ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE

Public Hearing - Case Study 28 (Day 82)

Ballarat Magistrates' Court, 100 Grenville Street, South Ballarat Victoria

On Tuesday, 26 May 2015 at 10.00am

Before

The Presiding Member: Justice Peter McClellan AM

Commissioner: Justice Jennifer Ann Coate

Mr Andrew Murray

Counsel Assisting: Gail Furness

1 2		THE CHAIR: Yes, Ms Furness.
4	3 5	MS FURNESS: Thank you, Your Honour. Your Honours and Commissioner will recall that Mr Collins gave evidence last week and there was an additional statement, an unsigned
7	6	statement, that he wished to refer to and he is available to do that today. So, I call Mr Collins.
8 9 10		<pre><andrew (recalled),="" [10.11am]<="" collins="" dennis="" pre="" sworn:=""></andrew></pre>
11		<examination by="" furness:<="" ms="" td=""></examination>
12 13 14 15		MS FURNESS: Q. Mr Collins, you've provided the Royal Commission with a note and I invite you to read that. A. Yes.
16 17 18 19		"In addition to my evidence already put before the Commission, I wish to expand upon the meeting between Bishop Bird, myself and Peter Blenkiron in May 2013 I
20 21 22		referred to in my statement. I also wish to include details of a subsequent meeting with Father Adrian McInerney from the St Alipius Parish.
23242526		In the course of the Victorian Parliamentary Inquiry there were a number of assertations by church officials that funding for victims would be forthcoming. In light of
27 28 29		those positive statements, Peter Blenkiron and I approached Bishop Bird via his office in early 2013. Subsequently a meeting was organised which took place on 13 February 2013.
30 31 32 33 34		At this meeting, attended by myself, Peter Blenkiron and Bishop Bird, we introduced ourselves and explained that Peter and I represented an informal group of approximately 60 survivors.
35 36 37 38		We explained that there had been little done to meet the basic and immediate needs of survivors and that we had a number of ideas for practical forms of support that the
39 40 41 42 43		church might offer at a local level. The Bishop was agreeable to a further meeting to allow us to develop our ideas. The meeting concluded amicably. After the meeting I received an email from the Bishop
44		saying:

47

Thank you for the opportunity to meet with you today. I hope our meeting will bear

fruit in the time ahead. 1 2 On 30 April I wrote to the Bishop: 3 4 5 Paul, after seeing your appearance at the Parliamentary Inquiry and your statement 6 with its mention of support for victims. 7 Peter and I would like to meet with you and 8 try to take this to a practical next step. 9 10 Would you be free any time next Monday or Tuesday at whatever location you desire? 11 12 13 A meeting was organised for 20 May 2013. meeting, Peter and I initiated the conversation with the 14 Bishop with a general discussion, comparing the needs of 15 military veterans with PTSD and abuse survivors. 16 17 veterans received a pension that was in effect \$252.60 per week more than the DSP which most abuse survivors were 18 subsisting on. 19 20 The veterans also had access to unlimited free 21 psychological and medical services. We saw the comparison 22 23 as useful in that the gross effect of PTSD was the same for individuals regardless of cause. We put this comparison to 24 the Bishop in terms of it being the basis for an interim 25 plan pending a broader permanent scheme run by the 26 27 government and funded by the church. 28 We put to the Bishop that there were a significant 29 number of survivors that were in dire financial trouble and 30 suffering; in the worst cases from malnutrition, 31 32 homelessness and serious and immediate risk of suicide. 33 We said that there were, we thought, about 40 people 34 we knew to be at risk but only some of them needed 35 immediate financial support. 36 37 In addition, we suggested that any help could be 38 distributed through a third party such as CASA or Moving 39 Towards Justice. 40 41 At this point he became red in the face and his 42 initial politeness disappeared. He said: 43 44 If we have to pay this sort of money to you 45 46 people, then the diocese will declare bankruptcy. 47

be dead and the church will endure for

The meeting concluded at that point and we left.

I immediately phoned my friend and fellow abuse survivor Stephen Woods to tell him what happened and subsequently told many people about what Bishop Bird said to Peter and myself.

In all subsequent meetings involving Peter or I with the diocese, Bishop Bird did not meet with us, instead sending his Vicar General in his place.

A few weeks after this meeting I was driving along Victoria Street Ballarat East when I passed St Alipius Church. I decided to stop and see if the parish priest, Father Adrian McInerney, was in.

I was greeted by Sister Joan Dalgleish. Joan is a sister of my mother's sister's husband. Adrian was not in. Joan rang him and he asked if I could wait and he would return to the parish.

Adrian returned and we went into a room at the front of the presbytery. I had known Adrian for many years as he had baptised all three of my children.

I told Adrian that I had heard that when he was at the parish around 1970 that he had been told by a then student of St Alipius of abuses and that he had threatened the child.

He told him not to tell anyone. I asked him if this was true. Adrian became visibly upset. He said that he was aware of the allegation and the person involved but that it had not been him. He said that around that time there had been another priest at the parish with blonde hair and it may have been this priest. He said he could not recall this priest's name. Adrian then said that he needed to confess to a couple of other matters that had always troubled him.

Adrian asked me if I had seen the picture of George Pell accompanying Ridsdale to the court. I said that I had. Adrian told me that it could have been him in that picture as he had previously accompanied Ridsdale to court. He said that he was asked by Ridsdale to provide a

reference in a minor matter, but that, when they arrived at the court, he realised that the matter was about abusing children and that he was unwilling to help Ridsdale.

Adrian told me that Ridsdale would sometimes call over to St Patrick's Cathedral when Adrian was there and he would often ask to rest in a room and sometimes share a meal with him. He said that sometimes Ridsdale might have children with him, but that he never suspected anything odd.

 I note that on May 19 it was mentioned here by the Royal Commission, Special Counsel, that Adrian was on the Consultors Committee that helped to decide on the movement of Ridsdale.

Adrian then said that he had gone through the seminary with another priest, Father [REDACTED] who had been convicted of abusing children in Ballarat. Adrian said that they had both trained in Rome at the same time and he recalled that Father [REDACTED] was always visiting a boys' home there. At the time he thought that Father [REDACTED] just liked children, but thinking back Adrian now thought that he should have realised that there could have been more. I took this to mean that Adrian suspected that Father [REDACTED] may have been abusing boys in Rome.

I asked Adrian if he had reported any of this to police and he replied that he had not. I then suggested that he should. Adrian said that he agreed and he would consider doing so.

Adrian then said that he had been given some money by a parishioner to be used for a worthwhile purpose and asked me how this could be used to help local victims of abuse. I said that I would get someone from Moving Towards Justice to contact him. That was done later and \$1,000 was donated.

After the meeting I immediately rang Peter Blenkiron and Stephen Woods to relay what had been said."

THE CHAIR: Ms Furness?

MS FURNESS: I have nothing further, Your Honour. I have no questions.

1	THE CHAIR: Does anyone else have any questions?
2 3	MR MOLONEY: A question.
4	TIN MOLONET. A quesción.
5	<examination by="" moloney:<="" mr="" td=""></examination>
6	
7	MR MOLONEY: Q. In paragraph 7 you refer to a date of a
8	meeting, May 2015. Is that the correct date?
9	A. No, the date should have been May 2013.
10	
11	THE CHAIR: Anyone else have any questions?
12	
13	MR GRAY: No, I don't have any questions.
14	
15	As Your Honour may know, Father McInerney has provided
16	a statement today responding to some of the things that
17	Mr Collins has just said and, as I said last week and our
18	letter foreshadowed, Bishop Bird will also be doing that
19	before he gives evidence.
20	
21	THE CHAIR: Sorry, Bishop Bird will provide a statement
22	before he gives evidence?
23	
24	MR GRAY: Yes. He has been asked to give a statement,
25	which he has done in relation to various community impact
26	topics, but since it has now emerged that he has been
27	mentioned in the evidence of some of the survivor
28	witnesses, such as Mr Collins, he will, now that he knows
29	what it is, put on a short statement responding to those
30	things.
31	
32	THE CHAIR: Well, Mr Gray, I'm sure you remain conscious
33	of what I said last week.
34	
35	MR GRAY: That's so, Your Honour.
36	
37	THE CHAIR: Very well. It seems there are no further
38	questions for you. You are excused again, thank you.
39	
40	<the td="" withdrew<="" witness=""></the>
41	
42	MS FURNESS: I call Adrian Francis McInerney.
43	
44	

1	MS FURNESS: Q. Would you tell the Royal Commission your
2	full name and occupation?
3	A. My full name is Adrian Francis McInerney, I am a
4	Catholic priest, parish priest of St Alipius Parish
5	Ballarat East.
6	
7	Q. Do you go by the name, Father?
8	A. More commonly as Adrian, but sometimes Father.
9	, , , , , , , , , , , , , , , , , , , ,
10	Q. You've made two statements, the first dated
11	3 May 2015?
12	A. Yes.
13	
14	Q. Are the contents of that statement true and correct?
15	A. Yes.
16	A. ICS.
17	MS FURNESS: I tender that statement.
18	TIS FORMESS. I CONGCT CHAC SCACCINCTIC.
19	EXHIBIT #28-28 STATEMENT OF ADRIAN FRANCIS MCINERNEY DATED
20	03/05/2015
21	05/05/2015
22	Q. You've made a further statement dated 26 May 2015.
23	Are the contents of that statement true and correct?
24	A. Yes.
25	A. ICS.
26	MS FURNESS: I tender that statement.
27	TIS TORNESS. I CONCOL CHAC SCACCINCTIC.
28	EXHIBIT #28-29 SUPPLEMENTARY STATEMENT OF ADRIAN FRANCIS
29	MCINERNEY DATED 26/05/2015
30	FICTIVERIALLY DATED 20/03/2013
31	Would Your Honours and Commissioner wish to read the
32	second statement?
33	Scond Statement:
34	THE CHAIR: I think we might just have a look at it, if
35	you pause for a moment.
36	you pause for a momente.
37	MS FURNESS: Certainly.
38	ris Tokkess. Cercainty.
39	Q. Father, in your second statement you refer at
40	paragraphs 19 and 20 to the Consultors Committee.
41	A. Yes.
	A. Tes.
42 43	Q. If you'd like to get that in front of you.
44	· ,
	Paragraphs 19 and 20 of your second statement, it's on the
45	screen in front of you, if that helps. You say that you're
46	a member of the Consultors Committee today?
47	A. Yes, I am.

45 And then, after that, is it ordinarily the case that 46 new people are appointed? 47

We have a new Bishop and depend on him, but sometimes

1 2 3	people are appointed for a second term, sometimes they retire at the end of the first term. A lot of that depends on the Bishop at hand at the time.
4 5 6 7 8	Q. How long have you been on the Consultors Committee? A. Twelve months, I suppose. Yeah, I'd say maybe 12 months.
9 10 11 12 13 14	Q. So, when did you begin on the Consultors Committee? A. I wouldn't have a date, I couldn't give you a date; I just know that I've been to about three or four meetings, I don't know whether Bishop Paul was able to speak, and tell you that, but yeah, I'd just say one to two years I've been on the committee.
16 17 18 19	Q. Prior to Bishop Bird holding that position, were you on the Consultors Committee? A. No.
20 21 22 23	Q. You weren't a member of the Consultors Committee under any previous Bishop?A. Yes. Sorry. No, I'm not quite sure about that.
24 25 26 27 28	Q. When you say you're not sure about that; you don't remember whether you have been on a Consultors Committee? A. I think I was on a Consultors Committee towards the end of Bishop Mulkearns reign; I'm not sure.
29 30 31	Q. Who was the Bishop after Bishop Mulkearns?A. Bishop Connors.
32 33 34 35	Q. Were you on a consultative committee when Bishop Connors was the Bishop of Ballarat? A. I don't think so.
36 37 38 39 40	Q. In terms of your current work on the Consultors Committee, how frequently does it meet? A. About quarterly perhaps, and I'd have to say I've missed the last two meetings.
41 42 43 44	Q. Do you regularly get papers before a meeting relevant to the agenda of the upcoming meeting?A. I get some papers.
45 46 47	THE CHAIR: Q. Father, I assume that being invited to the Consultors Committee is an important invitation, in terms of the work of the diocese; is that right?

1	Α.	Yes, Your Honour, yes.
2		
3		It brings you, as it were, to the centre of many
4	decis	sion making processes; is that right?
5	Α.	(Witness nods).
6		
7	Q.	So, when asked, you would treat it as an important
8	role	to fulfil; is that right?
9	Α.	Absolutely.
10		•
11	Q.	And yet you say you can't remember whether you were a
12	Consu	ultor under Bishop Mulkearns?
13	Α.	No, I can't say that; I really cannot.
14		
15	0.	It would be surprising if you can't remember having
16	-	rd to the fact that it's an important role to fulfil?
17	Α.	
18		under Bishop Connors.
19		
20	0.	That's no better than a feeling, is it?
21	Α.	
22	Α•	it is a reciting, year.
23	MS FI	JRNESS: Q. You've said that the role of the
24		ultors is to advise the Bishop on serious matters?
25	Α.	Yes.
26	۸.	103.
27	Q.	Serious matters include any matters of finance?
28	_	Yes.
29	Α•	163.
30	Q.	It includes matters such as the education and training
31	•	riests?
32	Α.	It would come under discussion there; that's usually
33		a different committee, I would suggest.
34	unacı	a different committee, i would suggest.
35	Q.	When you say it would come under discussion; I take it
36	•	that the matters that are set out on the agenda are
37		ers that are discussed at the meeting?
38	A.	I'm sorry, would you repeat that.
	А.	I iii Sorry, would you repeat that.
39 40	0	When you say it would some under discussion. I take it
40 41	-	When you say it would come under discussion, I take it
41 42		the matters that are set out on the agenda are then
42 42		ers that are discussed at the meeting?
43	Α.	Yes.
14 15	0	And thoulan discussed with a view to the Disher welder
45 46	Q.	And they're discussed with a view to the Bishop making
46 47	_	cision; is that right?
47	Α.	Yes. Many of the discussions are about the placement

1		of priests, about whether a priest is appointed to a
2		particular parish or elsewhere.
3		
4		Q. And that's a serious matter, given that it's a matter
5		that's dealt with at the Consultors Committee?
6		A. Yes.
7		
	8	Q. How does it come about that a decision is made as to
9		where a priest is placed in the Consultors meeting?
10		A. Until recently, it went on a matter of seniority. The
11		most senior priest who applied for a parish was granted
12		that parish. In more recent times, and certainly in my
13		experience with Bishop Bird, there's more discussions about
14		the suitability of a particular person, or the capability
15		of a particular person to meet a particular need in a
16		parish.
17		
18		Q. If there was more than one priest of the same
19		seniority wanting a parish, that would be determined by
20		reference to the suitability of the respective priests?
21		A. Yes, I think so.
22		
23		THE CHAIR: Q. Father, is it right to think that the
24		value of having Consultors in this process is because you
25		can share with the Bishop your knowledge of the priest and
26		his capacities to fulfil a particular parish role?
27		A. That would be correct.
28		
29		Q. So, we should understand the Bishop is looking to the
30		Consultors to help the Bishop know all that's to be known
31		about the capacity of that priest?
32		A. That would be correct.
33		
34		Q. And I take it, for that purpose, the Bishop engages in
35		discussion with you to see what you know about that person?
36		A. Yes, that would be correct.
37		
38		MS FURNESS: Q. It follows, doesn't it, that the Bishop
39		tells you all he knows about the person to enable you to
40		give advice based on the information that's known?
41		A. Presumably.
42		
43		Q. Well, when you say "presumably".
44		A. I'm sorry, yes, one would presume that the Bishop is
45		telling us what he knows.
46		
47		Q. You've been in meetings of Consultors where Bishops

have indeed told you what they know about people under 1 2 discussion for appointments? 3 Α. Yes. 4 5 0. And that's routinely the case, isn't it, Father? 6 Α. Yes. 7 8 In terms of the appointment of priests, is it the case Q. that the Consultors Committee have a role in receiving 9 10 information about how the priest is performing at a parish? Receiving information from? 11 Α. 12 13 0. From the Bishop. From the Bishop. I think if there was something 14 Α. specific and something particularly untoward, yes --15 16 Q. Untoward --17 But just in terms of general performance it wouldn't Α. 18 come under discussion. 19 20 So in the event that there was something about the 21 0. performance of the priest that was, to use your word, 22 untoward, you would expect the Bishop to bring that to the 23 attention of the Consultors Committee to discuss it? 24 25 Α. Yes. 26 27 0. Because it would be relevant to their appointment, 28 wouldn't it? 29 Α. It would. 30 And it would be relevant to whether they should be 31 Q. moved to somewhere else? 32 Yes. 33 Α. 34 You held the position of secretary to the Bishop from 35 Q. about 1973 to 1979? 36 37 Α. Yes. 38 Q. What was the role of secretary to the Bishop? 39 I dealt with some minor matters of mail, more serious 40 Α. matters the Bishop tended to deal with himself. To a large 41 42 extent, I was his chauffeur which allowed him to do - it was a large diocese so a lot of the time was spent 43 travelling, so I would drive and the Bishop would do work 44 and reading various minutes or dictating letters and so 45 46 forth that were to be sent out. I acted as his master of ceremonies at the cathedral, so that his ceremonies flowed 47

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properly. That was pretty much the extent of it.
 1
 2
 3
              Did you open the mail and determine what matters
         Q.
 4
         should go to the Bishop and what matters you could deal
 5
         with?
 6
         Α.
              Sometimes.
 7
 8
              If you didn't, who did in that --
         Q.
              The Bishop did.
 9
         Α.
10
              The Bishop opened the mail himself?
11
         0.
12
         Α.
              Yes.
13
              As a matter of routine?
         0.
14
              Pretty much, yeah.
15
         Α.
16
17
         Q.
              But on occasions you did?
         Α.
              On occasions, I did.
18
19
              When parishioners wished to visit and speak with the
20
         0.
         Bishop, did they make an appointment through you?
21
              No, usually direct with the Bishop.
22
         Α.
23
              Did you generally attend meetings with the Bishop and
24
         parishioners?
25
                   No. I didn't.
26
         Α.
              No.
27
              Were there meetings that you commonly attended with
         0.
28
         the Bishop where he spoke to others about matters relevant
29
30
         to the diocese?
              In that period of time, I attended the Consultors
31
         meetings but not as a member of the Consultors but as
32
         the minutes secretary.
33
34
              Other than the Consultors --
35
         Q.
36
         Α.
              -- so just the recorder.
37
              Other than the Consultors Committee?
38
         Q.
              For a time there was a Diocese Pastoral Council; I
39
         attended those sorts of meetings, and the Bishop as well.
40
41
              During your time as secretary, did any person come to
42
         you with a complaint about anything relevant to the
43
44
         diocese?
         Α.
45
              No.
46
47
         Q.
              Did you consider that that was part of your role, as
```

1 secretary to the Bishop, to hear from parishioners with 2 problems with a view to ultimately talking to the Bishop 3 about it? No, I considered that more direct to the Bishop. 4 Α. 5 There was a Vicar General at the time you were 6 Q. 7 secretary? 8 Α. Yes. 9 10 Q. Who was that? Α. Frank Madden. 11 12 13 0. What was the role of the Vicar General at the time you were secretary? 14 The Vicar General is someone who is the second in 15 charge, I suppose, in the diocese; able to act in the 16 17 Bishop's name in his absence. 18 So, he was more senior to you? 19 Q. Oh, yes. 20 Α. 21 22 0. In the time that you were secretary, were you aware of 23 the Vicar General receiving complaints from anyone about anything relevant to the diocese? 24 25 Α. I don't recall any. 26 27 0. Did you see that that was part of his role? 28 Α. Yes, it could be, yeah. 29 You wouldn't be surprised if people came to him with 30 Q. their problems, rather than go to the Bishop? 31 I think at the time the Ballarat Diocese was small 32 enough for people to go direct to the Bishop and to view 33 the position as an opportunity to be direct to the Bishop 34 rather than through a Vicar General or a secretary or any 35 other person. 36 37 Q. By "small enough", you mean in terms of population? 38 39 Α. Yes, in terms of population and operation. 40 Because the size of it was indeed very large 41 Q. 42 geographically? Geographically it is, yes. 43 Α. 44

Α.

the Consultors meetings?

I did.

45

46

47

When you were secretary to the Bishop, you attended

A. Primarily to appoint people to positions and to pass judgment, if you like, on the disposal of property.

5 6 7

4

- Q. They were the two main --
- A. They were the two main ones, yeah.

8 9

- Q. As you said earlier, the Consultors were advising the Bishop on serious matters?
- 12 A. Yes.

13

- 14 Q. That didn't change?
 - A. No.

15 16

- Q. When you were secretary to the Bishop, you attended each Consultors meeting while you held that position?
- A. I would have to say the majority of them anyway; I'm not certain that I was at every one.

21 22

- Q. Your role was to take the minutes?
- 23 A. Yes.

24 25

- Q. Did you participate in any discussion about whether a particular priest should be appointed to a particular parish?
 - A. No, no, that was strictly not my role.

28 29

26

27

- 30 Q. So, you didn't have a speaking part?
- A. No, not at all.

32

- Q. Your job was to write the minutes?
- 34 A. Yes.

35

- Q. Who checked that the minutes were accurate after you had written them?
 - A. I believe that they were read at the next meeting.

38 39

- Q. Did they go to the Bishop first and then to the next meeting?
- 42 A. The Bishop signed off on them anyway.

43

- Q. And the process of the meeting was for the Bishop to indicate that there was a vacancy in a parish?
- 46 A. Yes.

And for there to be a discussion about who might be 1 2 suitable to fill that vacancy? 3 And who had applied for that position. 4 5 There can be applications, but there can also be the 6 case, can't there, where there can be no applications and 7 you have to decide who should be appointed? 8 That would happen, yes, if there were no applications. 9 10 0. And the Bishop would tell you his thoughts about the applicants? 11 Yes. 12 Α. 13 0. And what he knew? That's right? 14 Yes. By and large the Bishop in the end would adopt 15 the practice of coming in with a list of suggestions 16 17 because it was the best way of getting a discussion started; without that, people tended not to say anything. 18 19 20 Then, when he came in with his list of suggestions, those of the Consultors present would give their views and 21 their information about the respective applicants? 22 Yes. 23 Α. 24 25 Q. In the event there was no applicant, a decision had to be made as to who should be appointed? 26 27 Α. Yes. 28 How was that decision made? 29 Q. 30 I don't know, to be honest. I suppose - and this is supposition - discussion and sort of say, well, ring 31 Father McInerney and see if he'll take it. 32 33 34 THE CHAIR: 0. I take it, the expectation of Consultors was that there would be a full and frank discussion? 35 That would be the expectation, yes. 36 Α. 37 Given the nature of the meeting, the expectation of 38 0. 39 everyone was that everything they knew, good or bad, would be laid on the table? 40 41 Α. Yes.

MS FURNESS:

Q.

parish had become vacant?

42

43

44

45 46

47

Was there a discussion about why a

No, it was usually obvious from the point of view of,

a priest had died or retired or asked to be shifted.

So, in the event that they'd died or retired, it was 1 2 obvious that it was vacant? Yes. 3 4 5 And if a priest had asked to be shifted, the reasons for the priest asking to be shifted would be a matter of 6 7 discussion? 8 Α. Yes. 9 10 0. Were there cases where the time that a priest had held a position, without necessarily being asked to be shifted, 11 was a matter for discussion in the Consultors meetings? 12 I think at that time, once a priest was appointed as 13 14 parish priest in a particular parish, he had right of tenure, and so, he could stay there as long as he wished. 15 16 17 Q. Was there a time period that assistant priests normally stayed in a parish as an assistant priest? 18 No set time. 19 Α. 20 21 0. So, there's no period of two years when there was an expectation that an assistant priest would go somewhere 22 23 else? 24 Α. No, it wasn't a set time like that. 25 In the event that a priest was on leave or became 26 0. sick, was the practice to appoint a priest on a temporary 27 28 basis to fill that person's position? 29 Α. Yes, from time to time, yes. 30 31 0. And they were decisions that were made at the 32 Consultors Committee meeting? 33 Α. Normally. 34 35 Could the Bishop make a decision about the appointment of a parish without first seeking the advice of the 36 Consultors? 37 Α. I believe he could. 38 39 40 Q. So, canon law didn't preclude that occurring? I don't know enough canon law --Α. 41 42 Q. Nor do I, Father. 43 -- to be able to answer that. 44 Α. 45 In your period as secretary, or as a Consultor, was 46 Q. there the case that the Bishop made decisions about priests 47

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without regard to the Consultors Committee?
1
              I can't remember any specific case.
2
 3
4
         Q.
              And, if that happened, it would be most unusual?
5
         Α.
              Yes.
6
7
         THE CHAIR:
                           When you were the secretary, how many
                      Q.
8
         parishes were there in the diocese?
              I think there were 50-something, but that's just a --
9
10
              Fifty-odd?
11
         0.
12
         Α.
              Yeah.
13
         0.
              And how many priests or assistant priests?
14
              At one stage the priests got up to, I think, 100
15
         priests in the diocese.
16
17
              A hundred?
18
         Q.
         Α.
              Yeah, it was 99 or 100, thereabouts.
19
20
              When you were secretary, did you know all those
21
         Q.
         priests?
22
         Α.
              Yes.
23
24
              I take it that others in senior positions in the
25
         Q.
         diocese would know them all as well?
26
27
         Α.
              Oh, yes.
28
              You'd meet together from time to time?
29
        0.
30
              We'd meet together, meet together on retreats, meet
         Α.
         together on study days.
31
32
33
              There were opportunities for the Consultors to form a
         view about individual priests by reason of interactions
34
35
         from time to time?
36
         Α.
              Yes.
37
38
        MS FURNESS:
                       Q.
                            Were there regular set meetings of all
        the priests with the Bishop to talk about how the work in
39
40
         the diocese was proceeding?
41
              Yes, there was the Council of Priests met where - at
         that stage the Council of Priests, the diocese was divided
42
43
         into zones, with the original names, north, south and
         central, and those zones would meet and discuss various
44
45
         issues; some of those issues would be directed towards the
         council itself, which was made up of representatives from
46
47
         those three zones in the presence of the Bishop.
```

```
1
 2
              When you say "in those days", you're talking about the
         Q.
 3
         70s when you were secretary?
 4
         Α.
              Yes.
 5
 6
         0.
              How does it work today?
              Well, today, because we have far fewer priests, the
 7
         Council of Priests meets as a whole assembly.
 8
 9
10
         0.
              Can I show you a copy of minutes of a meeting of
         Consultors held in June 1993 when Bishop Mulkearns was
11
         present.
12
              Yes.
                    1993?
13
         Α.
14
              Yes, June 1993.
                                They were the days when minutes were
15
         clearly handwritten, Father?
16
17
         Α.
              Yes.
18
              You can see there that "present" is Bishop Mulkearns,
19
         0.
         Father Finnigan as Vicar General, Father Colley.
20
         Father Colley was a priest where at that time?
21
              I don't know.
22
         Α.
23
              You know him to be a priest?
24
         Q.
25
         Α.
              I know that he was a priest; he's no longer.
26
         0.
              Father Bohan.
27
28
         Α.
              Deceased, yes.
29
         Q.
              Father Arundell?
30
31
         Α.
              Yes.
32
         0.
              Do you remember where Father Arundell was?
33
         Α.
              Possibly Portland but I really can't remember.
34
35
36
         Q.
              Was he a contemporary of yours?
37
         Α.
              No, he's a bit older than I am.
38
         0.
              Father McKinnon?
39
40
         Α.
              John McKinnon, J McKinnon, yes.
41
         Q.
              What do you remember about him?
42
43
         Α.
              I can't remember where he was, where he was appointed.
         I remember at one stage he was parish priest at Beaufort.
44
         He's currently at Hamilton.
45
46
47
         Q.
              And then you, A McInerney?
```

```
2
 3
         Q.
              And P Sherman?
              Yes.
 4
         Α.
 5
              So this helps you recall that indeed you were on the
 6
         0.
 7
         Consultors Committee under Bishop Mulkearns in 1993?
 8
              Yes, it does.
         Α.
 9
              And these were routinely the minutes that you received
10
         0.
         after a meeting to approve?
11
              I think we received them when they were read at the
12
13
         next meeting.
14
              You will see under "minutes", the minutes of the
15
         meeting held on 6 May were read and accepted, do you see
16
         that.
                That's in the first paragraph after "absent"?
17
              Yes.
         Α.
18
19
20
         Q.
              So that suggests that they met monthly in those days?
         Α.
              Yes.
21
22
         Q.
              Is that your recollection?
23
24
         Α.
25
         0.
              You thoughtless frequently?
26
27
         Α.
              Yes.
28
              As the need arose?
29
         0.
30
         Α.
              As the need arose.
31
32
              Just turn to the second page. The second underlined
         Q.
33
         heading, "Father PD Ryan".
34
         Α.
              Yes.
35
         Q.
              It says there that:
36
37
              ... has had all his faculties revoked, with
38
              the exception of being able to celebrate
39
              Mass privately without giving any
40
              appearance of having an ecclesiastical
41
              appointment or office.
42
                                       The Bishop
              explained to the Consultors the reasons for
43
44
              this course of action.
45
              Do you know who Father Ryan was in 1993?
46
              I do.
47
         Α.
```

Α.

Yes.

7 Q. It's something that stayed in your mind?

> Α. Not particularly with him.

9

8

10 0. Well then, you've said you recall that his faculties were revoked? 11

I was trying to say, I didn't recall from 12 Α. Oh, ves. that meeting. 13

14 15

- I understand, but my question --0.
- But I do remember Paul David Ryan and I do know that 16 Α. 17 his faculties were revoked.

18 19

- Why were his faculties revoked? Q.
 - I believe it was because of a sexual abuse issue. Α.

20 21 22

- A sexual abuse issue? Q.
- Yes. If you ask me specifics, I couldn't give them to 23 Α. you, but I know that he was charged with sexual offences. 24

25 26

27

- In relation to children? 0.
- I would have thought, pre teens, rather than little Α. I know there's -children.

28 29 30

- I'm sorry, pre teens? So, less than 13? Q.
- No, I thought it was older than 13, but I'm not sure 31 Α. of specifics. 32

33 34

- Q. Under 18 are children, aren't they?
- Α. Certainly under 18, yes.

35 36 37

38

39

- 0. When do you recall first hearing that Father Ryan was the subject of charge or complaint about child sexual abuse allegations?
- I don't recall that. Α.

40 41

- Prior to his faculties being revoked? 42 Q.
 - Α. I can't be specific about that; I can't recall it.

43 44

45 The fact of a Father within a parish, within a diocese where the numbers of priests in the diocese was small, 46 being the subject of charges of child sexual abuse would 47

1 certainly be something that would stay with you, Father. 2 I remember that he was charged with that, but I don't 3 remember specifically when I first heard it. 4 5 0. It was before the faculties were revoked or after? 6 Δ. I don't recall that specifically either. 7 8 Would you expect faculties to be revoked if a Father Q. 9 had indeed been charged with child sexual assault offences? 10 Α. I would expect so. 11 Other than Father Ryan, when you have been on the 12 Consultors Committee, has it happened that the faculties 13 have been revoked? 14 I don't recall any other issues when I was on the 15 committee. 16 17 Q. I beg your pardon? 18 I don't recall any other times when I was on the 19 Consultors. 20 21 22 Q. And you were on the committee when Bishop Mulkearns 23 was Bishop? 24 Α. Yes. 25 0. And the minutes I've shown you is June 1993; can you 26 27 help us over what period of time you were on that 28 committee? 29 Α. No, I could only hazard a guess. 30 31 Q. Something like the late 80s? It's possible. 32 Α. 33 34 Q. Other than Father Ryan, did it come to discussion at the Consultors Committee that a priest within the diocese 35 had been charged with child sexual abuse offences? 36 I don't recall anything like that at a Consultors 37 meeting at which I was present. 38 39 So, when you say you don't recall; if it had happened, 40 Q. it would be something that you would recall, wouldn't it, 41 42 Father? I would imagine so. 43 Α. 44 45 So, is it the case that you don't believe that it

46

47

happened, that at any Consultors Committee meeting a priest

being charged with child sexual abuse offences was brought

```
to the attention of the meeting by the Bishop?
 1
 2
              Other than Paul David Ryan? I can't recall any time
         when I was at the Consultors meeting when that happened.
 3
 4
 5
         0.
              What about more recently in the last year or so you've
 6
         been on the Consultors Committee?
 7
         Α.
              No, that hasn't been an issue.
 8
              Just coming to your first statement; do you have that?
 9
         Q.
10
         Α.
              Yes, I do.
11
         MS FURNESS:
                       I might tender those minutes, Your Honour.
12
         They're the minutes of 8 June 1993 of the Consultors
13
         meeting.
14
15
         THE CHAIR:
                      We don't have them otherwise in the documents?
16
17
         MS FURNESS:
18
                       No.
19
         EXHIBIT #28-30 MINUTES OF CONSULTORS MEETING DATED
20
         08/06/1993
21
22
         MS FURNESS:
23
                       0.
                             Father, you attended secondary school at
         St Joseph's College in Mildura?
24
              I did.
25
         Α.
26
              That was a diocesan school or an order?
27
         Q.
              Sisters of Mercy.
28
         Α.
29
30
         Q.
              Then you attended St Patrick's College in Ballarat?
              For 12 months.
31
         Α.
32
33
         Q.
              And you say, to study Latin?
34
         Α.
35
              Did you need to study Latin in order to enter the
36
         0.
37
         seminary?
              Well, that was the regulation at the time, but
38
         the year that I actually arrived they abolished it.
39
40
              While you were in Mildura, Monsignor John Day was the
41
         parish priest at Mildura for at least some of that?
42
              Yes.
43
         Α.
44
45
         Q.
              Did you know him?
              I did.
         Α.
46
47
```

- 0. Were you friendly with him? 1 2 I was his altar server, among others. And my family Α. 3 had a lot to do with him. 4 5 0. During the time you knew him, did any complaints or rumours come to your attention about his conduct? 6 None at all while I was in Mildura. 7 Α. 8 Other than in Mildura? 9 Q. 10 Α. No - at a later date? 11 0. Yes. 12 13 Α. Yes, at a later date I --14 When was that? 15 Q. I believe it must have - it was after I had left 16 Α. Mildura anyway, so whether it was while I was in the 17 seminary or early days of priesthood, I'm not sure. 18 19 20 Q. You were in the seminary from 62 to 65? Α. At Werribee, yes, and then 65 to 69 in Rome. 21 22 During that time, the 60s, did it come to your 23 0. attention any complaints or rumours against Monsignor Day? 24 25 Α. I can't be specific about that in recollection.
- 26 27 Q. At any time, did complaints or rumours come to your
- 29 A. Yes.

28

Q. When?

attention then?

A. As I say, I can't be specific as to when.

32 33 34

35

- Q. Was it likely to be in the 60s while you were in the seminary or in Rome?
- A. Not when I was in Rome; I'd suggest it was later than that.

38

- Q. Then you were ordained as a Catholic priest in the Diocese of Ballarat August 69?
- 41 A. Yes, I was ordained in a parish in Mildura.

42 43

- Q. Then you were at St Alipius between 1969 and 1972?
- 44 A. Yes.

- 46 Q. So was it in that period of time or later?
- 47 A. I think it was later but I can't be certain about

```
that.
 1
 2
 3
         Q.
              You can't recall now what you were doing at the time?
 4
         Α.
              No.
 5
              Well, you were in the diocesan office being secretary
 6
         0.
 7
         between 73 to 78; was it then?
 8
              From recollection, I'm just reflecting that
         Α.
         Monsignor McKenzie was appointed. No, look, I can't be
 9
10
         specific as to when that was.
11
              But it did come to your attention?
12
         0.
13
         Α.
              Yes, it did.
14
15
         Q.
              Complaints or rumours?
              It was complaints, I suppose, yeah.
16
         Α.
17
         Q.
              Of what?
18
              Sexual offences against, particularly against some
19
         Α.
20
         boys I think.
21
         0.
              Was that the first time that complaints of sexual
22
         offences against children, of someone within the diocese,
23
         came to your attention?
24
25
              I believe it was, yeah.
         Α.
26
              So that was the first time?
27
         0.
              I think so.
28
         Α.
29
30
         Q.
              And you can't remember when it was?
31
         Α.
              No.
32
              Can you remember the decade?
33
         Q.
              No, I can't be specific about that.
34
         Α.
35
              It would be quite momentous, wouldn't it, Father, to
         0.
36
37
         hear that?
              Well, it was in the sense that it was a big disruption
38
         Α.
         in the parish of Mildura and it was a disruption sort of in
39
40
         my family, but exactly when that happened, I don't know.
41
              By disruption, do you mean that people were upset that
42
         children had been abused by Monsignor Day?
43
44
         Α.
              Well, some people believed it and some people denied
         it.
45
46
47
         Q.
              So was it a disruption in the sense that it was, for
```

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Monsignor Day, a dreadful period? 1 2 Would you repeat that please? 3 4 Was it a disruption in the sense that it was, for Q. 5 Monsignor Day, a dreadful period? 6 I'm thinking in terms of the decade in which it 7 happened. If I refer to circumstances in my family's life, it was after my father had died, so it would be - oh no, it 8 wasn't, I'm sorry, I'm being distracted there. 9 10 Q. So your parents were alive at the time? 11 Yes. 12 Α. 13 0. And your father died, when? 14 My father died in 1979. 15 Α. 16 So it was prior to 79? 17 Q. Α. Yes. 18 19 20 Q. Was it when you were working with Bishop Mulkearns as his secretary, between 73 and 78? 21 It could well have been. 22 Α. 23 THE CHAIR: Did it come as a shock to you, the 24 Q. allegation? 25 Yes it did, completely. 26 Α. 27 What was your reaction to it? 28 0. Well, my first reaction was to suggest that the boys 29 Α. were lying; that was my first reaction, because I had so 30 much association with him and there was no indication of 31 32 any sexual abuse or attempted - with myself or my brothers, but it didn't take too long to learn that it wasn't a lie 33 at all, it was a reality. 34 35 How did you come to learn that it wasn't a lie? 36 Q. Oh, just by listening to the people and what was being 37 Α. 38 said. 39

40

41

Did you discuss the allegation with the Bishop? Q.

Probably, but I can't be sure, Your Honour.

42 43 Q. Just to go back --

Α.

I would have discussed it with him, I'm sure, if I was 44 45 still his secretary. If I was not his secretary at the time, I probably wouldn't have discussed it. 46

2 close one in a professional sense? 3 Close enough, yes. 4 5 0. And you would talk about allegations that might shock 6 vou, I assume, quite readily? I talked about Monsignor Day because I knew him and 7 knew the people involved, but he didn't always discuss 8 important things with me. He told me what he thought I 9 10 needed to know. 11 But, if you heard allegations or heard of allegations 12 0. against a priest, you'd tell the Bishop, wouldn't you? 13 14 Α. I would tell the Bishop, yes. 15 I take it that, amongst priests, there was commonly Q. 16 17 discussion about other priests? Other priests offending? Α. 18 19 20 0. Well, just other priests, what they might do, whether they were good, bad or what they've heard about them? 21 Oh, to some extent, yes. 22 Α. 23 I mean, I take it that priests are like pretty much 24 0. any other human community, they will gossip; is that right? 25 They would, yes. 26 Α. 27 And they will gossip about the good things and the bad 28 Q. things? 29 30 Α. Yes. 31 Other than Bishop Mulkearns, did you 32 MS FURNESS: 0. talk to anyone else working in the diocese, including the 33 Vicar General, about the complaints about Monsignor Day? 34 35 If I talked to anyone, it would have been with the Vicar General, but I can't remember those conversations. 36 37 38 Q. And that was Frank Madden at the time? 39 Α. That was Frank Madden at the time, yeah. 40 It would be surprising if you didn't talk to someone, 41 42 having heard such momentous complaints about someone you knew? 43 44 Α. I suppose so. 45

I assume the relationship of Bishop and secretary is a

Q.

46

47

1

0.

You say that initially you didn't believe it and then,

having listened, you did believe it.

```
2
 3
              Was that something that occurred in a relatively short
 4
         period of time?
 5
              I think so, yes. When it became more and more a
         matter for the priests and so forth and you heard
 6
    7
            statements from the boys themselves, reported statements,
 8
         referred statements.
 9
10
         0.
              If it was in the media, that certainly would have been
         a matter that would have been discussed with those in the
11
         Bishop's office, wouldn't it?
12
              Yes.
13
         Α.
14
              You then went to Corpus Christi Seminary in the 60s?
15
         0.
16
         Α.
17
              Who else was at Corpus Christi Seminary when you were
         Q.
18
         there that you became friendly with?
19
              That I became friendly with?
20
         Α.
21
22
         Q.
              Yes.
              Matt McDonald, John Stewart, Kevin Larkins - how many
23
         Α.
24
         would you?
25
              I beg your pardon?
         0.
26
27
         Α.
              How many do you need?
28
              I'm happy for you to tell me how many people you want
         Q.
29
         to about who you became friendly with at the seminary.
30
31
         Α.
              Okay. Well, there might have been a dozen I suppose.
32
33
         0.
              How many men were at the seminary?
              Well, there was 20-odd, 20 or so in my year, so there
34
         Α.
         might have been 60, 70.
35
36
37
         Q.
              So there were three or so years?
38
         Α.
              There were four years at that seminary, yes.
39
40
         0.
              When you entered the seminary, how old were you?
41
         Α.
              About 18.
42
43
         Q.
              Were the other men in the seminary about your age?
44
              Most of them were; one or two were older and had other
         Α.
45
         careers.
46
47
         Q.
              Anyone younger?
```

Α.

1

Yes.

