

The Royal Commission into Institutional Responses to Child Sexual Abuse continued Case Study 28 today. Case Study 28 is looking at the Diocese of Ballarat, and began the first stage of its hearing in May 2015. A third sitting for Ballarat will occur in February 2016. More details will be provided below, but it is expected that Cardinal George Pell will appear at these hearings.

In today's hearing, we heard news relating to Cardinal George Pell, and testimony from Bishop Brian Finnigan.

Application in relation to Cardinal George Pell

Allan Myers QC requested that Cardinal George Pell be able to provide his testimony to the Royal Commission via video link from Rome, because he has had health problems which had exacerbated in recent times. While not mentioned at the hearing, a subsequent statement said that this was a heart condition.

Mr Myers noted that video evidence was used all the time in hearings, particularly for witnesses who would otherwise have to travel a long distance. He said that Cardinal Pell's lawyers were willing to make arrangements so that all mechanical issues which might make evidence via video link difficult would be overcome.

After requesting medical evidence relating to Cardinal Pell's health (which will be kept confidential), Justice McClellan said that the Commission did not wish to exacerbate Cardinal Pell's health issues, but given the complexity of the issues involved, the fact that Cardinal Pell would be giving evidence relating to two case studies, and the technical issues with video connections to Rome, it would be preferable that Cardinal Pell appear in person. Justice McClellan deferred the evidence until the third hearing in February 2016, when the Cardinal's health will be reassessed. He foreshadowed that if the Cardinal was still unfit for travel at that time, another extension of time might be given until Cardinal Pell could come to Australia.

A statement from Cardinal Pell's office is below.

11 December 2015

STATEMENT FROM THE OFFICE OF CARDINAL GEORGE PELL IN ROME

Cardinal George Pell reluctantly, and only on medical advice, applied to give evidence as scheduled to the Royal Commission via video link next week.

The Cardinal had booked his travel back to Melbourne and until the middle of this week was determined to return to give evidence in person.

The Cardinal has suffered from a heart condition for some time but his symptoms have recently worsened, with a specialist cardiologist in Rome advising only a few days ago that it is not safe for him to undertake long haul flights in his current condition.

Cardinal Pell strongly supports the work of the Royal Commission and wanted to keep his commitment to give evidence from 16 December.

The Royal Commission was provided with evidence of the Cardinal's medical condition in support of his application to give evidence via video link.

Cardinal Pell realises there may be some who will question the decision to remain in Rome; however it would be unwise for him not to heed medical advice.

The Cardinal has consistently expressed his intention to do everything possible to assist the work of the Royal Commission.

The application for the Cardinal to appear via video link was refused.

Commission Chair, Mr Justice Peter McClellan highlighted the complexity of the two case studies currently before the Commission, the volume of documents and potential technical difficulties with a video link. For these reasons he said he would prefer Cardinal Pell to appear in person.

Without wanting to exacerbate Cardinal Pell's health concerns Justice McClellan indicated he will ask the Cardinal to appear in Ballarat next February. If his health has not recovered sufficiently, the Commission will consider the position then.

Cardinal Pell's health will continue to be monitored by his specialists in Rome.

Testimony of Bishop Brian Finnigan

Bishop Brian Finnigan is currently the Auxiliary Bishop of Brisbane, but was originally from Ballarat. He served as Bishop Mulkearns' secretary from 1979-1985, a member of the College of Consultors for Ballarat from 1985-1997, the Vicar General of the Diocese and its Administrator following the resignation of Bishop Mulkearns in 1997. Following this, he was the general secretary of the Australian Catholic Bishops' Conference.

Bishop Finnigan was asked a number of questions about his knowledge of the offences of Gerald Ridsdale. He was shown various minutes of meetings and other pieces of correspondence which related to this knowledge, including notes from an interview he gave to Catholic Church Insurances in 1993.

Bishop Finnigan could not recall any of the meetings or the incidents described in other records, and said it was not right for the Commission to request him to try to reconstruct the meaning of these documents using knowledge he has now.

Bishop Finnigan, who had studied Canon Law, was asked about whether there was anything in Canon Law which might prevent him from providing information to the Police about offences. Bishop Finnigan said there was nothing of the sort, but also said that he did not report any incidents because the Police were aware in each of these cases.

Bishop Finnigan was also asked about his relationship with Paul David Ryan, because Bishop Finnigan was studying in the United States at the same time Paul David Ryan was in New Mexico undergoing treatment, and in a private hearing, Ryan told the Commission that Bishop Finnigan was a person he trusted and would have told things to. Bishop Finnigan said that it was his understanding Ryan was receiving treatment or counselling for homosexual tendencies, and had no knowledge of his offences against children.

In cross-examination, counsel for survivor witness BWA questioned Bishop Finnigan further about his knowledge of Ridsdale's offending. BWA is related to Bishop Finnigan by marriage. BWA gave evidence earlier in the week that he had confided in (now deceased) Father Tom Brophy that Ridsdale had abused him, and that Bishop Finnigan told him many years later that Father Brophy had reported this to Bishop Mulkearns in the days following. Bishop Finnigan said that this was not the case, because he was not aware that Father Brophy made a report to Bishop Finnigan. BWA had also testified that he had sought spiritual direction from Bishop Finnigan, but that he did not provide it. Bishop Finnigan said that he referred him to Father Dan Torpy, because it was not appropriate for this to occur in a family relationship.

Bishop Finnigan will continue his testimony on Monday.