

The Royal Commission into Institutional Responses to Child Sexual Abuse returned to Sydney this week with Case Study 44, looking at the case of former Priest, John Joseph Farrell. While the hearing is located in Sydney, it relates to the Dioceses of Armidale and Parramatta.

Testimony of CPA

CPA is an abuse survivor who encountered Farrell when he began serving as an altar boy at St Francis Xavier parish in Moree from the age of 10, something CPA described as “a big honour” which ended up being “the biggest mistake of [his] life.”

CPA told the Royal Commission that Farrell forced CPA to perform oral sex on him to the point where he began to gag. Farrell told the Commission that he reported to Monsignor Frank Ryan that Farrell had hurt him, but that nothing came of it. CPA said that the following day, Farrell anally raped him and threatened to kill CPA and his family if he told anyone.

CPA then told the Commission of the effect the abuse had on him. He stopped attending Church, began to steal cars and commit other petty crimes, left school at 14 and drank and smoked marijuana. CPA said that he has never been able to commit to work, has few close friends and does not trust people. He also spoke about planning to end his life.

Testimony of Michael McGroder

Michael McGroder attended St Philomena's School, Moree and was also an altar boy. He described Farrell as being overly friendly with the altar boys, including taking them away on holidays. He also built up a culture of secrecy by doing things such as showing the boys a samurai sword and his .22 calibre gun which he used to shoot rabbits.

At one point, Farrell invited Mr McGroder to Armidale to assist with a home Mass at a farm. McGroder told the Royal Commission that a number of times along the way, he placed his hand on McGroder's thigh and attempted to move it to his crotch. When McGroder resisted, Farrell grabbed his hand and put it to his own crotch, forcing McGroder to feel his genitals. Farrell then placed his hand on McGroder's crotch, squeezing his genitals.

McGroder said that he mentioned the incident to a number of other friends who reported similar behaviour (and worse), although they did not go into detail. McGroder reported the matter to his parents, who met with other Priests at the parish and also with the police. He told the Commission that his parents were upset the Church was not doing anything about it, but that he soon ceased acting in an official capacity around Moree and then left the parish.

Mr McGroder described the effects of the abuse and the reaction to him reporting it, including a loss of friends, and chronic alcoholism. He told the Commission that although he despised what Farrell did, his main issue was with the Church and the way they handled (or failed to handle) the matter.

Testimony of Karolyn Graham

Mrs Graham is the mother of Mr McGroder, the previous witness. She recalled for the Royal Commission her first impressions of Farrell, and described the conversation she had with Michael not long after the abuse occurred.

She told the Commission that her then- husband had gone immediately to see Monsignor Ryan, who reportedly told him that Farrell “loved the boys,” “didn't mean to do them any harm” and “only fondled their genitals and it was his way of showing his affection.”

She also said that Farrell was “whisked out” of the parish and, when he ran into her former husband some years later and was confronted by him, threatened to disclose what he had said in confession.

Testimony of Father James Flood

Father Flood was an assistant Priest at Moree at the same time Farrell was there. He told the Commission that he recalled that a number of Priests believed that Farrell should not be ordained because of strange behaviour – not necessarily sexual – but that Bishop Kennedy had a good relationship with Farrell’s mother and so it was believed that was the reason he was ordained.

Asked about his own view, Father Flood commented that he thought Farrell should not be taking boys away on trips because of the possibility of sexual contact.

He recalled for the Commission that he was told one day that Farrell had been ordered to leave Moree and not visit again. He said that he did not know why this occurred, but was asked some time later – after he himself had left Moree – to return and visit some of Farrell’s victims, about six or seven of them. Father Flood told the Commission this was the first time he knew there were victims.

Father Flood was challenged about his friendship and relationship of pastoral care to Farrell, including stating that he would have preferred to not have known what Farrell had done.

Testimony of Father Richard Gleeson

Father Gleeson was an assistant Priest at Moree parish at the same time Farrell was there. He told the Commission that he noticed Farrell would be surrounded by young people, and thought it unwise that he would take a single altar boy away on a trip, although he explained it more in terms of singling a child out for special treatment rather than assuming anything untoward.

He told the Commission that Monsignor Ryan told him one day that Farrell had been “mucking around with kids,” that he assumed it involved touching them, but that it didn’t occur to him that this went to the extent of criminal behaviour. Father Gleeson told the Commission that the attitude at the time was that the police were the last resort, not the first (as it would be today.) He also said that there was a large focus on not ruining a person’s reputation unless you were certain of their guilt.

Senior Counsel assisting the Royal Commission, Gail Furness SC, took Father Gleeson to the testimony of the survivor witnesses, including those who said that he argued with the Mr McGroder, telling them that he was driving a wedge in the community by making complaints about Farrell. Father Gleeson said that he did not recall saying it, but that he could not say the conversation did not take place.

Father Gleeson spoke about the improvements in record-keeping and supervision which have occurred in the Church in the last 30 years. He said that personally, he has become somewhat obsessed by the matter because he lived with Farrell for 18 months and did not realise he was offending.

