



## CATHOLIC ARCHDIOCESE OF SYDNEY

11 January 2013

Dr Vivian Waller  
Waller Legal  
PO Box 13325  
LAWCOURTS VIC 8010

Dear Dr Waller

I refer to our letter to you dated 12 October 2012. We also refer to:

- a) the submission (**your submission**) that you made to the Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and other Organisations (**Inquiry**);
- b) the various comments that you made in the media in October 2012 repeating and expanding upon the allegations made in your submission to the Inquiry;
- c) the media release from this office dated 11 October 2012; and
- d) the parts of the transcript (**transcript**) of the trial of Robert Charles Best (**Br Best**) which, as you are aware, were released by the County Court of Victoria on 30 November 2012 over the objection of your client.

Having now reviewed the transcript, it is apparent that there are significant inconsistencies between your submission to the Inquiry and your subsequent statements in the press on the one hand, and the sworn evidence given by Victim 2 in the trial of Br Best on the other. These inconsistencies have been magnified by the way in which details of your submission were reported in the media.

Your submission to the Inquiry was understood by The Age in the same way as we had interpreted it. You will no doubt recall that in The Age of 11 October 2012, it was stated:

*"Another submission, by lawyer Vivian Waller...says that now - Cardinal George Pell refused to listen to a boy who was raped in Ballarat in 1969 soon after the event. But Father Pell was in the room when the victim told another priest what happened."*

This assessment of your submission is in accordance with an interview you were reported as having given for the ABC on 11 October 2012 in which you were recorded as having stated:

*"...in 1969, he (your client) went to the local presbytery at Ballarat East attached to a church called St Alipius and he asked to speak to George Pell. And George Pell was there and refused to see him but was present in the room when he (your client) was speaking to another priest and he reported that he had been raped..."*

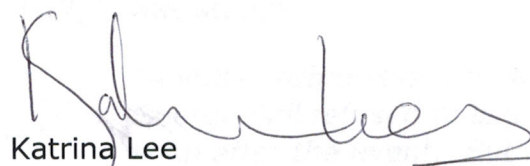
The date of 1969 coincides with the date given by your client in his testimony in the trial of Br Best, namely that he had told a friend what had happened and that he said that he then went to see a priest and told him what had happened. He says this occurred between a couple of weeks and a couple of months after the rape (see transcript page 76 line 18, and transcript at page 134, lines 17-18) and was "definitely the same year" (that is, 1969) (see transcript page 67 at line 9).

As I understand your letter of 12 October 2012, you do not now claim that Cardinal Pell was in Ballarat in 1969. Indeed, 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 you made to the Inquiry and to the media are entirely inconsistent with Victim 2's evidence.

The evidence is unequivocal – that is, when Victim 2 made the complaint at the presbytery in 1969, Cardinal Pell was not present. In fact, Cardinal Pell was never present when Victim 2 made a complaint about Br Best and the transcript confirms that Victim 2 never made any mention of Cardinal Pell in his evidence in the trial of Br Best. In these circumstances, it would, I suggest, be appropriate for you, as an officer of the Court, to inform the Parliamentary Committee that you do not make any claim that Cardinal Pell was present in 1969 (or otherwise) when Victim 2 made a complaint about Br Best.

I will write separately to the Inquiry informing it of the result of our review of the transcript.

Yours sincerely



Katrina Lee  
Director, Catholic Communications