A couple younger, but only by a year or so. 1 Α. 2 3 Q. So, no one younger than 16? 4 Oh, no, no. They would have finished what was then Α. 5 called the matriculation. There might have been one or two 6 had special dispensation to come in without matriculation, 7 but would be only one year less studying, but that would 8 have been because they were older. 9 10 Q. So the youngest was probably around 17? Α. Yes. 11 12 13 0. What did they tell you about matters that we now call sex education when you were at the seminary? 14 Well, in those days they told me nothing. 15 just, I left school, went to the seminary. 16 17 Q. Were you spoken to about the vow of celibacy and how 18 vou were to maintain that? 19 Yes. 20 Α. 21 22 Q. What were you told? 23 Α. Very little, and I don't want to be flippant about 24 that, but we're told very little. 25 0. What were your own thoughts in the seminary about the 26 vow of celibacy and how that would affect you and how you 27 28 would come to terms with it? It didn't affect me then, it was much later that I 29 began to - that I felt the full impact of what taking a vow 30 31 of celibacy meant, but in those days --32 THE CHAIR: What did you understand by the vow of 33 Q. 34 celibacy; what did it mean? 35 It just meant abstinence from sexual behaviour with and not to marry. 36 37 0. So, are they two separate things; not to marry and no 38 39 sexual behaviour? They're related, but yeah, they're two separate 40 things, yes. Celibacy is not just about not marrying, it's 41 42 about a way of life as well. 43 44 Q. It's about? A way of life. 45 Α.

0.

46

47

What do you mean by that?

- Well, I'm fully aware that not everyone remains with 1 one partner, so that celibacy means not having casual 2 3 sexual relationships or sexual relationships other than marriage. 4 5 What does chastity mean to you? 6 Q. Chastity would be trying to live a life that supported 7 a vow of celibacy; that's for me. But in general, chastity 8 is an attitude and a way of looking at and understanding 10 one's sexuality and the sexuality of others. 11 What are you taught by the church as to the content of 12 Q. an obligation of chastity? What does it mean to a priest? 13 14 Α. I'm sorry, Your Honour, would you just repeat that. 15 Q. Yes. What does the church teach you so that what does 16 17 a priest understand by the obligation of chastity? That he lives in such a way as to sustain a life of 18 celibacy. 19 20 That doesn't help me a great deal. Q. Α. Okay.
- 21
- 22

27

35

- Are you saying that chastity is the same as celibacy? 24 Q. No, I think chastity is broader than celibacy; that 25 Α. it's a way of looking at and appreciating one's sexuality. 26
- What's the way of looking at it and appreciating 28 29 that's involved in chastity? Appreciating one's sexuality as being a gift from God 30
- 31 and creation, that it is who one is. 32
- Q. How does chastity relate to celibacy then? 33 It's an aid to it. 34 Α.
- In what way is it an aid to it? 36 Q. Celibacy, as I would see it, celibacy relates to not 37 Α. taking a permanent partner; whereas chastity is a way of 38 39 living that sustains that and leads to that decision.
- If one isn't faithful to an obligation of chastity, 41 42 have you committed a sin in the doctrine of the church? Yes. 43 Α.
- 44 45 0. What sorts of things would breach the obligation of chastity? 46
- 47 Α. Specifically, as in --

much more regular, but it's something quite different now.

Q. What's changed?

My understanding of the sacrament, my understanding of Α. what sin is, my understanding of what my obligations are in life, and my understanding of what the idea of confession really is about.

46 47

41 42

43

44

- How have those things changed? 1 Q.
- 2 I think in the past I did see confession and forgiveness as that kind of routine; confessing to small 3 matters that are really of little import. Whereas now, I 4 5 sort of see my confessional time as much more in terms of 6 talking about what's going on in my life and what's going 7 on in my emotions and my spiritual life, what I see is impeding me and what I see is assisting me and that sort of 8 discussion with the confessor. 9

- Are you the confessor to others? Q.
 - Α. Not a regular one.

12 13 14

- Q. Meaning, you don't make yourself available regularly?
- I'm available if they choose me, but they don't. Α.

15 16 17

18

19

20

- Q. They don't come?
- The only time that I'm a confessor to others is. Α. occasionally someone will ring, but very occasionally someone will come and say, "Could I just come see you for a while?"

21 22 23

24

25

26

- Q. Do you ever have confessions from others of sexual transgressions?
- I have heard some confessions of sexual transgressions Α. in terms of adultery, but I'd have to say I've never had anyone confess to sins of abuse of minors; never.

27 28 29

30

31 32

33

34

35 36

37

38 39

MS FURNESS: If a parishioner doesn't confess to the Q. parish priest, who would they generally confess to? Well, I'd have to say that the practice of confession is much more limited now than it was in the past, but I know of people from St Alipius who would come into the cathedral, because some people prefer the anonymity of going into a confession and into the confessional box. me, most of the times of confessions I would hear is people would come and sit down and we'd talk face-to-face, but still there are a number of people who prefer the anonymity of the confessional box and they would come into the cathedral.

40 41 42

43

44

45

Your Honour asked you whether, when confessing, the Q. transgression is resolved, and you indicated you thought that was a narrow interpretation of the confessional. one generally, following confession, receive absolution? Generally, yes. Α.

- 0. What does absolution mean? 1
 - It means that the forgiveness that is offered by God Α. for those who repent and have the desire to change in their repentance, that that forgiveness is given to them, mediated through the medium of the priest and the church.

8

9

10

11

2

3

4

- And, by giving forgiveness, they are absolved of any transgression that they have confessed?
- Well, part of their confession has to be a resolution and a commitment to change and not to continue with what it was they came to confess. I mean, if they intend to continue with that, there's no point in the confessional.

12 13 14

15 16

- 0. It would be quite common, wouldn't it, Father, for people to confess over and over again a similar transgression?
- Α. Yes.

17 18 19

- Which suggests --0.
- And a lot of that has to do with scruples. Α.

21 22

20

- Q. With?
- Α. With scrupulous - with people who suffer from scruples.

24 25 26

27 28

29

30

23

- So, if you suffer from scruples, you tend to learn 0. from the confession and not do it again; is that what you're saying?
- No, I'm saying that some people have a spiritual or psychological condition in which they over-worry about things that they've done as to whether they're wrong.

31 32 33

34

- You say that you haven't heard a confession of a Q. crime; is that right?
- Α. That's right, yes.

35 36 37

38

39

40

41 42

43

44

45

- If you did hear a confession of a crime, would you feel obliged to keep that to yourself?
- Obviously, this is a burning question, and one that I've had to give a great deal of thought to. My current thought is that I think, if it's a crime, a crime is a crime and has to be reported. So, while I - and I know that's not - excuse me, Bishop - but I know that's not the teaching of the church, but that's my - the conclusion I've come to is that, if someone confesses to a crime, then I can't forgive that unless they're able to go and report the crime.

44

0. That they would keep what was said in the confession --

45 Α. Yes.

46

47 Q. -- private?

1	A. Yes.
2	
3	Q. Did you seek to persuade them to your point of view?
4	A. Well, I would just talk about how - tell him how I see
5	things.
6	
7	Q. When did you come to that view, given it is, as you
8	say, against the teachings of the church?
9	A. Probably over the last three or four years.
10	
11	Q. What prompted it?
12	A. Prompted because it's become a question in the public
13	forum, really.
14	
15	Q. So, you have heard people speak about the confessional
16	being used to cover up crimes?
17	A. Not to cover up crimes, no.
18	,
19	Q. How would you describe it?
20	A. I always sort of see it as somebody coming in to
21	confess that they've done something wrong.
22	
23	Q. We're not just talking about doing something wrong,
24	Father, we're talking about a crime.
25	A. Well, that they've done something wrong which amounts
26	to being a crime.
27	C
28	Q. If you don't, that is as parish priest hearing the
29	confession, report it to the police, are you concealing
30	that crime, do you think?
31	A. That's the conclusion I'm coming to.
32	
33	Q. Has it been discussed in any formal way within the
34	church to your knowledge?
35	A. Not in my presence. I mean, I would say that the
36	whole question of the sanctity or the secrecy of confession
37	is probably discussed at the highest levels.
38	
39	Q. You don't feel bound by the church and its teachings
40	in not going to the police were it the case that a crime
41	was confessed to you?
42	A. Well, as I said, this is the position I've come to. I
43	devoutly hope that it never comes to reality, that I have
44	to face it.

you went to the police?

45

46

47

Would you feel obliged to talk to the Bishop before

```
I wouldn't feel obliged to, but I might well do so.
   1
            Α.
 2
 3
         THE CHAIR:
                      Q. Father, there will be evidence later in
 4
         this hearing about the experience of other priests, but
 5
         have you heard of priests who have abused children going to
 6
         a confessor and being absolved?
 7
              No, I've never heard of that. Not in my personal
 8
         experience, no.
 9
10
         MS FURNESS:
                       Q. Back to the seminary, Father.
         Father [REDACTED] as he subsequently became was a
11
         colleague of yours at the seminary?
12
              Yes, same year as me, yes.
13
         Α.
14
              Same year as you?
15
         0.
              Yes.
16
         Α.
17
         Q.
              You subsequently heard that he had been convicted?
18
         Α.
              Yes.
19
20
              When did you hear that? Let me tell you that the
21
         Q.
         conviction was in 1998?
22
              It would have been 1998.
23
         Α.
24
         Q.
              What was your reaction?
25
              Disappointment. Yeah, what was my reaction? There's
26
         Α.
         disappointment, there's hurt, there's all those sorts of
27
28
         things but - and I think Andrew Collins referred to this -
29
         on reflection [REDACTED] was also in Rome with me.
30
              He was.
31
         Q.
              And on reflection, he tended to associate with a group
32
         Α.
         of people who appeared to be much younger than they
33
         actually were.
34
35
              Association in Rome?
36
         Q.
37
         Α.
              Yes.
38
              When you say "appeared to be younger than they were",
39
         0.
         they were children or teenagers?
40
              No, no, they were in their 20s but they looked much
41
42
         younger. There was particularly people from Thailand
         actually, and they looked a whole lot younger than what we
43
44
         did at the same age.
45
46
         Q.
              How did you see that at the time?
              At the time I didn't see anything in it. When he was
47
         Α.
```

charged, that's when I reflected and thought, now, that's 1 2 curious; but at the time I just thought it was - we were in 3 a seminary that had 50-something nationalities present and we all formed friendships with different people and 4 different ... 5 6 7 Did you maintain a friendship or association with him 0. after Rome? 8 9 No, we were never close. Α. Q. Were you ever at the same parish? 11

10

We were ordained two days apart, but no, we were Α. never in the same parish and were never close friends or anything like that, we were just associates.

14 15 16

17

18

19

12

13

- Between you knowing him in 62 at the seminary and Q. understanding he was convicted in 1998, did you hear any complaints or rumours about his conduct in respect of abusing children?
- Α. I'm sorry, would you --

20 21 22

23

24

25

26

- Between knowing him in 1962 at the seminary and Q. understanding in 1998 that he had been convicted, between that period of time, did you hear any complaints or rumours against him of child sexual misconduct?
- I would need to know where he was when he was charged; whether he was at Wendouree or at Portland.

27 28 29

- Q. How will that matter?
- Because I heard of his charges when he was at Α. Portland, which was subsequent to Wendouree.

31 32 33

34

30

- What happened at Wendouree? Q.
 - To my recollection, and that's all it is, he was simply moved as a matter of course.

35 36 37

38 39

40

- So, do you now think that he was moved from Wendouree to Portland because there were complaints against him at Wendouree?
- I don't know that for certain, but I suspect that that Α. might be the case.

41 42

43 Q. That was maybe the mid-to-late 1990s. He was 44 convicted in 1998. Assuming there was some period of time 45 between being charged and convicted, without being more precise than that, were you on the Consultors Committee 46 47 then?

.26/05/2015 (82)

1 2	Α.	I honestly don't recall that.
3	Q.	So, you don't recall his conduct coming up at the
4	•	ultors Committee when you were present?
5	Α.	No, I don't recall it, no.
6		,
7	THE (CHAIR: Q. If the need to move him because of
8		iculties in Wendouree, if there was that need because
9		hose difficulties, would you have expected those
10		iculties to have been discussed at a Consultors
11		ing, although you may not have been present?
12		Yes, I would expect so.
13		
14	Q.	We spoke before about there being a full and frank
15	•	ussion at Consultors meetings; would it be your
16		ctation that, whenever it was thought necessary to move
17	-	iest because of allegations, that the Consultors would
18	-	been told the whole story?
19	Α.	
20		on for shifting him, yes.
21		
22	MS FL	JRNESS: Q. Brian Finnigan was at the seminary with
23	you?	· · · · · · · · · · · · · · · · · · ·
24	•	Yes, coming after me, yeah.
25		,
26	Q.	He was at the seminary while you were there, although
27	•	idn't start at the same year as you?
28	Α.	Yes.
29		
30	Q.	You've had dealings with him thereafter in the parish,
31		ne diocese?
32	Α.	In the diocese, yes.
33		, ,
34	Q.	He's been on a number of Consultors Committees with
35	you?	
36	A.	Now, I can't remember whether he was on Consultors
37	Comm	ittees with me, but I can remember that he was the
38		op's secretary, wasn't he?
39		
40	Q.	The Bishop's secretary after you?
41	Α.	Yes. Yes, some time after me.
42		
43	Q.	He's currently doing what job?
44	Α.	Auxiliary Bishop in Brisbane.
45		
46	Q.	When he was in the diocese, and when you were in the
47	dioce	ese, did you have any discussions with him about other

1	priests and complaints against them of child sexual
2	misconduct?
3	A. I don't recall any.
4	
5	Q. Is he the sort of person who you would have confided
6	in?
7	A. If I thought that something needed to be reported, I'd
8	be happy to report it to Brian.
9	
10	Q. Is he the sort of person that you think, given your
11	relationship, he would have confided in you?
12	A. I don't think our relationship was that close.
13	The second control of the second second control of the second sec
14	MS FURNESS: I note the time, Your Honour.
15	TIS FORMESS. I HOCE CHE CIME, Four Honour.
16	THE CHAIR: Yes, we'll take the short adjournment.
17	THE CHAIR. Tes, we II cake the short auguar milent.
	SHORT ADJOURNMENT
18	SHURT ADJUURNITENT
19	MC FURNICCE. Thenk your Vous Honous
20	MS FURNESS: Thank you, Your Honour.
21	
22	Q. Father, can I show you another set of minutes; these
23	are dated 16 December 1993. A copy will be provided to
24	you, and a copy perhaps for the
25	
26	THE CHAIR: Do you want to tender them?
27	
28	MS FURNESS: I will tender them.
29	
30	EXHIBIT #28-31 MINUTES DATED 16/12/1993
31	
32	MS FURNESS: Q. Father, you will see that these
33	are minutes of the meeting of Consultors on
34	16 December 1993?
35	A. Yes.
36	
37	Q. Do you see there's reference to minutes of the meeting
38	of Consultors and personnel board; is that right?
39	A. Yes.
40	
41	Q. Is the personnel board different from the Consultors?
42	A. There was a period of time in which they had tried to
43	separate the work of the Consultors from the work of
44	•
	appointing priests to particular parishes and looking after
45	their welfare, but it revolved back to the same group
46	really.
47	

```
2
              Around this time.
         Α.
 3
 4
         Q.
              You will see that Bishop Mulkearns is presiding?
 5
         Α.
              Yes.
 6
 7
         0.
              And you're present?
 8
              Yes.
         Α.
 9
              And the same Consultors as were present a few months
10
         0.
         earlier?
11
12
         Α.
              Yes.
13
              Leaving aside the apology.
                                           You will see, towards the
14
         end of the first page, under the heading "Staffing", it
15
         states:
16
17
              The meeting then addressed the overall
18
              situation of other staffing needs for
19
              Christmas, New Year and for January 1994
20
              onwards.
21
22
              There's reference there to, "After due consideration
23
         and discussion the following recommendations were put to
24
         the Bishop by the Consultors". Do you see that?
25
         towards the bottom of the page.
26
         Α.
              Okay, yes. Yes, I do, thank you.
27
28
              That was typical of the way in which those meetings
29
         under Bishop Mulkearns worked?
30
31
         Α.
              Yes.
32
              That is, that you considered and discussed
33
         0.
         recommendations for appointment; that's right?
34
         Α.
              Yes.
35
36
37
              Over to the second page there's reference about half
         of the way down, after the placements, to "moved: B
38
         Finnigan". Do you see that?
39
         Α.
              Yes.
40
41
              And then, "Seconded: B Ryan", then "carried". Are we
42
         Q.
43
         to read these minutes that, when Bishop Mulkearns was
         Bishop, he would put for consideration and discussion - I
44
45
         withdraw that.
46
              The Consultors would put for consideration and
47
```

When was that period of time?

Q.

1

discussion recommendations, and then ultimately the 1 2 Consultors voted upon those placements? 3 The Bishop would have to accept it. 4 5 How do we read, "Moved", "Seconded", "Carried"? 0. I would read it as saying, that's how the Consultors 6 Α. agreed that that was the best disbursement, if you like, of 7 8 personnel, and the Bishop would have been part of the discussion, the whole discussion as to how they resolved 9 10 those matters as to who went where, he'd be part of that 11 discussion as well. 12 But by suggesting, as these minutes do, that there was 13 0. a mover, a seconder and then it was carried, suggests that 14 there was some sort of voting or approval process, doesn't 15 16 it? 17 Α. I would suggest it's a formality. 18 Father, would it be, as you often see, THE CHAIR: 19 that there's a discussion with everyone, a consensus 20 emerges from the discussion, and then the decision making 21 process is formalised in the way that we see on this? 22 By way of a, as I said, by way of a formality of --23 Α. 24 25 But nevertheless the Bishop was keen to ensure that 0. the record showed that the formal steps had been taken? 26 27 Α. Yes. 28 Including the fact that it was a recommendation that 29 Q. was coming from the Consultors which the Bishop could 30 either accept or reject? 31 32 Α. Yes. 33 I assume, by the time you get to it coming forward as 34 0. a recommendation, everyone knew what the Bishop's view was? 35 36 Α. Yes. 37 MS FURNESS: And this was the way that Q. 38 39 Bishop Mulkearns dealt with these matters of appointment in meetings? 40 Α. Yes. 41 42 43 Q. Thank you. 44 THE CHAIR: By the way, whose handwriting is the 45 Q.

minute?

Α.

46

47

I don't know whose that is.

Q. What's the difference between a Coadjutor Bishop and the Bishop?

A. The coadjutor, I'm not sure of the exact technicalities, but it meant he had the right of succession, so that when the other Bishop retired, he would automatically become the Bishop.

Q. And he did so in May 1971 when you were the assistant priest at St Alipius Parish?

A. That sounds about right, yes.

Q. What were the living arrangements when you were at that parish?

A. There were two rooms with a common bathroom on one wing. There was a small --

Q. By two rooms, you mean two bedrooms?

A. Yes, two bedrooms. Then there was a small kind of like a box room, storage room. Then, towards the front of the house, the Bishop had his office and a bedroom with an ensuite.

Q. So, who lived in that room you've described or that house that you've described?

A. The box room?

25

26

27 28

29

30

31 32

33

34

35

36

37

38 39

40

41 42

43

44

45 46

47

- Q. No, who lived in the whole house while you were there?
 A. Father John Martin was in one of the rooms, Father
- A. Father John Martin was in one of the rooms, Father
 Bill O'Connell was in another, I was in the so-called, what
 I call the box room, and Bishop Mulkearns was in the front
 room.

- Q. What were the positions of Father O'Connell and Father Martin?
- A. Father Martin was the administrator of the parish, and Father O'Connell was an assistant priest.

- Q. And Bishop Mulkearns?
- A. Was nominally the parish priest. And I think he was considered nominally the parish priest because it was thought to be improper to have a parish priest superior to a Bishop.

- Q. What was the relationship between you as assistant parish priest and the school?
- A. At that stage I had very little association with the school. I had chaplaincy at what was then known as St Martin's in the Pines, Year 11 and 12 boarding school for girls, which is currently the Damascus College, but I didn't have chaplaincy of the primary schools. And there were the two primary schools then, the girls' school and the boys' school.

- Q. That's right. Was it the case that the chaplaincy of those two primary schools was organised by the then parish priest, or by someone else?
- A. By the administrator, yes, Father John Martin.

- Q. He organised who would be the chaplain?
- A. Look, I can only say, I imagine so, that would be normal.

- Q. Father Ridsdale was the chaplain from early 1972 to 1974, wasn't he?
 - A. I don't know that for certain.

- Q. He was chaplain while you were still there until June 1972, wasn't he?
- A. Father Ridsdale, Gerald Ridsdale? When did he go there?

Q. He was appointed assistant priest of Ballarat East

```
Parish on 29 January 1972.
 1
 2
              Right, he must have been.
 3
 4
         Q.
              That seems to be an overlap of some five or so months?
 5
         Α.
 6
 7
         0.
              And he was chaplain of the St Alipius Christian
 8
         Brothers School?
              I don't recall that.
 9
         Α.
10
              Assume for the moment that that's the case, the
11
         Christian Brothers school was separate from the two primary
12
         schools you've referred to?
13
              No.
14
         Α.
15
         0.
              Same?
16
         Α.
              Same.
17
18
19
         Q.
              Just had different titles?
20
              It was the boys' school and the girls' school, so the
         Christian Brothers, St Alipius - sorry, which had different
21
         titles?
22
23
              The two schools, primary schools you've referred to as
24
         St Alipius Boys and St Alipius Girls' School.
25
         Α.
              Yes.
26
27
              Was St Alipius Christian Brothers School the same or
28
         different from those schools?
29
              It was different.
         Α.
30
31
              It was a school that was run by the Christian
32
         0.
33
         Brothers?
              Yes, owned by the parish and run by the Christian
34
         Α.
         Brothers.
35
36
37
         Q.
              And the two primary schools were run by --
              Sorry, we're getting confused, or I'm getting
38
         confused, I'm sorry, I apologise. There were two primary
39
         schools; one had the principal, a Sister of Mercy, that was
40
         the girls' school; the other primary school was St Alipius
41
```

Xavier Primary School.

42

43

44

45 46

47

They were the

only two primary schools that belonged to the parish.

was commonly known as Villa Maria, but it's St Francis

There was another school within the parish boundaries which

Boys' School run by the Christian Brothers.

So a reference to St Alipius Christian Brothers School 1 2 should be a reference to the St Alipius Primary School for 3 boys? 4 For boys, yes. Α. 5 Who was responsible for appointing a chaplain to that 6 0. primary school for boys? 7 I do not know. My imagination would be that it would 8 be the administrator, but I do not know. 9 10 Q. Where would you expect the chaplain to live? 11 He would be one of the priests of the parish, I would 12 Α. expect. 13 14 So where would he live as a priest of the parish? 15 0. In that presbytery. 16 Α. 17 Q. In the presbytery you've described? 18 19 Α. Yes. 20 There were two priests that you've described in the 21 Q. two rooms; there was you in the box room. 22 What other room 23 was there? I honestly cannot remember Gerald Ridsdale being 24 Α. there. 25 26 27 0. But a chaplain to the primary school, you would expect 28 to stay in the presbytery? 29 Α. Yes. 30 If there was room? Q. 31 32 Α. Yes. 33 What if there wasn't room? 34 Q. Well, I don't think a chaplain would be appointed from 35 Α. outside the parish. 36 37 So, the presbytery would have to house all of those 38 Q. priests in the parish? 39 Yes. 40 Α. 41

.26/05/2015 (82)

Q.

Α.

Yes.

the boys' school?

42

43

44

45

46

47

separately from the presbytery?

The Christian Brothers who taught at the school lived

As assistant priest, what was your involvement with

2 Was the parish priest involved in that school? 3 I can't remember. He would have some administrative 4 Α. 5 responsibilities. 6 7 Because the diocese owned the land on which the school 8 was situated; is that right? The parish owns the land; the diocese holds the title 9 Α. 10 in trust. 11 0. And the Christian Brothers were, as it were, licensed 12 to run the school? 13 Yes. 14 Α. 15 At the time that you were assistant priest, there were 16 a number of Christian Brothers working in the school, 17 including Brother Edward Dowlan, Brother Robert Best, 18 Brother Gerard Leo Fitzgerald. Now, do you remember those 19 at the time vou were there? 20 I remember Robert Best, but not because he was at the 21 school but because at that time he was also on the Parish 22 23 Council; and I remember Brother Fitzgerald, he was a much 24 older man. 25 0. Did you socialise with the Christian Brothers? 26 No, not at all. 27 Α. 28 When you say "not at all", why is that? 29 Q. 30 Α. It wasn't the way. 31 0. It wasn't the way? 32 Yeah. 33 Α. 34 The order and the diocesan priests were quite 35 Q. separate? 36 Α. Yes. 37 38 You subsequently found out, didn't you, that, starting 39 0. with Dowlan, he was convicted of offences against children 40 during the time he was working in that parish? 41 Subsequently, yes. 42 Α. 43 He was convicted in 1996 on the first occasion; when 44 Q. 45 did vou find that out? Now, I have no idea. 46 Α. 47

Α.

None.

1

Do you recall that it was a matter that was discussed 1 0. 2 within the church when he was charged? 3 Α. I don't recall that. 4 5 0. You don't? 6 Α. No. 7 8 Do you remember now your reaction when you found out Q. that he had been charged and/or convicted? 9 10 Α. Not specifically. 11 It would have come as a shock to you, wouldn't it, if 12 0. 13 you were assistant priest when there was --Oh, it's a shock when anyone is accused and convicted 14 of --15 16 But you don't now recall when you first became aware, 17 Q. and your reaction to a Brother who was teaching at a school 18 in your parish? 19 No, I don't recall that. I don't recall what my 20 21 reaction was. 22 What about when Brother Best was convicted in the 23 Q. 24 same year? I was more shocked about that, because I knew Brother 25 Α. 26 Best; I didn't know Dowlan at all. 27 28 Q. When did you hear about Brother Best? I assume when he was convicted; when he was sent to 29 Α. 30 trial, but I don't know. I don't know specifically. 31 During the time that you were assistant priest, did 32 0. you hear about any rumours about Dowlan or Best? 33 34 Α. No, none whatsoever. 35 36 Q. No complaints? Α. 37 No. 38 Q. What about Brother Fitzgerald? 39 Brother Fitzgerald, I thought at the time, was pretty 40 Α. much idolised in the parish. 41 42 43 Q. So you didn't receive any rumours or complaints 44 against him? 45 Α. No, not at all.

Q.

46

47

What about Father Ridsdale?

I was unaware of anything at that time. 1 Α. 2 3 By 1996, you had Father Ridsdale convicted on two separate occasions, you had Brother Dowlan convicted on one 4 5 occasion, and you had Brother Best convicted on the first 6 occasion. You accept that? 7 Α. Yes. 8 Did you become aware of Father Ridsdale's offending 9 10 before he was charged? Α. No. 11 12 13 0. Is it the case that you first became aware of his offending on the day that his charges were first heard in 14 court? 15 Yes. 16 Α. 17 Q. And that's when you accompanied him? 18 19 Α. Yes. 20 You accompanied him to court without knowing the 21 Q. charges he was facing? 22 23 Α. Yes. 24 Q. That seems preposterous now, doesn't it, Father? 25 Yes, it does. 26 Α. 27 That you didn't make any enquiry about why a Father 28 0. was before the civil courts? 29 I now how it looks but I'm just, I'm saying I did not 30 Α. 31 know. 32 Why didn't you ask? 33 0. 34 Well, if someone could explain that to me now, I'd be Α. a happier person, but I just took it that he needed help 35 and I was going to give it. 36 37 You just assumed that, whatever the civil charge was -38 Q. did you know it was a civil or criminal charge? 39 No, I didn't know either; it was, he put it to me to 40 assist him on a minor matter. 41 42 43 Q. So you didn't know if it was criminal or civil? 44 Α. No. 45 You didn't even ask whether he was there for a 46 criminal matter or because he had a speeding fine or the 47

Q. Is it the case, you didn't ask because your view was, anything a priest did in those days should be protected so
as to protect the reputation of the church? A. No, it was not about protection; it was simply, he asked if I could give him help and I said yes.
Q. When you say "help"; he wanted you to say something positive about his character? A. Yes.
Q. How could you agree to saying something positive about his character when you did not know the deficiencies in his character which had come about by the charge? A. Would you repeat that again please.
Q. How could you agree to saying something positive about his character when you did not know the deficiencies in his character which had come about by the charge? A. Because I took him at his word, that it was a minor matter, a small matter that he was going to court for, and up until that time I have to confess that in certain areas I had some admiration for him because of his ability.
Q. Why? A. Well, he had abilities in adult education, and I even, and this does sound preposterous, but I even had admiration for what he did for youth.
Q. Because he spent so much time around children and boys?A. No, that I had occasion to visit
(Interjection from the public gallery)
THE CHAIR: I'm sorry, it would be much better if we have no interjections from the audience. The witness should be able to give his evidence without interruption. Yes.
THE WITNESS: I had occasion to visit him, and I saw in his room, in the front room, the lounge room, a small billiard table and a TV screen that you could play games and so forth on, and asked him about it, he said, "Oh, it's for the young people of the parish", and I thought, what a good idea, why don't I do something like that? Now,

fortunately I didn't. When the trial came up and I started 1 2 to look back, I began to realise what they were there for. 3 4 MS FURNESS: Q. They were a trap, weren't they? 5 Α. Yes. 6 7 They were a trap for young children to come so that he 0. 8 could molest them? Yes. But at the time I thought, what a good idea to 10 engage the young people of the parish in that way. When I heard the charges at the trial, I looked back and I 11 thought - well, I was horrified that that's what they were 12 13 there for. 14 But you didn't notice anything while you were there? 15 0. No, not at all. 16 Α. 17 Coming back to the court appearance, was that an 18 Q. appearance where you understood Ridsdale was pleading 19 guilty? 20 Α. I can't recall that. 21 22 When you heard the charges read out, what did you 23 Q. think? 24 I was aghast, I was shocked, I didn't know what to 25 Α. feel or think or do. 26 27 Well, you could have just walked out, couldn't you? 28 Q. Well, I could have. 29 Α. 30 Why didn't you just say to him, "I'm appalled and 31 Q. horrified about the charges that are against you and I'll 32 have no part of it, of them, or you"? 33 Probably intimidated by being in the court. 34 Α. 35 You are suggesting that your intimidation by being in 36 Q. 37 a court overrode your feelings that you've now given 38 evidence about, of understanding the charges that Ridsdale was facing? 39 It didn't overcome my feelings at all. Α. No. 40 41 42 Q. Well, you stayed and gave evidence, didn't you, on his behalf? 43 I did. 44 Α. 45 Notwithstanding that you knew what he had been charged 46 Q. with? 47

```
Α.
              That's correct.
 1
 2
 3
              And you did so in order to protect ultimately the name
 4
         of the church?
 5
         Α.
              No, not at all.
 6
 7
              Well, to protect his reputation?
         Q.
 8
              Not to protect anyone's reputation.
         Α.
 9
         0.
              Then what?
10
              I did what I was asked to go and do, which was to
11
         state a character reference. So, when I stated what I
12
         thought was a virtue in him, as I reflected it became clear
13
         that it was in fact part of his modus operandi, if you
14
         like.
15
16
         0.
              When you say, "I did what I was asked to go and do",
17
         what you were asked to do was to go and support Ridsdale in
18
         what you understood to be a minor matter in court?
19
         Α.
              Yes.
20
21
22
              Once you got to court, you realised it wasn't a minor
         Q.
23
         matter, didn't you?
              Yes.
24
         Α.
25
              You realised that it was in fact horrendous crimes
         0.
26
27
         that he was being charged with?
28
         Α.
              Yes.
29
              Why didn't you just turn around and walk away?
30
         Q.
31
         Α.
              Well, I don't know.
32
         0.
              You're the only one who does, Father.
33
34
              Well, I don't know.
         Α.
35
              You understand that that was an option open to you?
36
         Q.
37
         Α.
              No, I didn't.
38
39
         0.
              It wasn't an option?
              No, because I was in the court process and I believe
40
         Α.
41
         that I had to follow through with that. I didn't know that
42
         I could get up and walk out of the court.
43
              Well, you could have changed the character testimony
44
         you gave, couldn't you, having understood what he was
45
         facing?
46
              Well, I was probably much more limited in what I said.
47
```

- Q. Than you would have, is that what you're saying?
 - A. Pardon? Yes, than I would have.

- Q. But what you said was favourable to him?
- A. What I said was that in my experience when he went to a parish, he sought out families that were in need.
 - Subsequently, I realised that that was pretty much part of a pattern, but at that stage I had no idea of that. And that was true.

Q. But it wasn't something that you gave thought to at the time you were there, having heard the charges?

A. No.

Q. Well, it's possible, isn't it, that you could have heard the charges, thought about what you were going to say, and realised within the space of several minutes that in fact what you were going to say about him may well have been the circumstances in which he committed the offences? A. Repeat that please.

- Q. It's possible, isn't it, that you could have heard the charges being read out, thought about what you were going to say on his behalf, and realised within the space of several minutes that what you were going to say may well have been the circumstances in which the offences were committed?
- 29 A. It's possible.

- Q. But you didn't think that?
- 32 A. No.

- Q. But subsequently, you did?
- A. Yes.

- Q. Have you been in that position before or since, where you've given character evidence on behalf of a priest who's been --
- A. No.

- 42 Q. Have you been asked?
- 43 A. No.

Q. Coming back to your time at St Alipius. You have given evidence about the pool table and the various games in the --

```
3
         Q.
              That wasn't at St Alipius?
 4
         Α.
              No.
 5
         Q.
              Where was that?
 6
 7
              That was in Mortlake.
         Δ.
 8
 9
         0.
              We'll come to Mortlake.
                                         Father Morey was appointed
         to St Patrick's Cathedral in 1971 at Ballarat?
10
11
         Α.
              Yes.
12
              Did you know him?
13
         0.
              I did know him, yes.
         Α.
14
15
         Q.
              His role was in the cathedral, how did that fit in
16
17
         with your role as assistant priest?
              It didn't make - there wasn't the same connection -
18
         they were in separate parishes, he was in the cathedral.
19
20
         In what year, I'm sorry?
21
              He was in the Diocese of Ballarat at St Patrick's
         0.
22
         Cathedral, and you were the assistant parish priest at
23
         St Alipius?
24
25
         Α.
              Yes.
26
27
         0.
              Was there any connection?
              No.
28
         Α.
29
30
         Q.
              In 1973 you were appointed to the position of
         secretary to Bishop Mulkearns?
31
              Yes.
         Α.
32
33
              Was that a personal appointment made by the Bishop?
34
         Q.
              Yes.
35
         Α.
36
37
         Q.
              Did you apply for it?
         Α.
              No.
38
39
         0.
              And you knew him, because he was living --
40
              Because we had been together at St Alipius.
41
         Α.
42
              You've said that, as part of your role as secretary,
43
         Q.
         it was to attend the Consultors Committee's meetings and
44
         take the minutes?
45
              Yes.
         Α.
46
47
```

Not at St Alipius.

1

2

Α.

If I can show you what's tab 9 of the tender bundle. 1 0. 2 There's a redacted version that's in the bundle. I have an unredacted version, Your Honour, which I will refer to and 3 4 provide copies of. 5 6 THE CHAIR: Do you want this to come into evidence as an 7 unredacted version? 8 MS FURNESS: I do, Your Honour. 9 10 EXHIBIT #28-32 UNREDACTED VERSION OF MINUTES (TAB 9) DATED 11 12 12/09/1973 13 MS FURNESS: Is that your handwriting, Father? 14 Q. Yes, I believe so. 15 Α. 16 17 Q. Do you believe so or do you know it to be the case? Yes, I'll accept that that's my handwriting. 18 Α. 19 Your job was to take the minutes, wasn't it? 20 Q. 21 Α. Yes. 22 23 0. And you took the minutes in writing, didn't you? 24 Α. 25 0. Then presumably you wrote them afterwards, so that 26 they were coherent; is that right? 27 I think I wrote them directly into the book, but I 28 couldn't be certain about that. 29 30 You see that those minutes refer to the Diocesan 31 Q. 32 Council meeting, at the top? 33 Α. At the top, yes. 34 Is that a meeting which included the Consultors? 35 Q. Sorry, these are minutes of a Diocesan Council 36 Α. 37 meeting, not of --38 0. I understand that. 39 Α. Sorry. 40 41 Q. It says, "The Diocesan Council meeting". 42 So your question was again please? 43 Α. 44 It includes the Consultors? 45 Q. Now, I'm not sure whether it included all the 46 Α. 47 Consultors or not.

0.

46

47

What Bishop Mulkearns was putting to the meeting was

```
that he wanted the approval of the Consultors to what was
    1
 2
         proposed in respect of Father Flanagan?
 3
              Yes.
 4
    5
                 And that, Father Flanagan's appointment was approved
            0.
         by the Consultors?
 6
 7
         Α.
               Yes.
 8
              That's right?
 9
         Q.
10
         Α.
              Yes.
11
         0.
              So it was the case in 1973 that Bishop Mulkearns
12
13
         sought the approval of the Consultors to an appointment?
              Yes.
14
         Α.
15
         Q.
              And you recorded that as well as the approval?
16
         Α.
              Yes.
17
18
              The second paragraph, there's the heading,
19
         Q.
         "Correspondence" and, "Letter from Father Ridsdale applying
20
         for position as parish priest in Port Fairy, which parish
21
22
         becomes vacant through the retirement of the current
         father". Do you see that?
23
24
         Α.
              I do, yes.
25
         0.
              That correspondence is referred to, and then over the
26
27
         page there's reference to "appointments"?
28
         Α.
              Yes.
29
              And there's reference to Ridsdale being appointed to
30
31
         Apollo Bay?
32
         Α.
              Yes.
33
34
         Q.
              Do you see that?
         Α.
              Yes.
35
36
37
              Is it the case that, when you were Bishop's secretary,
         that, as you've indicated earlier under Bishop Mulkearns'
38
         day, that there would be a discussion about who should be
39
         appointed to a particular parish?
40
              Yes.
41
         Α.
42
43
         Q.
              Do you recollect now what happened at this meeting?
44
         Α.
              No.
45
              You've got no reason to doubt that that usual practice
46
47
         applied?
```

1 Α. No reason to doubt, no. 2 3 You will see that the correspondence was that he Q. applied for a position in Port Fairy, and then he was 4 5 appointed to Apollo Bay? 6 Α. Yes. 7 8 And somebody else was appointed to Port Fairy? Q. Yes. 9 Α. 10 What does that tell you about what happened at the 11 12 meeting? 13 Α. It tells me that Father Kiniry was senior to Ridsdale. 14 Kiniry being --15 Q. Kiniry was the priest who was appointed to Port Fairy, 16 Α. so he would have been given preference to Ridsdale on the 17 basis of priority - seniority (indistinct). 18 19 20 But you would expect at that meeting that anything that the Bishop knew about Father Ridsdale and anything 21 that any those present at the meeting knew about 22 Father Ridsdale would have been a matter of discussion? 23 My present perspective, I would expect that. 24 Α. 25 0. But you don't know recall what happened? 26 27 Α. No, not at all. 28 But you've got no reason to believe that anything 29 different from the usual process followed? 30 31 Α. No. 32 Having looked at the minutes in some more detail, 33 0. Father, do you accept it is your handwriting? 34 Yes, I do. I was looking at the printing in the 35 Α. appointments, but I think it's mine. 36 37 Let me show you some other minutes. 38 Q. These are also in the tender bundle, exhibit 28-1. If I can draw your 39 attention to tab 11. These are the minutes for 40 41 16 January 1976? 42 Α. Yes. 43 You were still the Bishop's secretary in 1976, weren't 44 Q. 45 vou? Yes. 46 Α.

47

```
3
 4
         Q.
              Is that your handwriting of these minutes?
 5
         Α.
              Yes.
 6
 7
              You will see there, it lists who were present at the
         0.
 8
         meeting?
              Yes.
 9
         Α.
10
              And even though it's not described as anything other
11
         0.
         than a meeting, having looked at those minutes, that's the
12
         meeting of the Consultors?
13
         Α.
              Yes.
14
15
         0.
              Do you see the first full paragraph says, "After ..."
16
         Can you read that?
17
              "... stressing again".
         Α.
18
19
20
         Q.
              After stressing again the confidentiality
21
              of all matters dealt with in our Consultors
22
23
              meetings, Bishop Mulkearns announced that
              some matters had arisen in the diocese
24
              which might make it advisable to delay
25
              making many appointments at this stage,
26
              moves should be kept to a minimum.
27
28
29
         Α.
              Yes, I see that.
30
              Do you have any recollection of that meeting?
31
         Q.
32
         Α.
              No.
33
34
         Q.
              You would expect, following the usual practice under
         Bishop Mulkearns, that he would have explained what he
35
         meant by that, and you would have recorded the outcome; is
36
         that right?
37
38
         Α.
              What he meant by the confidentiality?
39
40
         Q.
              Yes.
              I would expect that, yes.
41
         Α.
42
43
         THE CHAIR:
                      0.
                            Was it commonplace for the Bishop to
         stress the confidentiality of Consultors meetings?
44
45
              No, that's a bit exceptional.
46
47
         Q.
              So this tells us that something rather extraordinary
```

Q.

Α.

1

Yes?

Yes.

```
was happening, does it?
 1
 2
              It would indicate that, I think.
 3
 4
         MS FURNESS:
                             Over the second page, there's reference
                        Q.
 5
         to "Parish Priests".
 6
         Α.
              Yes.
 7
 8
              There's reference to Inglewood.
         Q.
 9
              Yes.
         Α.
10
11
         0.
              Then there's reference to Bungaree.
12
         Α.
              Yes.
13
         Q.
              Against Bungaree is:
14
15
              G Ridsdale (temporary appointment until
16
17
              end February).
18
19
         Α.
              Yes.
20
              Was it common to have temporary appointments without
21
         0.
         recording the need for temporary appointment?
22
              I think so.
23
         Α.
24
              Ridsdale had been at Apollo Bay, and you were present
25
         Q.
         as secretary at the meeting where he was appointed to
26
27
         Apollo Bay?
         Α.
              Yes.
28
29
30
         Q.
              Having asked for Port Fairy?
              That's right, yes.
31
         Α.
32
33
              Is it the case that, having been appointed as the
         parish priest at Apollo Bay, he could be there for as long
34
         as he wished?
35
              Yes.
36
         Α.
37
              One of the reasons that he might be moved is because
38
         of his conduct as a parish priest?
39
         Α.
              One can speculate that.
40
41
         Q.
              I beg your pardon?
42
              One could speculate that.
43
         Α.
44
45
         Q.
              Well, I'm not asking you to speculate. Is it the case
         in your experience with Bishop Mulkearns as Bishop that a
46
47
         priest could be moved or would be moved when he has not
```

1 2		sought to do so because of his conduct? A. Yes.	
3		A. 163.	
	4	Q. Indeed, at these meetings the conduct of priests was	
5		discussed?	
6		A. I can't remember it being discussed in detail anyway.	
7			
8		Q. Well, if part of the role of the meeting was to advise	
9		on the appointment of priests to parishes, it must have been discussed?	
10			
11		A. Sometimes Bishop Mulkearns might simply say that he	
12		needed to do something, without necessarily giving his	
13		reasons.	
14		O Having looked at the number of minutes that we have	
15		Q. Having looked at the number of minutes that we have,	
16		and particularly those where you were a Consultor, it was	
17		the case that discussions were held and reasons were given from time to time?	
18 19		A. Yes.	
20		A. Tes.	
20 21		Q. And the expectation would be that reasons were given,	
22		notwithstanding that the minutes may not record those	
23		reasons?	
24		A. Yes.	
25		A. 103.	
26		Q. And, therefore, having looked at the reference to	
27		confidentiality, you would expect, wouldn't you, that	
28		reasons would have been given but you, in taking	
29		the minutes, didn't record the lengthy discussion, only the	
30		outcome?	
31		A. That would appear to be the case from here, yes.	
32			
33		Q. And that would be your practice in taking minutes,	
34		wouldn't it?	
35		A. Yes.	
36			
37		Q. You wouldn't generally record the discussion?	
38		A. No, it wouldn't be, it was more just to record the	
39		outcomes.	
40			
41		THE CHAIR: Q. When we look at this minute, you've told	
42		us that it was unusual for the Bishop to stress	
43		confidentiality.	
44		A. Yes.	
45			
46		Q. It would logically follow from that, that he was going	
47		to tell you things that needed to be kept confidential; do	

1	you	agree?
2	Α.	Yes.
3		

4 Q. And, in relation to what those matters might have been 5 in January 1976, having regard to Ridsdale's movement and 6 short appointment, what do you think the Bishop might have 7 been talking to you about?

