



## CATHOLIC ARCHDIOCESE OF SYDNEY

15 January 2013

Ms Georgie Crozier MLC  
Committee Chair  
Family and Community Development Committee  
Spring Street  
EAST MELBOURNE VIC 3002

Dear Ms Crozier

**Dr Vivian Waller's submission to the Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and other Organisation and her subsequent media comments**

I write on behalf of His Eminence Cardinal George Pell, in relation to the submission (**Waller Submission**) that Dr Vivian Waller made to the Inquiry. I **attach** copies of:

- Copies of various comments that Dr Waller made in the media in October 2012 repeating and expanding upon the allegations made in the Waller Submission to the Inquiry (**subsequent media comments**);
- the media release from this office dated 11 October 2012;
- a letter from Waller Legal to this office dated 12 October 2012;
- a letter from this office to Waller Legal dated 12 October 2012;
- the parts of the transcript (**transcript**) of the trial of Robert Charles Best (**Br Best**) which were released by order of the County Court of Victoria on 30 November 2012 following an application made on behalf of His Eminence;
- a schedule comparing the Waller Submission to the Inquiry with the transcript; and
- a schedule comparing the subsequent media comments with the transcript.

It is now apparent that there are significant inconsistencies between the Waller Submission to the Inquiry, Dr Waller's subsequent media comments and the evidence given by Victim 2 in the trial of Br Best. In particular:

- (a) In the Waller Submission to the Inquiry, Dr Waller referred to the fact that Victim 2 was raped by Br Best in 1969 when Victim 2 was in grade 3. Dr Waller then alleges that "subsequently" (page 9 of the Waller Submission to the Inquiry) Victim 2 went to the presbytery at St Alipius and asked to speak to Cardinal Pell but that Cardinal Pell refused to speak to him. Nonetheless, Dr Waller alleges that Cardinal Pell was present when Victim 2 described what had happened to him to another (unnamed) priest. Dr Waller also alleges that Father Ridsdale entered and offered to "deal with it". At page 10 of the Waller Submission to the Inquiry, Dr Waller states that the unnamed priest declined the offer from Father Ridsdale and then made threats against Victim 2. Dr Waller specifically stated (at page 10 of the Waller Submission to the Inquiry) that these threats were made when Victim 2 was still in grade 3. This necessarily meant that the complaint was made during 1969.
- (b) In her interview with Samantha Donovan from the ABC on 11 October 2012, Dr Waller specifically alleged that Victim 2 had been to see Cardinal Pell in 1969. Dr Waller again alleged that Cardinal Pell refused to speak to Victim 2 but that he was present when the allegations against Br Best were made.
- (c) In the media release from this office on 11 October 2012, we confirmed the publicly available information that Cardinal Pell was not in Australia during 1969. In fact, he did not return to Australia until 1971.
- (d) In a letter from Waller Legal to this office dated 12 October 2012, Dr Waller alleged that the Waller Submission to the Inquiry did not claim that Cardinal Pell was in Ballarat in 1969. Dr Waller demanded that this office's media release be retracted and a correction published. However, as noted above, the Waller Submission to the Inquiry did make this allegation and Dr Waller repeated it to the media. Dr Waller did not, at any stage, clarify when she claims the complaint was made by Victim 2.
- (e) The transcript now shows that the evidence of Victim 2 at the trial of Br Best was to the following effect:
  - (i) Victim 2 was raped by Br Best in 1969.
  - (ii) He told a friend about the rape (T66 line 22).
  - (iii) He went to see a priest at the St Alipius presbytery about the incident. This occurred between a couple of weeks and a couple of

months after the rape (T67 line 18, T134 line 17-18) and "definitely the same year" (ie 1969) (T67 line 9).

- (iv) Victim 2 was unable to identify any of the priests he spoke to other than that one of them had dark, black hair and a deep, strong voice (T67 line 22, T134 lines 21-31) and that this priest was the parish priest at St Alipius Church (T135 lines 1-9).
- (v) Victim 2 tried to tell the priest about the rape but the priest pushed Victim 2 out the door and threatened him (T68 lines 2-8).
- (vi) There was another priest present at the time of Victim 2 made his complaints (who Dr Waller has identified as Father Ridsdale) but Victim 2 did not know his name and Victim 2 could not give a description of this second priest (T135 lines 19-23). The second priest came in "just after [Victim 2] had time to explain to him what happened to [Victim 2]" (T135 lines 11-12). The second priest asked the first priest whether he could deal with it "or something like that" but the first priest said no.
- (vii) The evidence disclosed that there were three priests at St Alipius in 1969: Bishop Mulkearns, Father John Martin and Father Adrian McInerney (T190 lines 16-17). Father Martin had thick, dark hair (T191 line 10, T225 line 22).
- (viii) There is no evidence given by Victim 2 (or anyone else for that matter) of a third priest being present at the time Victim 2 went to the presbytery to make his allegations. Further, there was no evidence of a person matching the description of Cardinal Pell being present at the time and certainly no allegation that Cardinal Pell was actually present. Indeed, Cardinal Pell was never mentioned in the evidence.

In the circumstances, the evidence is unequivocal – that is, when Victim 2 made the complaint at the presbytery in 1969, Cardinal Pell was not present, and that Victim 2 has never claimed that he was. Indeed, no third priest was present and, at the time of the complaint, Cardinal Pell was not in the country. The evidence that Victim 2 gave at the trial of Br Best is entirely consistent with the fact that Cardinal Pell was not in the country at the time that the allegations were made. The allegations which Dr Waller made to the Inquiry and to the media are entirely inconsistent with Victim 2's evidence.

In fact, as set out in the media statement by the Archdiocese of Sydney dated 11 October 2012, Cardinal Pell was never present when any allegations of rape were made by a victim against Brother Best.

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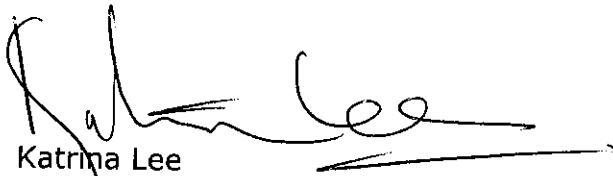
Cardinal Pell is committed to ensuring that the truth is told about the extent of sexual abuse in the Catholic Church. It is of some concern that Dr Waller made these false allegations against Cardinal Pell and then failed to retract them when it became apparent to her that they could not have been true (if that was not apparent from the outset). False allegations, such as this, stand in the way of the truth being told and only add to the hurt and suffering of the victims of sexual abuse by making it more difficult to get to that truth.

Indeed, the seriousness of the allegations can be appreciated when it is understood that false accusations such as this are not only seriously defamatory but can (in certain circumstances) amount to a contempt of Parliament and professional misconduct. At the very least, the Inquiry, the media and the public has been seriously misled about Cardinal Pell's involvement in these events.

I hope that this letter assists in correcting the record for the Inquiry.

I have also written to Dr Waller in relation to these matters.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Katrina Lee', with a long horizontal flourish extending to the right.

Katrina Lee

Director, Catholic Communications