Testimony of Bishop Gerard Hanna

Bishop Hanna has just retired as the Bishop of Wagga Wagga. He was assistant Priest in Moree from 1878 to 1980 and administrator of South Tamworth parish from 1982 to 1983. It was there that he encountered Farrell.

Bishop Hanna recalled that Farrell was not recommended for Ordination, but commented that the problems which had been identified had were of attitude and personality, not child abuse. He said that once Farrell was removed from Moree, there was an assumption that it had been for criminal behaviour. He was placed on administrative leave to give people an opportunity to come forward, but that no one did. It was then mooted that Farrell be placed in South Tamworth.

Bishop Hanna told the Commission that he had heard of the problem of paedophilia before, and that knew at least one case in which a Priest was involved.

When Farrell was sent to South Tamworth, Bishop Hanna placed him on restricted duties. Farrell was not allowed to celebrate school Masses, nor was he permitted to have contact with altar servers. Bishop Hanna said he was upfront about the restrictions and why they were in place. He also informed the principal of the local school about the allegations.

Bishop Hanna said that at one point, he believed Farrell was spending too much time with one particular family, and so spoke to the parents to warn them, but they dismissed it. As far as could be seen from the evidence and the names of victims, Bishop Hanna told the Commission, Farrell did not offend in the years he was in Tamworth under restricted ministry.

Bishop Hanna spoke about the arrest of Farrell, the subsequent committal hearing (where the charges were dismissed) and Farrell returning to the parish at Tamworth. He said that, against the advice of the Vicar General at the time, Bishop Hanna did not allow Farrell to undertake any public ministry.

Testimony of Bishop Bede Heather

Bishop Heather told the Commission that he was anxious to give Farrell "a fair go," and so allowed him to go to the Merrylands parish, instructing the other clergy to notify him if anything untoward happened. He said certain accounts of behaviour made him feel uneasy, and terminated his appointment when it was reported that he used sexual language in front of altar boys.

Bishop Heather was then asked about a search warrant which was exercised at the diocesan offices in December 1994, in relation to another matter. He said that all the files had been thrown around and left in such a state of disarray that he realised how vulnerable the confidential documents were, so he destroyed a number of them. Justice Peter McClellan challenged him on this, suggesting that the documents were only vulnerable to another search warrant.

Testimony of Father Brian Lucas

Father Lucas was asked about the various roles he has held over the years, including his role as the official spokesperson for the Archdiocese of Sydney, General Secretary of the Australian Catholic Bishops' Conference, Director of Catholic Church Insurances and a member of the Special Issues Resources Group (which dealt with cases of child sexual abuse.) Prior to becoming a Priest, Father

Lucas worked in the Children's Court and he told the Royal Commission that this is why he was chosen to work on "special issues."

Briefing to Bishops' Conference

Father Lucas gave evidence about briefings he'd given to the Bishops' Conference in November 1987 and May 1988 about the early learnings on the issue of child sexual abuse. He was also asked about a memo he had written for the Canon Law Society titled: "Are our archives safe?" in which he wrote the following:

There may be cases that appear to be so sensitive that it is in the best interests of the parties, or one of them, and of the Church, that the documents not be created in the first place,

Memo to Canon Law Society

Father Lucas told the Commission that he had been asked by the Canon Law Society to write the report following the search warrant being executed on Bishop Bede Heather's office. He explained that in particular, those who worked in the marriage tribunal (which deals with annulment cases) were concerned that these documents would not be confidential.

Father Lucas was challenged by Ms Furness on this point, asking if he considered the documents created by the tribunal to hold a different status to other documents which can be subject to a search warrant. Father Lucas said that if a person was not required to disclose a matter to the police, but they chose to disclose it to a third party (eg, a doctor or off-the-record to a journalist), the third party should respect that confidence. In the example of a case before the marriage tribunal, Father Lucas explained that relatives and friends are sometimes asked about matters to do with the relationship of the couple. While these disclosures would not be relevant in any criminal or civil court proceedings, those who gave the statements to the tribunal to assist its work on the understanding they would be confidential would be distressed if they were made public. He told the Commission that these matters were his focus when preparing the memo.

Reporting abuse to police

In relation to whether or not cases of abuse were to be reported to the police, Father Lucas told the Commission that there were four categories of abuse cases with which he dealt, none of which required him to report the matter to authorities:

1. The accused person was deceased, so he didn't have to make a police report;
2. Proceedings were already underway, or had occurred, but no conviction was achieved;
3. The victim did not want a report to be made; or
4. The accused was already pleading guilty.

He said that the biggest hurdle he faced was encouraging people to report matters to police.

Father John Farrell

Father Lucas and John Farrell were in the same year at seminary. He said that he did not hear rumours about Farrell's offending, and only found out in 1988 when Farrell called him to tell him

that charges had been laid against him. Father Lucas said that his next dealing with Farrell was when Bishop Kevin Manning, then Bishop of Armidale, asked Father Lucas to interview Farrell in mid-1992.

Father Lucas, along with Monsignor Wayne Peters (now deceased) and Monsignor John Usher met with Farrell on 3 September 1992. At the time of this meeting, Farrell's faculties had already been withdrawn and he did not ever return to public ministry.