Given what we now know of his life, it may well have 8 been that he was talking about some sort of sexual abuse issue, but I couldn't say that for certain at this point, but I would speculate that.

11 12 13

14

15 16

17

18

19

20

21 22

10

- When you were told or when there's a stress on 0. confidentiality, which you accept means that you were told things that were to be kept confidential, can you think of anything else at this time that you might have been told about?
- Α. I can only remember one other occasion in which the Bishop stressed the confidentiality, and that was when a priest was about to leave and get married, and that was the only other time that I heard him remind the Consultors and I wasn't a Consultor at the time - but I heard him remind them of their confidentiality.

23 24 25

0. You've recorded, "The Bishop announced that some matters had arisen in the diocese"?

Α. Yes. 27

28 29

30

31

26

Q. "Some matters had arisen in the diocese", so talking about more than one matter, "which might make it advisable to delay making many appointments at this stage".

32 Α. Yes.

33 34

35 36

Given the need for confidentiality about this, can you 0. think of anything else other than sexual transgression which you would have talked about at that meeting? Α. No.

37

38 39

40

41

42

MS FURNESS: 0. Was it ordinarily the case that appointments of assistant priests or priests were made conditional upon some matter or another in relation to the parish or the priest?

Would you mind repeating that please.

43 44 45

46 47

Was it ordinarily the case that appointments of 0. assistant priests or priests were made conditional upon some aspect of the parish or the priest?

There could be occasion in which that was conditional. 1 Α. 2 For instance, management of money might be an issue that, if there was a failing there somewhere, that the person 3 appointed to another parish might be appointed there 4 conditionally or, as words used, as the administrator as a 5 6 safeguard in case that happened again he could be removed, 7 but if he was appointed as parish priest, it would be difficult to remove him. 8 9 10 0. If the appointment was conditional, in your time as secretary and taker of minutes of these meetings, would you 11 record the condition upon which they were appointed? 12 Not the condition. 13 Α. 14 0. No? 15 16 Α. No. 17 But there'd be discussion about it? 0. 18 Α. Probably, yes. 19 20 21 0. Would you expect the condition to be recorded on the document that records where the parish priest has been? 22 23 You understand what I mean by that? 24 Α. No, not really. 25 Each priest, after ordination, has --26 Q. Has a file. 27 Α. 28 29 Q. Yes, which sets out the --Α. Yeah, I think I would. 30 31 You'd expect it to be on that place? 32 0. 33 I think I would expect that. Α. 34 Ms Furness, the crosses on this copy of the 35 THE CHAIR: 36 document; are they on the original? 37 That's the only copy I've been given, I can't 38 MS FURNESS: It certainly wasn't done within the Royal Commission, 39 as I understand it, it was provided with those marks. 40 was produced by Council of the Truth, Justice and Healing. 41 42 43 THE CHAIR: With the crosses on it? 44 45 MS FURNESS: Yes, with all the marks that you see on it. 46 47 THE CHAIR: Father, can you help us there? Q.

1	A. No, I saw them on another document, crosses like that,
2	but I have no idea where that arose from.
3	
4 5	THE CHAIR: Do we have the original of the document?
6 7	MS FURNESS: This is the document that was produced.
8	THE CHAIR: I know, but does anyone here have the original
9	of this document?
10	
11	MS FURNESS: I'd be very surprised if the Royal Commission
12	did, but perhaps others could speak on their behalf.
13	
14	THE CHAIR: I'm looking at the others.
15	MC FURNICCO Vice T account down the same
16	MS FURNESS: Yes, I assumed you were, Your Honour.
17 18	MR GRAY: I'm told, certainly not here. I don't know if
19	there is an original in the sense that Your Honour means.
20	there is an original in the sense that roal honour means.
21	THE CHAIR: Well, I think we should ensure that we look at
22	the original.
23	č
24	MR GRAY: Yes, by all means.
25	
26	THE CHAIR: And I assume it's in the possession of those
27	instructing you.
28	MD CDAY 11.11 'C 'II I I I I I I I I I I I I I I I I
29	MR GRAY: Well, if it's - and I don't want to cut across
30	things - but if it's a book, it may be that the book is somewhere in the diocese, but I'll make enquiries.
31 32	Somewhere in the diotese, but I if make enquiries.
33	THE CHAIR: Thank you.
34	,
35	MS FURNESS: There are other documents within
36	exhibit 28-01 that have similar markings; most particularly
37	they seem to highlight in one form or another Ridsdale, and
38	it may be they're contained in the same book or not. But
39	Your Honour might wish to see the originals of all
40	documents which are marked in that way.
41	THE CHATB. W. LL 311 of Ct. L. of the character of the ch
42	THE CHAIR: Yes, we'd like to find out how they came to be
43	on the document.
44 45	MS FURNESS: Q. If I can turn your attention to the
45 46	MS FURNESS: Q. If I can turn your attention to the next document, which is document at tab 12 which you'll see
47	up on your screen. If you need a hard copy, by all means

```
we can help you with that.
 1
 2
 3
              Just before we go to that, come back to tab 11.
         Bungaree was a parish, wasn't it?
 4
 5
         Α.
               Yes.
 6
 7
         0.
              And his appointment was as a parish priest?
 8
              Well, it says a temporary appointment, so it couldn't
         Α.
         have been parish priest.
 9
10
              The heading is, "Parish Priest", isn't it?
11
         Q.
              It is.
12
         Α.
13
              It doesn't say that he was appointed as an assistant
         Q.
14
         priest?
15
         Α.
              No, it wouldn't, no.
16
17
              You see further down that somebody was appointed as
18
         Q.
         assistant priest to Swan Hill?
19
20
         Α.
              Yes.
21
              You see also that there was a priest appointed to
22
         0.
         Inglewood?
23
              Yes.
         Α.
24
25
              If we would have regard to Ridsdale's movements as
26
         recorded in his file, and this is on tab 1 if we could have
27
         that on the screen, you see there's references to when he
28
         was an assistant priest at Ballarat North, Mildura, Swan
29
         Hill, Warrnambool, Ballarat East. Do you see that?
30
              Yes.
31
         Α.
32
              And then Horsham refers to a much later date in time,
33
         0.
         1986.
34
         Α.
              Yes.
35
36
37
              Then if you go back to "Administrator or Parish
         Priest", which is the heading underneath, it refers to
38
         Apollo Bay?
39
              Yes.
40
         Α.
41
              And then Inglewood, and then Edenhope.
42
         Q.
43
         Α.
              Yes.
                    No, Edenhope ADM.
44
              And that means administrator?
45
         0.
              Yes.
46
         Α.
47
```

And there isn't reference to the six weeks that he was 1 0. 2 at Bungaree Parish, is there? 3 Α. No. 4 5 0. If we go to tab 109, Father, you understand that the Diocese of Ballarat was at relevant times insured by the 6 7 Catholic Church Insurances? 8 Α. Yes. 9 10 0. Do you also understand that Catholic Church Insurances from time to time, when they received claims covered by the 11 policy, they'd conduct interviews with people that they 12 believed could assist them in determining the facts behind 13 14 the claims. Are you aware of that? No, not specifically at all. I didn't know the 15 16 procedures. 17 Can you assume that the document on the screen was an 0. 18 interview with Bishop Mulkearns on 1 June 1995? 19 20 I'll assume that, yes. Α. 21 Turning to page 139, and that's by reference to the 22 Q. 23 Ringtail number on the top, scrolling down a little, do you 24 see the second answer on the screen says: 25 Well, we shifted him from Inglewood until 26 there was word that it was responsible to 27 28 put him back in a parish. 29 Do you see that? 30 31 Α. Yes. 32 Do you recall any discussions with Bishop Mulkearns 33 about why he was moved, that is, Ridsdale was moved from 34 35 Inglewood? Α. No. 36 37 0. But you would have expected, in the meeting where he 38 39 was moved from Inglewood to a temporary position at Bungaree, that the Bishop would have explained his reasons 40 for doing so? 41 42 I'd expect so, yes. Α. 43 And you wouldn't ordinarily record them in 44 Q. the minutes, because that wasn't your practice? 45 46 Α. That's correct. 47

```
Coming back to tab 12, do you see these are minutes of
 1
         0.
 2
         18 March 1976?
              Yes.
 3
         Α.
 4
              And that's your handwriting?
 5
         0.
 6
         Α.
              Yes.
 7
               These are the minutes of a Consultors Committee?
 8
         Q.
 9
              Yes.
         Α.
10
              Do you see the first matter raised by the Bishop was
11
         that Leo Fiscalini was the new Vicar General?
12
              Yes.
13
         Α.
14
              Turning over the page, there was at the top there a
15
         Q.
         motion of welcome to Monsignor Fiscalini?
16
         Α.
              Yes.
17
18
19
         Q.
              Then, in the column to the left of the page, it says,
         "Moves".
20
         Α.
              Yes.
21
22
              The second item is, "Edenhope"?
         Q.
23
              Yes.
24
         Α.
25
         0.
              "Gerald Ridsdale - pro tem".
26
27
         Α.
              Yes.
28
              What does pro tem mean?
29
         Q.
30
         Α.
              For the time being.
31
              You would expect that Bishop Mulkearns would have
32
         Q.
33
         explained, firstly, why Gerald Ridsdale was moving from
         where he was to Edenhope; is that right?
34
35
         Α.
               I would expect so, yes.
36
37
         Q.
              And why it was a temporary position?
38
         Α.
              Yes.
39
         0.
              But you don't now recall what he said?
40
41
         Α.
              No.
42
              And again, I take it you're not responsible for the
43
         Q.
         crosses that appear there?
44
45
         Α.
              No.
46
47
         Q.
              Down towards the end of the page within that column is
```

```
Bishop Mulkearns' signature?
 1
 2
          Α.
               Yes.
 3
 4
         Q.
              And that's typically what he did?
 5
          Α.
 6
 7
         Q.
              Approving the minutes?
 8
          Α.
               Yes.
 9
              If we can turn over to tab 13.
         0.
10
11
                            Father, when the attendees are set out,
12
         THE CHAIR:
                       0.
         are they set out in seniority?
13
              No, I don't think so.
         Α.
14
15
         Q.
              Is it just random, is it?
16
17
         Α.
              I just looked around the room and wrote them down as I
         saw them.
18
19
         MS FURNESS:
                        Q.
                             Tab 13, again minutes of the Consultors
20
         meeting?
21
              Yes.
22
         Α.
23
              And that's 19 July 1977. You set out there the
24
         attendees?
25
              Yes.
26
         Α.
27
              The attendees have changed from the previous meeting,
         0.
28
         that is, the Consultors have changed?
29
30
         Α.
              Yes.
31
              And so, Bishop Mulkearns is there, Monsignor Fiscalini
32
         Q.
33
         who was recently appointed Vicar General?
34
         Α.
              Yes.
35
              G Pell, who you understand to be Father Pell?
         Q.
36
37
         Α.
              Yes.
38
              Frank Madden?
         0.
39
         Α.
              Yes.
40
41
         Q.
              J McKenzie?
42
              F McKenzie.
43
         Α.
44
              I beg your pardon, F McKenzie, K Arundell and --
45
         Q.
         Α.
              D Torpy.
46
47
```

- 1 Q. Who was D Torpy?
 - A. He was a priest in the diocese at that time.

Q. Was he a psychologist?

5 A. Yes.

- Q. Was he a psychologist at the time he became a priest?

 A. I think it was subsequent, but I wouldn't be certain.
 - A. I think it was subsequent, but I wouldn't be certain, but I think it was post ordination study, I think.

- Q. Are you aware that, subsequent to this, his being used from time to time to counsel priests?
- 12 from time 13 A. Yes.

- Q. Are you aware of whether there was any particular area of expertise he had in counselling priests?
 - A. No.

- Q. If we can turn over to the page that has "131" at the top. Scrolling up, again the underlining and the crosses are not made by you?
- 22 A. No.

Q. This is a reference to:

Father Ridsdale was formally appointed as parish priest of Edenhope. This original appointment was as an administrator and he should have been confirmed as parish priest on 14 January [that year] ...

Now, an appointment as an administrator means what? A. The administrator functions as a parish priest but doesn't have right of tenure, so the appointment is sometimes made in order to make it feasible or possible to move that person from one parish to another. Like, if I'm appointed parish priest, I have the right of tenure, they can't move me without my agreement. If I'm appointed administrator, it can be for a limited period of time and I can be moved even if I say I want to stay here.

Q. So, the position of administrator can be used to see whether a priest should have a tenured position later on?
A. Yes.

Q. It could be a period of probation, for want of a better term?

```
That sort of thing.
 1
         Α.
 2
 3
         Q.
              It has been used in your experience --
 4
         Α.
              Yes.
 5
              -- in this period?
 6
         Q.
 7
         Δ.
              Yes.
 8
 9
         0.
              If it was the case that it was used in such a way, you
         would expect, wouldn't you, for Bishop Mulkearns to explain
10
         to the Consultors why he was being appointed as an
11
         administrator?
12
13
         Α.
              Yes.
14
              Because in fact, he'd been a parish priest before?
         Q.
15
         Α.
16
17
18
         Q.
              So it was an unusual step to make him an
         administrator, wasn't it?
19
20
         Α.
              Yes, but not unheard of.
21
         Q.
              Underneath there it says:
22
23
              Bishop Mulkearns is to write to
24
              Father Ridsdale.
25
26
27
              Was that a common approach to informing priests of
         their appointment or was it unusual?
28
              Generally, we were informed by letter, but - sorry, by
29
30
         telephone call followed by a formal letter of appointment.
31
              So, when you say "we", when it applied to you, that's
32
         Q.
33
         what happened?
              A priest, a priest who was being appointed to the
34
         Α.
35
         parish.
36
37
         Q.
              Thank you. If we can turn to tab 14.
                                                       Again, these
         are minutes of the Consultors meeting dated 16 August 1978?
38
39
         Α.
40
41
         0.
              And that's your handwriting?
42
         Α.
43
              It sets out there who was present, and it's some but
44
         Q.
         not all of those who were present at the previous meeting;
45
         that's right?
46
              Yes.
47
         Α.
```

34

37

41 42

Α. Yes.

43 44

- What's the CECV? Q.
- 45 Α. Catholic Education Commission of Victoria.

46 47

Q. That was a matter that had to be approved by the

```
Consultors, was it?
 1
              I'm not sure it had to be approved; it was certainly a
 2
 3
         matter of interest.
 4
 5
         0.
              So, approval was given?
 6
         Α.
              Yes.
 7
 8
              And it was moved and seconded; do you see that in the
         Q.
         next couple of lines?
 9
10
         Α.
              Yes.
11
         0.
              The next line is:
12
13
              G Ridsdale also foreshadowed possible
14
              interest in a more central parish in
15
              the January moves.
16
17
         Α.
              Yes.
18
19
              The reference to "January moves" means what in light
20
         0.
         of the priests having tenure?
21
              For a long time the general moves in the diocese were
22
         Α.
         made in the month of January. The priests would have their
23
         retreat in January, followed by a Consultors meeting, and
24
25
         then the moves would be made for the rest of the year.
26
27
         0.
              The retreats would be attended by whom?
              In those days, I think everyone.
28
         Α.
29
30
         Q.
              Everyone within the --
         Α.
              Every priest.
31
32
33
         Q.
              Every priest within the diocese?
34
         Α.
              Yes.
35
              What was discussed at the retreats?
         Q.
36
37
              They were spiritual retreats in which the retreat
         master would give a series of talks or reflections and we'd
38
39
         be sort of sent off in silence to reflect on them, think
40
         about them, pray about them.
                                        They were to do with our
41
         spiritual well-being and growth.
42
43
         Q.
              There must have been occasions during the retreat
         where you'd sit about and eat and chat with each other?
44
45
              Yes, there were, yes.
46
47
         Q.
              And who was going where would be a matter of
```

```
3
            interested in going to a particular parish, I think, yeah.
 4
 5
              Unusual moves would be discussed, such as someone
 6
         leaving before one would have expected their time to be up?
                 Yes, if that had happened before the retreat started.
    7
 8
              And the retreats were annual?
 9
         Q.
10
         Α.
11
              When you refer to the "retreat master", who was that?
         0.
12
13
         Α.
              Oh, it could be a different person each year.
14
              Were you ever a retreat master?
         Q.
15
                   No, they were usually priests from a religious
16
         Α.
         order, sometimes from the Redemptorists or the Missionaries
17
         of the Sacred Heart. Yes, the Redemptorists, as I said.
18
19
              Christian Brothers?
20
         Q.
         Α.
21
              No.
22
         Q.
              They weren't part of it?
23
         Α.
24
25
              Coming back to the minute that's on the screen.
26
         0.
         take it, given your evidence about usual practice, that
27
         there would have been a discussion as to why he might want
28
         to move?
29
              Yes.
30
         Α.
31
              And whether it was the right thing to think him
32
         suitable for a more central parish?
33
         Α.
              Yes.
34
35
              What would you understand "central" to be in relation
36
         Q.
37
         to the diocese?
38
         Α.
              Well, somewhere around the Ballarat area; my suspicion
         is that, appointment to the CECV would have involved travel
39
         to Melbourne, so therefore to seek somewhere closer to the
40
         centre of the diocese, say around Ballarat, would make life
41
42
         easier.
43
44
         Q.
              Would it be a more coveted parish to be central?
45
         Α.
46
              You'd expect there to be competition for the
47
         Q.
```

Only if someone had let it be known that he was

discussion, wouldn't it?

1

```
appointment?
 1
 2
              Depending on the parish.
         Α.
 3
 4
         Q.
              If it was central?
 5
         Α.
              No, not necessarily if they're central; like, some
         parishes are better equipped and functioning better than
 6
         others, and so they might sort of say, well, that would be
 7
         a good parish to succeed someone in. Others would see
 8
         another parish as a real challenge to build it up, a parish
 9
10
         that had been run down, yeah.
11
                                                     You see, these
              If we can have tab 15 on the screen.
12
         0.
         are the minutes of the Consultors meeting on 25 September
13
14
         1979?
         Α.
              Yes.
15
16
17
         Q.
              Again, that's your handwriting?
18
         Α.
              No.
19
20
         0.
              You've recorded Bishop Mulkearns, Monsignor --
              Sorry, no, this is not my handwriting.
21
         Α.
22
         THE CHAIR:
                      He answered "no".
23
24
25
         MS FURNESS:
                       0.
                              Sorry, whose handwriting is this? I
         beg your pardon.
26
27
              I don't know.
                             No, I don't know.
28
              You were the Bishop's secretary until 1978?
         Q.
29
              Yes, 73-78.
30
         Α.
31
         0.
              Who took over after you?
32
              I can't remember whether it was Brian Finnigan or
33
         Α.
34
         Brian McDermott.
35
                       I notice the time, Your Honour.
36
        MS FURNESS:
37
                                  Very well, we'll take lunch.
38
         THE PRESIDING MEMBER:
39
         LUNCHEON ADJOURNMENT
40
41
         MS FURNESS:
                       Thank you, Your Honour.
42
43
44
              Father, just coming back to your second statement
         which you should still have in front of you, if you could
45
         turn to paragraph 10 of that statement. Do you have that?
46
47
         Α.
              Yes.
```

```
1
 2
              You say there that it was 1993 when Ridsdale
         approached you and said he had to go to court for what was
 3
         a small matter.
                          Then, in paragraph 19 you say you
 4
         travelled to Melbourne to go to the court.
 5
 6
              Sorry, I must have a different copy.
         Α.
 7
 8
         Q.
              It's your second statement. Perhaps we can help you.
 9
         Α.
              No, this is my second statement.
10
         Q.
              Paragraph 10?
11
              Sorry, I'll take it from here.
12
         Α.
13
              Yes, certainly. Do you see paragraph 10 there?
14
         Q.
15
         Α.
              Yes, I do, thank you.
16
              So it's in 1993?
17
         Q.
              Yes.
18
         Α.
19
20
         Q.
              Then if you go to paragraph 12, you say that you went
         to Melbourne to go to the court?
21
22
         Α.
              Yes.
23
         Q.
              Did he approach you in Ballarat?
24
25
         Α.
              Yes.
26
27
         0.
              So he approached you in advance of going to court?
              Yes.
28
         Α.
29
         Q.
              Do you remember now how far in advance?
30
              Not how far in advance; I remember where it was.
31
         Α.
32
33
         Q.
              Where was it?
34
         Α.
              In the presbytery.
35
         Q.
              In the presbytery?
36
37
         Α.
              Yes.
38
         0.
              Days or weeks in advance?
39
              No idea.
         Α.
40
41
              Was Mr Ridsdale represented at that hearing? Did he
42
         Q.
         have a lawyer with him?
43
              I can't remember in the - I had to go and see, would
44
         it be a barrister before the hearing?
45
46
47
         Q.
              You had to go and see someone before the hearing?
```

```
Α.
 1
              Yes.
 2
 3
         Q.
              How far before the hearing did you see them?
 4
              That was that morning.
         Α.
 5
              Before what we now understand to be a sentencing
 6
         0.
 7
         hearing?
 8
         Α.
              Yes.
 9
         0.
              So you saw him the morning of being in court?
10
11
         Α.
              Yes.
12
              What did he say to you?
13
         0.
              Ridsdale or the --
         Α.
14
15
              The barrister?
16
         0.
17
         Α.
              He just asked me what it was that I was going to say,
         what I came down to say, so I told him, he said, "That's
18
         okay, you can go".
19
20
         Q.
              Did he tell you what the charges were?
21
              Not that I recall.
22
         Α.
23
              So, he asked you what you were going to say without
24
         there being a discussion of the charges?
25
              Yeah, that's as I recall it.
26
         Α.
27
              You didn't take the opportunity to say to him, "What's
         0.
28
         he charged with?"
29
30
         Α.
              No.
31
              Did you understand he was pleading guilty?
32
         Q.
33
         Α.
              I don't recall that.
34
              You don't recall one way or the other whether he was
35
         0.
         pleading guilty?
36
37
         Α.
              No, I don't know one way or the other.
38
         THE CHAIR:
                            What did you think you were being asked
                      0.
39
         to do?
40
41
              Simply to give a reference as to what sort of person I
42
         thought he was.
43
44
              But, in the course of a trial, in the course of a
         Q.
         sentencing hearing? What did you understand was to be your
45
         part in this proceeding?
46
              Simply that, when asked, you sort of say what do you
47
         Α.
```

```
say about this man.
 1
 2
 3
              And it didn't occur to you to ask the barrister what's
 4
         he been charged with?
 5
         Α.
              No.
 6
 7
         Q.
              And the barrister, you say, never told you?
 8
              Not that I recall.
         Α.
 9
              When you say "not that you recall", if you'd were told
         0.
10
         that he had been charged with sexually assaulting a child,
11
         that would stand out, wouldn't it?
12
              I think I would remember that.
13
         Α.
14
              I think you might too.
15
         Q.
         Α.
              Yes.
16
17
              But you say that neither Ridsdale nor the barrister
18
         Q.
19
         ever told you what he'd been charged with?
20
         Α.
              Yes.
21
         0.
              And you further say that Ridsdale never told you that
22
         he did it?
23
24
         Α.
              No.
25
              So you were being asked to go to court to say that
26
         0.
27
         Ridsdale was a good man --
         Α.
              Yes.
28
29
30
         Q.
              -- without any knowledge of why he was there --
31
         Α.
              Yes.
32
33
         Q.
              -- what his attitude to being there was?
34
         Α.
35
              And not the slightest idea of what the outcome of the
         Q.
36
37
         proceeding might be?
38
         Α.
              No.
39
         0.
              Some might think that's naive.
40
              It was naive. I concur with that.
41
         Α.
42
         MS FURNESS:
                              Or some might think it's more than
43
                       Q.
         naive, it was reckless in the information you were giving
44
45
         to the court without the knowledge that you've said you
         had?
46
              Well, I'd accept that judgment.
47
         Α.
```

4

- You understood, didn't you, when the charges were being read out, that Ridsdale was pleading guilty?
 - I can't remember that, whether I knew that he was pleading guilty or not.

5 6 7

Q. You were there after the charges were read out?

8

Α.

Yes.

9 10

11

- You were there when he or his barrister on his behalf 0. entered the plea of guilty?
- I was there for the whole thing, so I presume I was, 12 but I can't remember the details, I'm sorry. 13

14 15

16 17

- Can I suggest to you that you must have known he was pleading guilty before you said what you had to say on his behalf?
- Possibly, but I really I really cannot remember any Α. sequence.

19 20 21

22 23

24

18

- If that's the case, then not only did you know the 0. charges, but you knew that Ridsdale was saying to the court that he had done what he was charged with, and even, with that knowledge, you still spoke on his behalf?
- That's the sequence, yes. Α.

25 26 27

28

- Q. Why?
 - Α. Now I don't know why, but then, it was - at that stage it was just what I was asked to do by the court.

29 30 31

32

33

34

- 0. Well, you weren't asked by the court, you were asked by Ridsdale?
- No, in the procedure that was I was asked, or the different witnesses asked to get up and say what they had to sav.

35 36 37

38

39

40

- You could have got up and said, "Look, I didn't know until now what he was charged with, I didn't know he was pleading guilty to it, in all of those circumstances there's nothing I have to say"?
- I could have done that but I didn't think of it. Α.

41 42 43

44

45

- Was it the case, looking back now, that you were more Q. concerned about Ridsdale and what might happen to him, rather than --
- 46 Α. No.

How can you say that, given your recollection is so Q. 1 2 poor as to matters that happened, that that didn't happen? 3 Because all I can remember is my reaction as I heard the charges being read and what they meant and what they 4 signify; that's what I remember. 5 6 7 But you didn't respond to that reaction by saying, "I'll have nothing to do with this"? 8 9 Α. No. 10 Q. You've been the parish priest since 2001? 11 2001, a parish priest of East Ballarat, yes. 12 Α. 13 Prior to you taking up that position, you were aware 14 Q. of complaints against at least Monsignor Day in the 1970s? 15 Yes, I was aware of that. 16 Α. 17 Q. You were aware of convictions against Ridsdale, Best 18 and Dowlan during the 1990s? 19 When I took up the position? 20 Α. 21 22 Q. Yes. Yes, certainly of Ridsdale, and of Dowlan I think, but 23 Α. I'm not sure about Best. 24 25 There were further convictions in the first decade of 0. 26 27 this century, weren't there, in relation to Best, Dowlan 28 and Ridsdale? 29 Α. Yes. 30 So you knew of all of those? 31 Q. I heard of them, ves. 32 Α. 33 34 Q. Did you reflect upon how it was that this group of men, who at various stages were working and living in the 35 same area, all came to abuse children, among others, who 36 were within your parish? 37 Α. Yes, it does puzzle me. 38 39 Did you reflect upon it? 40 Q. Yes. 41 Α.

42 43

46

- 0. The result of that reflection was that it puzzled you?
- Yeah, I can't come to any conclusion as to how they 44 Α. 45 came to be there at the same time.

47 Q. Well, leaving aside that they were there at the same

time, what have you reflected on why each of them 1 2 individually did what they did and got away with it for as 3 long as they did? I don't know the answer to that. Α. 4 5 Well, have you reflected on it? 6 Q. I've tried to. 7 Α. 8 You haven't been successful? 9 Q. 10 Α.

Well, it must be the case, to be the parish priest of

11

0.

12

15

23

25

28

29

30 31

32

36

37

38

39

40

41

44

45

46 47

13 Ballarat East, that much of this criminal conduct took place in the area that you're now responsible for? 14

Α. Yes.

16 In order for you to do what you can to ensure that 17 Q. nothing happens again like this, don't you need to have 18 reflected upon and come to some view as to why it happened 19 here? 20

> Α. No, I can't answer that.

21 22

Well, have you thought about it? Q.

24 Α. Yes.

- 0. Have you come to the view that what is in place now in 26 27 your parish will mean it won't happen again?
 - Yes, it's because it's a totally different scene for starters; you know, there are no appointments of Christian Brothers to the school, there's no other priests in the parish but me.

So do you think by removing the Christian Brothers and 33 any other priest but you, that's what makes it safe that it 34 35 won't happen again.

> No, I'm saying that those people have - are no longer I mean, priests and Brothers are not the only people who are paedophiles, I realise that. situation in which you had a group of Brothers at the school and priests in the presbytery, that no longer exists, and so therefore I'd say the situation is different.

42 43

> Do you think that the culture of the church at the Q. time and the structure of the church at the time contributed in any way to the offending taking place and it not being discovered for some time?

I have to reflect that the culture probably did 1 Α. 2 contribute to that. 3 4 Q. How? 5 Α. Priests and Brothers were sort of put in positions of, 6 not honour, but --7 8 Q. Put in positions of what? Put in positions of, I was going to say, not honour, I 9 Α. 10 was just searching for the word; privilege, I guess. 11 0. Power? 12 13 Α. Power, yes. 14 Aren't the priests today in the similar position of 15 privilege and power, particularly over children in their 16 parish? 17 I think there are a whole lot of protocols that are Α. 18 around to protect the children, and the power - I think the 19 power of the priests has shifted, it's changed, and the 20 attitude of the people towards the priests has changed over 21 the period of time. 22 23 What else was it about the cultural structure of the 24 0. church, when the offences were committed, that you think, 25 if not facilitated them, made the circumstances where they 26 weren't detected or action taken? 27 28 Α. No, I don't know. 29 You'd need to be satisfied, wouldn't you, that 30 31 whatever part of the cultural structure contributed to 32 those events, those parts were not present today? 33 Α. Yes. 34 35 You say that these men are no longer there, and indeed no Christian Brothers are here, and you are the only priest 36 in the parish. 37 Α. Yes. 39 40

38

Does that mean that you believe responsibility for the Q. actions lies only with those who committed them?

No, not totally. Α.

42 43 44

41

Q. Where is the church responsible?

Perhaps it wasn't sufficiently vigilant and prepared 45 Α. 46 to listen.

- Who wasn't sufficiently vigilant and who wasn't 1 0. 2 prepared to listen? Bishops, other priests, people whom people had gone 3 for advice or help or to make a complaint. 4 5 6 Q. 7
 - So, those who you think lacked vigilance were those who received complaints against any of these men at or about the time of the abuse?
 - Α. Yes, that would be right.

8

- Q. Do you add yourself in among those men? 11
 - No, I don't. Α.

12 13 14

15

16

- THE CHAIR: You must have in mind some particular members of the church. Who do you have in mind when you make those statements?
- 17 Basically, Bishops.

18 19

- Q. Bishops?
- Yeah. 20 Α.

21 22

23

24

25

- When you say "basically Bishops", you're talking about 0. Bishops of Ballarat, are you?
 - Well, that's the one I know. But I mean, if we're talking about institutional sexual violence, it can be elsewhere as well.

26 27 28

29

30

31

- You mentioned to Ms Furness that the attitude towards priests has changed. In what way has it changed?
- I don't think they're set aside quite as much as they might have been before, and I don't think we seek to be set aside as we may have done before.

32 33 34

- Q. What do you mean by "set aside"?
- Α. Given positions of privilege.

35 36 37

38

39

40

- Q. Such as?
- People even as simple as people standing when they enter the room, often treated to - if they go visiting to a house or something like that, everything sort of stopped because the priest was here and those sorts of things.

41 42 43

44

- We hear in private sessions, and you know the Q. Commissioners --
- Α. I'm sorry, in which sessions? 45

46 47

Private sessions, you know about private sessions 0.

which the Commissioners hold, where survivors come and tell 1 2 us of their experience. 3 Α. Yes. 4 5 0. And Commissioners collectively have now spoken to 6 thousands of people. 7 Α. Yes. 8 Were you commonly of a priest who becomes, or assumes 9 Q. 10 an exulted position in a Catholic family? Α. Yes. 11 12 13 0. Are you familiar with that concept? 14 Α. I am, yes. 15 By that, means the priest gains access to the family 16 0. and the children and the household? 17 Yes. Α. 18 19 You are familiar with that? 20 Q. Α. Yes, I am. 21 22 0. Very often we are told that the parents, particularly 23 the mother, is very supportive of the priest spending time 24 25 with the children. Α. I've heard of that, yes. 26 27 And that provides the opportunity for abuse. Does the 28 culture in the Catholic Church facilitate that mechanism as 29 a means by which abuse can take place today? 30 31 Α. Today? 32 0. 33 Yes. 34 Α. I believe it would be less likely to be so. 35 Why would that be? 36 Q. 37 Α. Because I think that people's appreciation of the position of priests and priesthood has changed and I think 38 amongst a lot of priests their image and model of 39 priesthood has changed as well. 40 41 42 Q. We learned that, having become close to the family, 43 it's not uncommon that abusive priests would take boys in 44 particular away for weekends or for bush walks or bike 45 rides and so on. Does that sort of thing still happen in

Α.

46

47

the same way in the church today?

Not at all.

Not at all? Q.

3 No - well, not at all in the same way; whether it ever happens, I can't answer for that, but I don't know of any occasion where it does or of any priest who's doing that at 5 6 present.

7 8

9 10

11

12 13

Have you received from your superiors any instruction, Q. has there been discussions at a senior level, about the way priests should relate to families and children in families? Well, through Integrity in Ministry, the document there and the dissemination of that, talking about what's appropriate and not appropriate in ministry and dealing with people.

14 15 16

17

18

- What about at your priest conferences, are these Q. matters formally discussed? Are they on the agenda for discussion at these conferences?
- Α. No.

19 20 21

22

23

24 25

26

27

28 29

- Q. Do you think they should be?
- Yes, either at those conferences or and I might be Α. getting confused here or we're at cross-purposes a little bit - if we're talking about an in-service; I remember in-service about sort of trying to teach us about what goes into the makeup of the paedophile and, therefore, what to look out for, what signs to look out for. I remember that sort of thing being discussed a number of years ago. just in terms of our normal conferences now, no, it wouldn't feature.

30 31 32

33

34

35

36

- Have you talked about how the culture that existed, Q. you say in the past, facilitated the priest who wished to becoming an abuser? Have you talked about that amongst yourselves at your conferences?
- Specifically, no, not as a topic, but in normal conversation or general conversation, I'd say, yes.

37 38 39

40 41

- And, have you talked about whether there should be different practices adopted by priests in terms of their contact one-on-one with children?
- 42 Yes, just that we're not to engage in those sorts of Α. 43 contacts.

- Has that been a matter of discussion at your 45 Q. conferences? 46
- Not in a formal sense, but amongst priests themselves, 47

1 yes. 2 3 Do you think it should be discussed in a formal sense, Q. 4 that the Bishop should take a responsibility to ensure that 5 these matters are discussed? 6 Well, the Bishop has taken responsibility in trying to 7 disseminate the ideas of Integrity in Ministry which deals 8 with these matters throughout the diocese, not just among 9 the priests but amongst all people in the parishes. 10 Well, that's the next step of course, because the same 11 Q. position applies to those who are members of religious 12 orders, doesn't it? 13 14 Α. Yes. 15 And I assume it would have been a familiar pattern 16 17 again for those religious orders to become close to families? 18 I would assume so. 19 Α. 20 With the same possible terrible consequences. 21 0. right to think that what we are learning in private 22 23 sessions, that the exulted position of the priest and his 24 access to households, is a significant issue that the 25 church needs to address? Yes, that's correct. 26 Α. 27 28 Q. Do you believe the church has addressed it adequately so far? 29 I believe it is addressing it. 30 Α. 31 Have we got far enough yet? 32 0. I don't think we've ever gone far enough. 33 Α. 34 35 MS FURNESS: 0. You said earlier that the Bishops should take responsibility, and then you referred to a Bishop 36 singularly. Who were you referring to? 37 I was unaware that I had made that change. 38 Α. 39 We can go back to the transcript, but you were talking 40 Q. about your diocese at the time. 41 42 Α. Yes. 43 And you referred to a Bishop; were you speaking of 44 Q. Bishop Mulkearns? 45 46 Α. He was the Bishop at that time, yes.

- Leaving aside "at that time"; is it your view that 1 0. 2 Bishop Mulkearns should take some responsibility for the 3 offending that occurred under his watch? Some responsibility, yes. 4 5 What are the limits of that responsibility? 6 Q. 7 Α. I can't answer that. 8 When did you first form the view that Bishop Mulkearns 9 Q. 10 should take some responsibility for the offending which occurred under his watch? 11 Some time after a number of these issues had arisen. 12 Α. I mean, there's not - it wasn't the immediate thing to sort 13 14 of say the Bishop needs to take responsibility, we all need to take responsibility. 15 16 17 Q. The Bishop more than most? He's possibly the pivotal person, veah. Α. 18 19 What did he do that he either shouldn't have done or 20 0. what should he have done that he didn't do? 21 In retrospect, I'd say he needed to remove people 22 23 completely from ministry. 24
 - Q. Because you know from the minutes that you took at the Consultors meetings, and the evidence you've given about the practice of reasons being given, that Bishop Mulkearns knew about complaints about Ridsdale and still moved him from parish to parish?

A. Yes.

25

26

27 28

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- Q. When did you become aware of that?
 A. I can't answer that, as to when.
- Q. During the time you were his secretary?

 A. No, I don't think I was then; I would guess it being later.
- Q. Before you became parish priest, the position you hold now?
- 41 A. At Ballarat East?
- Q. Yes.

 A. Certainly before that, yes.
- 45 46 Q. When Ridsdale was first before the courts in 1993?
- A. Are you asking, should he have been removed?

Q. Had you thought it through after you were aware,
through your being in court on that day, of what Ridsdale
was charged with and the fact that he had pleaded guilty to
it?

A. Sorry?

12 13

Q. You said that you don't believe you'd thought it through at the time when you went to court.

16 A. Yes.

17 18

19

- Q. Was it the case that you thought it through after that occasion?
- 20 A. After that occasion, yes.

21 22

- Q. When?
- A. I don't know how long after that occasion, but in the process of time you'd begin to form opinions and come to conclusions, so it's not something that happens immediately, it's something that happened over a period of time, on reflection.

28 29

30

- Q. So the next time that Ridsdale was before the courts and pleaded guilty was 1994; are you aware of that?
 - A. I'm not aware of those that sequence.

31 32 33

- Q. And then the next time he was before the courts was 2006.
- 35 A. Okay.

36 37

34

- Q. Are you able to, with that piece of information, help us with when it was that you took the view you've told us you had about Bishop Mulkearns and his responsibility?

 A. As I said at the outset, I can't remember when that
 - A. As I said at the outset, I can't remember when that was.

41 42

Q. Did you share that view with anyone in the church?

A. I can't remember specifically, no. More than likely in conversations with other priests.

46 47

Q. It's a significant view to have, isn't it, of a

Bishop, that they have some responsibility for the 1 2 offending that took place on their watch? 3 Α. Well, it is significant, yeah. 4 5 0. And more likely you had discussions in conversations 6 with other priests about it? 7 Α. More than likely. 8 Did you speak to the successor Bishop about it? 9 Q. 10 Α. No, not that I recall. 11 0. Current Bishop? 12 13 Α. 14 Thank you, Your Honour, nothing further. MS FURNESS: 15 16 17 THE CHAIR: 0. Tell me this: apart from the problems that have emerged with families and priests, we hear from 18 many people who have been abused as altar boys. 19 20 Α. Yes. 21 0. Now, is it still the practice to have altar boys in 22 the parishes? 23 Α. Altar boys and altar girls. 24 25 It still is, is it? 26 0. And not every parish has them, though they are at 27 Α. St Alipius. 28 29 30 Q. Has there been discussions in the church about what the rules of practice should be about the interchange 31 between priests and altar boys? 32 They'd be the same as the interchange between a priest 33 and any child. 34 35 36 Q. Which is what? 37 Α. All those precautions about not touching, not being 38 isolated with them, their respecting them. 39 40 We hear commonly of abuse occurring when the child, 0. 41 altar boy particularly, is alone with the priest in a 42 sacristy or some --

Α.

0.

Α.

Yes.

43

44 45

46

47

I imagine it could happen; it's advised not to happen.

Now, can that happen today?

- 0. Advised where? 1 Well, just in the protocols of not being alone with 2 Α. children in isolated rooms and so forth with children. 3 4 5 0. Do you think that injunction is obeyed? 6 Δ. To my knowledge, it is. 7 8 Ms Furness asked you about when you first came to Q. think that the Bishop may have failed by moving Ridsdale 9 10 around. Α. Yes. 11 12 13 0. You must have been suspicious in your early days as the secretary, weren't you? 14 Of why he was being moved? 15 Α. 16 Q. Yes. 17 No, I wasn't. The sexual abuse of children was not in 18 Α. the same level of consciousness in people as it is now. 19 20 Well, we've taken you through the minutes. 21 Q. Α. Yes.
- 22

- But you say it just wasn't occurring to you what was 24 really happening? 25
 - No, obviously not. Α.

27 28

26

THE CHAIR: Does anyone else have any questions?

