral responsibility, for example, for the sorts of things that Little did in the Gannon letters, because I disapprove of that.

Mr O'BRIEN — Do you accept vicarious liability? Do you think Victoria should have a vicarious liability for the actions?

Cardinal PELL — I am not being smart; I really am not quite sure what vicarious liability means, but if it is introduced here by the government and by the law, we will certainly abide by it.

Mr O'BRIEN — Because without that, then you are really prepared to rely on a legal technicality to avoid full moral responsibility. Is that not the case?

Cardinal PELL — We have never relied on a legal technicality — I have not. The Ellis case is the one that is often mentioned. The case there turned on questions of fact. The church had no knowledge whatsoever of the crimes of this fellow — with Ellis — until Ellis took this case. He was trying to expand the law, and the judges rightly concluded that that was not the case. It was an ambit claim; he was saying that he had lost his job as a senior lawyer or businessman and should be recompensed for the loss of these high earnings. This was felt not to be appropriate.

Mr O'BRIEN — He wanted the church to have someone to sue. He wanted to be able to sue the church, so he sued the trustees, and he sued yourself as the archbishop, then the archbishop at the time'. A model litigant, which is what the state has to operate under — or a good corporate citizen, to use Mr Wakeling's example — I put to you, would give him someone to sue so that he can obtain financial compensation above the limit. There was no limit in his case, but up to \$500 000, like he did obtain from the courts.

Cardinal PELL — If he had sued the right person, if he had sued the archbishop at the time, there might have been some possibility of that, but even there in law the archbishop was not aware of that offence and therefore he is not legally liable. Therefore our generosity in dealing with Mr Ellis goes far beyond the capacity of any laws.

Mr O'BRIEN — Let us go back to Victoria. Just on the cap on the compensation, you said that you would look at the national norm. The Melbourne Response is the only archdiocese that I am aware of that is not bound by Towards Healing and therefore is the only one with a cap. That is the case, is it not?

Cardinal PELL — Yes. I think that is the case, yes. The compensation side of Towards Healing is quite underdeveloped.

Mr O'BRIEN — Would the norm not then be to remove the cap on the Melbourne Response, so that it is unlimited?

Cardinal PELL — You would have to ask the Archbishop of Melbourne today about that.

Mr O'BRIEN — Are you prepared to recommend it?

Cardinal PELL — Let me just say: in Sydney we have on quite a number of occasions paid more than that cap.

Mr O'BRIEN — And we have heard about it here — but only when they have gone to the civil courts.

Cardinal PELL — No, no. Sorry. In this case, they had gone to the civil courts. They lost in the civil courts — —

Mr O'BRIEN — I am talking about here. I was talking about, say, the Fosters.

Cardinal PELL — But I wanted to make it quite clear — —

Mr O'BRIEN — I know.

Cardinal PELL — In New South Wales it is not only when there has been a civil case that we have gone above \$50 000 or \$75 000.

Mr O'BRIEN — Can I just read you some words that I received, in my closing comments to you now, which is a quote from a victim of Kevin O'Donnell, but it was in our in camera sessions? I just want to read what he said in relation to what he sees as the problem. He says:

Okay. I want this panel —

that is the compensation panel, who David Curtain admitted to us does not pay full compensation. It certainly does not pay legal costs, which is normally part of compensation, but I put that as an insert. I want to read what he said. He said:

I want — —

Cardinal PELL — That is definitely correct, is it?

Mr O'BRIEN — Yes, that is what Mr Curtain said to us.

The CHAIR — That is the evidence we have received.

Mr O'BRIEN — Do you agree with that — it is appalling, not paying lawyers? You do not agree with it?

Cardinal PELL — No, no, no. I agree with you, if it has been said.

Mr O'BRIEN — 'If it has been said'. It sounds like — no, I do not want — —

The CHAIR — If you could move to your question, Mr O'Brien.

Mr O'BRIEN — I will go to my quote:

I want this panel to be dead and buried and to get a real panel. I want to go to the Supreme Court. That is what I really want to do ... Any Australian citizen can go to a court. This is what Australia is about. It is a democratic country. I need to go there to get proper democracy. That is what I want.

This is the bit:

... I got 27 grand for being bloody raped 10 times, apart from all that sort of trying suicide — the whole works.

And he did spend \$12 000 in legal fees, which I asked him about later.

I want a proper Australian court to basically say, okay, I can go to court, and this is what happened there, and to have an Australian judge, like any other citizen within Australia is able to do that, whereas with this mob —

and he does mean the Catholic Church —

I cannot because there is some — I do not know what the hell it is or where it comes from — law that these international paedophiles can ... get away with it.

Can you see the problem and the distress that this has caused victims, by not having a public forum, an entity that they could simply sue, even in cases where there is clear liability?

Cardinal PELL — Well, once again, there are a whole raft of issues there.

Mr O'BRIEN — There certainly are.

Cardinal PELL — Yes, there are, and you have not expressed them very clearly.

Mr O'BRIEN — It is not my words; it is — —

Cardinal PELL — I will just try to unravel them. I agree that if the situation is as described there the compensation is, I would say, miserable. If such a person wanted to go to the Supreme Court, we have no problem about that. One of the things we do have in Towards Healing is we do have an appeal mechanism. So if such a person there felt that this was totally insufficient, I think it would be appropriate to have such an appeal.