This meeting was the subject of a 2012 Four Corners episode which suggested that Farrell had made a number of admissions to Father Lucas, Monsignor Peters and Monsignor Usher during the meeting.

Father Lucas was questioned at length about why, after receiving a request for comment from the program's producers, he sought to discuss the request with Monsignor Usher. Ms Furness and Justice Peter McClellan proposed that they should not have collaborated on their response, to which Father Lucas responded that there was a risk of misrepresentation and exploitation of even minor inconsistencies in media reporting, even if the parties involved told the truth.

There was also discussion about the wording of various responses to Four Corners, and in particular why certain reports said that "no admissions were made" by Farrell while others said "no *specific* admissions" were made. There were also questions about the response of each party after the Four Corners episode had screened.

The discussion then turned to a letter which Monsignor Peters had written to Bishop Manning on 11 September 1992. The letter stated that Farrell had admitted to fondling the genitals of three boys and performing oral sex on two of them, which was inconsistent with the response which had been given to the Four Corners program. Four Corners had a copy of the letter. Father Lucas told the Commission that it was his impression that Monsignor Peters had gotten his information from elsewhere and made no admissions were made in the meeting. He said that the surrounding circumstances confirmed this would be the case because if Farrell had made admissions, there would have been no need for two follow-up meetings and it would have made sense for Bishop Manning to implement a five-year plan for Farrell, because the decision that he could never return to ministry would have been an obvious one.

Testimony of Monsignor John Usher

Monsignor Usher told the Commission that there were two groups which formed in relation to child sexual abuse; one which advised the Bishops' Conference and another which had persons available in each state to assist locally.

3 September 1992 meeting

Monsignor Usher told the Commission that he had been given just a couple of days notice to attend the meeting with Farrell. He said that at the time of the meeting, he knew Farrell had been charged with child sexual abuse of a boy in Moree and had been to court, the matter had not proceeded (he had been told incorrectly that Farrell had been acquitted), that the Bishop had sent Farrell to a psychologist who had said Farrell was not a risk to children, and that the Bishop was seeking further advice.

Of the meeting, he said that Farrell obviously had engaged in boundary violations and described him as arrogant and narcissistic. He was asked about his brief diary record of the meeting which read:

Met with Brian Lucas, Wayne Peters & John Farrell. Farrell is unrepentant about his sexual misconduct with children in my opinion. He states that he is open to therapy, but I doubt his veracity.

He said that “sexual misconduct” referred to boundary violations, such as taking children to the movies, on car drives and the like.

In a letter following the meeting, Monsignor Usher advised Bishop Manning that irrespective of the outcome of any legal trial (ie, the proceedings being dismissed), the Bishop still needed to make an assessment before giving Farrell an appointment and recommended an assessment by a second psychologist.

Monsignor Usher was also asked about the letter written by Monsignor Peters regarding the same meeting. Monsignor Usher had a different recollection of the meeting. He said that Farrell was trying to shock them and that his ramblings in the meeting were a combination of fantasies, his own actions, the things of which he had been accused and things other people had done. He suggested that because Monsignor Peters access to Farrell’s file, he would have had much more information about the allegations against him and was likely influenced by this information when preparing his report to Bishop Manning.

He told the Commission that since 1982, it was his regular practice to report matters to DoCS or the Police (he considered himself a mandatory reporter because he was a social worker as well as a Priest), and so it did not make any sense that he would not have done so if Farrell had made the admissions. He also said that it would be inconceivable for Farrell to have made admissions given he was seeking to be returned to ministry.

Four Corners

Monsignor Usher was asked about the Four Corners program and the requests for comment from the program’s producers. Monsignor Usher had told Four Corners that Farrell had made no “personal disclosures” of criminal activity and had chosen those words because Farrell had also made allegations about activity by others.

Monsignor Usher was asked about a number of other statements he had made in recent years regarding Farrell, including one he had prepared following the Four Corners program and another prepared for an inquiry undertaken by Antony Whitlam QC which was commissioned following the Four Corners report.

24 September 1992 meeting

Monsignor Usher was then asked about a letter from Monsignor Peters to Bishop Manning about following the second meeting with Farrell. He was asked about a reference in the letter to “those offended against” and it was suggested that this was an acknowledgment that there were victims. Monsignor Usher accepted the assumption could be made, but said he had a different recollection.

12 November 1992 meeting

Monsignor Usher was then asked about the final meeting with Farrell which occurred so Farrell could respond to the proposed “seven point plan” suggested for him.

Questions from Justice Peter McClellan

Justice McClellan asked Monsignor Usher about two speeches he had made in October 1992, describing them as confronting.” Monsignor Usher said that in 1992, there was an attempt to move Church leaders forward in their understanding of abuse matters and he considered the Church to be moving slower than it should, so his work was an attempt to shake things up. He said that the Church is doing better today, and that the Archdiocese of Sydney is a leader in the handling of these matters, but that there was more to be done, especially a focus on people who have been hurt.

Ms Furness did not conclude the case study, but submitted that the hearing be adjourned at a date to be fixed.