29 30

MR SECCULL: Just one question, if I may please.

31 32

<EXAMINATION BY MR SECCULL:

33 34 35

36 37

38 39

40

- Father McInerney, in answer to questions MR SECCULL: O. put by Counsel Assisting, in terms of those persons who were not as vigilant as they ought to have been, I believe your response may have been a reference to Bishops, plural. In addition to Bishop Mulkearns, who was it that you thought, in their position as Bishop, that was not as vigilant as they ought to have been?
- 41 If I used the term, the word "Bishops", it would have 42 been just general, not - no other specific people.

43

THE CHAIR: Mr Gray? 44

45

If Your Honour pleases. MR GRAY: 46

1	<examination by="" gray:<="" mr="" th=""></examination>
2	
3	MR GRAY Q. Father McInerney, you've told the Commission
4	today that it was when you heard the charges against Gerald
5	Ridsdale read out in court, that is, in 1993, that you
6	first learned that he had behaved in these ways against
7	children by sexually abusing them.
8	A. Yes.
9	
10	Q. You've spoken of how appalled and dismayed you were at
11	that point in the court that day; is that right?
12	A. Yes, that's correct.
13	
14	Q. And how shocked and aghast you were, I think.
15	A. Yes.
16	
17	Q. Does it follow that at no previous time, either in any
18	meeting or otherwise, did anyone ever tell you or suggest
19	to you that Ridsdale was abusing children or suspected of
20	abusing children?
21	A. I think what follows is that I have absolutely no
22	recollection of any - of such conversation.
23	
24	Q. And if such conversation
25	
26	THE CHAIR: Q. Just a minute, you say you have no
27	recollection.
28	A. Yes.
29	
30	Q. You were taken, of course, to the minute that is
31	behind tab 11 this morning. We might go there again. Do
32	you remember the one that talks about confidentiality?
33	A. Yes.
34	
35	Q. And talking about, over the page, Ridsdale and the
36	temporary appointment?
37	A. Yes, I remember that.
38	
39	Q. You reached the conclusion that the only thing that
40	could have been talked about in that context was sexual
41	transgression, didn't you?
42	A. We did this morning perhaps.
43	
44	Q. Yes. That was your evidence.
45	A. Yeah, it doesn't register with me. I mean, this
46	recollection of this meeting does not register with me, but
47	in reading those minutes, that's the conclusion to which I

1	would come.
2 3	Q. That must be right. So, apart from Mr Gray's
4	question, when I talked to you before about when you first
5	maybe appreciated that the Bishop wasn't doing the right
6	thing, it goes right back to this time, doesn't it?
7	A. In my consciousness, I don't remember these particular
8	meetings.
9	meetings.
10	Q. No, but we've got the minutes
11	· · ·
	A. I appreciate that.
12 13	Q. And we've agreed together what the minutes tell us,
14	haven't we?
15	A. We have agreed to that, yes.
16 17	O And door it not follow that whathen you had it front
18	Q. And, does it not follow that, whether you had it front of mind or not, it goes back to that time that this failure
19	starts to occur?
20	A. The question is what registered with me, it appears to
21	me; what registered is
22	me, what registered is
23	Q. We've been over that. We've discussed the
24	possibilities having regard to the way these minutes are
25	carefully crafted, and we reached the conclusion, this must
26	have been a discussion about sexual transgression, haven't
27	we?
28	A. Yes, okay.
29	A. 163, Okay.
30	Q. And, if that's the case, then what we have is the
31	Bishop and others who have knowledge and do nothing about
32	it, don't we?
33	A. That would appear to be the conclusion, yes.
34	A. That would appear to be the conclusion, yes.
35	Q. And furthermore, thereafter for some time facilitate
36	the continual movement of Ridsdale. That's where we end
37	up, isn't it?
38	A. Yes.
39	Α. 163.
40	THE CHAIR: Yes, Mr Gray.
41	THE CHARK TOO, THE GRAY.
42	MR GRAY: Q. Do you have any recollection of
43	Bishop Mulkearns ever saying anything to the effect that
44	Ridsdale had some issue with respect to sexual behaviour or
45	sexual abuse?
46	A. I don't recall him saying that.
47	A. I don e recall him saying chae.

- 1 Do you recall him saying that at any time, that is to say, either in a Consultors Committee meeting or outside a 2 Consultors Committee meeting?
- I'm sure he would have, but I don't recall specific 4 instances.

7

8

3

If you had heard someone say to you that Ridsdale had committed sexual abuse or was suspected of having done so, would it have been - prior to 1993 - would it have been such a shock to you when the charges were read out on that day in court?

10 11

> I'm sorry, would you? Α.

12 13 14

15

16 17

18

If, prior to the day in court in 1993, you had somehow 0. come to hear, either from something said in a Consultors meeting or otherwise, that Ridsdale had abused children or might have abused children, you would hardly have been shocked or appalled when you heard the charges read out, would you?

19 20

I wouldn't think so. Α.

21 22

23

24

- Does that indicate to you that, prior to 1993 and I will come back to the minutes - you had not in fact heard anyone say anything to that effect?
- 25 I think what it says is that nothing had registered Α. with me. 26

27 28

29

30

31

THE CHAIR: Q. Father, it might be that what you are now telling us about your lack of knowledge may not be correct. And also, about your shock at hearing the charges read may not be correct.

Well, you understand that that's a possibility, don't

32 33 I'm sorry, that's absolutely correct, the shock.

34 35

you? Α. That that's the way you're reading it?

36 37 38

Yes. 0.

Α.

Q.

Yeah, I understand that, but I reaffirm that I was 39 Α. 40 shocked when I heard that, and that was a big period of change within me. 41

42

43 MR GRAY: Q. At any meeting while you were the Bishop's secretary, that is, between about 1973 and 1978, do you 44 have any recollection of anyone, whether Bishop Mulkearns 45 or anyone else, saying such a thing, ie something to the 46 47 effect that Ridsdale had abused children or might have done

1	so?	
2 3	Α.	In those meetings?
4	Q.	Yes.
5	Ä.	No.
6		
7	Q.	At the beginning of the questioning this morning there
8	was	a question to you along these lines: that when you were
9		secretary in the 1970s the purpose of the Consultors
10		ittee was primarily to appoint people to positions and
11		eal with property matters and the like.
12	Α.	Yes.
13		
14	Q.	Remember, and you agreed with that?
15	Ä.	Yes.
16		
17	Q.	Was it the Consultors Committee that actually did the
18	appo	inting of people, or did the Bishop do so?
19	Α.	Officially the Bishop did it.
20		
21	Q.	Is the Consultors Committee a committee which the
22	Bish	op can consult to the extent that he chooses to do so?
23	Α.	Yes, I believe that's true.
24		·
25	Q.	And then, the Bishop having consulted with his
26	Cons	ultors to the extent that he wants to, it's the Bishop
27	who i	makes the decision; is that right?
28	Α.	Yes.
29		
30	THE	CHAIR: Q. Was there ever an occasion, to your
31	know	ledge, when an appointment was made by the Bishop,
32	where	e the prospect of the appointment hadn't been at the
33	Cons	ultors?
34	Α.	I don't recollect one.
35		
36	Q.	You say you don't recollect that ever happening?
37	A.	No.
38		
39	MR G	RAY: Q. A question was put to you again this
40	morn	ing which was put in the present tense, appreciating
41	that	you are a Consultor at the moment.
42	Α.	Yes.
43		
44	Q.	And the question was to this effect, "It's routinely
45	the	case that the Bishop tells Consultors" - sorry, start
46	agai	n. The question was, "It's routinely the case that
47	Bish	ops", plural, "tell Consultors what they know about

people under discussion for appointments, and you answered 1 2 "yes" to that. Do you remember that this morning? 3 Α. Yes. 4 5 0. That's your experience now as a Consultor to 6 Bishop Bird here in Ballarat over the last couple of years; 7 is that right? 8 Α. Yes. 9 What about in the 1970s, when you were the secretary 10 0. of the Bishop, although not a Consultor yourself? Was it 11 then the case, in the 1970s, that Bishop Mulkearns told the 12 Consultors what he knew about people under discussion for 13 14 appointments? Α. I would guess in some instances. 15 16 17 Q. Some or --Look, I presume he would, but I can't answer 18 Α. definitively. 19 20 THE CHAIR: 21 0. When you say you can't answer definitively, you can answer from your own experience, and 22 23 I understood you this morning just to answer the question 24 generally, that that was --25 That that was the normal practice, ves. Α. 26 MR GRAY: You mentioned at one stage, and I don't 27 Q. 28 have this wording exactly, that at about that time Bishop Mulkearns had or developed the practice of, in 29 effect, working out himself in advance of the meeting what 30 he had in mind doing, in terms of appointments, and 31 32 presenting that as his intended decision to the Consultors; is that right? 33 Yes. Because - yes. 34 Α. 35 36 Q. Sorry, go on. Well, I think he took the opinion that, sort of coming 37 Α. in cold, nobody much spoke and you sat there and nothing 38 happened, so he'd bring in a suggested format and they 39

40 41 42

- Q. And the format would be, parish A, priest X.
- 43 A. Yes.

44

45 Q. Parish B, priest Y and so on?

could work from there.

46 A. Yes.

And there might on any given day be three or four of 1 0. 2 those or 10 or 12 or however many it was. Now, typically in the 1970s, when he did that, was there ever any 3 opposition to what he proposed? 4 5 Yes, there could have been, yes. Α. 6 7 Q. Often or not often? 8 No, not often. Α. 9 10 Q. Ever in your actual recollection? I think so. 11 Α. 12 13 0. Do you have any memory of --Specifically, I just think that there may have 14 Α. been an occasion in which someone was suggested to a 15 parish, say, as an administrator, or the argument was, 16 17 should he be an administrator or should he be appointed parish priest. 18 19 20 Was it typical, in the meetings that you attended as 0. secretary in the 1970s, once the Bishop had put forward his 21 proposed moves, that there would be a lengthy discussion of 22 23 any sort about any or all of them? 24 Α. There could have been, yes. 25 Was it typical? 26 Q. 27 Α. Typical? 28 29 Q. Yes. 30 Α. No. 31 Would that happen at every meeting about every 32 0. 33 proposed move? 34 Α. No, no. 35 Would it happen at every meeting about one or two 36 Q. proposed moves, or only less often? 37 Α. Less often, I'd say. 38 39 So, only at some meetings? 40 Q. 41 Α. Yes. 42 43 I just wanted to take you back to a couple of these minutes, although I hope briefly. Could we have 44 45 exhibit 28-31 on the screen please. This is the one you were shown reasonably early this morning; it's 46

47

from December 1993. Do you see that?

1 2	A. Yes, 16 December, yes.
3	Q. So this is at the point when you were a Consultor for
4	a period of some years in the early 1990s.
5	A. Yes.
6	
7	Q. As was pointed out, or as you were taken this morning
8	at the bottom of the page if we scroll down, there's an
9	item "staffing" which starts off, "Bishop Mulkearns
10	reported about", someone. Then there's a
11	paragraph beginning "the meeting", do you see that?
12	A. Yes.
13	
14	Q.
15	The meeting then addressed After due
16	consideration and discussion the following
17	recommendations were put to the Bishop by
18	the Consultors [about New Year postings].
19	
20	At the end of that, when we go halfway down the next
21	page, the entry says: "Moved", one person, "Seconded",
22	another person, "Carried".
23	
24	Bishop Mulkearns accepted the
25	recommendations of the Consultors and
26	confirmed the above appointments.
27	
28	You see all that?
29	A. Yes.
30	O Co that I a have things your managed in Danamhan 1003
31	Q. So that's how things were recorded in December 1993.
32	Do you have a memory of that arrangement being followed;
33	that is, here apparently according to the minutes it's the
34	Consultors making recommendations to the Bishop, rather
35	than the other way around?
36	A. This is the proper order of things and the Consultors
37	might make this recommendation, then the Bishop either
38	accepts or rejects their propositions.
39 40	THE CHAIR: Q. I think, Father, that's what you told us
41	this morning as to the process that was followed.
41	A. Pardon?
42	A. Paruuii:
44	Q. That's what you told us this morning was the process
45	that was followed.
46	A. Yes.
47	n. 163.
-r /	

2	1	MR GRAY: Q. Back in the 1970s, though, when you were secretary, some 20 years before that, you will have
3		noticed - and I'll just show them to you again - that
,	4	the minutes do not record matters happening in that way.
5	•	Does that accord with your recollection?
	6	A. This is pointing up the inaccuracy of my recording.
7		y said and a said a
8		Q. If I can just start, I won't do them all, but if I can
9		start with exhibit 28-32. This is from September 1973, so
10		20 years before the one we just looked at, and in your
11		first year as Bishop's secretary; see that?
12		A. Yes.
13		
14		Q. The first page you were taken to, and it includes, if
15		we scroll down, an item "correspondence" which includes a
16		letter from Father Ridsdale applying for Port Fairy. Then
17		on the second page - but I'm looking at the exhibit which
18		is 28-32, whereas what's on the screen is the redacted one.
19		
20		So, if we could have exhibit 28-32. When we scroll
21		down to the second page, there's a heading, "Appointments".
22		I don't know if you can read that, Father?
23		A. Yes, I can, thank you.
24 25		O It simply save "papieh priosts" with a whole let of
26		Q. It simply says "parish priests", with a whole lot of parishes and names. "Administrators", with parishes and
27		names, and "assistants", with parishes and names. Do you
28		see that?
29		A. No, let me scroll up a bit.
30		7. No, ice me seroii ap a sic.
31		Q. If it scrolls up a bit further.
32		A. Okay, thank you.
33		
34		Q. Was that an example of the method that you mentioned
35		the Bishop in those days using, namely, coming to the
36		meeting with his intended moves and them not being opposed?
37		A. Oh, I couldn't say in that particular meeting.
38		
39		Q. Was that the practice at that time, for the Bishop to
40		do that as you've described?
41		A. Not at this early stage, I wouldn't think.
42		
43		Q. What was the practice then, at the early stage?
44		A. Where the parishes vacant would be declared and the
45		Consultors would - sorry, the parishes vacant would be
46		declared, the application for those parishes would be
47		announced, and then the Consultors would work with that as

2	
3	Q. Based on this proposed arrangement which had been
4	brought or not?
5	A. Well, it would usually be based on seniority.
6	
7	Q. But I'm referring to the system, if that's the word -
8	and it's not your word - that you mentioned of the Bishop
9	bringing to the meeting his intended arrangements?
10	A. No, I think that was a later practice, later than this
11	time.
12	
13	Q. But during your time as secretary?
14	A. Yes, I think so - no, I think - I'm sorry, I think
15	more likely during my time as Consultor in that second
16	period.
17	
18	Q. So, in the earlier period then, in the 1970s,
19	typically what happened at the meeting, in terms of
20	appointments?
21	A. The vacant parishes were announced, the applications
22	were put forward, they would be ordered down in order of
23	priority and seniority. The area of more - more discussion
24	would come in areas of the assistant priests, as to which
25	parishes should receive an assistant priest or which
26	assistant priest should be moved from one parish to
27	another.
28	
29	Q. Did you say recommendations?
30	A. Yes.
31	
32	Q. Well, how did it go? Recommendation from the
33	Consultors or a recommendation from the Bishop?
34	A. With the assistant priests?
35	
36	Q. Or the parish priests?
37	A. Either way.
38	
39	Q. Could be either?
40	A. Yes.
41	MD CDAY - TI
42	MR GRAY: Those are my questions, Your Honour.
43	THE CHAIR. O. Common first sine we same of those of the
14 15	THE CHAIR: Q. Can you just give us some picture of the
45 46	Consultors process. I take it, you met in a room at the
46 47	cathedral or somewhere?
47	A. No, a number of these were in the Bishop's house, I

to which order appointments should be made.

notice. I notice a number of these were in the Bishop's 1 2 house. 3 The Bishop's house? 4 Q. 5 Α. Yes, separated from the cathedral. 6 7 0. Around a table, I assume? 8 Yes, around a table or around a lounge room. Α. 9 0. And you all would have known each other pretty well? 10 Absolutely, yes. Α. 11 12 And there would have been no inhibition from anyone in 13 0. talking and contributing to the discussion, I take it? 14 No, I'm sorry? 15 Α. 16 17 Q. No inhibition? Α. No inhibition, no, I wouldn't think so. 18 19 And I take it, the Bishop set out to facilitate 20 discussion and views coming from everyone who he'd put on 21 to his Consultors Committee, is that it? 22 Yes, and as a young man at the time, it used to 23 astound me how little people wanted to have to say in that 24 forum, when they were chosen for a position, they didn't 25 seem to want to say much, yeah, commit themselves. 26 27 What about as an old man? 28 0. Well, I talk too much now. 29 Α. 30 But your experience was that everyone had their say if Q. 31 thev wanted to? 32 Yes, if they wanted to; it was completely open for 33 Α. that, yes. 34 35 36 Q. I mean, no one dominated? 37 Α. No. 38 39 THE CHAIR: Yes, does anyone else have any questions? 40 41 MS FURNESS: Your Honour, I have one. 42 The occasion on which you accompanied Ridsdale to 43 Q. court in 1993 was the first occasion that you had heard 44 45 that Ridsdale had been charged with indecent assault? That's my recollection, absolutely. Α. 46 47

And it's the first time that you had heard that he was 1 0. pleading guilty to those charges? 2 3 Yes, it would have been. 4 5 0. And that astounded you? 6 Α. Yes. 7 That he had been charged? 8 Q. No, no, the nature of the crimes he'd committed. 9 Α. 10 That he had committed them? 11 0. 12 Α. Yes. 13 Q. That was the first occasion on which you knew that he 14 had admitted to committing the offences? 15 Α. That's my recollection, yes. 16 17 And that he had admitted to child sexual abuse on Q. 18 children within the parish? 19 20 Α. Yes, I ... 21 Prior to that time, had you heard that there had been 22 0. allegations or rumours, but not that he had admitted to any 23 of the conduct the subject of allegations or rumours? 24 25 Α. I don't recall. 26 Is it the case that, during your various discussions 27 0. over the decades that you knew Ridsdale, that rumours or 28 allegations falling short of an admission by him came to 29 your attention? 30 31 Α. No, I don't recall any. 32 You accept that, during the course of the Consultor 33 0. meetings at which you were present as secretary in the 34 1970s, that such allegations or rumours may have risen but 35 you no longer remember them? 36 The minutes indicate that, yes. 37 Α. 38 MS FURNESS: Nothing further, Your Honour. 39 Thank you. 40 41 THE CHAIR: Yes, do you want the Father excused? 42 43 MS FURNESS: Yes, Your Honour. 44

THE CHAIR:

excused.

45

46 47

Very well. Thank you, Father, you are

1	(IHE MIINE22 MIIHDKEM
2 3	MS FURNESS: Your Honour, there are no further witnesses
4	for today. Tomorrow Gerald Ridsdale will be giving
5	evidence by audio-visual link from the prison.
6	evidence by dudie visual link from the prison.
7	THE CHAIR: At 10 o'clock?
8	
9	MS FURNESS: I'm assuming 10 o'clock, but perhaps there
10	might be some leeway given the technology involved.
11	
12	THE CHAIR: We'll assume 10 o'clock then. We'll adjourr
13	until then.
14	
15	AT 2.56PM THE COMMISSION WAS ADJOURNED
16	TO WEDNESDAY, 27 MAY 2015 AT 10AM
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45	
46	
47	

#	8519:35, 8526:41,	8505:40, 8505:44,	70s [1] - 8517:3	abuses [1] - 8502:30
	_ 8564:2	8526:34, 8594:2,	73 [2] - 8523:7,	abusing [7] - 8503:2,
#28-28 [1] - 8505:19	19 [5] - 8503:12,	8594:10	8524:21	8503:19, 8503:26,
#28-29 [1] - 8505:28	8505:40, 8505:44,	20-odd [1] - 8526:34	73-78 [1] - 8571:30	8535:19, 8587:7,
#28-30 [1] - 8521:20	8565:24, 8572:4	2001 [2] - 8576:11,	78 [2] - 8523:7,	8587:19, 8587:20
#28-31 [1] - 8537:30	1962 [1] - 8535:22	8576:12	8524:21	abusive [1] - 8580:43
#28-32 [1] - 8552:11	1969 [5] - 8522:43,	2006 [1] - 8584:34	79 [1] - 8524:17	accept [9] - 8539:3,
	- 8540:8, 8540:10,	2013 [5] - 8499:19,		8539:31, 8546:6,
\$	8540:13, 8540:19	8499:28, 8499:29,	8	8552:18, 8553:32,
\$1,000 [1] - 8503:37	1970 [1] - 8502:29	8500:13, 8504:9	8 [1] - 8521:13	8555:34, 8559:14,
\$252.60 [1] - 8500:17	1970s [9] - 8576:15,	2015 [5] - 8498:27,	80s [1] - 8520:31	8574:47, 8597:33
\$30 [1] - 8501:16	8590:9, 8591:10,	8504:8, 8505:11,	82 [1] - 8498:18	accepted [2] -
	8591:12, 8592:3,	8505:22, 8598:16	02[1] - 0490.10	8518:16, 8593:24
0	8592:21, 8594:1,	20s [1] - 8534:41	0	accepts [1] - 8593:38
	- 8595:18, 8597:35	25 [1] - 8571:13	9	access [4] - 8500:21,
03/05/2015 [1] -	1971 [2] - 8540:30,	26 [2] - 8498:27,	9 [2] - 8552:1, 8552:11	8568:27, 8580:16,
8505:20	8551:10	8505:22	99 [1] - 8516:19	8582:24
08/06/1993 [1] -	1972 [4] - 8522:43,	26/05/2015 [1] -		accompanied [4] -
8521:21	8541:38, 8541:43,	8505:29	Α	8502:46, 8546:18,
	- 8542:1	27 [1] - 8598:16	abilities [1] - 8547:28	— 8546:21, 8596:43
1	1973 [6] - 8510:36,	28 [1] - 8498:17		accompanying [1] -
1 [3] - 8553:37,	⁻ 8551:30, 8553:29,	28-01 [1] - 8561:36	ability [1] - 8547:25 able [7] - 8507:12,	8502:44
8562:27, 8563:19	8554:12, 8589:44,	28-1 [1] - 8555:39	• • • • •	accord [1] - 8594:5
10 [7] - 8571:46,	8594:9	28-31 [1] - 8592:45	8512:16, 8515:44,	accordance [1] -
8572:11, 8572:14,	1974 [1] - 8541:39	28-32 [3] - 8594:9,	8518:39, 8531:46,	8584:4
8592:2, 8598:7,	1976 [4] - 8555:41,	8594:18, 8594:20	8547:40, 8584:37	according [1] -
8598:9, 8598:12	8555:44, 8559:5,	29 [1] - 8542:1	abolished [1] -	8593:33
10.00am [1] - 8498:27	8564:2		8521:39	accurate [1] - 8513:36
10.11am [1] - 8499:9	1977 [1] - 8565:24	3	absence [1] - 8512:17	accused [1] - 8545:14
10.23am [1] - 8504:44	1978 [4] - 8567:38,		absent [1] - 8518:17	act [2] - 8512:16,
100 [3] - 8498:22,	8568:31, 8571:29,	3 [2] - 8505:11,	absolute [1] - 8501:41	8532:21
8516:15, 8516:19	8589:44	8568:32	absolutely [5] -	acted [1] - 8510:46
109 [1] - 8563:5	1979 [3] - 8510:36,	30 [1] - 8500:3	8508:9, 8587:21,	action [2] - 8518:44,
10AM [1] - 8598:16	8524:15, 8571:14	30-40 [1] - 8501:46	8589:32, 8596:11,	8578:27
11 [4] - 8541:23,	1986 [1] - 8562:34	•	8596:46	actions [1] - 8578:41
8555:40, 8562:3,	1990s [3] - 8535:43,	4	absolution [2] -	acts [2] - 8529:2,
8587:31	8576:19, 8593:4	40 [1] - 8500:34	8530:45, 8531:1	8529:3
12 [8] - 8507:7,	1993 [20] - 8517:11,		absolved [3] -	actual [1] - 8592:10
8521:31, 8541:23,	8517:13, 8517:15,	5	8529:26, 8531:7,	add [1] - 8579:11
8553:29, 8561:46,	8518:7, 8518:46,		— 8534:6	addition [3] - 8499:17,
8564:1, 8572:20,	8520:26, 8521:13,	50-something [2] -	abstinence [1] -	8500:38, 8586:38
8592:2	8537:23, 8537:34,	8516:9, 8535:3	8527:35	additional [1] - 8499:5
12/09/1973 [1] -	8572:2, 8572:17,		_ ABUSE [1] - 8498:13	address [1] - 8582:25
8552:12	8583:46, 8584:2,	6	abuse [22] - 8500:16,	addressed [3] -
13 [5] - 8499:29,	8587:5, 8589:9,	6 [1] - 8518:16	8500:18, 8502:5, 8503:35, 8519:20,	8538:18, 8582:28,
8519:30, 8519:31,	8589:14, 8589:22,	60 [2] - 8499:34,	, ,	8593:15
8565:10, 8565:20	8592:47, 8593:31,	8526:35	8519:22, 8519:38,	addressing [1] -
131 [1] - 8566:19	8596:44	60s [3] - 8522:23,	8519:47, 8520:36,	8582:30
139 [1] - 8563:22	1994 [2] - 8538:20,	8522:34, 8526:15	8520:47, 8524:32, 8530:27, 8559:9,	adequately [1] -
14 [2] - 8566:30,	8584:30	62 [2] - 8522:20,	8576:36, 8579:8,	8582:28
8567:37	1995 [1] - 8563:19	8535:16	8580:28, 8580:30,	adjourn [1] - 8598:12
15 [1] - 8571:12	1996 [2] - 8544:44,	65 [2] - 8522:20,	8585:40, 8586:18,	ADJOURNED [1] -
16 [7] - 8527:3,	8546:3	8522:21	8588:45, 8589:8,	8598:15
8537:23, 8537:34,	1998 [5] - 8534:22,	69 [2] - 8522:21,	8597:18	adjournment [1] -
8555:41, 8567:38,	8534:23, 8535:17,	8522:40	abused [6] - 8523:43,	8537:16
8568:31, 8593:1	8535:23, 8535:44	-	8534:5, 8585:19,	ADJOURNMENT [2] -
16/12/1993 [1] -		- 7	8589:16, 8589:17,	8537:18, 8571:40
8537:30	2	7 [1] - 8504:7	8589:47	ADM [1] - 8562:43
17 [1] - 8527:10	2.56PM [1] - 8598:15	7 [1] - 8526:35	abuser [1] - 8581:34	administrative [1] -
18 [4] - 8519:34,	20 [6] - 8500:13,	1 u [1] = 0520.55		8544:4
<i>,</i>	- [-]			

Administrator [1] -	8508:36, 8508:41,	anonymity [2] -	8554:30, 8554:40,	approve [1] - 8518:11
8562:37	8581:17	8530:34, 8530:38	8555:5, 8555:8,	approved [5] -
administrator [15] -	aghast [2] - 8548:25,	answer [14] - 8506:28,	8555:16, 8557:26,	8553:42, 8554:5,
8541:10, 8541:32,	8587:14	8515:44, 8563:24,	8557:33, 8560:4,	8568:26, 8568:47,
8543:9, 8553:43,	ago [1] - 8581:28	8577:4, 8577:21,	8560:7, 8560:12,	8569:2
8560:5, 8562:45,	agree [3] - 8547:14,	8581:4, 8583:7,	8562:14, 8562:18,	approving [1] - 8565:7
8566:28, 8566:32,	8547:19, 8559:1	8583:33, 8584:4,	8562:22, 8565:33,	April [1] - 8500:3
8566:33, 8566:39,	agreeable [1] -	8586:34, 8591:18,	8566:26, 8566:37,	area [5] - 8566:15,
8566:42, 8567:12,	8499:41	8591:21, 8591:22,	8566:38, 8567:11,	8570:38, 8576:36,
8567:19, 8592:16,	agreed [6] - 8503:30,	8591:23	8567:34, 8592:17	8577:14, 8595:23
8592:17	8539:7, 8553:42,	answered [2] -	appointing [3] -	areas [2] - 8547:24,
administrators [1] -	8588:13, 8588:15,	8571:23, 8591:1	8537:44, 8543:6,	8595:24
8594:26	8590:14	anyway [4] - 8513:19,	8590:18	argument [1] -
admiration [2] -	agreement [1] -	8513:42, 8522:17,	appointment [28] -	8592:16
8547:25, 8547:29	8566:38	8558:6	8510:8, 8510:27,	arisen [4] - 8556:24,
admission [1] -	ahead [1] - 8500:1	apart [3] - 8535:12,	8511:21, 8515:35,	8559:26, 8559:29,
8597:29	aid [2] - 8528:34,	8585:17, 8588:3	8518:42, 8538:34,	8583:12
admitted [3] -	8528:36	Apollo [6] - 8554:31,	8539:39, 8540:15,	arose [3] - 8518:29,
8597:15, 8597:18,	Alipius [22] - 8499:22,	8555:5, 8557:25,	8551:34, 8554:5,	8518:30, 8561:2
8597:23	8502:15, 8502:30,	8557:27, 8557:34,	8554:13, 8557:16,	around" [1] - 8501:41
adopt [1] - 8514:15	8505:4, 8522:43,	8562:39	8557:22, 8558:9,	arrangement [2] -
adopted [1] - 8581:40	8530:33, 8540:16,	apologise [1] -	8559:6, 8560:10,	8593:32, 8595:3
Adrian [23] - 8499:21,	8540:31, 8542:7,	8542:39	8562:7, 8562:8,	arrangements [2] -
8502:17, 8502:20,	8542:21, 8542:25,	apology[1] - 8538:14	8566:28, 8566:32,	8540:34, 8595:9
8502:24, 8502:25,	8542:28, 8542:41,	appalled [3] -	8566:34, 8567:28,	arrived [2] - 8503:1,
8502:28, 8502:34,	8543:1, 8543:2,	8548:31, 8587:10,	8567:30, 8570:39,	8521:39
8502:39, 8502:43,	8550:45, 8551:1,	8589:18	8571:1, 8587:36,	Arundell [3] - 8517:30,
8502:45, 8503:5,	8551:3, 8551:24,	appear [3] - 8558:31,	8590:31, 8590:32	8517:33, 8565:45
8503:6, 8503:13,	8551:41, 8585:28	8564:44, 8588:33	appointments [16] -	aside [6] - 8538:14,
8503:17, 8503:19,	alive [1] - 8524:11	appearance [4] -	8510:2, 8554:27, 8555:36, 8556:26,	8576:47, 8579:30,
8503:23, 8503:25,	allegation [3] -	8500:5, 8518:41,	8557:21, 8559:31,	8579:32, 8579:34,
8503:28, 8503:30,	8502:35, 8524:25,	8548:18, 8548:19	8559:40, 8559:45,	8583:1
8503:33, 8504:42,	8524:40	appeared [2] -	8568:17, 8577:29,	aspect [1] - 8559:47
8505:3, 8505:8	allegations [9] -	8534:33, 8534:39	8591:1, 8591:14,	assault [2] - 8520:9,
ADRIAN [3] - 8504:44,	8519:39, 8525:5,	applicant [1] -	8591:31, 8593:26,	8596:45
8505:19, 8505:28 adult [1] - 8547:28	8525:12, 8536:17,	8514:25	8595:1, 8595:20	assaulting [1] -
adultery[1] - 8530:26	8597:23, 8597:24, 8597:29, 8597:35	applicants [2] -	appointments" [1] -	8574:11
advance [5] - 8572:27,	allow [1] - 8499:41	8514:11, 8514:22	8594:21	assembly[1] - 8517:8
8572:30, 8572:31,	allowed [1] - 8510:42	application [1] - 8594:46	appreciate [1] -	assertations [1] -
8572:39, 8591:30	alone [2] - 8585:41,	applications [4] -	8588:11	8499:25
advice [3] - 8509:40,	8586:2	8514:5, 8514:6,	appreciated [1] -	assist [2] - 8546:41,
8515:36, 8579:4	altar [7] - 8522:2,	8514:8, 8595:21	8588:5	8563:13
advisable [2] -	8585:19, 8585:22,	applied [5] - 8509:11,	appreciating [4] -	assistant [25] -
8556:25, 8559:30	8585:24, 8585:32,	8514:3, 8554:47,	8528:26, 8528:28,	8515:17, 8515:18,
advise [3] - 8506:4,	8585:41	8555:4, 8567:32	8528:30, 8590:40	8515:22, 8516:14, 8540:15, 8540:19,
8508:24, 8558:8	AM [1] - 8498:33	applies [1] - 8582:12	appreciation [1] -	8540:30, 8541:11,
advised [3] - 8519:2,	amicably[1] - 8499:42	apply[1] - 8551:37	8580:37	8541:19, 8541:47,
8585:46, 8586:1	amounts [1] - 8533:25	applying [2] -	approach [3] -	8543:46, 8544:16,
advising [1] - 8513:10	Andrew [3] - 8498:36,	8554:20, 8594:16	8529:29, 8567:27,	8545:13, 8545:32,
affect [2] - 8527:27,	8501:44, 8534:28	appoint [3] - 8513:4,	8572:24	8551:17, 8551:23,
8527:29	ANDREW [1] - 8499:9	8515:27, 8590:10	approached [4] -	8559:40, 8559:46,
affectionate [1] -	Ann [1] - 8498:35	appointed [35] -	8499:27, 8532:35,	8562:14, 8562:19,
8529:7	announced [5] -	8506:41, 8506:46,	8572:3, 8572:27	8562:29, 8595:24,
afterwards [1] -	8501:17, 8556:23,	8507:1, 8509:1,	appropriate [2] -	8595:25, 8595:26,
8552:26	8559:25, 8594:47,	8513:26, 8514:7,	8581:13	8595:34
again" [1] - 8556:18	8595:21	8514:26, 8515:13,	approval [5] -	assistants [1] -
age [2] - 8526:43,	announcing [1] -	8517:43, 8523:9,	8539:15, 8554:1,	8594:27
8534:44	8553:13	8541:47, 8543:35,	8554:13, 8554:16,	assisting [1] - 8530:8
agenda [4] - 8507:42,	annual [1] - 8570:9	8551:9, 8551:30,	8569:5	Assisting [2] -

8498:40, 8586:35 8567:38, 8568:31 8549:13, 8566:7, billiard [1] - 8547:44 8540:28, 8540:42, associate [1] automatically [1] -8583:39, 8584:3 Bird [10] - 8499:19, 8541:5, 8541:13, become [7] - 8514:44, 8541:17, 8551:31, 8534:32 8540:28 8499:28, 8499:32, associates [1] auxiliary [1] - 8536:44 8533:12 8540:28 8502:7, 8502:11, 8551:34, 8553:3. 8535:14 available [3] - 8499:6. 8546:9, 8580:42, 8504:18, 8504:21, 8553:13, 8553:47, 8507:16, 8509:13, 8582:17, 8583:32 8554:12, 8554:38, association [4] -8530:14, 8530:15 8555:21, 8556:23, 8524:31, 8534:36, aware [17] - 8502:35, becomes [2] -8591:6 8556:35, 8556:43, 8554:22, 8580:9 Bishop [186] -8535:7, 8541:21 8512:22, 8528:1, becoming [1] -8499:19, 8499:28, 8557:46, 8558:11, assume [13] -8545:17, 8546:9, 8558:42, 8559:6, 8507:45, 8525:1, 8546:13, 8563:14, 8581:34 8499:32, 8499:41, 8559:19, 8559:25, 8525:6, 8539:34, 8566:11, 8566:15, bedroom [1] - 8540:42 8499:43, 8500:3, 8563:19, 8563:33, 8542:11, 8545:29, 8576:14, 8576:16, bedrooms [2] -8500:15, 8500:25, 8561:26, 8563:18, 8563:40, 8564:11, 8500:29, 8501:8, 8576:18, 8583:32, 8540:39, 8540:40 8501:22, 8501:31, 8564:32, 8565:1, 8563:20, 8582:16, 8584:3, 8584:8, beg [7] - 8520:18, 8565:32, 8567:10, 8582:19, 8596:7, 8584:30, 8584:31 8501:34, 8501:42, 8526:26, 8540:12, 8567:24, 8571:20, 8502:7. 8502:11. 8598:12 8553:18, 8557:42, 8504:18, 8504:21, 8582:4, 8582:6, assumed [2] -В 8565:45, 8571:26 8582:36, 8582:44, 8546:38, 8561:16 began [2] - 8527:30. 8506:3, 8506:7, bad [3] - 8514:39, 8582:45, 8582:46, 8506:47, 8507:3, assumes [1] - 8580:9 8548:2 8525:21, 8525:28 8583:2, 8583:9, begin [2] - 8507:9, 8507:12, 8507:16, assuming [2] -Ballarat [24] -8583:14, 8583:17, 8507:21. 8507:27. 8535:44, 8598:9 8584:24 8498:21, 8498:22, 8507:29, 8507:30, 8583:27, 8584:39, astonishment [1] beginning [2] -8502:15, 8503:19, 8585:1. 8585:9. 8507:33, 8508:12, 8590:7, 8593:11 8501:42 8505:5, 8507:33, 8585:12, 8586:9, 8508:17, 8508:18, astound [1] - 8596:24 behalf [7] - 8548:43, 8512:32, 8521:30, 8508:24, 8508:45, 8586:38, 8586:39, astounded [1] -8550:25, 8550:38, 8522:40, 8540:20, 8588:5, 8588:31, 8509:13, 8509:25, 8597:5 8561:12, 8575:10, 8541:47, 8551:10, 8588:43, 8589:45. 8509:29, 8509:30, AT [2] - 8598:15, 8575:17, 8575:24 8551:22, 8562:29, 8590:18, 8590:19, 8509:34, 8509:38, behaved [1] - 8587:6 8598:16 8562:30, 8563:6, 8590:22, 8590:25, 8509:44, 8510:13, attempted [1] behaving [1] -8570:38, 8570:41, 8590:26, 8590:31, 8510:14, 8510:23, 8524:32 8529:25 8572:24, 8576:12, 8590:45, 8591:6, 8510:35, 8510:39, attend [7] - 8511:24, behaviour [3] -8577:13, 8579:23, 8591:11, 8591:12, 8510:41, 8510:44, 8551:44, 8568:6, 8527:35, 8527:39, 8583:41, 8591:6 8511:4, 8511:9, 8591:29, 8592:21, 8568:12, 8568:14, 8588:44 Ballarat" [1] - 8501:32 8511:11, 8511:21, 8593:9, 8593:17, 8568:20, 8568:22 behind [2] - 8563:13, bankruptcy[1] -8593:24, 8593:34, 8511:22, 8511:24, attended [11] -8587:31 8500:47 8593:37, 8594:35, 8511:29, 8511:40, 8499:31, 8511:28, belonged [1] baptised [1] - 8502:26 8512:1, 8512:2, 8594:39, 8595:8, 8511:31, 8511:40, 8542:43 barrister [6] - 8572:45, 8595:33, 8596:20 8512:4, 8512:31, 8512:45, 8513:17. Best [10] - 8544:18, 8573:16, 8574:3, 8512:33, 8512:34, Bishop's [13] -8521:23, 8521:30, 8544:21, 8545:23, 8574:7, 8574:18, 8512:17, 8526:12, 8512:45, 8513:11, 8568:25, 8569:27, 8545:26, 8545:28, 8575:10 8513:17, 8513:40, 8536:38, 8536:40, 8592:20 8545:33, 8546:5, based [3] - 8509:40, 8539:35, 8554:37, 8513:42, 8513:44, attendees 131 -8576:18, 8576:24, 8595:3, 8595:5 8555:44, 8571:29, 8514:10, 8514:15, 8565:12, 8565:25, 8576:27 basic [1] - 8499:37 8589:43, 8594:11, 8515:35, 8515:47, 8565:28 best [2] - 8514:17, basis [3] - 8500:25, 8595:47, 8596:1, 8516:39, 8516:47, attention [10] -8539:7 8515:28, 8555:18 8596:4 8517:11, 8517:19, 8510:24, 8521:1, better [5] - 8508:20, bathroom [1] -8518:7, 8518:42, **Bishops** [10] -8522:6, 8522:24, 8547:38, 8566:47, 8540:36 8509:47, 8579:3, 8520:22, 8520:23, 8522:28, 8523:12, 8571:6 Bay [6] - 8554:31, 8579:17, 8579:19, 8521:1, 8524:20, 8523:24, 8555:40, between [13] -8555:5, 8557:25, 8579:22, 8579:23, 8524:40, 8525:1, 8561:45, 8597:30 8499:18, 8522:43, 8557:27, 8557:34, 8525:13, 8525:14, 8582:35, 8586:37, attitude [4] - 8528:9, 8523:7. 8524:21. 8562:39 8586:41, 8590:47 8525:32, 8531:43, 8574:33, 8578:21, 8535:16, 8535:22, bear [1] - 8499:47 bit [6] - 8506:6. 8533:46, 8534:3. 8579:28 8535:23, 8535:45, Beaufort [1] - 8517:44 8517:37, 8556:45, 8536:44, 8538:4, audience [1] -8540:23, 8541:19, became [16] -8538:25, 8538:30, 8581:24, 8594:29, 8547:39 8585:32, 8585:33, 8500:42, 8501:14, 8538:43, 8538:44, 8594:31 audio [1] - 8598:5 8589:44 8501:26, 8502:34, 8539:3, 8539:8, Blenkiron [4] audio-visual [1] big [2] - 8523:38, 8515:26, 8526:5, 8539:25, 8539:30, 8499:19, 8499:27, 8598:5 8589:40 8526:19, 8526:20, 8539:39, 8540:3, 8499:31, 8503:40 August [5] - 8522:40, bike [1] - 8580:44 8526:30, 8534:11, 8540:20, 8540:23, blonde [1] - 8502:37 8540:10, 8540:13, **Bill** [1] - 8541:4 8545:17, 8546:13, 8540:24, 8540:27,

