



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**THE SENATE**

**PROOF**

**ADJOURNMENT**

**Pell, Cardinal George, AC**

**SPEECH**

**Tuesday, 1 December 2020**

BY AUTHORITY OF THE SENATE

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## SPEECH

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<b>Questioner</b>	<b>Responder</b>
<b>Speaker</b> Fierravanti-Wells, Sen Concetta	<b>Question No.</b>

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**Senator FIERRAVANTI-WELLS** (New South Wales) (20:32): In my first speech regarding Cardinal Pell, I indicated my intention of laying out the details of the attack against him that resulted in him being unjustly imprisoned for more than a year. The High Court of Australia looked at his unjust imprisonment when it determined that the implausible nature of the claims against him meant that there was a significant possibility that an innocent person had been convicted. It was a unanimous decision, seven-nil.

The High Court's analysis considered events in and around the days when the crimes were alleged to have occurred. The assaults were said to have been committed in a public place, in a room where the door remained open, accessible to numerous persons engaged in functions ordinarily performed after mass. The two alleged victims were each said to have witnessed the assault perpetrated on the other victim. Hence, corroboration on that day, the next day or any time in the years before the second boy died an untimely death ought to have been straightforward. Pell's regular practice was to remain on the steps outside after mass, greeting people in the company of his master of ceremonies until his vestments were removed. They were, most importantly, of such a weight and style that committing the assaults as described was impossible.

It wasn't only the events of the day that made the offending implausible. A consideration of the historical context of events in Victoria from 1993 to 1996 renders the committal of the alleged assaults by the newly appointed archbishop intrinsically improbable. This broader context is relevant to evaluating the inherent improbability of the assaults ever having occurred. This historical context has been ignored, and accordingly it is important that it be placed on the public record.

The announcement of Pell's appointment as Archbishop of Melbourne on 16 July 1996 did not take place in a vacuum. By then the more notorious clerical paedophiles in Victoria had been exposed, charged and prosecuted. By 1996, the community had become well aware of the appalling breaches of trust committed by Glennon, Ridsdale, O'Donnell and Gannon, just to name a few. There was consistent media reporting of the scandal as it developed before an incredulous and dismayed Catholic community as well as the general public. Ridsdale was first jailed in May 1993. O'Donnell and Gannon were both convicted and jailed in 1995.

A *Four Corners* program on clerical abuse was shown in July 1996. During that year, forums on child sexual abuse were held in the archdiocese, one of which took place at Sacred Heart Parish in Oakleigh. In late July 1996, a matter of days after the announcement of Pell's appointment, Brother Edward Dowlan was imprisoned for nine years and Brother Robert Best received a suspended sentence for his sexual assaults on minors. Describing this period in the history of the church in Melbourne, Pell told the Victorian parliamentary inquiry into the handling of child abuse allegations by religious and other non-government organisations of the challenges facing the archdiocese when he assumed office. He said:

At this time, the media was full of accounts detailing sex abuse in the Catholic community. As an auxiliary bishop to Archbishop Little I did not have the authority to handle these matters and had only some general impressions about the response that was being made at that time, but this was sufficient to make it clear to me that this was an issue which needed urgent attention and that we needed to do much better in our response. It was my job when I became Archbishop to address this problem within the Archdiocese of Melbourne.

And address it he did. After the announcement, but prior to his appointment taking effect, then Archbishop-elect Pell announced that there would be a shift in the church's approach to payment of compensation for clerical sexual abuse claims. The new archbishop knew that his credibility in addressing historical sexual abuse would be measured by whether, and how quickly, he could get his program up and running.

One of his first acts as archbishop was to seek legal advice about how the church in Victoria had responded to the increasing number of claims. He was told that 'legal technicalities' had been employed as part of taking a hard line against plaintiffs, which included the issuing of summonses seeking dismissal of plaintiff's claims. No

cases had been settled because to settle a case would have been an admission that a priest had acted disgracefully and such disgrace would damage the reputation of the church. Pell publicly stated that this intolerable situation would no longer be countenanced and wasted no time in acting.

He spoke with then Governor of Victoria, Richard McGarvie QC, who suggested that he appoint a senior legal person who would be given independence and authority to make recommendations to the archbishop. Pell discussed the matter in some detail with the then Victorian Premier, Jeff Kennett. Pell established an informal advisory group comprised of experts in the diverse fields of social welfare, criminal law, civil law, personal injury compensation, canon law, counselling and support services, as well as administrative and financial officers of the diocese. From July to October 1996, Pell consulted intensively with the group for the purpose of creating a new system of inquiry, compensation and counselling for victims of clerical sex abuse in the archdiocese. There was consultation with senior members of Victoria Police concerning protocols to be followed where investigation by the church's independent commissioner revealed conduct which may amount to a criminal offence.

On 30 October 1996, within his first 100 days in office, Pell formally announced the Melbourne Response. This was a new process by which justice, compensation, counselling and professional support services would be offered to victims of sexual abuse perpetrated by Catholic priests, religious and lay people under the control of the diocese. There was also a panel to oversee the administration of the Melbourne Response. Membership was not confined to Catholics and included some of the state's best legal practitioners. It is important to note that Victoria Police welcomed the initiative as 'a positive step in tackling this very sensitive community issue' and welcomed the appointment of Peter O'Callaghan QC as independent commissioner.

On 12 August 1996, prior to the formal announcement of the response, even the editor of *The Age* described Pell's undertaking that the church would negotiate settlements for genuine claims of sex abuse, even if it meant putting the church into debt, as an 'important and auspicious step forward for the Catholic Church in Australia'. It would seem unthinkable now that the Premier of Victoria, Victoria Police and *The Age* would all be saying positive things about the Catholic Church, and, in particular, about Pell, on addressing the scourge of child abuse in the church's history. However, Pell's rugged determination to show leadership was noticeable and impressive.

With the backdrop of this broader context, the implausibility of the allegations against Cardinal Pell take on a whole new dimension. At the time of the alleged offending, Pell was a newly minted archbishop, publicly addressing the scandal of clerical sexual abuse and personally invested in the establishment of a church response. He was in discussion with Victoria's governor, its Premier, high-ranking police and leading figures in law, medicine and social services as to the design of the program. Given all the publicity and the fact that child sexual abuse was front of mind for government, police, media and the Catholic faithful, can any reasonable person actually believe he would threaten his own reputation and credibility by engaging in criminal assaults of a random, violent and palpably risky nature upon adolescent choirboys in a busy cathedral?

This was implausibility heaped on improbability. It ought to have been clear to reasonable members of the community that the offence could not have happened. So why, then, was he convicted? We will need to continue this incredible tale, because there are many parts to it. One of them, perhaps most fundamental of all, was that an understandably angry public wanted an identifiable villain. The church had seemingly fallen down; someone had to pay for this, and, in looking for a fall guy, Pell seemed to fit the bill. Melbourne crime journalist John Silvester described Pell as 'a lightning rod on the worldwide storm of anger at a systemic cover-up of priestly abuses'. Like the scapegoat of the Old Testament, he was to be punished for the sins of others.

The sad irony of all of this is that, instead of being the one to blame for the abuse crisis in the church, particularly in Melbourne but even across the world, Pell was the first to address it. For all the criticisms hurled at the Melbourne response, the royal commission, after years of consideration and millions of dollars expended, came up with a national redress scheme which has no obvious advantages over the scheme that Pell created more than two decades prior, during his first three months as Archbishop of Melbourne. This is something his more hostile critics seem incapable of acknowledging. To be continued.