

UPDATE 85

Royal Commission Case Study 35 Archdiocese of Melbourne



Wednesday 2 December 2015 – Day 7

Day 7 of the Melbourne hearing began with evidence from Stephen Fontana, Assistant Commissioner, Victorian Police, about the police's Child Exploitation Unit (CEU) investigations into a number of different priests.

Assistant Commissioner Fontana said he was surprised and did not understand that following a police interview with Ms Julie Stewart in December 1990 in which she revealed Searson had abused her in the confessional that the CEU determined that 'nil offences disclosed'.

'I'm of the view that there certainly was an indecent assault that was committed and it should have proceeded further,' he told the Commission.

He gave evidence that, at the time, he thought the investigation of child sexual abuse crimes was 'a relatively new and evolving area for Victorian Police'.

He was asked about Ms Stewart saying in her statement to the Commission that the policeman who interviewed her had asked if she was wearing a 'neon sign' after she had revealed she had been abused by both Searson and a member of her family.

He told the Commission that while the policeman had no recollection of making the comment, if he had he was 'deeply sorry'. After lunch Ms Stewart's lawyer told the Commission Ms Stewart had accepted the policeman's apology.

Assistant Commissioner Fontana suggested that the reason an investigation did not proceed against Searson following the Stewart interview was because of reluctance of parents and staff to come forward because of 'fear of reprisals and much of the information being based on innuendo and rumour'.

He told the Commission a police officer had notified a 'senior church' leader that while the investigation would not go forward against Searson he held concerns 'for the safety of children'. The police officer was told that unless Searson was convicted of an offence no action would be taken against him by the Church.

Fontana was asked about complaints to Police in May 1994 about Fr Fasciale and a subsequent investigation by police in September 1994. A brief of evidence was compiled and was unusually sent to the Attorney-General and then to the office of the Director of Public Prosecution.

Fasciale died in March 1996 before charges were laid. The Commission heard the delay in proceeding against Fasciale was excessive and unusual and that the Police had tried to hurry the DPP.

He was also asked about police investigations into Fr Pickering. He told the Commission Pickering had left Australia in 1993 before the first reports against him were made to Police in 1996. He said that 'the budget was held very tight' and approval to get leave to travel overseas at the time to interview Pickering would have been unlikely.

Retired Bishop Peter Connors, who has previously given evidence in this hearing, returned to the witness box to give evidence telling the Commission the first time there was a discussion between himself as Vicar-General and Archbishop Little about clerical sexual abuse was in 1978 about Wilfred (Bill) Baker.

He told the Commission Archbishop Little had told him a friend had left the priesthood after being treated poorly by some church leaders. Bishop Connors suggested this could have been a factor in why Archbishop Little found it difficult to discipline his priests.

Bishop Connors agreed with evidence given by Archbishop Hart yesterday that there was an absence and failure of process around handling of complaints within the Archdiocese from mid-1970s through to the early 1990s.

He told the Commission he failed as Vicar General by not going into the Doveton parish and becoming personally involved and meeting with Searson and teachers. He thought his failure in dealing with complaints was 'because of being unable to engage with Archbishop Little in getting firm instructions about what he wanted me to do...'.

Bishop Connors agreed that in the minutes of Curia and other meetings at the time euphemisms such as 'treatment' might be used to mask discussions about alcohol problems and sexual misconduct of priests.

He said the recording of minimal minutes of these meetings was a 'way of protecting the Church'. Asked why he thought this was the approach both he and his predecessors took he responded that it happened 'possibly naturally as a priest, protecting the good name of the church...it's a cultural matter'.

Bishop Connors was asked about a comment he made to school principal, Patricia Taylor, in reference to Baker that 'once a paedophile, always a paedophile'.

He told the Commission he had this understanding of Baker and his sexual behavior after learning about child sexual abuse from lectures provided by the Australian Catholic Bishops Conference before mid-1992. He said all Australian bishops would have had this understanding by that time.

He accepted there had been a collective failure to act on Baker by all people who knew of his behavior including the Curia and other advisors between the first report in 1978 and the final report in 1992.

Asked why the collective will was such that nothing happened he said 'all of us failed...the culture of the time.' He agreed that it was a culture that 'you would not want to exist now' and that the lack of action could well be about protecting the church and contrary to the church's purpose and mission.

The hearing will continue on Thursday.

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