board [3] - 8537:38,	8578:5, 8578:36	cathedral [8] -	8561:33, 8561:42,	8576:4, 8587:4,
8537:41, 8568:40	brought [2] - 8520:47,	8501:24, 8510:47,	8565:12, 8571:23,	8589:10, 8589:18,
boarding [1] - 8541:23	8595:4	8530:34, 8530:40,	8573:39, 8579:14,	8589:30, 8597:2
Bohan [1] - 8517:27	build [1] - 8571:9	8551:16, 8551:19,	8585:17, 8586:28,	chastity [14] - 8528:6,
book [4] - 8552:28,	bundle [3] - 8552:1,	8595:46, 8596:5	8586:44, 8587:26,	8528:7, 8528:8,
8561:30, 8561:38	8552:2, 8555:39	Catholic [9] - 8501:18,	8588:40, 8589:28,	8528:13, 8528:17,
Boston [1] - 8501:4	Bungaree [5] -	8505:4, 8522:39,	8590:30, 8591:21,	8528:24, 8528:25,
bottom [2] - 8538:26,	8557:11, 8557:14,	8529:10, 8563:7,	8593:40, 8595:44,	8528:29, 8528:33,
8593:8	8562:4, 8563:2,	8563:10, 8568:45,	8596:39, 8597:41,	8528:38, 8528:41,
bound [1] - 8533:39	8563:40	8580:10, 8580:29	8597:45, 8598:7,	8528:46, 8529:3,
boundaries [1] -	burning [1] - 8531:39	CCI [1] - 8501:17	8598:12	8529:11
8542:44	bush [1] - 8580:44	CECV [3] - 8568:40,	chairs [1] - 8506:36	chat [1] - 8569:44
box [6] - 8530:35,	BY [5] - 8499:11,	8568:44, 8570:39	challenge [1] - 8571:9	chauffeur [1] -
8530:39, 8540:41,	8504:5, 8504:46,	celebrate [1] -	change [5] - 8513:14,	8510:42
8540:47, 8541:5,	8586:32, 8587:1	8518:39	8531:3, 8531:10,	checked [1] - 8513:36
8543:22	0000.02, 000	_ celibacy [13] -	8582:38, 8589:41	child [12] - 8502:31,
boy [1] - 8585:41	С	8527:18, 8527:27,	changed [11] -	8519:38, 8519:47,
boys [13] - 8503:26,	- <u>-</u>	- 8527:31, 8527:34,	8529:42, 8530:1,	8520:9, 8520:36,
8523:20, 8524:29,	cannot [3] - 8508:13,	8527:41, 8528:2,	8549:44, 8565:28,	8520:47, 8535:25,
8526:7, 8543:3,	8543:24, 8575:18	8528:8, 8528:19,	8565:29, 8578:20,	8537:1, 8574:11,
8543:4, 8543:7,	canon [2] - 8515:40,	8528:24, 8528:25,	8578:21, 8579:29,	8585:34, 8585:40,
8547:33, 8580:43,	8515:41	8528:33, 8528:37	8580:38, 8580:40	8597:18
8585:19, 8585:22,	capability[1] -	central [7] - 8516:44,	chaplain [8] -	CHILD [1] - 8498:13
8585:24, 8585:32	8509:14	8569:15, 8570:33,	8541:34, 8541:38,	children [33] -
Boys [1] - 8542:25	capacities [1] -	8570:36, 8570:44,	8541:42, 8542:7,	8502:26, 8503:3,
boys' [4] - 8503:21,	8509:26	8571:4, 8571:5	8543:6, 8543:11,	8503:9, 8503:19,
8541:27, 8542:20,	capacity[1] - 8509:31	centre [2] - 8508:3,	8543:27, 8543:35	8503:23, 8519:26,
8543:47	Cardinal [1] - 8501:27	8570:41	chaplaincy [3] -	8519:28, 8519:34,
Boys' [1] - 8542:42	careers [1] - 8526:45	century [1] - 8576:27	8541:22, 8541:25,	8523:23, 8523:43,
•	carefully[1] - 8588:25	ceremonies [2] -	8541:29	8534:5, 8534:40,
breach [2] - 8528:45, 8529:3	Carried [1] - 8539:5	8510:47	character [8] -	8535:19, 8544:40,
	carried [1] - 8539:14	certain [8] - 8513:20,	8547:11, 8547:15,	8547:32, 8548:7,
breached [1] -	Carried" [1] - 8593:22	8522:47, 8535:40,	8547:16, 8547:20,	8576:36, 8578:16,
8529:13	carried" [1] - 8538:42	8541:40, 8547:24,	8547:21, 8549:12,	8578:19, 8580:17,
Brian [4] - 8536:22,	CASA[1] - 8500:39	8552:29, 8559:10,	8549:44, 8550:38	8580:25, 8581:10,
8537:8, 8571:33, 8571:34	Case [1] - 8498:17	8566:8	charge [6] - 8512:16,	8581:41, 8586:3,
	case [34] - 8506:45,	certainly [12] -	8519:38, 8546:38,	8586:18, 8587:7,
briefly [1] - 8592:44	8510:5, 8510:8,	8505:37, 8509:12,	8546:39, 8547:16,	8587:19, 8587:20,
bring [2] - 8510:23,	8514:6, 8515:47,	8519:35, 8520:1,	8547:21	8589:16, 8589:17,
8591:39	8516:2, 8520:45,	8526:10, 8529:4,	charged [22] -	8589:47, 8597:19
bringing [1] - 8595:9	8533:40, 8535:41,	8560:39, 8561:18,	8519:24, 8520:2,	choose [1] - 8530:15
brings [1] - 8508:3	8541:29, 8542:11,	8569:2, 8572:14,	8520:9, 8520:36,	chooses [1] - 8590:22
Brisbane [1] - 8536:44	8546:13, 8547:4,	8576:23, 8583:44	8520:47, 8535:1,	chosen [1] - 8596:25
broader [2] - 8500:26,	8552:17, 8554:12,	CHAIR [54] - 8499:1,	8535:26, 8535:45,	Christi [2] - 8526:15,
8528:25	8554:37, 8557:33,	8503:43, 8504:1,	8545:2, 8545:9,	8526:18
Brother [12] - 8544:18,	8557:45, 8558:17,	8504:11, 8504:21,	8546:10, 8548:46,	Christian [16] -
8544:19, 8544:23,	8558:31, 8559:39,	8504:32, 8504:37,	8549:27, 8573:29,	8542:7, 8542:12,
8545:18, 8545:23,	8559:45, 8560:6,	8505:34, 8507:45,	8574:4, 8574:11,	8542:21, 8542:28,
8545:25, 8545:28,	8567:9, 8568:5,	8509:23, 8514:34,	8574:19, 8575:23,	8542:32, 8542:34,
8545:39, 8545:40,	8575:21, 8575:43,	8516:7, 8521:16,	8575:38, 8584:10,	8542:42, 8543:1,
8546:4, 8546:5	8577:12, 8584:18,	8524:24, 8527:33,	8596:45, 8597:8	8543:42, 8544:12,
brothers [1] - 8524:32	8588:30, 8590:45,	8534:3, 8536:7,	charges [22] -	8544:17, 8544:26,
Brothers [19] - 8542:8,	8590:46, 8591:12,	8537:16, 8537:26,	8519:47, 8535:30,	8570:20, 8577:29,
8542:12, 8542:21,	8597:27	8539:19, 8539:45,	8546:14, 8546:22,	8577:33, 8578:36
8542:28, 8542:33,	cases [2] - 8500:31,	8547:38, 8552:6,	8548:11, 8548:23,	Christmas [1] -
8542:35, 8542:42,	8515:10	8556:43, 8558:41,	8548:32, 8548:38,	8538:20
8543:1, 8543:42,	casual [1] - 8528:2	8560:35, 8560:43,	8550:13, 8550:17,	church [29] - 8499:25,
8544:12, 8544:17,	Cathedral [3] -	8560:47, 8561:4,	8550:24, 8573:21,	8499:39, 8500:27,
8544:26, 8570:20,	8503:6, 8551:10,	8561:8, 8561:14,	8573:25, 8575:2,	8501:28, 8501:37,
8577:30, 8577:33,	8551:23	8561:21, 8561:26,	8575:7, 8575:22,	8501:45, 8501:47,
8577:37, 8577:39,				, - ,

8528:12, 8528:16,	8539:34, 8540:8,	8531:14, 8540:36,	conferences [6] -	8508:18
8528:42, 8531:5,	8548:18, 8550:45,	8557:21, 8567:27	8581:16, 8581:18,	conscious [1] -
8531:44, 8532:13,	8564:1, 8570:26,	commonly [6] -	8581:22, 8581:29,	8504:32
8533:8, 8533:34,	8571:44, 8591:37,	8505:8, 8511:28,	8581:35, 8581:46	consciousness [2] -
8533:39, 8545:2,	8594:35, 8596:21	8525:16, 8542:45,	confess [9] - 8502:40,	8586:19, 8588:7
8547:6, 8549:4,	COMMISSION [2] -	8580:9, 8585:40	8529:35, 8530:27,	consensus [1] -
8577:44, 8577:45,	8498:12, 8598:15	commonplace [1] -	8530:29, 8530:30,	8539:20
8578:25, 8578:44,	Commission [9] -	8556:43	8531:11, 8531:15,	consent [1] - 8532:19
8579:15, 8580:46,	8499:14, 8499:18,	community [2] -	8533:21, 8547:24	consequences [1] -
8582:25, 8582:28,	8501:39, 8503:13,	8504:25, 8525:25	confessed [2] -	8582:21
8584:43, 8585:30	8505:1, 8560:39,	comparing [1] -	8531:8, 8533:41	consider [2] -
Church [5] - 8501:18,	8561:11, 8568:45,	8500:15	confesses [1] -	8503:31, 8511:47
8502:16, 8563:7,	8587:3	comparison [2] -	8531:45	consideration [4] -
8563:10, 8580:29	Commissioner [3] -	8500:22, 8500:24	confessing [3] -	8538:23, 8538:44,
circumstances [5] -	8498:35, 8499:4,	competition [1] -	8530:3, 8530:42,	8538:47, 8593:16
8524:7, 8550:20,	8505:31	8570:47	8532:15	considered [3] -
8550:27, 8575:39,	Commissioners [3] -	complaint [3] -	confession [15] -	8512:4, 8538:33,
8578:26	8579:44, 8580:1,	8511:43, 8519:38,	8529:13, 8529:26,	8541:15
civil [4] - 8546:29,	8580:5	8579:4	8529:45, 8530:2,	considers [1] - 8506:4
8546:38, 8546:39,	commit [1] - 8596:26	complaints [18] -	8530:31, 8530:35,	consult [1] - 8590:22
8546:43	commitment [1] -	8512:23, 8522:5,	8530:45, 8531:9,	consultative [2] -
Claffey [2] - 8534:11, 8534:29	8531:10	8522:24, 8522:27,	8531:27, 8531:33,	8506:8, 8507:32
	committed [8] -	8523:15, 8523:16,	8531:37, 8532:31,	consulted [1] -
claims [2] - 8563:11,	8528:42, 8550:20,	8523:22, 8525:34,	8532:44, 8533:29,	8590:25
8563:14	8550:28, 8578:25,	8525:42, 8535:18,	8533:36	Consultor [11] -
clear [1] - 8549:13	8578:41, 8589:8,	8535:24, 8535:38,	confessional [9] -	8508:12, 8515:46,
clearly[1] - 8517:16	8597:9, 8597:11	8537:1, 8545:36,	8529:16, 8529:18,	8558:16, 8559:22,
close [7] - 8525:2,	committee [8] -	8545:43, 8576:15,	8530:5, 8530:35,	8568:21, 8590:41,
8525:3, 8535:9,	8506:8, 8507:14,	8579:7, 8583:28	8530:39, 8530:44,	8591:5, 8591:11,
8535:13, 8537:12,	8507:32, 8508:33,	completely[3] -	8531:12, 8532:27,	8593:3, 8595:15,
8580:42, 8582:17	8520:16, 8520:22,	8524:26, 8583:23, 8596:33	8533:15 confessions [3] -	8597:33
closer [2] - 8506:6, 8570:40	8520:28, 8590:21 Committee [35] -		8530:23, 8530:25,	Consultors [112] -
Coadjutor [2] -	8503:14, 8505:40,	concealing [1] - 8533:29	8530:36	8503:14, 8505:40,
8540:20, 8540:23	8505:46, 8506:2,	concept [1] - 8580:13	confessor [7] -	8505:46, 8506:2,
•	8506:12, 8506:16,	concerned [1] -	8529:32, 8529:35,	8506:11, 8506:16,
coadjutor [1] - 8540:25	8506:27, 8507:5,	8575:44	8529:38, 8530:9,	8506:27, 8507:5,
Coate [1] - 8498:35	8507:9, 8507:17,	concluded [2] -	8530:11, 8530:18,	8507:9, 8507:17,
coherent [1] - 8552:27	8507:20, 8507:25,	8499:42, 8502:3	8534:6	8507:20, 8507:25, 8507:26, 8507:36,
cold [1] - 8591:38	8507:26, 8507:37,	conclusion [7] -	confided [2] - 8537:5,	8507:46, 8508:24,
colleague [1] -	8507:46, 8509:5,	8531:44, 8533:31,	8537:11	8509:5, 8509:9,
8534:12	8510:9, 8510:24,	8576:44, 8587:39,	confidential [2] -	8509:24, 8509:30,
collectively [1] -	8511:38, 8515:32,	8587:47, 8588:25,	8558:47, 8559:15	8509:47, 8510:9,
8580:5	8516:1, 8518:7,	8588:33	confidentiality [10] -	8510:24, 8511:31,
College [3] - 8521:24,	8520:13, 8520:35,	conclusions [1] -	8556:21, 8556:38,	8511:32, 8511:35,
8521:30, 8541:24	8520:46, 8521:6,	8584:25	8556:44, 8558:27,	8511:38, 8512:46,
Colley[2] - 8517:20,	8535:46, 8536:4,	concur [1] - 8574:41	8558:43, 8559:14,	8513:2, 8513:10,
8517:21	8564:8, 8589:2,	condition [4] -	8559:19, 8559:23,	8513:18, 8514:21,
Collins [6] - 8499:4,	8589:3, 8590:10,	8531:30, 8560:12,	8559:34, 8587:32	8514:34, 8515:12,
8499:7, 8499:13,	8590:17, 8590:21,	8560:13, 8560:21	confirmed [3] -	8515:32, 8515:37,
8504:17, 8504:28,	8596:22	conditional [4] -	8540:6, 8566:29,	8516:1, 8516:33,
8534:28	Committee's [1] -	8559:41, 8559:46,	8593:26	8517:11, 8518:7,
COLLINS [1] - 8499:9	8551:44	8560:1, 8560:10	confused [3] -	8518:43, 8520:13,
column [2] - 8564:19,	Committees [2] -	conditionally [1] -	8542:38, 8542:39,	8520:20, 8520:35,
8564:47	8536:34, 8536:37	8560:5	8581:23	8520:37, 8520:46,
coming [19] - 8501:39,	committees [1] -	conduct [9] - 8522:6,	confuses [1] - 8553:9	8521:3, 8521:6,
8514:16, 8521:9,	8506:36	8535:18, 8536:3,	connection [2] -	8521:13, 8535:46,
8532:27, 8533:20,	committing [1] -	8557:39, 8558:1,	8551:18, 8551:27	8536:4, 8536:10,
8533:31, 8536:3,	8597:15	8558:4, 8563:12,	Connors [3] -	8536:15, 8536:17,
8536:24, 8539:30,	common [4] -	8577:13, 8597:24	8507:30, 8507:33,	8536:34, 8536:36,

0507.00.0507.00	0505 00 0504 45	0540 40 0540 40	0500.00	
8537:33, 8537:38,	8525:36, 8584:45,	8549:40, 8549:42,	8562:33	describe [1] - 8533:19
8537:41, 8537:43,	8585:5	8572:3, 8572:5,	dated [4] - 8505:10,	described [6] -
8538:10, 8538:47,	convicted [15] -	8572:21, 8572:27,	8505:22, 8537:23,	8540:45, 8540:46,
8539:2, 8539:6,	8503:19, 8534:18,	8573:10, 8574:26,	8567:38	8543:18, 8543:21,
8539:30, 8551:44,	8535:17, 8535:23,	8574:45, 8575:22,	DATED [5] - 8505:19,	8556:11, 8594:40
8552:35, 8552:45,	8535:44, 8535:45,	8575:29, 8575:31,	8505:29, 8521:20,	desire [2] - 8500:11,
8552:47, 8553:4,	8544:40, 8544:44,	8584:9, 8584:15,	8537:30, 8552:11	8531:3
8553:16, 8553:20,	8545:9, 8545:14,	8587:5, 8587:11,	David [2] - 8519:16,	detail [3] - 8553:32,
8553:26, 8553:34,	8545:23, 8545:29,	8589:11, 8589:14,	8521:2	8555:33, 8558:6
8554:1, 8554:6,	8546:3, 8546:4,	8596:44	days [13] - 8516:31,	detailed [1] - 8568:15
8554:13, 8556:13,	8546:5	courts [5] - 8546:29,	8517:2, 8517:15,	details [2] - 8499:21,
8556:22, 8556:44,	conviction [1] -	8583:46, 8584:2,	8518:20, 8522:18,	8575:13
8559:21, 8564:8,	8534:22	8584:29, 8584:33	8527:15, 8527:31,	detected [1] - 8578:27
8565:20, 8565:29,	convictions [2] -	cover [2] - 8533:16,	8535:12, 8547:5,	determine [1] - 8511:3
8567:11, 8567:38,	8576:18, 8576:26	8533:17	8569:28, 8572:39,	determined [1] -
8568:5, 8569:1,	copies [1] - 8552:4	covered [1] - 8563:11	8586:13, 8594:35	8509:19
8569:24, 8571:13,	copy [7] - 8517:10,	coveted [1] - 8570:44	dead [1] - 8501:47	determining [1] -
8583:26, 8589:2,	8537:23, 8537:24,	crafted [1] - 8588:25	deal [5] - 8510:41,	8563:13
8589:3, 8589:15,	8560:35, 8560:38,	creation [1] - 8528:31	8511:4, 8528:21,	
8590:9, 8590:17,	8561:47, 8572:6	crime [14] - 8531:34,	8531:40, 8590:11	develop [1] - 8499:42
8590:21, 8590:26,	Corpus [2] - 8526:15,	8531:37, 8531:41,	dealing [1] - 8581:13	developed [1] -
8590:33, 8590:45,	8526:18	, ,	•	8591:29
8590:47, 8591:13,		8531:42, 8531:45,	dealings [1] - 8536:30	devoutly [1] - 8533:43
8591:32, 8593:18,	correct [13] - 8504:8,	8531:47, 8532:5,	deals [1] - 8582:7	dictating [1] - 8510:45
8593:25, 8593:34,	8505:14, 8505:23,	8532:6, 8532:32,	dealt [4] - 8509:5,	died [5] - 8514:46,
8593:36, 8594:45,	8509:27, 8509:32,	8533:24, 8533:26,	8510:40, 8539:39,	8515:1, 8524:8,
8594:47, 8595:33,	8509:36, 8549:1,	8533:30, 8533:40	8556:22	8524:14, 8524:15
8595:45, 8596:22	8563:46, 8582:26,	crimes [4] - 8533:16,	decade [3] - 8523:33,	difference [1] -
CONSULTORS [1] -	8587:12, 8589:29,	8533:17, 8549:26,	8524:6, 8576:26	8540:23
8521:20	8589:31, 8589:32	8597:9	decades [1] - 8597:28	different [18] -
Consultors" [1] -	correspondence [4] -	criminal [4] - 8546:39,	deceased [1] -	8506:19, 8508:33,
8538:25	8554:20, 8554:26,	8546:43, 8546:47,	8517:28	8529:40, 8535:4,
consults [1] - 8506:8	8555:3, 8594:15	8577:13	December [5] -	8535:5, 8537:41,
	council [3] - 8516:46,	cross [1] - 8581:23	8537:23, 8537:34,	8542:19, 8542:21,
contact [2] - 8503:37,	8553:8, 8553:42	cross-purposes [1] -	8592:47, 8593:1,	8542:29, 8542:30,
8581:41	Council [11] -	8581:23	8593:31	8553:10, 8555:30,
contacts [1] - 8581:43	8511:39, 8516:41,	crosses [6] - 8560:35,	decide [2] - 8503:14,	8570:13, 8572:6,
contained [1] -	8516:42, 8517:8,	8560:43, 8561:1,	8514:7	8575:34, 8577:28,
8561:38	8544:23, 8552:32,	8564:44, 8566:20,	decided [1] - 8502:16	8577:42, 8581:40
contemporary [1] -	8552:36, 8552:42,	8568:32	decision [10] - 8508:4,	difficult [1] - 8560:8
8517:36	8553:10, 8553:23,	cultural [2] - 8578:24,	8508:46, 8509:8,	difficulties [3] -
content [1] - 8528:12	8560:41	8578:31	8514:25, 8514:29,	8536:8, 8536:9,
contents [2] -	counsel [1] - 8566:12	culture [4] - 8577:44,	8515:35, 8528:39,	8536:10
8505:14, 8505:23	Counsel [3] - 8498:40,	8578:1, 8580:29,	8539:21, 8590:27,	diocesan [3] -
context [1] - 8587:40	8503:13, 8586:35	8581:32	8591:32	8521:27, 8523:6,
continual [1] -	counselling [1] -	curious [1] - 8535:2	decisions [2] -	8544:35
8588:36	8566:16	current [7] - 8506:11,	8515:31, 8515:47	Diocesan [5] -
continue [2] -	couple [5] - 8502:40,	8506:16, 8507:36,	declare [1] - 8500:46	8552:31, 8552:36,
8531:10, 8531:12	8527:1, 8569:9,	8531:40, 8532:12,	declared [2] -	8552:42, 8553:10,
contribute [1] -	8591:6, 8592:43	8554:22, 8585:12	8594:44, 8594:46	8553:23
8578:2	course [8] - 8499:24,	cut [1] - 8561:29	defensive [1] -	Diocese [6] - 8501:32,
contributed [2] -	8518:44, 8535:35,		_ 8501:14	8511:39, 8512:32,
8577:46, 8578:31	8573:44, 8582:11,	D	deficiencies [2] -	8522:40, 8551:22,
contributing [1] -	8587:30, 8597:33		- 8547:15, 8547:20	8563:6
8596:14	Court [1] - 8498:21	Dalgleish [1] -	definitively [2] -	diocese [41] -
control [1] - 8501:33	court [30] - 8502:44,	8502:19	8591:19, 8591:22	8500:46, 8501:10,
conversation [6] -	8502:46, 8503:2,	Damascus [1] -	degrees [1] - 8529:7	8501:11, 8501:21,
8500:14, 8501:26,	8546:15, 8546:21,	8541:24	delay[2] - 8556:25,	8501:23, 8502:11,
8581:37, 8587:22,	8547:23, 8548:18,	date [9] - 8504:7,	8559:31	8506:27, 8507:47,
8587:24	8548:34, 8548:37,	8504:8, 8504:9,	denied [1] - 8523:44	8510:43, 8511:30,
conversations [3] -	8549:19, 8549:22,	8507:10, 8522:10,	DENNIS [1] - 8499:9	8511:44, 8512:16,
	• •	8522:13, 8540:5,	DEMINIS [1] - 0499.9	5011.11, 0012.10,

8512:24, 8516:8,	8539:21, 8554:39,	8545:33, 8546:4,	8587:17, 8589:2,	8556:45
8516:16, 8516:26,	8555:23, 8558:29,	8576:19, 8576:23,	8589:15, 8593:37,	excuse [2] - 8531:43,
8516:40, 8516:42,	8558:37, 8560:18,	8576:27	8595:37, 8595:39	8553:15
8519:45, 8519:46,	8570:1, 8570:28,	down [13] - 8530:37,	elsewhere [2] -	excused [3] - 8504:38,
8520:35, 8523:23,	8573:25, 8581:18,	8538:38, 8562:18,	8509:2, 8579:26	8597:41, 8597:46
8525:33, 8536:31,	8581:45, 8588:26,	8563:23, 8564:47,	email [1] - 8499:43	exhibit [6] - 8555:39,
8536:32, 8536:46,	8591:1, 8591:13,	8565:17, 8571:10,	embracing [1] -	8561:36, 8592:45,
8536:47, 8544:7,	8592:22, 8593:16,	8573:18, 8593:8,	8529:4	8594:9, 8594:17,
8544:9, 8556:24,	8595:23, 8596:14,	8593:20, 8594:15,	emerged [2] -	8594:20
8559:26, 8559:29,	8596:21	8594:21, 8595:22	8504:26, 8585:18	EXHIBIT [5] - 8505:19,
8561:31, 8566:2,	discussions [10] -	dozen [1] - 8526:31	emerges [1] - 8539:21	8505:28, 8521:20,
8568:17, 8569:22,	8508:47, 8509:13,	draw [1] - 8555:39	emotions [1] - 8530:7	8537:30, 8552:11
8569:33, 8570:37,	8532:35, 8536:47,	dreadful [2] - 8524:1,	enable [1] - 8509:39	existed [1] - 8581:32
8570:41, 8582:8,	8558:17, 8563:33,	8524:5	end [9] - 8507:2,	exists [1] - 8577:41
8582:41	8581:9, 8585:5,	drive [1] - 8510:44	8507:27, 8514:15,	expand [1] - 8499:18
dire[1] - 8500:30	8585:30, 8597:27	driving [1] - 8502:14	8538:15, 8540:2,	expect [21] - 8510:23,
direct [4] - 8511:22,	dismayed [1] -	DSP [1] - 8500:18	8557:17, 8564:47,	8520:8, 8520:10,
8512:4, 8512:33,	8587:10	due [2] - 8538:23,	8588:36, 8593:20	8536:12, 8536:19,
8512:34	dispensation [1] -	8593:15	endure [1] - 8501:47	8543:11, 8543:13,
directed [1] - 8516:45	8527:6	during [12] - 8511:42,	endured [1] - 8501:45	8543:27, 8555:20,
directly[1] - 8552:28	disposal [2] - 8506:9,	8522:5, 8522:23,	engage [2] - 8548:10,	8555:24, 8556:34,
disappeared [1] -	8513:5	8544:41, 8545:32,	8581:42	8556:41, 8558:27,
8500:43	disruption [5] -	8569:43, 8576:19,	engages [1] - 8509:34	8560:21, 8560:32,
disappointment [2] -	8523:38, 8523:39,	8583:35, 8595:13,	enquiries [1] -	8560:33, 8563:42,
8534:26, 8534:27	8523:42, 8523:47,	8595:15, 8597:27,	8561:31	8564:32, 8564:35,
disbursement [1] -	8524:4	8597:33	enquiry[1] - 8546:28	8567:10, 8570:47
8539:7	disseminate [1] -		= ensuite [1] - 8540:43	expectation [7] -
discovered [1] -	8582:7	E	ensure [4] - 8539:25,	8514:34, 8514:36,
8577:47	dissemination [1] -		- 8561:21, 8577:17,	8514:38, 8515:22,
discuss [4] - 8510:24,	8581:12	early [8] - 8499:28,	8582:4	8529:10, 8536:16,
8516:44, 8524:40,	distracted [1] - 8524:9	8522:18, 8541:38,	enter [2] - 8521:36,	8558:21
8525:8	distributed [1] -	8586:13, 8592:46,	8579:39	expected [3] - 8536:9,
discussed [25] -	8500:39	8593:4, 8594:41,	entered [2] - 8526:40,	8563:38, 8570:6
8508:37, 8508:42,	divided [1] - 8516:42	8594:43	8575:11	experience [10] -
8508:45, 8524:44,	doctrine [1] - 8528:42	easier [1] - 8570:42	entry [1] - 8593:21	8509:13, 8534:4,
8524:46, 8526:11,	document [11] -	East [7] - 8502:15,	equipped [1] - 8571:6	8534:8, 8550:6,
8532:23, 8532:30,	8560:22, 8560:36,	8505:5, 8541:47,	event [4] - 8510:21,	8557:46, 8567:3,
8533:33, 8533:37,	8561:1, 8561:4,	8562:30, 8576:12,	8514:25, 8515:1,	8580:2, 8591:5,
8536:10, 8538:33,	8561:6, 8561:9,	8577:13, 8583:41	8515:26	8591:22, 8596:31
8545:1, 8553:33,	8561:43, 8561:46,	eat [1] - 8569:44	events [1] - 8578:32	expertise [1] -
8553:34, 8558:5,	8563:18, 8581:11	ecclesiastical [1] -	evidence [16] -	8566:16
8558:6, 8558:10,	documents [3] -	8518:41	8499:4, 8499:17,	explain [2] - 8546:34,
8569:36, 8570:5,	8521:16, 8561:35,	Edenhope [5] -	8504:19, 8504:22,	8567:10
8581:17, 8581:28,	8561:40	8562:42, 8562:43,	8504:27, 8534:3,	explained [6] -
8582:3, 8582:5,	dominated [1] -	8564:23, 8564:34,	8547:40, 8548:38,	8499:32, 8499:36,
8588:23	8596:36	8566:27 education [3] -	8548:42, 8550:38,	8518:43, 8556:35,
discussion [46] -	don't" [1] - 8501:35		8550:46, 8552:6,	8563:40, 8564:33
8500:15, 8508:32,	donated [1] - 8503:38	8508:30, 8527:14, 8547:28	8570:27, 8583:26,	extent [6] - 8510:42,
8508:35, 8508:40,	done [15] - 8499:36,		8587:44, 8598:5	8511:1, 8525:22,
8509:35, 8510:2,	8503:37, 8504:25,	Education [1] - 8568:45	exact [1] - 8540:25	8584:6, 8590:22,
8510:19, 8513:25,	8531:31, 8533:21,	Edward [1] - 8544:18	exactly [2] - 8523:40,	8590:26
8514:1, 8514:17,	8533:25, 8560:39,	effect [7] - 8500:17,	8591:28	extraordinary [1] -
8514:31, 8514:35,	8575:23, 8575:41,		EXAMINATION [5] -	8556:47
8514:43, 8515:7,	8579:32, 8583:20,	8500:23, 8588:43, 8589:24, 8589:47	8499:11, 8504:5,	exulted [2] - 8580:10,
8515:12, 8520:34,	8583:21, 8584:3,	8589:24, 8589:47, 8590:44, 8591:30	8504:46, 8586:32,	8582:23
8525:17, 8530:9,	8589:8, 8589:47	effectively[1] -	8587:1	-
8532:28, 8536:15,	doubt [3] - 8553:33,	8553:26	example [1] - 8594:34	F
8538:24, 8538:44,	8554:46, 8555:1	either [11] - 8520:6,	exception [1] -	face [4] - 8500:42,
8539:1, 8539:9,	Dowlan [8] - 8544:18,	8539:31, 8546:40,	8518:39	8530:37, 8533:44
8539:11, 8539:20,	8544:40, 8545:26,	8581:22, 8583:20,	exceptional [1] -	face-to-face [1] -
		3001.22, 0000.20,		

8530:37	8541:9, 8541:10,	8507:2, 8513:40,	formally [2] - 8566:26,	functions [1] -
facilitate [3] -	8541:11, 8541:32,	8515:36, 8518:17,	8581:17	8566:33
8580:29, 8588:35,	8541:38, 8541:44,	8519:37, 8520:3,	format [2] - 8591:39,	funded [1] - 8500:27
8596:20	8545:47, 8546:3,	8521:9, 8523:22,	8591:42	funding [1] - 8499:26
facilitated [2] -	8546:9, 8546:25,	8523:27, 8524:29,	formation [1] -	funds [2] - 8501:12,
8578:26, 8581:33	8546:28, 8549:33,	8524:30, 8538:15,	8506:37	8501:29
facing [3] - 8546:22,	8552:14, 8553:14,	8540:15, 8544:44,	formed [1] - 8535:4	Furness [6] - 8498:40,
8548:39, 8549:46	8553:22, 8553:33,	8545:17, 8546:5,	forms [1] - 8499:38	8499:1, 8503:43,
fact [9] - 8508:16,	8553:41, 8554:2,	8546:13, 8546:14,	forth [6] - 8506:9,	8560:35, 8579:28,
8519:45, 8539:29,	8554:5, 8554:20,	8553:12, 8556:16,	8510:46, 8526:6,	8586:8
8549:14, 8549:26,	8555:13, 8555:21,	8564:11, 8576:26,	8529:7, 8547:45,	FURNESS [51] -
8550:19, 8567:15,	8555:23, 8555:34,	8583:9, 8583:46,	8586:3	8499:3, 8499:11,
8584:10, 8589:23	8563:5, 8565:36,	8586:8, 8587:6,	forthcoming [1] -	8499:13, 8503:45,
facts [1] - 8563:13	8567:25, 8568:2,	8588:4, 8594:11,	8499:26	8504:42, 8504:46,
faculties [10] -	8568:38, 8586:34,	8594:14, 8596:44,	fortunately [1] -	8505:1, 8505:17,
8518:38, 8519:2,	8587:3, 8593:40,	8597:1, 8597:14	8548:1	8505:26, 8505:37,
8519:5, 8519:10,	8594:16, 8594:22,	firstly[1] - 8564:33	forum [3] - 8532:26,	8508:23, 8509:38,
8519:17, 8519:19,	8597:41, 8597:45	Fiscalini [4] - 8553:4,	8533:13, 8596:25	8514:43, 8516:38,
8519:42, 8520:5,	father [17] - 8505:39,	8564:12, 8564:16,	forward [3] - 8539:34,	8521:12, 8521:18,
8520:8, 8520:13	8507:45, 8509:23,	8565:32	8592:21, 8595:22	8521:23, 8525:32,
failed [1] - 8586:9	8517:27, 8521:23,	fit [1] - 8551:16	four [4] - 8507:11,	8530:29, 8534:10,
failing [1] - 8560:3	8524:8, 8524:14,	Fitzgerald [4] -	8526:38, 8533:9,	8536:22, 8537:14,
failure [1] - 8588:18	8524:15, 8537:22,	8544:19, 8544:23,	8592:1	8537:20, 8537:28,
Fairy [6] - 8554:21,	8537:32, 8539:19,	8545:39, 8545:40	Francis [3] - 8504:42,	8537:32, 8539:38,
8555:4, 8555:8,	8551:9, 8560:47,	five [2] - 8506:41,	8505:3, 8542:45	8540:2, 8548:4,
8555:16, 8557:30,	8565:12, 8566:26,	8542:4	FRANCIS [3] -	8552:9, 8552:14,
8594:16	8571:44, 8589:28	Flanagan [2] -	8504:44, 8505:19,	8557:4, 8559:39,
faithful [1] - 8528:41	father" [1] - 8554:23	8553:41, 8554:2	8505:28	8560:38, 8560:45,
falling [1] - 8597:29	favourable [1] -	Flanagan's [1] -	frank [2] - 8514:35,	8561:6, 8561:11,
familiar [3] - 8580:13,	8550:5	8554:5	8536:14	8561:16, 8561:35,
8580:20, 8582:16	feasible [1] - 8566:35	flippant [1] - 8527:23	Frank [4] - 8512:11,	8561:45, 8565:20,
families [5] - 8550:7,	feature [1] - 8581:30	flowed [1] - 8510:47	8525:38, 8525:39,	8571:25, 8571:36,
8581:10, 8582:18,	February [1] - 8499:29	follow [4] - 8549:41,	8565:39	8571:42, 8574:43,
8585:18	February) [1] -	8558:46, 8587:17,	free [2] - 8500:10,	8582:35, 8585:15,
family [5] - 8522:2,	8557:17	8588:17	8500:21	8596:41, 8597:39,
8523:40, 8580:10,	feelings [2] - 8548:37,	followed [6] -	frequently [2] -	8597:43, 8598:3,
8580:16, 8580:42	8548:40	8555:30, 8567:30,	8507:37, 8518:26	8598:9
family's [1] - 8524:7	fellow [1] - 8502:5	8569:24, 8593:32,	friend [1] - 8502:5	furthermore [1] -
far [7] - 8517:7,	felt [1] - 8527:30	8593:41, 8593:45	friendly [4] - 8522:1,	8588:35
8572:30, 8572:31,	few [2] - 8502:14,	following [4] -	8526:19, 8526:20,	
8573:3, 8582:29,	8538:10	8530:45, 8538:24,	8526:30	G Gail [1]
8582:32, 8582:33	fewer [1] - 8517:7	8556:34, 8593:16		
Father [74] - 8499:21,	fifty [1] - 8516:11	follows [2] - 8509:38,	friends [1] - 8535:13 friendship [1] - 8535:7	- 8498:40 gains [1] -
8502:17, 8503:18,	fifty-odd [1] - 8516:11	8587:21	friendships [1] -	8580:16 gallery [1] -
8503:21, 8503:22,	file [2] - 8560:27,	foreshadowed [2] -	• • • • • • • • • • • • • • • • • • • •	8547:36 games [2] -
8503:26, 8504:15,	8562:27	8504:18, 8569:14	8535:4	8547:44,
8505:7, 8505:8,	fill [2] - 8514:2,	forgive [1] - 8531:46	front [8] - 8502:24,	8550:46
8510:5, 8514:32,	8515:28	forgiveness [4] -	8505:43, 8505:45,	general [6] - 8500:15,
8515:43, 8517:16,	finance [1] - 8508:27	8530:3, 8531:2,	8540:41, 8541:5,	8510:18, 8528:8,
8517:20, 8517:21,	financial [2] -	8531:4, 8531:7	8547:43, 8571:45,	8569:22, 8581:37,
8517:30, 8517:33,	8500:30, 8500:36	form [5] - 8506:7,	8588:17	8586:42
8517:39, 8518:33,	fine [1] - 8546:47	8516:33, 8561:37,	fruit [1] - 8500:1	General [14] -
8518:46, 8519:37,	finished [1] - 8527:4	8583:9, 8584:24	fulfil [3] - 8508:8,	8502:12, 8506:24,
8519:45, 8520:1,	Finnigan [3] -	formal [5] - 8533:33,	8508:16, 8509:26	8506:31, 8512:6,
8520:8, 8520:12,	8517:20, 8536:22,	8539:26, 8567:30,	full [6] - 8505:2,	8512:13, 8512:15,
8520:34, 8520:42,	8571:33	8581:47, 8582:3	8505:3, 8514:35,	8512:23, 8512:35,
8523:36, 8531:14,	Finnigan" [1] -	formalised [1] -	8527:30, 8536:14,	8517:20, 8525:34,
8533:24, 8534:10,	8538:39	8539:22	8556:16	8525:36, 8564:12,
8534:11, 8540:8,	firmly[1] - 8501:33	formality [2] -	fully[1] - 8528:1	8565:33
8541:3, 8541:8,	first [33] - 8505:10,	8539:17, 8539:23	functioning [1] -	generally [8] -
, , , , , , , , , , , , , , , , , , , ,	111 31 [55] - 5505. 10,	3000.11, 0000.20	8571:6	8506:41, 8511:24,