Mr O'BRIEN — I have to cut you off there. My final question — —

The CHAIR — Have you got a final question?

Mr O'BRIEN — Yes, I have.

The CHAIR — Thanks, Mr O'Brien, if you could.

Mr O'BRIEN — It is actually in the form of a request, because it will be my final word to a representative of the church. So I would ask you, Cardinal, to go through all these victims' testimonies and all the submissions and the reports as part of your role in reviewing the curia and the Catholic Church, and when you are advising His Holiness Pope Francis on the actions of the Catholic Church in investigating the instances and causes of clergy abuse and when responding to and compensating its innocent victims, ask yourself, Cardinal Pell: Have I done enough? What more can I still do? Can I err on the side of overcompensating? No more caps, no more legal defences — overextending to ensure that the Catholic Church is not being defensive and is being proactive so that it can truly have a moral claim, if that is what it seeks to continue to do, to lead on these issues. But more importantly, to ensure that victims and their families have some tangible relief when needed, and to ensure that your church can once again be trusted to prevent the abuse of children in its care? Can you do this, and will you do this, Cardinal Pell?

Cardinal PELL — I will undertake, certainly if I am asked by the committee, to review all your files. I am certainly totally committed to improving the situation; I know the Holy Father is too. I know there are significant persons in the community and in the church who believe, rightly, that we have failed. Many people still trust us. An increased number of non-Catholics want to come into our schools. Our school population is rising. We have done quite a deal. I commit myself to doing whatever further is required and appropriate so that we can bring a bit more peace — —

Mr O'BRIEN — Just to clarify my commitment; it is not what we want to tell you — —

The CHAIR — Mr O'Brien!

Mr O'BRIEN — It is for what you should do yourself. That is what I asked you.

The CHAIR — Mr O'Brien, Cardinal Pell has said he will make that undertaking. Can I also just confirm that the evidence you cited from the in camera evidence has been made public to the committee, which you should have — —

Mr O'BRIEN — Yes, I have obtained — —

The CHAIR — That is correct? Thank you. Just to let Cardinal Pell — —

Mr O'BRIEN — I have clarified that. The witness had made a special request. I have sought confirmation that they are happy for it to be used, and that has been made public to the committee.

The CHAIR — Thank you. It has been made public to the committee. I am just informing Cardinal Pell. I do not believe there are any further questions, and it has been a long afternoon. Cardinal Pell, you have an opportunity to make a statement to the committee, which we would like to hear. Thank you.

Cardinal PELL — Good. Thank you. I have been grateful for this afternoon. I have had my say in attempting to explain what is going on, and I am grateful — —

The CHAIR — Cardinal Pell, just hold it there, please. If members of the public gallery are leaving the gallery, could they have some respect and leave quietly. Thank you. Please commence.

Cardinal PELL — I conclude where I began by repeating that I am, to use the words of the Premier, fully apologetic and absolutely sorry. I repeat that I am committed to working to make improvements. If I had been allowed to make a statement at the beginning, I would have said that I regret that we were not called earlier. I indicated my willingness to appear last year, because the hearings began with searing criticism from very important personages like Parkinson and the assistant commissioner. Archbishop Hart wrote, I thought, a very considerable reply to some of the misapprehensions in those documents, and unfortunately that was not published on the website until — I do not know — last month or six weeks ago but certainly not at the time.

You are well aware that there are two levels of the problem: the grim list of abuses, and the second is how we dealt with them. Because these charges were unanswered, many people in the public think not only were there many mistakes made a long time ago but there has been no progress at all over the last 20 years. I do not think that is borne out by the facts of the case, but that is for people to judge.

I was also very disconcerted by a report in the *Age* of 30 January which appeared to reveal that the basic recommendations of this committee had already been made. That was certainly in Zwartz's article. I had heard there was some sort of a clarification from the Chair about that; we were unable to find it. As I said, I was disconcerted by that.

My final request to the committee, if it is possible, is to allow my submission to the inquiry to be posted on the inquiry's website within the next 24 hours so that the public can have access to what I have written.

As I said, I am pleased to have had the opportunity to speak, I am pleased to have been able to answer your questions to the extent that I did and I recommit myself to lamenting the suffering and to doing what we can to improve the situation.

The CHAIR — Thank you, Cardinal Pell. Before we conclude, can I just inform you that we have indicated to the Catholic Church a number of times that there is a right-of-reply process, and you can take that up if you would like to. The committee has undertaken a process, and we have been quite particular about that process. We have heard from experts first and foremost, we have heard from victims and then from organisations that have had direct dealings with children. That has been the process which we have taken this inquiry through.

In relation to the article you referred to in the *Age* of recommendations, this committee has not yet concluded. We have a closing date for submissions of 7 June. We have not determined or made any recommendations to this point. Again, in relation to your request, there are a number of processes we undertake to put submissions up on the public website. We have heard from you today. We do thank you very much for your time and for your availability, and on behalf of the committee I extend that thanks. Your evidence has been most helpful. Thank you very much. The hearing is now adjourned.

Committee adjourned.