0500.00.0500.45	0500.00	0507.00	0505.04	to ded a
8530:30, 8530:45,	guess [4] - 8520:29,	8597:22	8505:31	includes [4] -
8530:46, 8558:37,	8578:10, 8583:36,	hearing [10] - 8519:37,	hope [3] - 8499:47,	8508:30, 8552:45,
8567:29, 8591:24	8591:15	8533:28, 8534:4,	8533:43, 8592:44	8594:14, 8594:15
Generals [1] - 8506:23 geographically [2] -	guilty [11] - 8548:20,	8572:42, 8572:45,	horrendous [1] -	Including [1] -
	8573:32, 8573:36,	8572:47, 8573:3,	8549:26	8539:29
8512:42, 8512:43	8575:3, 8575:5,	8573:7, 8573:45,	horrified [2] -	including [2] -
George [1] - 8502:43	8575:11, 8575:16,	8589:30	8548:12, 8548:32	8525:33, 8544:18
Gerald [6] - 8541:44,	8575:39, 8584:10,	Hearing [1] - 8498:17	Horsham [1] - 8562:33	income [1] - 8501:22
8543:24, 8564:26,	8584:30, 8597:2	Heart [1] - 8570:18	house [8] - 8540:42,	increasingly[1] -
8564:33, 8587:4,	Н	heated [1] - 8501:26	8540:46, 8541:2,	8501:26
8598:4	П	held [7] - 8506:15,	8543:38, 8579:40,	indecent [1] - 8596:45
Gerard [1] - 8544:19 gift [1] - 8528:30	hair [1] - 8502:38	- 8510:35, 8513:18,	8595:47, 8596:2,	indeed [6] - 8510:1,
•	half [1] - 8538:37	8515:10, 8517:11, 8518:16, 8558:17	8596:4 household [1] -	8512:41, 8518:6,
girls [2] - 8541:24, 8585:24	halfway [1] - 8593:20	help [14] - 8500:38,	8580:17	8520:9, 8558:4,
	Hamilton [1] - 8517:45	8503:3, 8503:35,	households [1] -	8578:35
girls' [3] - 8541:26, 8542:20, 8542:41	hand [3] - 8506:21,	8509:30, 8520:27,	8582:24	indicate [4] - 8513:45, 8557:2, 8589:22,
Girls' [1] - 8542:25	8506:38, 8507:3	8528:21, 8546:35,	human [1] - 8525:25	8597:37
given [24] - 8503:33,	handwriting [10] -	8547:8, 8547:10,	hundred [1] - 8516:18	indicated [2] -
8509:4, 8514:38,	8539:45, 8552:14,	8560:47, 8562:1,	hurt [1] - 8534:27	8530:43, 8554:38
8531:4, 8533:7,	8552:18, 8555:34,	8572:8, 8579:4,	husband [1] - 8502:20	indication [1] -
8537:10, 8548:37,	8556:4, 8564:5,	8584:37	11 usbailu [1] = 0502.20	8524:31
8550:38, 8550:46,	8567:41, 8571:17,	helped [1] - 8503:14		_ indistinct) [1] -
8555:17, 8558:17,	8571:21, 8571:25	helping [1] - 8501:39	I	- 8555:18
8558:21, 8558:28,	handwritten [1] -	helps [2] - 8505:45,	idea [9] - 8529:2,	individual [1] -
8559:8, 8559:34,	8517:16	8518:6	8529:45, 8544:46,	8516:34
8560:38, 8569:5,	happier [1] - 8546:35	highest [1] - 8533:37	8547:47, 8548:9,	individually[1] -
8570:27, 8576:1,	happily [1] - 8529:27	highlight [1] - 8561:37	8550:9, 8561:2,	8577:2
8579:35, 8583:26,	happy [2] - 8526:29,	Hill [2] - 8562:19,	8572:40, 8574:36	individuals [1] -
8583:27, 8592:1,	8537:8	8562:30	ideas [3] - 8499:38,	8500:24
8598:10	hard [1] - 8561:47	himself [3] - 8510:41,	8499:42, 8582:7	informal [1] - 8499:33
go" [1] - 8573:19	hardly [1] - 8589:17	8511:11, 8591:30	idolised [1] - 8545:41	information [6] -
God [2] - 8528:30,	hazard [1] - 8520:29	hold [4] - 8506:26,	image [1] - 8580:39	8509:40, 8510:10,
8531:2	heading [6] - 8518:33,	8506:28, 8580:1,	imagination [1] -	8510:11, 8514:22,
gossip [2] - 8525:25,	8538:15, 8554:19,	8583:39	8543:8	8574:44, 8584:37
8525:28	8562:11, 8562:38,	holding [1] - 8507:16	imagine [3] - 8520:43,	informed [1] - 8567:29
government [2] -	8594:21	holds [3] - 8506:31,	8541:35, 8585:46	informing [1] -
8500:27, 8501:29	Healing [1] - 8560:41	8506:38, 8544:9	immediate [4] -	8567:27
granted [1] - 8509:11	hear [13] - 8512:1,	home [1] - 8503:22	8499:37, 8500:32,	Inglewood [6] -
Gray [3] - 8504:32,	8523:37, 8530:36,	homelessness [1] -	8500:36, 8583:13	8557:8, 8562:23,
8586:44, 8588:40	8531:37, 8534:21,	8500:32	immediately [3] -	8562:42, 8563:26,
GRAY [15] - 8504:13,	8535:17, 8535:24,	honest [1] - 8514:30	8502:5, 8503:40,	8563:35, 8563:39
8504:24, 8504:35,	8545:28, 8545:33,	honestly [2] - 8536:1,	8584:26	inhibition [3] -
8561:18, 8561:24,	8579:43, 8585:18, 8585:40, 8589:15	8543:24	impact [2] - 8504:25,	8596:13, 8596:17,
8561:29, 8586:46,	heard [33] - 8502:28,	honour [2] - 8578:6,	8527:30	8596:18
8587:1, 8587:3,	8520:3, 8525:12,	8578:9	impeding [1] - 8530:8	initial [1] - 8500:43
8588:42, 8589:43,	8525:21, 8525:42,	Honour [25] - 8499:3,	import [1] - 8530:4	initiated [1] - 8500:14
8590:39, 8591:27,	8526:6, 8530:25,	8503:45, 8504:15,	important [5] -	injunction [1] - 8586:5
8594:1, 8595:42	8531:33, 8533:15,	8504:35, 8508:1,	8506:4, 8507:46, 8508:7, 8508:16,	Inquiry [2] - 8499:24,
Gray's [1] - 8588:3	8534:5, 8534:7,	8521:12, 8524:41,	8525:9	8500:6
great [2] - 8528:21,	8534:18, 8535:30,	8528:14, 8530:42,	improper [1] - 8541:16	inquiry[1] - 8501:27
8531:40	8546:14, 8548:11,	8537:14, 8537:20,	in-service [2] -	instance -
greeted [1] - 8502:19	8548:23, 8550:13,	8552:3, 8552:9,	8581:24, 8581:25	[2]
Grenville [1] - 8498:22		8561:16, 8561:19,	333	8506:37, 8560:2
gross [1] - 8500:23	8550:17, 8550:23,	8561:39, 8571:36,	inaccuracy [1] -	instances [2] - 8589:5, 8591:15
group [7] - 8499:33,	8559:21, 8559:22,	8571:42, 8585:15,	8594:6	instead [1] - 8502:11
8506:3, 8506:7,	8576:3, 8576:32,	8586:46, 8595:42,	include [2] - 8499:20,	INSTITUTIONAL [1] -
8534:32, 8537:45,	8580:26, 8587:4,	8596:41, 8597:39,	8508:27	8498:12
8576:34, 8577:39	8589:7, 8589:18,	8597:43, 8598:3	included [2] -	institutional [1] -
growth [1] - 8569:41	8589:23, 8589:40,	Honours [2] - 8499:3,	8552:35, 8552:46	8579:25
	8596:44, 8597:1,			55. 5. <u>2</u> 6

instructing [1] -8561:27 instruction [1] -8581.8 Insurances 131 -8501:18, 8563:7, 8563:10 insured [1] - 8563:6 Integrity [2] - 8581:11, 8582:7 intend [1] - 8531:11 intended [4] -8553:14, 8591:32, 8594:36, 8595:9 intention [1] - 8553:37 interactions [1] -8516:34 interchange [2] -8585:31, 8585:33 intercourse [1] -8529:4 interest [2] - 8569:3, 8569:15 interested [1] - 8570:3 interim [1] - 8500:25 Interjection [1] -8547:36 interjections [1] -8547:39 interpretation [1] -8530:44 interruption [1] -8547:40 interview [1] - 8563:19 interviews [1] -8563:12 intimidated [1] -8548:34 intimidation [1] -8548:36 INTO [1] - 8498:12 introduced [1] -8499:32 invitation [1] -8507:46 invite [1] - 8499:14 invited [3] - 8506:7, 8507:45, 8568:39 invites [1] - 8532:28 involved [6] - 8502:35, 8525:8, 8528:29, 8544:3, 8570:39, 8598:10 involvement[1] -8543:46 involving [1] -8502:10 isolated [2] - 8585:38,

8519:22, 8521:7, 8529:29, 8532:35, 8559:10, 8560:2, 8582:24, 8588:44 issues [4] - 8516:45, 8520:15, 8583:12 item [3] - 8564:23, 8593:9, 8594:15 itself [1] - 8516:46

J

January [9] - 8538:20, 8542:1, 8555:41, 8559:5, 8566:30, 8569:16, 8569:20, 8569:23, 8569:24 Jennifer [1] - 8498:35 Joan 131 - 8502:19. 8502:21 job [3] - 8513:33, 8536:43, 8552:20 John [5] - 8517:40, 8521:41, 8526:23, 8541:3, 8541:32 Joseph's [1] - 8521:24 judgment [2] - 8513:5, 8574:47 July[1] - 8565:24 June [6] - 8517:11, 8517:15, 8520:26, 8521:13, 8541:43, 8563:19 Justice [5] - 8498:33, 8498:35, 8500:40. 8503:36, 8560:41

K

keen [1] - 8539:25 keep [2] - 8531:38, 8532:43 kept [3] - 8556:27, 8558:47, 8559:15 Kevin [1] - 8526:23 kind [2] - 8530:3, 8540:40 Kiniry [3] - 8555:13, 8555:15, 8555:16 kiss [1] - 8529:7 kissing [1] - 8529:5 knowing [3] -8535:16, 8535:22, 8546:21 knowledge [9] -8509:25, 8533:34, 8574:30, 8574:45, 8575:24, 8586:6, 8588:31, 8589:29, 8590:31 known [8] - 8502:25, 8509:30, 8509:40, 8541:22, 8542:45, 8570:2, 8575:15, 8596:10 knows [3] - 8504:28, 8509:39, 8509:45

L

lack [1] - 8589:29 lacked [1] - 8579:6 laid [1] - 8514:40 land [2] - 8544:7, 8544:9 large [4] - 8510:41, 8510:43, 8512:41, 8514:15 Larkins [1] - 8526:23 last [7] - 8499:4. 8504:17, 8504:33, 8507:39, 8521:5, 8533:9, 8591:6 late [2] - 8520:31, 8535:43 Latin [2] - 8521:33, 8521:36 law [2] - 8515:40, 8515:41 lawyer [1] - 8572:43 leadership [1] -8501:40 leads [1] - 8528:39 learn [3] - 8524:33, 8524:36, 8531:26 learned [2] - 8580:42, 8587:6 learning [1] - 8582:22 least [2] - 8521:42, 8576:15 leave [2] - 8515:26, 8559:20 leaving [4] - 8538:14, 8570:6, 8576:47, 8583:1 leeway[1] - 8598:10 left [4] - 8502:3, 8522:16, 8527:16, 8564:19 lengthy [2] - 8558:29, 8592:22 Leo [2] - 8544:19, 8564:12 less [5] - 8519:30, 8527:7, 8580:34, 8592:37, 8592:38 Letter [1] - 8554:20 letter [5] - 8504:18, 8567:29, 8567:30, 8568:38, 8594:16

level [3] - 8499:39, 8581:9, 8586:19 levels [1] - 8533:37 licensed [1] - 8544:12 lie [2] - 8524:33, 8524:36 lies [1] - 8578:41 life [10] - 8524:7, 8527:42, 8527:45, 8528:7, 8528:18, 8529:45, 8530:6, 8530:7, 8559:8, 8570:41 light [3] - 8499:26, 8501:38, 8569:20 likely [6] - 8522:34, 8580:34, 8584:44, 8585:5. 8585:7. 8595:15 limited [4] - 8501:12, 8530:32, 8549:47, 8566:39 limits [1] - 8583:6 line [2] - 8553:41, 8569:12 lines [2] - 8569:9, 8590:8 link [1] - 8598:5 list [2] - 8514:16, 8514:20 listen [2] - 8578:46, 8579:2 listened [1] - 8525:47 listening [1] - 8524:37 lists [1] - 8556:7 live [3] - 8528:7, 8543:11, 8543:15 lived [3] - 8540:45, 8541:2, 8543:42 lives [1] - 8528:18 living [4] - 8528:39, 8540:34, 8551:40, 8576:35 local [2] - 8499:39, 8503:35 location [1] - 8500:11 logically[1] - 8558:46 look [11] - 8501:33, 8505:34, 8523:9, 8541:35, 8548:2, 8553:2, 8558:41, 8561:21, 8581:27, 8591:18 Look [1] - 8575:37 looked [9] - 8534:41, 8534:43, 8548:11, 8555:33, 8556:12,

8558:15, 8558:26,

8565:17, 8594:10

looking [9] - 8509:29,

8528:9, 8528:26, 8528:28, 8537:44, 8555:35, 8561:14, 8575:43, 8594:17 looks [1] - 8546:30 lounge [2] - 8547:43, 8596:8 lunch [1] - 8571:38 LUNCHEON [1] -8571:40 lying [1] - 8524:30

М

Madden [5] - 8512:11, 8525:38, 8525:39, 8565:39, 8568:2 Magistrates' [1] -8498:21 mail [3] - 8510:40, 8511:3, 8511:11 main [2] - 8513:7, 8513:8 maintain [2] -8527:19, 8535:7 majority[1] - 8513:19 makeup [1] - 8581:26 malnutrition [1] -8500:31 man [5] - 8544:24. 8574:1, 8574:27, 8596:23, 8596:28 management [1] -8560.2 March [1] - 8564:2 Maria [1] - 8542:45 marked [1] - 8561:40 markings [1] -8561:36 marks [3] - 8560:40, 8560:45, 8568:33 marriage [1] - 8528:4 married [1] - 8559:20 marry [2] - 8527:36, 8527:38 marrying [1] - 8527:41 Martin [4] - 8541:3, 8541:9, 8541:10, 8541:32 Martin's [1] - 8541:23 Maryborough [1] -8553:43 Mass [1] - 8518:40 master [4] - 8510:46, 8569:38, 8570:12, 8570:15 matriculation [2] -8527:5, 8527:6 matt [1] - 8526:23 matter [29] - 8503:1,

issue [9] - 8519:20,

letters [1] - 8510:45

0500.0.0500.4	0500.05 0540.00	0507.45.0500.40		0507.07.0500.40
8503:2, 8509:4,	8533:35, 8540:39,	8567:45, 8568:13,	method [1] - 8594:34	8537:37, 8538:43,
8509:10, 8511:14,	8560:23, 8564:29,	8568:20, 8568:22,	microphone [1] -	8539:13, 8540:5,
8515:6, 8515:12,	8577:27, 8577:37,	8568:25, 8568:27,	8506:6	8550:18, 8550:26,
8526:6, 8526:11,	8578:40, 8579:24,	8568:31, 8569:24,	mid [1] - 8535:43	8551:45, 8552:20,
8529:12, 8535:29,	8579:34, 8583:13,	8571:13, 8587:18,	mid-to-late [1] -	8552:23, 8552:31,
8535:35, 8545:1,	8587:45, 8596:36	8587:46, 8589:2,	8535:43	8552:36, 8553:19,
8546:41, 8546:47,	meaning [1] - 8530:14	8589:3, 8589:16,	might [38] - 8499:39,	8555:33, 8555:38,
8547:23, 8549:19,	means [11] - 8528:2,	8589:43, 8591:30,	8503:8, 8505:34,	8555:40, 8556:4,
8549:23, 8555:23,	8531:2, 8559:14,	8592:32, 8592:36,	8514:1, 8521:12,	8556:12, 8558:15,
8559:30, 8559:41,	8561:19, 8561:24,	8593:11, 8593:15,	8525:5, 8525:20,	8558:22, 8558:29,
8564:11, 8568:47,	8561:47, 8562:45,	8594:36, 8594:37,	8526:31, 8526:35,	8558:33, 8560:11,
8569:3, 8569:47,	8566:32, 8569:20,	8595:9, 8595:19	8527:5, 8534:1,	8563:45, 8564:1,
8572:4, 8581:45	8580:16, 8580:30	MEETING [1] -	8535:41, 8556:25,	8564:8, 8565:7,
matters [35] - 8502:40,	meant [6] - 8527:31,	8521:20	8557:38, 8558:11,	8565:20, 8567:38,
8506:4, 8506:9,	8527:35, 8540:26,	meeting" [1] - 8552:42	8559:4, 8559:6,	8568:13, 8568:15,
8508:24, 8508:27,	8556:36, 8556:38,	meetings [30] -		8568:22, 8568:33,
8508:30, 8508:36,		8502:10, 8507:11,	8559:16, 8559:30,	8571:13, 8583:25,
	8576:4		8560:2, 8560:4,	8586:21, 8587:47,
8508:37, 8508:41,	mechanism [1] -	8507:39, 8509:47,	8561:39, 8570:28,	8588:10, 8588:13,
8508:42, 8510:40,	8580:29	8511:24, 8511:28,	8571:7, 8574:15,	
8510:41, 8511:3,	media [1] - 8526:10	8511:32, 8511:40,	8574:37, 8574:40,	8588:24, 8589:23,
8511:4, 8511:29,	mediated [1] - 8531:5	8512:46, 8513:2,	8574:43, 8575:44,	8592:44, 8593:33,
8513:11, 8527:13,	medical [1] - 8500:22	8515:12, 8516:38,	8579:31, 8581:22,	8594:4, 8597:37
8529:14, 8530:4,	medium [1] - 8531:5	8536:15, 8538:29,	8587:31, 8589:17,	MINUTES [3] -
8539:10, 8539:39,	meet [11] - 8499:36,	8539:40, 8551:44,	8589:28, 8589:47,	8521:20, 8537:30,
8553:33, 8553:34,	8499:46, 8500:8,	8556:23, 8556:44,	8592:1, 8593:37,	8552:11
8556:22, 8556:24,	8502:11, 8507:37,	8558:4, 8560:11,	8598:10	misconduct [2] -
8559:4, 8559:26,	8509:15, 8516:29,	8568:6, 8568:12,	Mildura [9] - 8521:24,	8535:25, 8537:2
8559:29, 8576:2,	8516:30, 8516:44	8568:26, 8568:28,	8521:41, 8521:42,	misnomer [1] -
8581:17, 8582:5,	meeting [87] -	8583:26, 8588:8,	8522:7, 8522:9,	8553:16
8582:8, 8590:11,	8499:18, 8499:21,	8590:2, 8592:20,	8522:17, 8522:41,	missed [1] - 8507:39
8594:4	8499:29, 8499:31,	8592:40, 8597:34	8523:39, 8562:29	missing [1] - 8568:2
MAY [1] - 8598:16	8499:41, 8499:42,	meets [1] - 8517:8	military[1] - 8500:16	Missionaries [1] -
McClellan [1] -		Melbourne [3] -	million [1] - 8501:16	8570:17
8498:33	8499:43, 8499:47,	8570:40, 8572:5,	mind [6] - 8519:7,	mistake [1] - 8553:24
McDermott [1] -	8500:13, 8500:14,	8572:21		misunderstand [1] -
8571:34	8502:3, 8502:14,	member [5] - 8505:46,	8559:43, 8579:14,	
McDonald [1] -	8503:40, 8504:8,		8579:15, 8588:18,	8529:27
8526:23	8507:41, 8507:42,	8507:20, 8511:32,	8591:31	model [1] - 8580:39
	8508:37, 8508:42,	8553:8, 8568:39	mine [1] - 8555:36	modus [1] - 8549:14
MCINERNEY [3] -	8509:9, 8513:18,	Member [1] - 8498:33	minimum [1] -	molest [1] - 8548:8
8504:44, 8505:19,	8513:38, 8513:41,	MEMBER [1] -	8556:27	MOLONEY [3] -
8505:29	8513:44, 8514:38,	8571:38	Ministry [2] - 8581:11,	8504:3, 8504:5,
McInerney [10] -	8515:32, 8517:10,	members [2] -	8582:7	8504:7
8499:22, 8502:17,	8518:11, 8518:13,	8579:15, 8582:12	ministry [2] - 8581:13,	moment [4] - 8505:35,
8504:15, 8504:42,	8518:16, 8519:4,	membership [1] -	8583:23	8506:21, 8542:11,
8505:3, 8514:32,	8519:13, 8520:38,	8506:11	minor [6] - 8503:1,	8590:41
8517:47, 8553:3,	8520:46, 8521:1,	memory [2] - 8592:13,	8510:40, 8546:41,	momentous [2] -
8586:34, 8587:3	8521:3, 8521:14,	8593:32	8547:22, 8549:19,	8523:36, 8525:42
McKenzie [4] - 8523:9,	8536:11, 8537:33,	men [6] - 8526:33,	8549:22	Monday[1] - 8500:10
8565:42, 8565:43,	8537:37, 8538:18,	8526:43, 8576:35,	minors [1] - 8530:27	money [4] - 8500:45,
8565:45	8540:2, 8552:32,	8578:35, 8579:7,	minute [5] - 8539:46,	8501:33, 8503:33,
McKinnon [3] -	8552:35, 8552:37,	8579:11	8558:41, 8570:26,	8560:2
8517:39, 8517:40	8553:23, 8553:26,	mention [1] - 8500:7	8587:26, 8587:30	Monsignor [13] -
McMahon [1] - 8553:4	8553:47, 8554:43,	mentioned [6] -	minutes [59] -	8521:41, 8522:24,
meal [1] - 8503:8	8555:12, 8555:20,	8503:12, 8504:27,		
mean [23] - 8503:25,	8555:22, 8556:8,		8510:45, 8511:33,	8523:9, 8523:43,
	8556:12, 8556:13,	8579:28, 8591:27,	8513:22, 8513:33,	8524:1, 8524:5,
8512:38, 8523:42,		8594:34, 8595:8	8513:36, 8517:10,	8525:7, 8525:34,
8525:24, 8527:34,	8556:31, 8557:26,	Mercy [1] - 8521:28	8517:15, 8518:10,	8553:3, 8564:16,
8527:47, 8528:6,	8558:8, 8559:36,	mercy [1] - 8542:40	8518:15, 8520:26,	8565:32, 8571:20,
8528:13, 8529:6,	8563:38, 8565:21,	met [3] - 8516:41,	8521:12, 8521:13,	8576:15
8531:1, 8531:11,	8565:28, 8567:38,	8518:20, 8595:45	8537:22, 8537:33,	month [1] - 8569:23

narrow [2] - 8529:17, monthly[1] - 8518:20 8537:14, 8537:20, months [5] - 8507:6, 8537:28, 8537:32, 8530:44 8539:38, 8540:2, 8507:7, 8521:31, 8538:10, 8542:4 8548:4. 8552:9. morning [12] - 8573:4. 8552:14, 8557:4, 8559:39, 8560:38, 8573:10, 8587:31, 8560:45, 8561:6, 8587:42, 8590:7, 8561:11, 8561:16, 8590:40, 8591:2, 8591:23, 8592:46, 8561:35, 8561:45, 8565:20, 8571:25, 8593:7, 8593:41, 8593:44 8571:36, 8571:42, 8574:43, 8582:35, Morrie [1] - 8551:9 8585:15, 8596:41, Mortlake [2] - 8551:7, 8597:39, 8597:43, 8551:9 8598:3. 8598:9 most [7] - 8500:18, Mulkearns [47] -8509:11, 8516:4, 8507:27, 8507:29, 8526:44, 8530:36, 8508:12, 8508:17, 8561:36, 8583:17 8517:11, 8517:19, mother [1] - 8580:24 8518:7. 8520:22. mother's [1] - 8502:20 8524:20, 8525:32, motion [1] - 8564:16 8538:4, 8538:30, move [6] - 8536:7, 8538:43, 8539:39, 8536:16, 8566:36, 8540:3, 8540:20, 8566:38, 8570:29, 8541:5, 8541:13, 8592:33 8551:31, 8553:3, moved [17] - 8510:32, 8553:13, 8553:47, 8535:35, 8535:37, 8554:12, 8556:23, 8538:38, 8539:5, 8556:35, 8557:46, 8557:38, 8557:47, 8558:11, 8563:19, 8563:34, 8563:39, 8563:33, 8564:32, 8566:40, 8569:8, 8565:32, 8567:10, 8583:28, 8586:15, 8567:24, 8571:20, 8593:21, 8595:26 8582:45, 8583:2, movement [3] -8583:9. 8583:27. 8503:14, 8559:5, 8584:3, 8584:39, 8588:36 8586:38, 8588:43, movements [1] -8589:45, 8591:12, 8562:26 8591:29, 8593:9, mover [1] - 8539:14 8593:24 moves [9] - 8556:27, Mulkearns' [2] -8569:16, 8569:20, 8554:38, 8565:1 8569:22, 8569:25, Murray[1] - 8498:36 8570:5, 8592:22, must [11] - 8522:16, 8592:37, 8594:36 8542:2, 8558:9, moves" [1] - 8564:20 8569:43, 8572:6, Moving [2] - 8500:39, 8575:15, 8577:12, 8503:36 8579:14, 8586:13, moving [2] - 8564:33, 8588:3, 8588:25 8586:9 MS [51] - 8499:3, Ν 8499:11, 8499:13, 8503:45, 8504:42, naive [3] - 8574:40, 8504:46, 8505:1, 8574:41, 8574:44 8505:17, 8505:26, name [6] - 8502:39, 8505:37, 8508:23, 8505:2, 8505:3, 8509:38, 8514:43, 8505:7, 8512:17, 8516:38, 8521:12, 8549:3 8521:18, 8521:23, namely [1] - 8594:35

nationalities [1] -8535:3 nature [2] - 8514:38. 8597:9 necessarily [3] -8515:11, 8558:12, 8571:5 necessary[1] -8536:16 need [17] - 8501:44, 8509:15, 8518:29, 8518:30, 8521:36, 8526:27, 8535:26, 8536:7, 8536:8, 8550:7, 8553:38, 8557:22, 8559:34. 8561:47, 8577:18, 8578:30, 8583:14 needed [9] - 8500:35, 8502:40, 8525:10. 8532:21, 8537:7, 8546:35, 8558:12, 8558:47, 8583:22 needs [5] - 8499:37, 8500:15, 8538:19, 8582:25, 8583:14 negative [1] - 8501:38 never [10] - 8503:9, 8530:26, 8530:27, 8533:43, 8534:7, 8535:9, 8535:13, 8574:7, 8574:22 nevertheless [1] -8539:25 new [3] - 8506:46, 8506:47, 8564:12 New [2] - 8538:20, 8593:18 next [13] - 8500:9, 8500:10, 8513:38, 8513:40, 8518:13, 8553:41, 8561:46, 8569:9. 8569:12. 8582:11, 8584:29, 8584:33, 8593:20 no" [1] - 8571:23 nobody[1] - 8591:38 **nods)** [1] - 8508:5 nominally [2] -8541:14, 8541:15 none [3] - 8522:7, 8544:1, 8545:34 normal [4] - 8541:36, 8581:29, 8581:36, 8591:25 normally [2] -

North [1] - 8562:29 occasions [4] note [3] - 8499:14, 8511:17, 8511:18, 8503:12, 8537:14 8546:4. 8569:43 occupation [1] nothing [10] -8503:45, 8527:15, 8505:2 8575:40, 8576:8, occur [2] - 8574:3, 8577:18, 8585:15, 8588:19 8588:31, 8589:25, occurred [3] - 8526:3, 8591:38, 8597:39 8583:3, 8583:11 notice [4] - 8548:15, occurring [3] -8571:36, 8596:1 8515:40, 8585:40, noticed [1] - 8594:3 8586:24 notwithstanding [3] **odd** [2] - 8503:10, 8516:11 8548:46, 8558:22, 8568:20 OF [4] - 8505:19. 8505:28, 8521:20, number [12] -8499:25, 8499:38, 8552:11 8500:30, 8530:38, off-hand [2] - 8506:21, 8536:34, 8544:17, 8506:38 8558:15, 8563:23, offences [11] -8581:28, 8583:12, 8519:24, 8520:9, 8595:47, 8596:1 8520:36, 8520:47, numbers [2] -8523:19, 8523:23, 8506:13, 8519:46 8544:40, 8550:20, 8550:27, 8578:25, О 8597:15 offending [7] -O'Brien [1] - 8553:3 8525:18, 8546:9, o'clock [3] - 8598:7, 8546:14, 8577:46, 8598:9, 8598:12 8583:3, 8583:10, O'Connell [3] -8585:2 8541:4, 8541:8, offer [1] - 8499:39 8541:11 offered [1] - 8531:2 obeyed [1] - 8586:5 office [5] - 8499:28, obligation [6] -8518:42, 8523:6, 8528:13, 8528:17, 8526:12, 8540:42 8528:41, 8528:45, officially[1] - 8590:19 8529:3, 8529:11 officials [1] - 8499:25 obligations [1] often [9] - 8503:7, 8529:44 8539:19, 8579:39, obliged [4] - 8531:38, 8580:23, 8592:7, 8532:13, 8533:46, 8592:8, 8592:37, 8534:1 8592:38 observing [1] old [2] - 8526:40, 8529:10 8596:28 obvious [2] - 8514:45, older [5] - 8517:37, 8515:2 8519:31, 8526:44, obviously [3] -

8527:8, 8544:24

once [3] - 8515:13,

one [49] - 8506:19,

8549:22, 8592:21

8506:37, 8507:13,

8509:18, 8509:44,

8516:15, 8517:44,

8525:2, 8526:44,

8527:3. 8527:5.

8527:7, 8528:2,

8528:31, 8528:41,

8530:12, 8530:45,

8531:39, 8540:36,

8529:7, 8531:39,

8544:44, 8546:5.

8546:6, 8547:34,

8547:42, 8559:18,

8584:19, 8584:20,

8584:23, 8590:30,

8592:15, 8596:43,

8596:44, 8597:14

occasionally [2] -

8530:19

8560:1, 8581:5,

8586:26

occasion [16] -

names [4] - 8516:43,

8594:26, 8594:27

8525:32, 8530:29,

8534:10, 8536:22,

8515:18, 8515:33

north [1] - 8516:43

8541:3, 8542:40, 8499:29, 8500:13, paragraphs [2] -8577:12, 8577:27, pattern [2] - 8550:9, 8543:12, 8546:4, 8541:30, 8541:34 8505:40, 8505:44 8577:31, 8578:17, 8582:16 8549:33, 8557:38, 8578:37, 8583:29, original [7] - 8516:43, pardon [10] - 8520:18, Paul [4] - 8500:5, 8557:40, 8557:43, 8560:36, 8561:4, 8583:39, 8585:27, 8507:12, 8519:16, 8526:26, 8529:21, 8559:18, 8559:30, 8561:8, 8561:19, 8540:12, 8550:3. 8591:42, 8591:45, 8521:2 8561:37, 8566:36, 8561:22, 8566:27 8553:18, 8557:42, 8592:16, 8592:18, pause [1] - 8505:35 8570:6, 8573:35, 8594:25, 8595:26, originals [1] - 8561:39 8565:45, 8571:26, pay [3] - 8500:45, 8573:37, 8579:24, 8595:36, 8597:19 8593:42 otherwise [3] -8501:28 8581:41, 8586:30, 8521:16, 8587:18, parents [2] - 8524:11, parishes [15] - 8516:8, **PD**[1] - 8518:33 8587:32, 8590:34, 8537:44, 8551:19, 8589:16 8580:23 Pell [5] - 8501:31, 8591:27, 8592:36, ought [2] - 8586:36, Parish [9] - 8499:22, 8558:9, 8571:6, 8502:44, 8565:36, 8592:45, 8593:21. 8582:9. 8585:23. 8586:40 8505:4, 8540:16, 8568:2 8594:10, 8594:18, 8594:26, 8594:27, ourselves [1] -8540:31, 8542:1, Pell's [1] - 8501:27 8595:26, 8596:36, 8594:44, 8594:45, 8544:22, 8557:5, 8499:32 pending [1] - 8500:26 8594:46, 8595:21, 8596:41 8562:37, 8563:2 outcome [3] pension [1] - 8500:17 8595:25 one's [3] - 8528:10, 8556:36, 8558:30, parish [109] - 8502:16, people [50] - 8500:34, 8528:26, 8528:30 parishioner [2] -8502:22, 8502:29, 8574:36 8500:46, 8501:46, one-on-one [1] outcomes [2] -8502:37, 8505:4, 8503:34, 8530:29 8502:7, 8506:46, 8581:41 8506:17, 8506:19, parishioners [3] -8558:39, 8568:17 8507:1, 8510:1, ones [1] - 8513:8 8511:20, 8511:25, 8506:24, 8506:26, 8512:30, 8512:33, outset [1] - 8584:40 ongoing [1] - 8506:37 8512:1 8506:29, 8506:32, outside [2] - 8543:36, 8513:4, 8514:18, onwards [1] - 8538:21 8509:2. 8509:11. Parliamentary [2] -8589:2 8523:42, 8523:44, open [3] - 8511:3, 8509:12, 8509:16, 8499:24, 8500:6 8524:37, 8525:8, over-worry[1] -8549:36, 8596:33 8509:19, 8509:26, part [14] - 8511:47, 8526:29, 8530:33, 8531:30 8512:27, 8513:30, 8510:10, 8513:27, opened [1] - 8511:11 overall [1] - 8538:18 8530:34, 8530:36, 8513:45, 8514:44, 8531:9, 8539:8, operandi [1] - 8549:14 overcome [1] -8530:38, 8531:15, 8515:14, 8515:18, 8539:10, 8548:33, operation [1] -8548:40 8531:23, 8531:29, 8515:36, 8517:44, 8549:14, 8550:8, 8512:39 8533:15, 8534:33, overlap [1] - 8542:4 opinion [1] - 8591:37 8519:45, 8521:42, 8551:43, 8558:8, 8534:42, 8535:4, overrode [1] - 8548:37 8522:41, 8523:39, 8570:23, 8573:46, opinions [1] - 8584:24 8547:46, 8548:10, own [2] - 8527:26, 8530:30, 8533:28, 8578:31 8563:12, 8577:36, opportunities [1] -8591:22 8535:11, 8535:13, participate [1] -8577:38, 8578:21, 8516:33 owned [5] - 8501:21, 8536:30, 8540:35, 8513:25 8579:3, 8579:38, opportunity[4] -8501:23, 8501:24, 8541:10, 8541:14, particular [16] -8580:6, 8581:14, 8499:46, 8512:34, 8542:34, 8544:7 8541:15, 8541:16, 8509:2, 8509:14, 8573:28, 8580:28 8582:9, 8583:22, owns [1] - 8544:9 8541:20, 8541:30, 8509:15, 8509:26, 8585:19, 8586:19, opposed [2] - 8529:8, 8542:34, 8542:43, 8513:26, 8515:14, 8586:42, 8590:10, Р 8594:36 8542:44 8543:12 8537:44, 8554:40, 8590:18, 8591:1, opposite [1] - 8532:40 paedophile [1] -8543:15, 8543:36, 8566:15, 8570:3, opposition [1] -8591:13, 8596:24 8581:26 8543:39, 8544:3, 8579:14, 8580:44, people's [1] - 8580:37 8592:4 paedophiles [1] -8544:9. 8544:41. 8588:7, 8594:37 per [1] - 8500:17 option [2] - 8549:36, 8577:38 8545:19, 8545:41, particularly 191 performance [2] -8549:39 page [18] - 8518:32, 8547:46, 8548:10, 8510:15, 8519:8, 8510:18, 8510:22 ordained [4] -8538:15, 8538:26, 8550:7, 8551:23, 8523:19, 8534:42, 8522:39, 8522:41, performing [1] -8538:37, 8554:27, 8553:42, 8554:21, 8558:16, 8561:36, 8510:10 8535:12, 8540:9 8557:4, 8563:22, 8554:40, 8557:34, 8578:16, 8580:23, perhaps [7] - 8507:38, order [10] - 8521:27, 8564:15, 8564:19, 8557:39, 8559:42, 8585:41 8537:24, 8561:12, 8521:36, 8544:35, 8564:47, 8566:19, 8559:47, 8560:4, partner [2] - 8528:2, 8572:8, 8578:45, 8549:3, 8566:35, 8568:32, 8587:35, 8560:7, 8560:22, 8528:38 8587:42, 8598:9 8570:17, 8577:17, 8593:8, 8593:21, 8562:4, 8562:7, parts [1] - 8578:32 period [23] - 8506:41, 8593:36, 8595:1, 8594:14, 8594:17, 8562:9, 8562:11, party[1] - 8500:39 8511:31, 8515:17, 8595:22 8594:21 8563:28, 8566:27, pass [1] - 8513:4 ordered [1] - 8595:22 8515:21, 8515:46, papers [2] - 8507:41, 8566:29, 8566:33, passed [1] - 8502:15 orders [2] - 8582:13, 8520:27, 8522:46, 8507:43 8566:36, 8566:37, past [4] - 8529:39, 8524:1, 8524:5, 8582:17 paragraph [12] -8567:15, 8567:35, 8530:2, 8530:32, 8526:4, 8535:24, ordinarily [4] -8504:7, 8518:17, 8569:15, 8570:3, 8581:33 8535:44, 8537:42, 8506:45, 8559:39, 8553:12, 8553:37, 8570:33, 8570:44, Pastoral [1] - 8511:39 8538:1, 8566:39, 8559:45, 8563:44 8554:19, 8556:16, 8571:2, 8571:8, Patrick's [4] - 8503:6, 8566:46, 8567:6, ordination [2] -8571:46, 8572:4, 8571:9, 8576:11, 8521:30, 8551:10, 8578:22, 8584:26, 8560:26, 8566:9 8572:11, 8572:14, 8576:12, 8576:37, 8551:22 8589:40, 8593:4, organised [4] -8572:20, 8593:11

	point [9] - 8500:42,	8550:23, 8550:29,	8591:32	8555:16, 8557:34,
permanent [2] -	8501:16, 8502:3,	8566:35, 8569:14,	PRESIDING [1] -	8557:39, 8557:47,
8500:26, 8528:38	8514:45, 8531:12,	8582:21	8571:38	8559:20, 8559:42,
person [18] - 8502:35,	8533:3, 8559:10,	possibly[3] - 8517:34,	Presiding [1] -	8559:47, 8560:7,
8509:14, 8509:15,	8587:11, 8593:3	8575:18, 8583:18	8498:33	8560:22, 8560:26,
8509:35, 8509:39,	pointed [1] - 8593:7	post [1] - 8566:9	presiding [1] - 8538:4	8562:7, 8562:9,
8511:42, 8512:36,	pointing [1] - 8594:6	postings] [1] -	presumably [2] -	8562:15, 8562:19,
8532:15, 8537:5,	police [7] - 8503:29,	8593:18	8509:41, 8552:26	8562:22, 8562:29,
8537:10, 8546:35,	8532:6, 8532:8,	power [5] - 8578:12,	presumably" [1] -	8566:2, 8566:7,
8560:3, 8566:36,	8532:37, 8533:29,	8578:13, 8578:16,	8509:43	8566:27, 8566:29,
8570:13, 8573:41,	8533:40, 8533:47	8578:19, 8578:20	presume [3] -	8566:33, 8566:37,
8583:18, 8593:21,	policy [1] - 8563:12	practical [2] -	8509:44, 8575:12,	8566:43, 8567:15,
8593:22	politeness [1] -	8499:38, 8500:9	8591:18	8567:34, 8568:16,
person's [1] - 8515:28	8500:43	practice [17] -	pretty [6] - 8511:1,	8569:31, 8569:33,
personal [2] - 8534:7,	pool [1] - 8550:46	8514:16, 8515:27,	8511:15, 8525:24,	8576:11, 8576:12,
8551:34	poor [1] - 8576:2	8530:31, 8540:4,	8545:40, 8550:8,	8577:12, 8577:34,
personnel [3] -	population [2] -	8554:46, 8556:34,	8596:10	8578:36, 8579:41,
8537:38, 8537:41,	8512:38, 8512:39	8558:33, 8563:45,	previous [7] -	8580:9, 8580:16,
8539:8	Port [6] - 8554:21,	8570:27, 8583:27,	8507:21, 8565:28,	8580:24, 8581:5,
persons [1] - 8586:35	8555:4, 8555:8,	8585:22, 8585:31,	8567:45, 8568:26,	8581:16, 8581:33,
perspective [1] -	8555:16, 8557:30,	8591:25, 8591:29,	8568:27, 8584:4,	8582:23, 8583:39,
8555:24	8594:16	8594:39, 8594:43,	8587:17	8585:33, 8585:41,
persuade [1] - 8533:3	Portland [4] -	8595:10	previously [1] -	8591:42, 8591:45,
Peter [14] - 8498:33,	8517:34, 8535:27,	practices [1] -	8502:46	8592:18, 8595:25,
8499:19, 8499:27,	8535:31, 8535:38	8581:40	Priest [2] - 8562:11,	8595:26
8499:31, 8499:33,	portrayed [1] -	pray[1] - 8569:40	8562:38	priest's [1] - 8502:39
8500:8, 8500:14,	8501:37	pre [2] - 8519:27,	priest [118] - 8502:16,	priesthood [3] -
8501:16, 8501:20,	position [29] -	8519:30	8502:37, 8502:38,	8522:18, 8580:38,
8501:26, 8501:32,	8506:27, 8506:31,	precautions [1] -	8503:18, 8505:4,	8580:40
8502:8, 8502:10,	8506:38, 8507:16,	8585:37	8506:20, 8506:24,	priests [73] - 8506:3,
8503:40	8510:35, 8512:34,	precise [1] - 8535:46	8506:29, 8506:32,	8506:7, 8506:17,
phoned [1] - 8502:5	8513:18, 8514:3,	preclude [1] - 8515:40	8509:1, 8509:9,	8506:26, 8506:37,
picture [3] - 8502:43,	8515:11, 8515:28,	prefer [2] - 8530:34,	8509:11, 8509:18,	8506:38, 8508:31,
8502:46, 8595:44	8533:42, 8550:37,	8530:38	8509:25, 8509:31,	8509:1, 8509:20,
piece [1] - 8584:37	8551:30, 8554:21,	preference [1] -	8510:10, 8510:22,	8510:8, 8515:17,
Pines [1] - 8541:23	8555:4, 8563:39,	8555:17	8513:26, 8514:46,	8515:47, 8516:14,
	0000.1, 0000.00,			
pivotal [1] - 8583:18	8564:37, 8566:42,	prepared [2] -	8515:5, 8515:6,	8516:15, 8516:16,
		prepared [2] - 8578:45, 8579:2	8515:5, 8515:6, 8515:10, 8515:13,	8516:22, 8516:34,
pivotal [1] - 8583:18	8564:37, 8566:42,			8516:22, 8516:34, 8516:39, 8517:7,
pivotal [1] - 8583:18 place [8] - 8499:29,	8564:37, 8566:42, 8566:43, 8576:14,	8578:45, 8579:2	8515:10, 8515:13,	8516:22, 8516:34, 8516:39, 8517:7, 8519:46, 8525:16,
pivotal [1] - 8583:18 place [8] - 8499:29, 8502:12, 8560:32,	8564:37, 8566:42, 8566:43, 8576:14, 8576:20, 8578:15,	8578:45, 8579:2 preposterous [2] -	8515:10, 8515:13, 8515:14, 8515:18,	8516:22, 8516:34, 8516:39, 8517:7, 8519:46, 8525:16, 8525:17, 8525:18,
pivotal [1] - 8583:18 place [8] - 8499:29, 8502:12, 8560:32, 8577:14, 8577:26,	8564:37, 8566:42, 8566:43, 8576:14, 8576:20, 8578:15, 8580:10, 8580:38,	8578:45, 8579:2 preposterous [2] - 8546:25, 8547:29	8515:10, 8515:13, 8515:14, 8515:18, 8515:22, 8515:26,	8516:22, 8516:34, 8516:39, 8517:7, 8519:46, 8525:16, 8525:17, 8525:18, 8525:20, 8525:24,
pivotal [1] - 8583:18 place [8] - 8499:29, 8502:12, 8560:32, 8577:14, 8577:26, 8577:46, 8580:30,	8564:37, 8566:42, 8566:43, 8576:14, 8576:20, 8578:15, 8580:10, 8580:38, 8582:12, 8582:23,	8578:45, 8579:2 preposterous [2] - 8546:25, 8547:29 presbytery [9] -	8515:10, 8515:13, 8515:14, 8515:18, 8515:22, 8515:26, 8515:27, 8517:21, 8517:24, 8517:25, 8517:44, 8520:35,	8516:22, 8516:34, 8516:39, 8517:7, 8519:46, 8525:16, 8525:17, 8525:18, 8525:20, 8525:24, 8526:6, 8532:23,
pivotal [1] - 8583:18 place [8] - 8499:29, 8502:12, 8560:32, 8577:14, 8577:26, 8577:46, 8580:30, 8585:2	8564:37, 8566:42, 8566:43, 8576:14, 8576:20, 8578:15, 8580:10, 8580:38, 8582:12, 8582:23, 8583:39, 8586:39,	8578:45, 8579:2 preposterous [2] - 8546:25, 8547:29 presbytery [9] - 8502:25, 8543:16,	8515:10, 8515:13, 8515:14, 8515:18, 8515:22, 8515:26, 8515:27, 8517:21, 8517:24, 8517:25,	8516:22, 8516:34, 8516:39, 8517:7, 8519:46, 8525:16, 8525:17, 8525:18, 8525:20, 8525:24, 8526:6, 8532:23, 8532:30, 8534:4,
pivotal [1] - 8583:18 place [8] - 8499:29, 8502:12, 8560:32, 8577:14, 8577:26, 8577:46, 8580:30, 8585:2 placed [1] - 8509:9	8564:37, 8566:42, 8566:43, 8576:14, 8576:20, 8578:15, 8580:10, 8580:38, 8582:12, 8582:23, 8583:39, 8586:39, 8596:25	8578:45, 8579:2 preposterous [2] - 8546:25, 8547:29 presbytery [9] - 8502:25, 8543:16, 8543:18, 8543:28,	8515:10, 8515:13, 8515:14, 8515:18, 8515:22, 8515:26, 8515:27, 8517:21, 8517:24, 8517:25, 8517:44, 8520:35,	8516:22, 8516:34, 8516:39, 8517:7, 8519:46, 8525:16, 8525:17, 8525:18, 8525:20, 8525:24, 8526:6, 8532:23, 8532:30, 8534:4, 8534:5, 8537:1,
pivotal [1] - 8583:18 place [8] - 8499:29, 8502:12, 8560:32, 8577:14, 8577:26, 8577:46, 8580:30, 8585:2 placed [1] - 8509:9 placement [1] -	8564:37, 8566:42, 8566:43, 8576:14, 8576:20, 8578:15, 8580:10, 8580:38, 8582:12, 8582:23, 8583:39, 8586:39, 8596:25 positions [11] -	8578:45, 8579:2 preposterous [2] - 8546:25, 8547:29 presbytery [9] - 8502:25, 8543:16, 8543:18, 8543:28, 8543:38, 8543:43,	8515:10, 8515:13, 8515:14, 8515:18, 8515:22, 8515:26, 8515:27, 8517:21, 8517:24, 8517:25, 8517:44, 8520:35, 8520:46, 8521:42,	8516:22, 8516:34, 8516:39, 8517:7, 8519:46, 8525:16, 8525:17, 8525:18, 8525:20, 8525:24, 8526:6, 8532:23, 8532:30, 8534:4, 8534:5, 8537:1, 8537:44, 8543:12,
pivotal [1] - 8583:18 place [8] - 8499:29, 8502:12, 8560:32, 8577:14, 8577:26, 8577:46, 8580:30, 8585:2 placed [1] - 8509:9 placement [1] - 8508:47	8564:37, 8566:42, 8566:43, 8576:14, 8576:20, 8578:15, 8580:10, 8580:38, 8582:12, 8582:23, 8583:39, 8586:39, 8596:25 positions [11] - 8506:15, 8506:29,	8578:45, 8579:2 preposterous [2] - 8546:25, 8547:29 presbytery [9] - 8502:25, 8543:16, 8543:18, 8543:28, 8543:38, 8543:43, 8572:34, 8572:36,	8515:10, 8515:13, 8515:14, 8515:18, 8515:22, 8515:26, 8515:27, 8517:21, 8517:24, 8517:25, 8517:44, 8520:35, 8520:46, 8521:42, 8522:39, 8525:13, 8528:13, 8528:17, 8530:30, 8531:5,	8516:22, 8516:34, 8516:39, 8517:7, 8519:46, 8525:16, 8525:17, 8525:18, 8525:20, 8525:24, 8526:6, 8532:23, 8532:30, 8534:4, 8534:5, 8537:1, 8537:44, 8543:12, 8543:21, 8543:39,
pivotal [1] - 8583:18 place [8] - 8499:29, 8502:12, 8560:32, 8577:14, 8577:26, 8577:46, 8580:30, 8585:2 placed [1] - 8509:9 placement [1] - 8508:47 placements [2] -	8564:37, 8566:42, 8566:43, 8576:14, 8576:20, 8578:15, 8580:10, 8580:38, 8582:12, 8582:23, 8583:39, 8586:39, 8596:25 positions [11] - 8506:15, 8506:29, 8513:4, 8516:25,	8578:45, 8579:2 preposterous [2] - 8546:25, 8547:29 presbytery [9] - 8502:25, 8543:16, 8543:18, 8543:28, 8543:38, 8543:43, 8572:34, 8572:36, 8577:40	8515:10, 8515:13, 8515:14, 8515:18, 8515:22, 8515:26, 8515:27, 8517:21, 8517:24, 8517:25, 8517:44, 8520:35, 8520:46, 8521:42, 8522:39, 8525:13, 8528:13, 8528:17,	8516:22, 8516:34, 8516:39, 8517:7, 8519:46, 8525:16, 8525:17, 8525:18, 8525:20, 8525:24, 8526:6, 8532:23, 8532:30, 8534:4, 8534:5, 8537:1, 8537:44, 8543:12, 8543:21, 8543:39, 8544:35, 8558:4,
pivotal [1] - 8583:18 place [8] - 8499:29, 8502:12, 8560:32, 8577:14, 8577:26, 8577:46, 8580:30, 8585:2 placed [1] - 8509:9 placement [1] - 8508:47 placements [2] - 8538:38, 8539:2	8564:37, 8566:42, 8566:43, 8576:14, 8576:20, 8578:15, 8580:10, 8580:38, 8582:12, 8582:23, 8583:39, 8586:39, 8596:25 positions [11] - 8506:15, 8506:29, 8513:4, 8516:25, 8541:8, 8578:5,	8578:45, 8579:2 preposterous [2] - 8546:25, 8547:29 presbytery [9] - 8502:25, 8543:16, 8543:18, 8543:28, 8543:38, 8543:43, 8572:34, 8572:36, 8577:40 presence [2] -	8515:10, 8515:13, 8515:14, 8515:18, 8515:22, 8515:26, 8515:27, 8517:21, 8517:24, 8517:25, 8517:44, 8520:35, 8520:46, 8521:42, 8522:39, 8525:13, 8528:13, 8528:17, 8530:30, 8531:5, 8533:28, 8536:17, 8540:9, 8540:15,	8516:22, 8516:34, 8516:39, 8517:7, 8519:46, 8525:16, 8525:17, 8525:18, 8525:20, 8525:24, 8526:6, 8532:23, 8532:30, 8534:4, 8534:5, 8537:1, 8537:44, 8543:12, 8543:21, 8543:39, 8544:35, 8558:4, 8558:9, 8559:40,
pivotal [1] - 8583:18 place [8] - 8499:29, 8502:12, 8560:32, 8577:14, 8577:26, 8577:46, 8580:30, 8585:2 placed [1] - 8509:9 placement [1] - 8508:47 placements [2] - 8538:38, 8539:2 plan [1] - 8500:26	8564:37, 8566:42, 8566:43, 8576:14, 8576:20, 8578:15, 8580:10, 8580:38, 8582:12, 8582:23, 8583:39, 8586:39, 8596:25 positions [11] - 8506:15, 8506:29, 8513:4, 8516:25, 8541:8, 8578:5, 8578:8, 8578:9,	8578:45, 8579:2 preposterous [2] - 8546:25, 8547:29 presbytery [9] - 8502:25, 8543:16, 8543:18, 8543:28, 8543:38, 8543:43, 8572:34, 8572:36, 8577:40 presence [2] - 8516:47, 8533:35	8515:10, 8515:13, 8515:14, 8515:18, 8515:22, 8515:26, 8515:27, 8517:21, 8517:24, 8517:25, 8517:44, 8520:35, 8520:46, 8521:42, 8522:39, 8525:13, 8528:13, 8528:17, 8530:30, 8531:5, 8533:28, 8536:17, 8540:9, 8540:15, 8540:19, 8540:31,	8516:22, 8516:34, 8516:39, 8517:7, 8519:46, 8525:16, 8525:17, 8525:18, 8525:20, 8525:24, 8526:6, 8532:23, 8532:30, 8534:4, 8534:5, 8537:1, 8537:44, 8543:12, 8543:21, 8543:39, 8544:35, 8558:4, 8558:9, 8559:40, 8559:46, 8566:12,
pivotal [1] - 8583:18 place [8] - 8499:29, 8502:12, 8560:32, 8577:14, 8577:26, 8577:46, 8580:30, 8585:2 placed [1] - 8509:9 placement [1] - 8508:47 placements [2] - 8538:38, 8539:2 plan [1] - 8500:26 play [1] - 8547:44	8564:37, 8566:42, 8566:43, 8576:14, 8576:20, 8578:15, 8580:10, 8580:38, 8582:12, 8582:23, 8583:39, 8586:39, 8596:25 positions [11] - 8506:15, 8506:29, 8513:4, 8516:25, 8541:8, 8578:5, 8578:8, 8578:9, 8579:35, 8590:10	8578:45, 8579:2 preposterous [2] - 8546:25, 8547:29 presbytery [9] - 8502:25, 8543:16, 8543:18, 8543:28, 8543:38, 8543:43, 8572:34, 8572:36, 8577:40 presence [2] - 8516:47, 8533:35 present [21] - 8514:21,	8515:10, 8515:13, 8515:14, 8515:18, 8515:22, 8515:26, 8515:27, 8517:21, 8517:24, 8517:25, 8517:44, 8520:35, 8520:46, 8521:42, 8522:39, 8525:13, 8528:13, 8528:17, 8530:30, 8531:5, 8533:28, 8536:17, 8540:19, 8540:31, 8541:11, 8541:14,	8516:22, 8516:34, 8516:39, 8517:7, 8519:46, 8525:16, 8525:17, 8525:18, 8525:20, 8525:24, 8526:6, 8532:23, 8532:30, 8534:4, 8534:5, 8537:1, 8537:44, 8543:12, 8543:21, 8543:39, 8544:35, 8558:4, 8558:9, 8559:40, 8559:46, 8566:12, 8566:16, 8567:27,
pivotal [1] - 8583:18 place [8] - 8499:29, 8502:12, 8560:32, 8577:14, 8577:26, 8577:46, 8580:30, 8585:2 placed [1] - 8509:9 placement [1] - 8508:47 placements [2] - 8538:38, 8539:2 plan [1] - 8500:26 play [1] - 8547:44 plea [1] - 8575:11	8564:37, 8566:42, 8566:43, 8576:14, 8576:20, 8578:15, 8580:10, 8580:38, 8582:12, 8582:23, 8583:39, 8596:25 positions [11] -	8578:45, 8579:2 preposterous [2] - 8546:25, 8547:29 presbytery [9] - 8502:25, 8543:16, 8543:18, 8543:28, 8543:38, 8543:43, 8572:34, 8572:36, 8577:40 presence [2] - 8516:47, 8533:35 present [21] - 8514:21, 8517:12, 8517:19, 8520:38, 8535:3, 8536:4, 8536:11,	8515:10, 8515:13, 8515:14, 8515:18, 8515:22, 8515:26, 8515:27, 8517:21, 8517:24, 8517:25, 8517:44, 8520:35, 8520:46, 8521:42, 8522:39, 8525:13, 8528:13, 8528:17, 8530:30, 8531:5, 8533:28, 8536:17, 8540:19, 8540:31, 8541:11, 8541:14,	8516:22, 8516:34, 8516:39, 8517:7, 8519:46, 8525:16, 8525:17, 8525:18, 8525:20, 8525:24, 8526:6, 8532:23, 8532:30, 8534:4, 8534:5, 8537:1, 8537:44, 8543:12, 8543:21, 8543:39, 8544:35, 8558:4, 8558:9, 8559:40, 8559:46, 8566:12, 8566:16, 8567:27, 8569:21, 8569:23,
pivotal [1] - 8583:18 place [8] - 8499:29, 8502:12, 8560:32, 8577:14, 8577:26, 8577:46, 8580:30, 8585:2 placed [1] - 8509:9 placement [1] - 8508:47 placements [2] - 8538:38, 8539:2 plan [1] - 8500:26 play [1] - 8547:44 plea [1] - 8575:11 pleaded [2] - 8584:10,	8564:37, 8566:42, 8566:43, 8576:14, 8576:20, 8578:15, 8580:10, 8580:38, 8582:12, 8582:23, 8583:39, 8596:25 positions [11] -	8578:45, 8579:2 preposterous [2] - 8546:25, 8547:29 presbytery [9] - 8502:25, 8543:16, 8543:18, 8543:28, 8543:38, 8543:43, 8572:34, 8572:36, 8577:40 presence [2] - 8516:47, 8533:35 present [21] - 8514:21, 8517:12, 8517:19, 8520:38, 8535:3,	8515:10, 8515:13, 8515:14, 8515:14, 8515:22, 8515:26, 8515:27, 8517:21, 8517:24, 8517:25, 8517:44, 8520:35, 8520:46, 8521:42, 8522:39, 8525:13, 8528:13, 8528:17, 8530:30, 8531:5, 8533:28, 8536:17, 8540:9, 8540:31, 8541:11, 8541:14, 8541:16, 8541:20, 8541:31,	8516:22, 8516:34, 8516:39, 8517:7, 8519:46, 8525:16, 8525:17, 8525:18, 8525:20, 8525:24, 8526:6, 8532:23, 8532:30, 8534:4, 8534:5, 8537:1, 8537:44, 8543:12, 8543:21, 8543:39, 8544:35, 8558:4, 8558:9, 8559:40, 8559:46, 8566:12, 8566:16, 8567:27, 8569:21, 8569:23, 8570:16, 8577:30,
pivotal [1] - 8583:18 place [8] - 8499:29, 8502:12, 8560:32, 8577:14, 8577:26, 8577:46, 8580:30, 8585:2 placed [1] - 8509:9 placement [1] - 8508:47 placements [2] - 8538:38, 8539:2 plan [1] - 8500:26 play [1] - 8547:44 plea [1] - 8575:11 pleaded [2] - 8584:10, 8584:30	8564:37, 8566:42, 8566:43, 8576:14, 8576:20, 8578:15, 8580:10, 8580:38, 8582:12, 8582:23, 8583:39, 8596:25 positions [11] -	8578:45, 8579:2 preposterous [2] - 8546:25, 8547:29 presbytery [9] - 8502:25, 8543:16, 8543:18, 8543:28, 8543:38, 8543:43, 8572:34, 8572:36, 8577:40 presence [2] - 8516:47, 8533:35 present [21] - 8514:21, 8517:12, 8517:19, 8520:38, 8535:3, 8536:4, 8536:11,	8515:10, 8515:13, 8515:14, 8515:14, 8515:22, 8515:26, 8515:27, 8517:21, 8517:24, 8517:25, 8517:44, 8520:35, 8520:46, 8521:42, 8522:39, 8525:13, 8528:13, 8528:17, 8530:30, 8531:5, 8533:28, 8536:17, 8540:9, 8540:31, 8541:11, 8541:14, 8541:16, 8541:20, 8541:31, 8541:47, 8543:15,	8516:22, 8516:34, 8516:39, 8517:7, 8519:46, 8525:16, 8525:17, 8525:18, 8525:20, 8525:24, 8526:6, 8532:23, 8532:30, 8534:4, 8534:5, 8537:1, 8537:44, 8543:12, 8543:21, 8543:39, 8544:35, 8558:4, 8558:9, 8559:40, 8559:46, 8566:12, 8566:16, 8567:27, 8569:21, 8569:23, 8570:16, 8577:30, 8577:37, 8577:40,
pivotal [1] - 8583:18 place [8] - 8499:29, 8502:12, 8560:32, 8577:14, 8577:26, 8577:46, 8580:30, 8585:2 placed [1] - 8509:9 placements [2] - 8508:47 placements [2] - 8538:38, 8539:2 plan [1] - 8500:26 play [1] - 8547:44 plea [1] - 8575:11 pleaded [2] - 8584:10, 8584:30 pleading [8] -	8564:37, 8566:42, 8566:43, 8576:14, 8576:20, 8578:15, 8580:10, 8580:38, 8582:12, 8582:23, 8583:39, 8596:25 positions [11] - 8506:15, 8506:29, 8513:4, 8516:25, 8541:8, 8578:5, 8578:8, 8578:9, 8579:35, 8590:10 positive [4] - 8499:27, 8547:11, 8547:19 possession [1] - 8561:26 possibilities [1] -	8578:45, 8579:2 preposterous [2] - 8546:25, 8547:29 presbytery [9] - 8502:25, 8543:16, 8543:18, 8543:28, 8543:38, 8543:43, 8572:34, 8572:36, 8577:40 presence [2] - 8516:47, 8533:35 present [21] - 8514:21, 8517:12, 8517:19, 8520:38, 8535:3, 8536:4, 8536:11, 8538:7, 8538:10, 8553:2, 8555:22, 8555:24, 8556:7,	8515:10, 8515:13, 8515:14, 8515:14, 8515:22, 8515:26, 8515:27, 8517:21, 8517:24, 8517:25, 8517:44, 8520:35, 8520:46, 8521:42, 8522:39, 8525:13, 8528:13, 8528:17, 8530:30, 8531:5, 8533:28, 8536:17, 8540:9, 8540:31, 8541:11, 8541:14, 8541:15, 8541:16, 8541:20, 8541:31, 8541:47, 8543:46, 8544:3,	8516:22, 8516:34, 8516:39, 8517:7, 8519:46, 8525:16, 8525:17, 8525:18, 8525:20, 8525:24, 8526:6, 8532:23, 8532:30, 8534:4, 8534:5, 8537:1, 8537:44, 8543:12, 8543:21, 8543:39, 8544:35, 8558:4, 8558:9, 8559:40, 8559:46, 8566:12, 8566:16, 8567:27, 8569:21, 8569:23, 8570:16, 8577:30, 8577:37, 8577:40, 8578:5, 8578:15,
pivotal [1] - 8583:18 place [8] - 8499:29, 8502:12, 8560:32, 8577:14, 8577:26, 8577:46, 8580:30, 8585:2 placed [1] - 8509:9 placement [1] - 8508:47 placements [2] - 8538:38, 8539:2 plan [1] - 8500:26 play [1] - 8547:44 plea [1] - 8575:11 pleaded [2] - 8584:10, 8584:30 pleading [8] - 8548:19, 8573:32,	8564:37, 8566:42, 8566:43, 8576:14, 8576:20, 8578:15, 8580:10, 8580:38, 8582:12, 8582:23, 8583:39, 8596:25 positions [11] - 8506:15, 8506:29, 8513:4, 8516:25, 8541:8, 8578:5, 8578:8, 8578:9, 8579:35, 8590:10 positive [4] - 8499:27, 8547:11, 8547:19 possession [1] - 8561:26 possibilities [1] - 8588:24	8578:45, 8579:2 preposterous [2] - 8546:25, 8547:29 presbytery [9] - 8502:25, 8543:16, 8543:18, 8543:28, 8543:38, 8543:43, 8572:34, 8572:36, 8577:40 presence [2] - 8516:47, 8533:35 present [21] - 8514:21, 8517:12, 8517:19, 8520:38, 8535:3, 8536:4, 8536:11, 8538:7, 8538:10, 8553:2, 85555:22,	8515:10, 8515:13, 8515:14, 8515:14, 8515:22, 8515:26, 8515:27, 8517:21, 8517:24, 8517:25, 8517:44, 8520:35, 8520:46, 8521:42, 8522:39, 8525:13, 8528:13, 8528:17, 8530:30, 8531:5, 8533:28, 8536:17, 8540:9, 8540:31, 8541:11, 8541:14, 8541:15, 8541:16, 8541:20, 8541:31, 8541:47, 8543:46, 8544:3, 8544:16, 8545:13,	8516:22, 8516:34, 8516:39, 8517:7, 8519:46, 8525:16, 8525:17, 8525:18, 8525:20, 8525:24, 8526:6, 8532:23, 8532:30, 8534:4, 8534:5, 8537:1, 8537:44, 8543:12, 8543:21, 8543:39, 8544:35, 8558:4, 8558:9, 8559:40, 8559:46, 8566:12, 8566:16, 8567:27, 8569:21, 8569:23, 8570:16, 8577:30, 8577:37, 8577:40, 8578:5, 8578:15, 8578:20, 8578:21,
pivotal [1] - 8583:18 place [8] - 8499:29, 8502:12, 8560:32, 8577:14, 8577:26, 8577:46, 8580:30, 8585:2 placed [1] - 8509:9 placement [1] - 8508:47 placements [2] - 8538:38, 8539:2 plan [1] - 8500:26 play [1] - 8547:44 plea [1] - 8575:11 pleaded [2] - 8584:10, 8584:30 pleading [8] - 8548:19, 8573:32, 8573:36, 8575:3,	8564:37, 8566:42, 8566:43, 8576:14, 8576:20, 8578:15, 8580:10, 8580:38, 8582:12, 8582:23, 8583:39, 8596:25 positions [11] - 8506:15, 8506:29, 8513:4, 8516:25, 8541:8, 8578:5, 8578:8, 8578:9, 8579:35, 8590:10 positive [4] - 8499:27, 8547:11, 8547:19 possession [1] - 8561:26 possibilities [1] - 8588:24 possibility [1] -	8578:45, 8579:2 preposterous [2] - 8546:25, 8547:29 presbytery [9] - 8502:25, 8543:16, 8543:18, 8543:28, 8543:38, 8543:43, 8572:34, 8572:36, 8577:40 presence [2] - 8516:47, 8533:35 present [21] - 8514:21, 8517:12, 8517:19, 8520:38, 8535:3, 8536:4, 8536:11, 8538:7, 8538:10, 8553:2, 8555:22, 8555:24, 8556:7, 8557:25, 8567:44, 8567:45, 8577:37,	8515:10, 8515:13, 8515:14, 8515:14, 8515:22, 8515:26, 8515:27, 8517:21, 8517:24, 8517:25, 8517:44, 8520:35, 8520:46, 8521:42, 8522:39, 8525:13, 8528:13, 8528:17, 8530:30, 8531:5, 8533:28, 8536:17, 8540:9, 8540:31, 8541:11, 8541:14, 8541:15, 8541:16, 8541:20, 8541:31, 8541:47, 8543:46, 8544:3, 8545:32, 8547:5,	8516:22, 8516:34, 8516:39, 8517:7, 8519:46, 8525:16, 8525:17, 8525:18, 8525:20, 8525:24, 8526:6, 8532:23, 8532:30, 8534:4, 8534:5, 8537:1, 8537:44, 8543:12, 8543:21, 8543:39, 8544:35, 8558:4, 8558:9, 8559:40, 8559:46, 8566:12, 8566:16, 8567:27, 8569:21, 8569:23, 8570:16, 8577:30, 8577:37, 8577:40, 8578:5, 8578:15, 8578:20, 8578:21, 8579:3, 8579:29,
pivotal [1] - 8583:18 place [8] - 8499:29, 8502:12, 8560:32, 8577:14, 8577:26, 8577:46, 8580:30, 8585:2 placed [1] - 8509:9 placement [1] - 8508:47 placements [2] - 8538:38, 8539:2 plan [1] - 8500:26 play [1] - 8547:44 plea [1] - 8575:11 pleaded [2] - 8584:10, 8584:30 pleading [8] - 8548:19, 8573:32, 8573:36, 8575:3, 8575:5, 8575:16,	8564:37, 8566:42, 8566:43, 8576:14, 8576:20, 8578:15, 8580:10, 8580:38, 8582:12, 8582:23, 8583:39, 8596:25 positions [11] - 8506:15, 8506:29, 8513:4, 8516:25, 8541:8, 8578:5, 8578:8, 8578:9, 8579:35, 8590:10 positive [4] - 8499:27, 8547:11, 8547:19 possession [1] - 8561:26 possibilities [1] - 8588:24 possibility [1] - 8589:34	8578:45, 8579:2 preposterous [2] - 8546:25, 8547:29 presbytery [9] - 8502:25, 8543:16, 8543:18, 8543:28, 8543:38, 8543:43, 8572:34, 8572:36, 8577:40 presence [2] - 8516:47, 8533:35 present [21] - 8514:21, 8517:12, 8517:19, 8520:38, 8535:3, 8536:4, 8536:11, 8538:7, 8538:10, 8553:2, 8555:22, 8555:24, 8556:7, 8557:25, 8567:44, 8567:45, 8577:37, 8578:32, 8581:6,	8515:10, 8515:13, 8515:14, 8515:14, 8515:22, 8515:26, 8515:27, 8517:21, 8517:24, 8517:25, 8517:44, 8520:35, 8520:46, 8521:42, 8522:39, 8525:13, 8528:13, 8528:17, 8530:30, 8531:5, 8533:28, 8536:17, 8540:9, 8540:31, 8541:11, 8541:14, 8541:15, 8541:16, 8541:20, 8541:31, 8541:47, 8543:46, 8544:3, 8544:16, 8545:32, 8547:5, 8550:38, 8551:17,	8516:22, 8516:34, 8516:39, 8517:7, 8519:46, 8525:16, 8525:17, 8525:18, 8525:20, 8525:24, 8526:6, 8532:23, 8532:30, 8534:4, 8534:5, 8537:4, 8543:21, 8543:21, 8543:39, 8544:35, 8558:4, 8558:9, 8559:40, 8559:46, 8566:16, 8567:27, 8569:21, 8569:23, 8570:16, 8577:30, 8577:37, 8577:40, 8578:5, 8578:15, 8578:20, 8578:21, 8579:3, 8579:29, 8580:38, 8580:39,
pivotal [1] - 8583:18 place [8] - 8499:29, 8502:12, 8560:32, 8577:14, 8577:26, 8577:46, 8580:30, 8585:2 placed [1] - 8509:9 placement [1] - 8508:47 placements [2] - 8538:38, 8539:2 plan [1] - 8500:26 play [1] - 8547:44 plea [1] - 8575:11 pleaded [2] - 8584:10, 8584:30 pleading [8] - 8548:19, 8573:32, 8573:36, 8575:3, 8575:5, 8575:16, 8575:39, 8597:2	8564:37, 8566:42, 8566:43, 8576:14, 8576:20, 8578:15, 8580:10, 8580:38, 8582:12, 8582:23, 8583:39, 8596:25 positions [11] - 8506:15, 8506:29, 8513:4, 8516:25, 8541:8, 8578:5, 8578:8, 8578:9, 8579:35, 8590:10 positive [4] - 8499:27, 8547:11, 8547:19 possession [1] - 8561:26 possibilities [1] - 8588:24 possibile [7] -	8578:45, 8579:2 preposterous [2] - 8546:25, 8547:29 presbytery [9] - 8502:25, 8543:16, 8543:18, 8543:28, 8543:38, 8543:43, 8572:34, 8572:36, 8577:40 presence [2] - 8516:47, 8533:35 present [21] - 8514:21, 8517:12, 8517:19, 8520:38, 8535:3, 8536:4, 8536:11, 8538:7, 8538:10, 8553:2, 8555:22, 8555:24, 8556:7, 8557:25, 8567:44, 8567:45, 8577:37, 8578:32, 8581:6, 8590:40, 8597:34	8515:10, 8515:13, 8515:14, 8515:14, 8515:22, 8515:26, 8515:27, 8517:21, 8517:24, 8517:25, 8517:24, 8520:35, 8520:46, 8521:42, 8522:39, 8525:13, 8528:13, 8528:17, 8530:30, 8531:5, 8533:28, 8536:17, 8540:9, 8540:31, 8541:11, 8541:14, 8541:15, 8541:16, 8541:20, 8541:31, 8541:47, 8543:46, 8544:3, 8544:16, 8545:13, 8545:32, 8547:5, 8550:38, 8551:17, 8551:23, 8553:37,	8516:22, 8516:34, 8516:39, 8517:7, 8519:46, 8525:16, 8525:17, 8525:18, 8525:20, 8525:24, 8526:6, 8532:23, 8532:30, 8534:4, 8534:5, 8537:4, 8543:21, 8543:21, 8543:21, 8558:9, 8559:40, 8559:46, 8566:16, 8567:27, 8569:21, 8569:23, 8570:16, 8577:30, 8577:37, 8577:40, 8578:5, 8578:15, 8578:20, 8578:21, 8579:3, 8579:29, 8580:38, 8580:39, 8580:43, 8581:10,
pivotal [1] - 8583:18 place [8] - 8499:29, 8502:12, 8560:32, 8577:14, 8577:26, 8577:46, 8580:30, 8585:2 placed [1] - 8509:9 placement [1] - 8508:47 placements [2] - 8538:38, 8539:2 plan [1] - 8500:26 play [1] - 8547:44 plea [1] - 8575:11 pleaded [2] - 8584:10, 8584:30 pleading [8] - 8548:19, 8573:32, 8573:36, 8575:3, 8575:5, 8575:16, 8575:39, 8597:2 pleases [1] - 8586:46	8564:37, 8566:42, 8566:43, 8576:14, 8576:20, 8578:15, 8580:10, 8580:38, 8582:12, 8582:23, 8583:39, 8596:25 positions [11] - 8506:15, 8506:29, 8513:4, 8516:25, 8541:8, 8578:5, 8578:8, 8578:9, 8579:35, 8590:10 positive [4] - 8499:27, 8547:11, 8547:19 possession [1] - 8561:26 possibilities [1] - 8588:24 possibility [1] - 8589:34	8578:45, 8579:2 preposterous [2] - 8546:25, 8547:29 presbytery [9] - 8502:25, 8543:16, 8543:18, 8543:28, 8543:38, 8543:43, 8572:34, 8572:36, 8577:40 presence [2] - 8516:47, 8533:35 present [21] - 8514:21, 8517:12, 8517:19, 8520:38, 8535:3, 8536:4, 8536:11, 8538:7, 8538:10, 8553:2, 8555:22, 8555:24, 8556:7, 8557:25, 8567:44, 8567:45, 8577:37, 8578:32, 8581:6,	8515:10, 8515:13, 8515:14, 8515:14, 8515:22, 8515:26, 8515:27, 8517:21, 8517:24, 8517:25, 8517:44, 8520:35, 8520:46, 8521:42, 8522:39, 8525:13, 8528:13, 8528:17, 8530:30, 8531:5, 8533:28, 8536:17, 8540:9, 8540:31, 8541:11, 8541:14, 8541:15, 8541:16, 8541:20, 8541:31, 8541:47, 8543:46, 8544:3, 8544:16, 8545:32, 8547:5, 8550:38, 8551:17,	8516:22, 8516:34, 8516:39, 8517:7, 8519:46, 8525:16, 8525:17, 8525:18, 8525:20, 8525:24, 8526:6, 8532:23, 8532:30, 8534:4, 8534:5, 8537:4, 8543:21, 8543:21, 8543:39, 8544:35, 8558:4, 8558:9, 8559:40, 8559:46, 8566:16, 8567:27, 8569:21, 8569:23, 8570:16, 8577:30, 8577:37, 8577:40, 8578:5, 8578:15, 8578:20, 8578:21, 8579:3, 8579:29, 8580:38, 8580:39,

8585:6, 8585:18, properly[1] - 8511:1 8530:4, 8533:13, Q 8585:32, 8594:25, properties [3] -8537:46, 8560:24, quarterly[1] - 8507:38 8501:21, 8501:23 8595:24, 8595:34, 8575:18, 8586:25 questioning [1] -8595:36 reason [5] - 8516:34. properties" [1] -8590:7 Priests [3] - 8516:41, 8501:34 8536:20, 8554:46, questions [9] -8516:42, 8517:8 8555:1, 8555:29 property [3] - 8506:9, 8503:46, 8504:1, Priests" [1] - 8557:5 reasonably[1] -8513:5, 8590:11 8504:11, 8504:13, primarily[2] - 8513:4, 8592:46 proposed [6] - 8554:2, 8504:38, 8586:28, 8590:10 reasons [10] - 8515:5, 8592:4, 8592:22, 8586:34, 8595:42, primary [11] - 8541:25, 8592:33, 8592:37, 8518:43, 8557:38, 8596:39 8541:26, 8541:30, 8558:13, 8558:17, 8595:3 quite [7] - 8507:22. 8542:12, 8542:24, proposing[1]-8558:21, 8558:23, 8523:36, 8525:6, 8542:37, 8542:39. 8558:28, 8563:40, 8532:16 8529:40, 8531:14, 8542:41, 8542:43, 8583:27 propositions [1] -8544:35, 8579:30 8543:7, 8543:27 recalled [2] - 8499:9, 8593:38 quoted [1] - 8501:27 Primary [2] - 8542:46, prospect [1] - 8590:32 8503:21 8543:2 receive [7] - 8530:45, protect [5] - 8547:6, R raised principal [1] - 8542:40 8545:43, 8568:13, 8549:3. 8549:7. 8568:15, 8568:17, printing [1] - 8555:35 [1] - 8564:11 random 8549:8. 8578:19 priority [2] - 8555:18, 8568:21, 8595:25 protected [1] - 8547:5 [1] - 8565:16 rang [2] -8595:23 received [8] - 8499:43, protection [1] -8502:21. 8500:17, 8518:10, prison [1] - 8598:5 8547:7 8503:40 8518:12, 8532:31, private [5] - 8532:47, protocols [2] rather [6] - 8512:31, 8579:43, 8579:47, 8563:11, 8579:7, 8578:18, 8586:2 8512:35, 8519:27, 8581:8 provide [3] - 8502:47, 8556:47, 8575:45, receiving [3] - 8510:9, privately[1] - 8518:40 8504:21, 8552:4 8593:34 8510:11, 8512:23 privilege [3] provided [4] reached [2] - 8587:39, recent [1] - 8509:12 8578:10, 8578:16, 8499:13, 8504:15, 8588:25 recently [4] - 8501:17, 8579:35 8537:23, 8560:40 reaction [10] -8509:10, 8521:5, pro [2] - 8564:26, provides [1] - 8580:28 8524:28, 8524:29, 8565:33 8564:29 psychological [2] -8524:30, 8534:25, reckless [1] - 8574:44 probation [1] -8500:22, 8531:30 8534:26, 8545:8, recollect [3] -8566:46 psychologist [2] -8545:18, 8545:21, 8554:43, 8590:34, problem [1] - 8501:29 8566:4, 8566:7 8576:3, 8576:7 8590:36 problems [3] - 8512:2, PTSD [3] - 8500:16, read [20] - 8499:14, recollection [15] -8512:31, 8585:17 8500:23 8505:31, 8513:38, 8518:23, 8522:25, procedure [1] public [3] - 8532:25, 8518:12, 8518:16, 8523:8, 8535:34, 8575:33 8533:12, 8547:36 8538:43, 8539:5, 8556:31, 8576:1, procedures [1] -8539:6. 8540:5. Public [1] - 8498:17 8587:22, 8587:27, 8563:16 purpose [4] - 8503:34. 8548:23, 8550:24, 8587:46, 8588:42, proceeding [3] -8509:34, 8513:2, 8556:17, 8575:3, 8589:45, 8592:10, 8516:40, 8573:46, 8590:9 8575:7, 8576:4, 8594:5, 8596:46, 8587:5, 8589:10, 8574:37 purposes [1] -8597:16 8589:18, 8589:30, process [10] -8581:23 recommendation [5] -8509:24, 8513:44, put [20] - 8499:17, 8594:22 8539:29, 8539:35, 8539:15, 8539:22, readily[1] - 8525:6 8500:24, 8500:29, 8593:37, 8595:32, 8549:40, 8555:30, reading [3] - 8510:45, 8504:29, 8538:24, 8595:33 8584:24, 8593:41, 8587:47, 8589:36 8538:44, 8538:47, recommendations [7] 8593:44, 8595:45 reaffirm [1] - 8589:39 8546:40, 8553:15, - 8538:24, 8538:34, real [1] - 8571:9 processes [1] -8563:28, 8578:5, 8539:1, 8593:17, 8508:4 8578:8, 8578:9, realise [2] - 8548:2, 8593:25, 8593:34, produced [3] -8586:35, 8590:39, 8577:38 8501:22, 8560:41, 8590:40, 8592:21, realised [7] - 8503:2, 8595:29 record [8] - 8539:26, 8561:6 8593:17, 8595:22, 8503:24, 8549:22, 8558:22, 8558:29, professional [1] -8596:21 8549:26, 8550:8, 8558:37, 8558:38, putting [1] - 8553:47 8525:2 8550:18, 8550:25 8560:12, 8563:44, profit [1] - 8501:17 puzzle [1] - 8576:38 reality[2] - 8524:34, 8594:4 prompted [2] puzzled [1] - 8576:43 8533:43 recorded [7] regardless [1] -8533:11, 8533:12 really [10] - 8508:13, 8554:16, 8556:36, proper [1] - 8593:36 8517:34, 8529:46,

8562:27, 8571:20, 8593:31 recorder [1] - 8511:36 recording [3] 8553:24, 8557:22, 8594:6 records [1] - 8560:22 red [1] - 8500:42 redacted [2] - 8552:2, 8594:18 REDACTED [4] -8503:18, 8503:21, 8503:22, 8503:26 Redemptorists [2] -8570:17, 8570:18 refer [7] - 8499:6, 8504:7, 8505:39, 8524:7. 8552:3. 8552:31, 8570:12 reference [22] -8501:16, 8503:1, 8509:20, 8537:37, 8538:23, 8538:37, 8543:1, 8543:2, 8549:12, 8553:13, 8554:27, 8554:30, 8557:4, 8557:8, 8557:11, 8558:26, 8563:1, 8563:22, 8566:24, 8569:20. 8573:41, 8586:37 references [1] -8562:28 referred [8] - 8499:20, 8526:8, 8534:28, 8542:13, 8542:24, 8554:26, 8582:36, 8582:44 referring [2] -8582:37, 8595:7 refers [3] - 8553:37, 8562:33, 8562:38 reflect [4] - 8569:39, 8576:34, 8576:40, 8578:1 reflected [5] - 8535:1, 8549:13, 8577:1, 8577:6, 8577:19 reflecting [1] - 8523:8 reflection [4] -8534:29, 8534:32, 8576:43, 8584:27 reflections [1] -8569:38 regard [5] - 8508:16, 8516:1, 8559:5,

8562:26, 8588:24

8500:24

8559:25, 8560:21,

register [2] - 8587:45,	8584:44, 8587:32,	8578:40, 8582:4,	8575:44, 8576:18,	rules [1] - 8585:31
8587:46	8587:37, 8588:7,	8582:6, 8582:36,	8576:23, 8576:28,	rumours [12] - 8522:6,
registered [3] -	8590:14, 8591:2,	8583:2, 8583:4,	8583:28, 8583:46,	8522:24, 8522:27,
8588:20, 8588:21,	8597:36	8583:6, 8583:10,	8584:9, 8584:29,	8523:15, 8535:18,
8589:25	remind [2] - 8559:21,	8583:14, 8583:15,	8586:9, 8587:5,	8535:24, 8545:33,
regular [3] - 8516:38,	8559:23	8584:39, 8585:1	8587:19, 8587:35,	8545:43, 8597:23,
8529:40, 8530:12	remove [2] - 8560:8,	responsible [6] -	8588:36, 8588:44,	8597:24, 8597:28,
regularly [4] -	8583:22	8501:31, 8543:6,	8589:7, 8589:16,	8597:35
8507:41, 8529:35,	removed [2] - 8560:6,	8563:27, 8564:43,	8589:47, 8594:16,	run [7] - 8500:26,
8529:36, 8530:14	8583:47	8577:14, 8578:44	8596:43, 8596:45,	8542:32, 8542:34,
regulation [1] -	removing [1] -	rest [2] - 8503:7,	8597:28, 8598:4	8542:37, 8542:42,
8521:38	8577:33	8569:25	Ridsdale's [3] -	8544:13, 8571:10
reign [1] - 8507:27	rental [1] - 8501:20	result [1] - 8576:43	8546:9, 8559:5,	Ryan [7] - 8518:46,
reject [1] - 8539:31	repeat [5] - 8508:38,	retire [3] - 8507:2,	8562:26	8519:16, 8519:37,
rejects [1] - 8593:38	8524:2, 8528:14,	8553:14, 8553:38	ring [2] - 8514:31,	8520:12, 8520:34,
relate [2] - 8528:33,	8547:17, 8550:21	retired [3] - 8514:46,	8530:19	8521:2, 8538:42
8581:10	repeating [1] -	8515:1, 8540:27	Ringtail [1] - 8563:23	Ryan" [1] - 8518:33
related [2] - 8527:40,	8559:43	retirement [1] -	risen [1] - 8597:35	
8529:6	repent [1] - 8531:3	8554:22	risk [2] - 8500:32,	S
relates [1] - 8528:37	repentance [1] -	retreat [6] - 8569:24,	8500:35	sacrament [2] -
relation [6] - 8504:25,	8531:4	8569:37, 8569:43,	Robert [3] - 8534:11,	8529:27, 8529:43
8519:26, 8559:4,	replace [1] - 8553:38	8570:7, 8570:12,	8544:18, 8544:21	Sacred [1] - 8570:18
8559:41, 8570:36,	replayed [1] - 8501:34	8570:15	role [17] - 8506:19,	sacristy[1] - 8585:42
8576:27	replied [3] - 8501:2,	retreats [5] - 8516:30,	8508:8, 8508:16,	safe [1] - 8577:34
relationship [4] -	8501:31, 8503:29	8569:27, 8569:36,	8508:23, 8509:26,	safeguard [1] - 8560:6
8525:1, 8537:11,	report [6] - 8531:46,	8569:37, 8570:9	8510:9, 8510:39,	salary[1] - 8568:40
8537:12, 8541:19	8532:5, 8532:8,	retrospect [1] -	8511:47, 8512:13,	sanctity [2] - 8532:26,
relationships [2] -	8532:36, 8533:29,	8583:22	8512:27, 8513:22,	8533:36
8528:3	8537:8	return [1] - 8502:22	8513:28, 8551:16,	sat [1] - 8591:38
relatively [1] - 8526:3	reported [5] - 8503:28,	returned [1] - 8502:24	8551:17, 8551:43,	satisfied [1] - 8578:30
relay [1] - 8503:41	8526:7, 8531:42,	review [1] - 8568:40	8553:43, 8558:8	saw [5] - 8500:22,
relevant [7] - 8507:41,	8537:7, 8593:10	revoked [10] -	Rome [8] - 8503:20,	8547:42, 8561:1,
8510:27, 8510:31,	representatives [1] -	8518:38, 8519:3,	8503:26, 8522:21,	8565:18, 8573:10
8511:29, 8511:43,	8516:46	8519:5, 8519:11,	8522:35, 8522:36,	scene [1] - 8577:28
8512:24, 8563:6	represented [2] -	8519:17, 8519:19,	8534:29, 8534:36,	scheme [1] - 8500:26
religious [3] -	8499:33, 8572:42	8519:42, 8520:5,	8535:8	school [27] - 8521:23,
8570:16, 8582:12,	reputation [3] -	8520:8, 8520:14	room [19] - 8502:24,	8521:27, 8527:16,
8582:17	8547:6, 8549:7,	revolved [1] - 8537:45	8503:7, 8540:41,	8541:20, 8541:22,
remain [1] - 8504:32	8549:8	rides [1] - 8580:45	8540:45, 8540:47,	8541:23, 8541:26,
remains [1] - 8528:1	required [1] - 8501:28	Ridsdale [63] -	8541:5, 8541:6,	8541:27, 8542:12,
remember [45] -	resolution [1] - 8531:9	8502:44, 8502:46,	8543:22, 8543:31,	8542:20, 8542:32,
8507:25, 8508:11,	resolved [3] -	8502:47, 8503:3,	8543:34, 8547:43,	8542:41, 8542:44,
8508:15, 8516:2,	8529:16, 8530:43,	8503:5, 8503:8,	8565:17, 8579:39,	8543:7, 8543:27,
8517:33, 8517:34,	8539:9	8503:15, 8541:38,	8595:45, 8596:8	8543:42, 8543:47,
8517:42, 8517:43,	respect [3] - 8535:18,	8541:44, 8543:24,	rooms [5] - 8540:36,	8544:3, 8544:7,
8517:44, 8519:16,	8554:2, 8588:44	8545:47, 8546:3,	8540:39, 8541:3,	8544:13, 8544:17,
8520:2, 8520:3,	respecting [1] -	8548:19, 8548:38,	8543:22, 8586:3	8544:22, 8545:18,
8523:30, 8523:33,	8585:38	8549:18, 8554:20,	routine [2] - 8511:14,	8577:30, 8577:40
8525:36, 8536:36,	respective [2] -	8554:30, 8555:13,	8530:3	School [7] - 8542:8,
8536:37, 8543:24,	8509:20, 8514:22	8555:17, 8555:21,	routinely [6] - 8510:5,	8542:25, 8542:28,
8544:4, 8544:19,	respond [1] - 8576:7	8555:23, 8557:16,	8518:10, 8553:34,	8542:42, 8542:46,
8544:21, 8544:23,	responding [2] -	8557:25, 8561:37,	8568:21, 8590:44,	8543:1, 8543:2
8545:8, 8558:6,	8504:16, 8504:29	8563:34, 8564:26,	8590:46	schools [10] -
8559:18, 8571:33,	response [1] -	8564:33, 8566:26,	ROYAL [1] - 8498:12	8541:25, 8541:26,
8572:30, 8572:31,	8586:37	8567:25, 8568:38,	Royal [6] - 8499:13,	8541:30, 8542:13,
8572:44, 8574:13,	RESPONSES [1] -	8569:14, 8572:2,	8501:39, 8503:13,	8542:24, 8542:29,
8575:4, 8575:13,	8498:13	8572:42, 8573:14,	8505:1, 8560:39,	8542:37, 8542:40,
8575:18, 8576:3,	responsibilities [1] -	8574:18, 8574:22,	8561:11	8542:43
8576:5, 8581:24,	8544:5	8574:27, 8575:3,	Rubbish" [1] -	screen [10] - 8505:45,
8581:27, 8584:40,	responsibility [12] -	8575:22, 8575:32,	8501:14	8547:44, 8561:47,
				.,,

0560.00 0560.40	0500.25 0540.27	0505.0 0564.40	0507.40	0540.40
8562:28, 8563:18,	8509:35, 8512:27,	8525:2, 8561:19,	8597:18	8542:40
8563:24, 8570:26, 8571:12, 8592:45,	8514:32, 8517:19,	8581:47, 8582:3	SEXUAL [1] - 8498:13	sister [1] - 8502:20
8594:18	8518:15, 8518:16, 8528:37, 8530:2,	sent [3] - 8510:46,	sexuality [4] -	sister's [1] - 8502:20
scroll [4] - 8593:8,	8530:5, 8530:7,	8545:29, 8569:39 sentencing [2] -	8528:10, 8528:26, 8528:30	Sisters [1] - 8521:28
8594:15, 8594:20,	8530:8, 8530:20,	8573:6, 8573:45		sit [2] - 8530:37,
8594:29	8533:4, 8533:20,	separate [7] -	sexually [3] - 8529:6, 8574:11, 8587:7	8569:44
scrolling [2] -	8534:46, 8534:47,	8527:38, 8527:40,	share [3] - 8503:7,	situated [1] - 8544:8
8563:23, 8566:20	8537:32, 8537:37,	8537:43, 8542:12,	8509:25, 8584:43	situation [3] -
scrolls [1] - 8594:31	8538:4, 8538:14,	8544:36, 8546:4,	Sherman [1] - 8518:3	8538:19, 8577:39, 8577:41
scruples [3] -	8538:25, 8538:39,	8551:19	shifted [6] - 8514:46,	six [1] - 8563:1 size [1]
8531:20, 8531:24,	8539:19, 8539:22,	separated [1] - 8596:5	8515:5, 8515:6,	- 8512:41 slightest [1]
8531:26	8540:2, 8552:31,	separately [1] -	8515:11, 8563:26,	- 8574:36 small [9] -
scrupulous [1] -	8553:12, 8553:44,	8543:43	8578:20	8512:32,
8531:23	8554:23, 8554:34,	September [3] -	shifting [1] - 8536:20	8512:38, 8519:46,
searching [1] -	8555:3, 8556:7,	8553:29, 8571:13,	shock [7] - 8524:24,	8530:3, 8540:37,
8578:10	8556:16, 8556:29,	8594:9	8525:5, 8545:12,	8540:40, 8547:23,
SECCULL [3] -	8560:45, 8561:39,	sequence [3] -	8545:14, 8589:10,	8547:43, 8572:4
8586:30, 8586:32,	8561:46, 8562:18,	8575:19, 8575:25,	8589:30, 8589:32	so-called [1] - 8541:4
8586:34	8562:22, 8562:28,	8584:31	shocked [5] -	socialise [1] - 8544:26
second [18] - 8505:32,	8562:30, 8563:24,	series [1] - 8569:38	8545:25, 8548:25,	someone [18] -
8505:39, 8505:44,	8563:30, 8564:1,	serious [9] - 8500:32,	8587:14, 8589:18,	8503:36, 8512:15,
8507:1, 8512:15,	8564:11, 8566:42,	8506:8, 8508:24,	8589:40	8523:23, 8525:41,
8518:32, 8538:37,	8569:8, 8571:8,	8508:27, 8509:4,	short [5] - 8504:29,	8525:42, 8529:24,
8554:19, 8557:4,	8571:12, 8572:14,	8510:40, 8513:11,	8526:3, 8537:16,	8530:19, 8530:20,
8563:24, 8564:23,	8572:44, 8572:47,	8529:14, 8532:24	8559:6, 8597:29	8531:45, 8541:31,
8571:44, 8572:8,	8573:3, 8592:47,	server [1] - 8522:2	SHORT [1] - 8537:18	8546:34, 8570:2,
8572:9, 8594:17,	8593:11, 8593:28,	service [2] - 8581:24,	show [5] - 8517:10,	8570:5, 8571:8,
8594:21, 8595:15	8594:11, 8594:28	8581:25	8537:22, 8552:1,	8572:47, 8589:7,
secondary [1] -	seeing [1] - 8500:5	services [1] - 8500:22	8555:38, 8594:3	8592:15, 8593:10
8521:23	seek [4] - 8532:19,	sessions [5] -	showed [1] - 8539:26	sometimes [10] -
8521:23 seconded [2] -	8533:3, 8570:40,	sessions [5] - 8579:45,	showed [1] - 8539:26 showing [1] - 8501:40	
	8533:3, 8570:40, 8579:31			sometimes [10] -
seconded [2] -	8533:3, 8570:40, 8579:31 seeking [1] - 8515:36	8579:43, 8579:45,	showing [1] - 8501:40	sometimes [10] - 8503:5, 8503:7,
seconded [2] - 8538:42, 8569:8 Seconded [2] - 8539:5, 8593:21	8533:3, 8570:40, 8579:31 seeking [1] - 8515:36 seem [2] - 8561:37,	8579:43, 8579:45, 8579:47, 8582:23	showing [1] - 8501:40 shown [2] - 8520:26,	sometimes [10] - 8503:5, 8503:7, 8503:8, 8505:8,
seconded [2] - 8538:42, 8569:8 Seconded [2] - 8539:5, 8593:21 seconder [1] -	8533:3, 8570:40, 8579:31 seeking [1] - 8515:36 seem [2] - 8561:37, 8596:26	8579:43, 8579:45, 8579:47, 8582:23 set [13] - 8508:36, 8508:41, 8515:19, 8515:24, 8516:38,	showing [1] - 8501:40 shown [2] - 8520:26, 8592:46	sometimes [10] - 8503:5, 8503:7, 8503:8, 8505:8, 8506:47, 8507:1,
seconded [2] - 8538:42, 8569:8 Seconded [2] - 8539:5, 8593:21 seconder [1] - 8539:14	8533:3, 8570:40, 8579:31 seeking [1] - 8515:36 seem [2] - 8561:37, 8596:26 selected [1] - 8506:3	8579:43, 8579:45, 8579:47, 8582:23 set [13] - 8508:36, 8508:41, 8515:19, 8515:24, 8516:38, 8537:22, 8565:12,	showing [1] - 8501:40 shown [2] - 8520:26, 8592:46 sick [1] - 8515:27	sometimes [10] - 8503:5, 8503:7, 8503:8, 8505:8, 8506:47, 8507:1, 8511:6, 8558:11, 8566:35, 8570:17 somewhere [7] -
seconded [2] - 8538:42, 8569:8 Seconded [2] - 8539:5, 8593:21 seconder [1] - 8539:14 secrecy[2] - 8532:26,	8533:3, 8570:40, 8579:31 seeking [1] - 8515:36 seem [2] - 8561:37, 8596:26 selected [1] - 8506:3 Seminary [2] -	8579:43, 8579:45, 8579:47, 8582:23 set [13] - 8508:36, 8508:41, 8515:19, 8515:24, 8516:38, 8537:22, 8565:12, 8565:13, 8565:24,	showing [1] - 8501:40 shown [2] - 8520:26, 8592:46 sick [1] - 8515:27 sign [2] - 8501:40,	sometimes [10] - 8503:5, 8503:7, 8503:8, 8505:8, 8506:47, 8507:1, 8511:6, 8558:11, 8566:35, 8570:17 somewhere [7] - 8510:32, 8515:22,
seconded [2] - 8538:42, 8569:8 Seconded [2] - 8539:5, 8593:21 seconder [1] - 8539:14 secrecy [2] - 8532:26, 8533:36	8533:3, 8570:40, 8579:31 seeking [1] - 8515:36 seem [2] - 8561:37, 8596:26 selected [1] - 8506:3 Seminary [2] - 8526:15, 8526:18	8579:43, 8579:45, 8579:47, 8582:23 set [13] - 8508:36, 8508:41, 8515:19, 8515:24, 8516:38, 8537:22, 8565:12, 8565:13, 8565:24, 8579:30, 8579:31,	showing [1] - 8501:40 shown [2] - 8520:26, 8592:46 sick [1] - 8515:27 sign [2] - 8501:40, 8540:5	sometimes [10] - 8503:5, 8503:7, 8503:8, 8505:8, 8506:47, 8507:1, 8511:6, 8558:11, 8566:35, 8570:17 somewhere [7] - 8510:32, 8515:22, 8560:3, 8561:31,
seconded [2] - 8538:42, 8569:8 Seconded [2] - 8539:5, 8593:21 seconder [1] - 8539:14 secrecy [2] - 8532:26, 8533:36 secretary [39] -	8533:3, 8570:40, 8579:31 seeking [1] - 8515:36 seem [2] - 8561:37, 8596:26 selected [1] - 8506:3 Seminary [2] - 8526:15, 8526:18 seminary [20] -	8579:43, 8579:45, 8579:47, 8582:23 set [13] - 8508:36, 8508:41, 8515:19, 8515:24, 8516:38, 8537:22, 8565:12, 8565:13, 8565:24, 8579:30, 8579:31, 8579:34, 8596:20	showing [1] - 8501:40 shown [2] - 8520:26, 8592:46 sick [1] - 8515:27 sign [2] - 8501:40, 8540:5 signature [2] - 8540:3, 8565:1 signed [1] - 8513:42	sometimes [10] - 8503:5, 8503:7, 8503:8, 8505:8, 8506:47, 8507:1, 8511:6, 8558:11, 8566:35, 8570:17 somewhere [7] - 8510:32, 8515:22, 8560:3, 8561:31, 8570:38, 8570:40,
seconded [2] - 8538:42, 8569:8 Seconded [2] - 8539:5, 8593:21 seconder [1] - 8539:14 secrecy [2] - 8532:26, 8533:36 secretary [39] - 8510:35, 8510:39,	8533:3, 8570:40, 8579:31 seeking [1] - 8515:36 seem [2] - 8561:37, 8596:26 selected [1] - 8506:3 Seminary [2] - 8526:15, 8526:18 seminary [20] - 8503:17, 8521:37,	8579:43, 8579:45, 8579:47, 8582:23 set [13] - 8508:36, 8508:41, 8515:19, 8515:24, 8516:38, 8537:22, 8565:12, 8565:13, 8565:24, 8579:30, 8579:31, 8579:34, 8596:20 sets [2] - 8560:29,	showing [1] - 8501:40 shown [2] - 8520:26, 8592:46 sick [1] - 8515:27 sign [2] - 8501:40, 8540:5 signature [2] - 8540:3, 8565:1 signed [1] - 8513:42 significant [4] -	sometimes [10] - 8503:5, 8503:7, 8503:8, 8505:8, 8506:47, 8507:1, 8511:6, 8558:11, 8566:35, 8570:17 somewhere [7] - 8510:32, 8515:22, 8560:3, 8561:31, 8570:38, 8570:40, 8595:46
seconded [2] - 8538:42, 8569:8 Seconded [2] - 8539:5, 8593:21 seconder [1] - 8539:14 secrecy [2] - 8532:26, 8533:36 secretary [39] - 8510:35, 8510:39, 8511:33, 8511:42,	8533:3, 8570:40, 8579:31 seeking [1] - 8515:36 seem [2] - 8561:37, 8596:26 selected [1] - 8506:3 Seminary [2] - 8526:15, 8526:18 seminary [20] - 8503:17, 8521:37, 8522:18, 8522:20,	8579:43, 8579:45, 8579:47, 8582:23 set [13] - 8508:36, 8508:41, 8515:19, 8515:24, 8516:38, 8537:22, 8565:12, 8565:13, 8565:24, 8579:30, 8579:31, 8579:34, 8596:20 sets [2] - 8560:29, 8567:44	showing [1] - 8501:40 shown [2] - 8520:26, 8592:46 sick [1] - 8515:27 sign [2] - 8501:40, 8540:5 signature [2] - 8540:3, 8565:1 signed [1] - 8513:42 significant [4] - 8500:29, 8582:24,	sometimes [10] - 8503:5, 8503:7, 8503:8, 8505:8, 8506:47, 8507:1, 8511:6, 8558:11, 8566:35, 8570:17 somewhere [7] - 8510:32, 8515:22, 8560:3, 8561:31, 8570:38, 8570:40, 8595:46 Sorry [1] - 8571:21
seconded [2] - 8538:42, 8569:8 Seconded [2] - 8539:5, 8593:21 seconder [1] - 8539:14 secrecy [2] - 8532:26, 8533:36 secretary [39] - 8510:35, 8510:39, 8511:33, 8511:42, 8512:1, 8512:7,	8533:3, 8570:40, 8579:31 seeking [1] - 8515:36 seem [2] - 8561:37, 8596:26 selected [1] - 8506:3 Seminary [2] - 8526:18 seminary [20] - 8503:17, 8521:37, 8522:18, 8522:20, 8522:35, 8526:30,	8579:43, 8579:45, 8579:47, 8582:23 set [13] - 8508:36, 8508:41, 8515:19, 8515:24, 8516:38, 8537:22, 8565:12, 8565:13, 8565:24, 8579:30, 8579:31, 8579:34, 8596:20 sets [2] - 8560:29, 8567:44 several [2] - 8550:18,	showing [1] - 8501:40 shown [2] - 8520:26, 8592:46 sick [1] - 8515:27 sign [2] - 8501:40, 8540:5 signature [2] - 8540:3, 8565:1 signed [1] - 8513:42 significant [4] - 8500:29, 8582:24, 8584:47, 8585:3	sometimes [10] - 8503:5, 8503:7, 8503:8, 8505:8, 8506:47, 8507:1, 8511:6, 8558:11, 8566:35, 8570:17 somewhere [7] - 8510:32, 8515:22, 8560:3, 8561:31, 8570:38, 8570:40, 8595:46 Sorry [1] - 8571:21 sorry [31] - 8504:21,
seconded [2] - 8538:42, 8569:8 Seconded [2] - 8539:5, 8593:21 seconder [1] - 8539:14 secrecy [2] - 8532:26, 8533:36 secretary [39] - 8510:35, 8510:39, 8511:33, 8511:42, 8512:1, 8512:7, 8512:14, 8512:22,	8533:3, 8570:40, 8579:31 seeking [1] - 8515:36 seem [2] - 8561:37, 8596:26 selected [1] - 8506:3 Seminary [2] - 8526:18 seminary [20] - 8503:17, 8521:37, 8522:18, 8522:20, 8522:35, 8526:30, 8526:33, 8526:38,	8579:43, 8579:45, 8579:47, 8582:23 set [13] - 8508:36, 8508:41, 8515:19, 8515:24, 8516:38, 8537:22, 8565:12, 8565:13, 8565:24, 8579:30, 8579:31, 8579:34, 8596:20 sets [2] - 8560:29, 8567:44 several [2] - 8550:18, 8550:26	showing [1] - 8501:40 shown [2] - 8520:26, 8592:46 sick [1] - 8515:27 sign [2] - 8501:40, 8540:5 signature [2] - 8540:3, 8565:1 signed [1] - 8513:42 significant [4] - 8500:29, 8582:24, 8584:47, 8585:3 signify [1] - 8576:5	sometimes [10] - 8503:5, 8503:7, 8503:8, 8505:8, 8506:47, 8507:1, 8511:6, 8558:11, 8566:35, 8570:17 somewhere [7] - 8510:32, 8515:22, 8560:3, 8561:31, 8570:38, 8570:40, 8595:46 Sorry [1] - 8571:21 sorry [31] - 8504:21, 8506:6, 8507:22,
seconded [2] - 8538:42, 8569:8 Seconded [2] - 8539:5, 8593:21 seconder [1] - 8539:14 secrecy [2] - 8532:26, 8533:36 secretary [39] - 8510:35, 8510:39, 8511:33, 8511:42, 8512:1, 8512:7, 8512:14, 8512:22, 8512:35, 8512:45,	8533:3, 8570:40, 8579:31 seeking [1] - 8515:36 seem [2] - 8561:37, 8596:26 selected [1] - 8506:3 Seminary [2] - 8526:18 seminary [20] - 8503:17, 8522:37, 8522:20, 8522:35, 8526:30, 8526:33, 8526:43, 8526:44, 8526:44	8579:43, 8579:45, 8579:47, 8582:23 set [13] - 8508:36, 8508:41, 8515:19, 8515:24, 8516:38, 8537:22, 8565:12, 8565:13, 8565:24, 8579:30, 8579:31, 8579:34, 8596:20 sets [2] - 8560:29, 8567:44 several [2] - 8550:18, 8550:26 sex [1] - 8527:14	showing [1] - 8501:40 shown [2] - 8520:26, 8592:46 sick [1] - 8515:27 sign [2] - 8501:40, 8540:5 signature [2] - 8540:3, 8565:1 signed [1] - 8513:42 significant [4] - 8500:29, 8582:24, 8584:47, 8585:3 signify [1] - 8576:5 signs [1] - 8581:27	sometimes [10] - 8503:5, 8503:7, 8503:8, 8505:8, 8506:47, 8507:1, 8511:6, 8558:11, 8566:35, 8570:17 somewhere [7] - 8510:32, 8515:22, 8560:3, 8561:31, 8570:38, 8570:40, 8595:46 Sorry [1] - 8571:21 sorry [31] - 8504:21, 8506:6, 8507:22, 8508:38, 8509:44,
seconded [2] - 8538:42, 8569:8 Seconded [2] - 8539:5, 8593:21 seconder [1] - 8539:14 secrecy [2] - 8532:26, 8533:36 secretary [39] - 8510:35, 8510:39, 8511:33, 8511:42, 8512:1, 8512:7, 8512:14, 8512:22, 8512:35, 8512:45, 8513:17, 8515:46,	8533:3, 8570:40, 8579:31 seeking [1] - 8515:36 seem [2] - 8561:37, 8596:26 selected [1] - 8506:3 Seminary [2] - 8526:18 seminary [20] - 8503:17, 8522:18, 8522:20, 8522:35, 8526:30, 8526:33, 8526:40, 8526:43, 8527:14, 8527:16,	8579:43, 8579:45, 8579:47, 8582:23 set [13] - 8508:36, 8508:41, 8515:19, 8515:24, 8516:38, 8537:22, 8565:12, 8565:13, 8565:24, 8579:30, 8579:31, 8579:34, 8596:20 sets [2] - 8560:29, 8567:44 several [2] - 8550:18, 8550:26 sex [1] - 8527:14 sexual [32] - 8519:20,	showing [1] - 8501:40 shown [2] - 8520:26, 8592:46 sick [1] - 8515:27 sign [2] - 8501:40, 8540:5 signature [2] - 8540:3, 8565:1 signed [1] - 8513:42 significant [4] - 8500:29, 8582:24, 8584:47, 8585:3 signify [1] - 8576:5 signs [1] - 8581:27 silence [1] - 8569:39	sometimes [10] - 8503:5, 8503:7, 8503:8, 8505:8, 8506:47, 8507:1, 8511:6, 8558:11, 8566:35, 8570:17 somewhere [7] - 8510:32, 8515:22, 8560:3, 8561:31, 8570:38, 8570:40, 8595:46 Sorry [1] - 8571:21 sorry [31] - 8504:21, 8506:6, 8507:22, 8508:38, 8509:44, 8519:30, 8524:9,
seconded [2] - 8538:42, 8569:8 Seconded [2] - 8539:5, 8593:21 seconder [1] - 8539:14 secrecy [2] - 8532:26, 8533:36 secretary [39] - 8510:35, 8510:39, 8511:33, 8511:42, 8512:1, 8512:7, 8512:14, 8512:22, 8512:35, 8512:45, 8513:17, 8515:46, 8516:7, 8516:21,	8533:3, 8570:40, 8579:31 seeking [1] - 8515:36 seem [2] - 8561:37, 8596:26 selected [1] - 8506:3 Seminary [2] - 8526:18 seminary [20] - 8503:17, 8522:18, 8522:20, 8522:35, 8526:30, 8526:33, 8526:40, 8526:43, 8527:14, 8527:16, 8527:26, 8534:10,	8579:43, 8579:45, 8579:47, 8582:23 set [13] - 8508:36, 8508:41, 8515:19, 8515:24, 8516:38, 8537:22, 8565:12, 8565:13, 8565:24, 8579:30, 8579:31, 8579:34, 8596:20 sets [2] - 8560:29, 8567:44 several [2] - 8550:18, 8550:26 sex [1] - 8527:14 sexual [32] - 8519:20, 8519:22, 8519:24,	showing [1] - 8501:40 shown [2] - 8520:26, 8592:46 sick [1] - 8515:27 sign [2] - 8501:40, 8540:5 signature [2] - 8540:3, 8565:1 signed [1] - 8513:42 significant [4] - 8500:29, 8582:24, 8584:47, 8585:3 signify [1] - 8576:5 signs [1] - 8581:27 silence [1] - 8569:39 similar [3] - 8531:15,	sometimes [10] - 8503:5, 8503:7, 8503:8, 8505:8, 8506:47, 8507:1, 8511:6, 8558:11, 8566:35, 8570:17 somewhere [7] - 8510:32, 8515:22, 8560:3, 8561:31, 8570:38, 8570:40, 8595:46 Sorry [1] - 8571:21 sorry [31] - 8504:21, 8506:6, 8507:22, 8508:38, 8509:44, 8519:30, 8524:9, 8528:14, 8535:20,
seconded [2] - 8538:42, 8569:8 Seconded [2] - 8539:5, 8593:21 seconder [1] - 8539:14 secrecy [2] - 8532:26, 8533:36 secretary [39] - 8510:35, 8510:39, 8511:33, 8511:42, 8512:1, 8512:7, 8512:14, 8512:22, 8512:35, 8512:45, 8513:17, 8515:46, 8516:7, 8516:21, 8517:3, 8523:6,	8533:3, 8570:40, 8579:31 seeking [1] - 8515:36 seem [2] - 8561:37, 8596:26 selected [1] - 8506:3 Seminary [2] - 8526:18 seminary [20] - 8503:17, 8522:18, 8522:20, 8522:35, 8526:30, 8526:33, 8526:40, 8526:43, 8527:14, 8527:16, 8527:26, 8534:10, 8534:12, 8535:3,	8579:43, 8579:45, 8579:47, 8582:23 set [13] - 8508:36, 8508:41, 8515:19, 8515:24, 8516:38, 8537:22, 8565:12, 8565:13, 8565:24, 8579:30, 8579:31, 8579:34, 8596:20 sets [2] - 8560:29, 8567:44 several [2] - 8550:18, 8550:26 sex [1] - 8527:14 sexual [32] - 8519:20, 8519:22, 8519:24, 8519:38, 8519:47,	showing [1] - 8501:40 shown [2] - 8520:26, 8592:46 sick [1] - 8515:27 sign [2] - 8501:40, 8540:5 signature [2] - 8540:3, 8565:1 signed [1] - 8513:42 significant [4] - 8500:29, 8582:24, 8584:47, 8585:3 signify [1] - 8576:5 signs [1] - 8581:27 silence [1] - 8569:39 similar [3] - 8531:15, 8561:36, 8578:15	sometimes [10] - 8503:5, 8503:7, 8503:8, 8505:8, 8506:47, 8507:1, 8511:6, 8558:11, 8566:35, 8570:17 somewhere [7] - 8510:32, 8515:22, 8560:3, 8561:31, 8570:38, 8570:40, 8595:46 Sorry [1] - 8571:21 sorry [31] - 8504:21, 8506:6, 8507:22, 8508:38, 8509:44, 8519:30, 8524:9, 8528:14, 8535:20, 8542:21, 8542:38,
seconded [2] - 8538:42, 8569:8 Seconded [2] - 8539:5, 8593:21 seconder [1] - 8539:14 secrecy [2] - 8532:26, 8533:36 secretary [39] - 8510:35, 8510:39, 8511:33, 8511:42, 8512:1, 8512:7, 8512:14, 8512:22, 8512:35, 8512:45, 8513:17, 8515:46, 8516:7, 8516:21, 8517:3, 8523:6, 8524:21, 8524:45,	8533:3, 8570:40, 8579:31 seeking [1] - 8515:36 seem [2] - 8561:37, 8596:26 selected [1] - 8506:3 Seminary [2] - 8526:18 seminary [20] - 8503:17, 8522:18, 8526:37, 8522:20, 8522:35, 8526:30, 8526:33, 8526:40, 8526:43, 8527:14, 8527:16, 8527:26, 8534:10, 8534:12, 8535:3, 8535:16, 8535:22,	8579:43, 8579:45, 8579:47, 8582:23 set [13] - 8508:36, 8508:41, 8515:19, 8515:24, 8516:38, 8537:22, 8565:12, 8565:13, 8565:24, 8579:30, 8579:31, 8579:34, 8596:20 sets [2] - 8560:29, 8567:44 several [2] - 8550:18, 8550:26 sex [1] - 8527:14 sexual [32] - 8519:20, 8519:22, 8519:24, 8519:38, 8519:47, 8520:9, 8520:36,	showing [1] - 8501:40 shown [2] - 8520:26, 8592:46 sick [1] - 8515:27 sign [2] - 8501:40, 8540:5 signature [2] - 8540:3, 8565:1 signed [1] - 8513:42 significant [4] - 8500:29, 8582:24, 8584:47, 8585:3 signify [1] - 8576:5 signs [1] - 8581:27 silence [1] - 8569:39 similar [3] - 8531:15, 8561:36, 8578:15 simple [1] - 8579:38	sometimes [10] - 8503:5, 8503:7, 8503:8, 8505:8, 8506:47, 8507:1, 8511:6, 8558:11, 8566:35, 8570:17 somewhere [7] - 8510:32, 8515:22, 8560:3, 8561:31, 8570:38, 8570:40, 8595:46 Sorry [1] - 8571:21 sorry [31] - 8504:21, 8506:6, 8507:22, 8508:38, 8509:44, 8519:30, 8524:9, 8528:14, 8535:20, 8542:21, 8542:38, 8542:39, 8547:38,
seconded [2] - 8538:42, 8569:8 Seconded [2] - 8539:5, 8593:21 seconder [1] - 8539:14 secrecy [2] - 8532:26, 8533:36 secretary [39] - 8510:35, 8510:39, 8511:33, 8511:42, 8512:1, 8512:7, 8512:14, 8512:22, 8512:35, 8512:45, 8513:17, 8515:46, 8516:7, 8516:21, 8517:3, 8523:6, 8524:21, 8536:38,	8533:3, 8570:40, 8579:31 seeking [1] - 8515:36 seem [2] - 8561:37, 8596:26 selected [1] - 8506:3 Seminary [2] - 8526:18 seminary [20] - 8503:17, 8522:18, 8522:20, 8522:35, 8526:30, 8526:33, 8526:40, 8526:43, 8527:14, 8527:16, 8527:26, 8534:10, 8534:12, 8535:3,	8579:43, 8579:45, 8579:47, 8582:23 set [13] - 8508:36, 8508:41, 8515:19, 8515:24, 8516:38, 8537:22, 8565:12, 8565:13, 8565:24, 8579:30, 8579:31, 8579:34, 8596:20 sets [2] - 8560:29, 8567:44 several [2] - 8550:18, 8550:26 sex [1] - 8527:14 sexual [32] - 8519:20, 8519:22, 8519:24, 8519:38, 8519:47, 8520:9, 8520:36, 8520:47, 8523:19,	showing [1] - 8501:40 shown [2] - 8520:26, 8592:46 sick [1] - 8515:27 sign [2] - 8501:40, 8540:5 signature [2] - 8540:3, 8565:1 signed [1] - 8513:42 significant [4] - 8500:29, 8582:24, 8584:47, 8585:3 signify [1] - 8576:5 signs [1] - 8581:27 silence [1] - 8569:39 similar [3] - 8531:15, 8561:36, 8578:15 simple [1] - 8579:38 simpler [1] - 8529:25	sometimes [10] - 8503:5, 8503:7, 8503:8, 8505:8, 8506:47, 8507:1, 8511:6, 8558:11, 8566:35, 8570:17 somewhere [7] - 8510:32, 8515:22, 8560:3, 8561:31, 8570:38, 8570:40, 8595:46 Sorry [1] - 8571:21 sorry [31] - 8504:21, 8506:6, 8507:22, 8508:38, 8509:44, 8519:30, 8524:9, 8528:14, 8535:20, 8542:21, 8542:38, 8542:39, 8547:38, 8551:20, 8552:36,
seconded [2] - 8538:42, 8569:8 Seconded [2] - 8539:5, 8593:21 seconder [1] - 8539:14 secrecy [2] - 8532:26, 8533:36 secretary [39] - 8510:35, 8510:39, 8511:33, 8511:42, 8512:1, 8512:7, 8512:14, 8512:22, 8512:35, 8512:45, 8513:17, 8515:46, 8516:7, 8516:21, 8517:3, 8523:6, 8524:21, 8524:45, 8525:1, 8536:38, 8536:40, 8551:31,	8533:3, 8570:40, 8579:31 seeking [1] - 8515:36 seem [2] - 8561:37, 8596:26 selected [1] - 8506:3 Seminary [2] - 8526:18 seminary [20] - 8503:17, 8522:18, 8526:37, 8522:20, 8522:35, 8526:30, 8526:33, 8526:40, 8526:43, 8527:14, 8527:16, 8527:26, 8534:10, 8534:12, 8535:3, 8535:16, 8535:22, 8536:22, 8536:26	8579:43, 8579:45, 8579:47, 8582:23 set [13] - 8508:36, 8508:41, 8515:19, 8515:24, 8516:38, 8537:22, 8565:12, 8565:13, 8565:24, 8579:30, 8579:31, 8579:34, 8596:20 sets [2] - 8560:29, 8567:44 several [2] - 8550:18, 8550:26 sex [1] - 8527:14 sexual [32] - 8519:20, 8519:22, 8519:24, 8519:38, 8519:47, 8520:9, 8520:36, 8520:47, 8523:19, 8523:22, 8524:32,	showing [1] - 8501:40 shown [2] - 8520:26, 8592:46 sick [1] - 8515:27 sign [2] - 8501:40, 8540:5 signature [2] - 8540:3, 8565:1 signed [1] - 8513:42 significant [4] - 8500:29, 8582:24, 8584:47, 8585:3 signify [1] - 8576:5 signs [1] - 8581:27 silence [1] - 8569:39 similar [3] - 8531:15, 8561:36, 8578:15 simple [1] - 8579:38 simpler [1] - 8529:25 simply [6] - 8535:35,	sometimes [10] - 8503:5, 8503:7, 8503:8, 8505:8, 8506:47, 8507:1, 8511:6, 8558:11, 8566:35, 8570:17 somewhere [7] - 8510:32, 8515:22, 8560:3, 8561:31, 8570:38, 8570:40, 8595:46 Sorry [1] - 8571:21 sorry [31] - 8504:21, 8506:6, 8507:22, 8508:38, 8509:44, 8519:30, 8524:9, 8528:14, 8535:20, 8542:21, 8542:38, 8542:39, 8547:38, 8551:20, 8552:36, 8552:40, 8553:9,
seconded [2] - 8538:42, 8569:8 Seconded [2] - 8539:5, 8593:21 seconder [1] - 8539:14 secrecy [2] - 8532:26, 8533:36 secretary [39] - 8510:35, 8510:39, 8511:33, 8511:42, 8512:1, 8512:7, 8512:14, 8512:22, 8512:35, 8512:45, 8513:17, 8515:46, 8516:7, 8516:21, 8517:3, 8523:6, 8524:21, 8524:45, 8525:1, 8536:38, 8536:40, 8551:31, 8551:43, 8554:37,	8533:3, 8570:40, 8579:31 seeking [1] - 8515:36 seem [2] - 8561:37, 8596:26 selected [1] - 8506:3 Seminary [2] - 8526:18 seminary [20] - 8503:17, 8522:18, 8522:20, 8522:35, 8526:30, 8526:33, 8526:40, 8526:43, 8527:14, 8527:16, 8527:26, 8534:10, 8534:12, 8535:3, 8535:16, 8535:22, 8536:22, 8536:26 sending [1] - 8509:11,	8579:43, 8579:45, 8579:47, 8582:23 set [13] - 8508:36, 8508:41, 8515:19, 8515:24, 8516:38, 8537:22, 8565:12, 8565:13, 8565:24, 8579:30, 8579:31, 8579:34, 8596:20 sets [2] - 8560:29, 8567:44 several [2] - 8550:18, 8550:26 sex [1] - 8527:14 sexual [32] - 8519:20, 8519:22, 8519:24, 8519:38, 8519:47, 8520:9, 8520:36, 8520:47, 8523:19, 8523:22, 8524:32, 8527:35, 8527:39,	showing [1] - 8501:40 shown [2] - 8520:26, 8592:46 sick [1] - 8515:27 sign [2] - 8501:40, 8540:5 signature [2] - 8540:3, 8565:1 signed [1] - 8513:42 significant [4] - 8500:29, 8582:24, 8584:47, 8585:3 signify [1] - 8576:5 signs [1] - 8581:27 silence [1] - 8569:39 similar [3] - 8531:15, 8561:36, 8578:15 simple [1] - 8579:38 simpler [1] - 8529:25 simply [6] - 8535:35, 8547:7, 8558:11,	sometimes [10] - 8503:5, 8503:7, 8503:8, 8505:8, 8506:47, 8507:1, 8511:6, 8558:11, 8566:35, 8570:17 somewhere [7] - 8510:32, 8515:22, 8560:3, 8561:31, 8570:38, 8570:40, 8595:46 Sorry [1] - 8571:21 sorry [31] - 8504:21, 8506:6, 8507:22, 8508:38, 8509:44, 8519:30, 8524:9, 8528:14, 8535:20, 8542:21, 8542:38, 8542:39, 8547:38, 8551:20, 8552:36, 8552:40, 8553:9, 8567:29, 8571:25,
seconded [2] - 8538:42, 8569:8 Seconded [2] - 8539:5, 8593:21 seconder [1] - 8539:14 secrecy [2] - 8532:26, 8533:36 secretary [39] - 8510:35, 8510:39, 8511:33, 8511:42, 8512:1, 8512:7, 8512:14, 8512:22, 8512:35, 8512:45, 8513:17, 8515:46, 8516:7, 8516:21, 8517:3, 8523:6, 8524:21, 8524:45, 8525:1, 8536:38, 8536:40, 8551:31, 8551:43, 8554:37, 8555:44, 8557:26,	8533:3, 8570:40, 8579:31 seeking [1] - 8515:36 seem [2] - 8561:37, 8596:26 selected [1] - 8506:3 Seminary [2] - 8526:18 seminary [20] - 8503:17, 8522:18, 8526:20, 8522:35, 8526:30, 8526:33, 8526:40, 8526:43, 8527:14, 8527:16, 8527:26, 8534:10, 8534:12, 8535:3, 8535:16, 8535:22, 8536:22, 8536:26 sending [1] - 8502:12	8579:43, 8579:45, 8579:47, 8582:23 set [13] - 8508:36, 8508:41, 8515:19, 8515:24, 8516:38, 8537:22, 8565:12, 8565:13, 8565:24, 8579:30, 8579:31, 8579:34, 8596:20 sets [2] - 8560:29, 8567:44 several [2] - 8550:18, 8550:26 sex [1] - 8527:14 sexual [32] - 8519:20, 8519:22, 8519:22, 8519:24, 8519:38, 8519:47, 8520:9, 8520:36, 8520:47, 8523:19, 8523:22, 8527:39, 8528:3, 8529:4,	showing [1] - 8501:40 shown [2] - 8520:26, 8592:46 sick [1] - 8515:27 sign [2] - 8501:40, 8540:5 signature [2] - 8540:3, 8565:1 signed [1] - 8513:42 significant [4] - 8500:29, 8582:24, 8584:47, 8585:3 signify [1] - 8576:5 signs [1] - 8581:27 silence [1] - 8569:39 similar [3] - 8531:15, 8561:36, 8578:15 simple [1] - 8579:38 simpler [1] - 8529:25 simply [6] - 8535:35, 8547:7, 8558:11, 8573:41, 8573:47,	sometimes [10] - 8503:5, 8503:7, 8503:8, 8505:8, 8506:47, 8507:1, 8511:6, 8558:11, 8566:35, 8570:17 somewhere [7] - 8510:32, 8515:22, 8560:3, 8561:31, 8570:38, 8570:40, 8595:46 Sorry [1] - 8571:21 sorry [31] - 8504:21, 8506:6, 8507:22, 8508:38, 8509:44, 8519:30, 8524:9, 8528:14, 8535:20, 8542:21, 8542:38, 8542:39, 8547:38, 8551:20, 8552:36, 8552:40, 8553:9, 8567:29, 8571:25, 8572:6, 8572:12,
seconded [2] - 8538:42, 8569:8 Seconded [2] - 8539:5, 8593:21 seconder [1] - 8539:14 secrecy [2] - 8532:26, 8533:36 secretary [39] - 8510:35, 8510:39, 8511:33, 8511:42, 8512:1, 8512:7, 8512:14, 8512:22, 8512:35, 8512:45, 8513:17, 8515:46, 8516:7, 8516:21, 8517:3, 8523:6, 8524:21, 8524:45, 8525:1, 8536:38, 8536:40, 8551:31, 8551:43, 8554:37, 8555:44, 8557:26, 8560:11, 8571:29,	8533:3, 8570:40, 8579:31 seeking [1] - 8515:36 seem [2] - 8561:37, 8596:26 selected [1] - 8506:3 Seminary [2] - 8526:18 seminary [20] - 8503:17, 8522:18, 8522:20, 8522:35, 8526:30, 8526:33, 8526:40, 8526:43, 8527:14, 8527:16, 8527:26, 8534:10, 8534:12, 8535:3, 8535:16, 8535:22, 8536:22, 8536:26 sending [1] - 8509:11, 8512:19, 8516:25,	8579:43, 8579:45, 8579:47, 8582:23 set [13] - 8508:36, 8508:41, 8515:19, 8515:24, 8516:38, 8537:22, 8565:12, 8565:13, 8565:24, 8579:30, 8579:31, 8579:34, 8596:20 sets [2] - 8560:29, 8567:44 several [2] - 8550:18, 8550:26 sex [1] - 8527:14 sexual [32] - 8519:20, 8519:22, 8519:22, 8519:24, 8519:38, 8519:47, 8520:9, 8520:36, 8520:47, 8523:19, 8523:22, 8527:39, 8528:3, 8529:4, 8529:8, 8530:23,	showing [1] - 8501:40 shown [2] - 8520:26, 8592:46 sick [1] - 8515:27 sign [2] - 8501:40, 8540:5 signature [2] - 8540:3, 8565:1 signed [1] - 8513:42 significant [4] - 8500:29, 8582:24, 8584:47, 8585:3 signify [1] - 8576:5 signs [1] - 8581:27 silence [1] - 8569:39 similar [3] - 8531:15, 8561:36, 8578:15 simple [1] - 8579:38 simple [1] - 8529:25 simply [6] - 8535:35, 8547:7, 8558:11, 8573:41, 8573:47, 8594:25	sometimes [10] - 8503:5, 8503:7, 8503:8, 8505:8, 8506:47, 8507:1, 8511:6, 8558:11, 8566:35, 8570:17 somewhere [7] - 8510:32, 8515:22, 8560:3, 8561:31, 8570:38, 8570:40, 8595:46 Sorry [1] - 8571:21 sorry [31] - 8504:21, 8506:6, 8507:22, 8508:38, 8509:44, 8519:30, 8524:9, 8528:14, 8535:20, 8542:21, 8542:38, 8542:39, 8547:38, 8551:20, 8552:36, 8552:40, 8553:9, 8567:29, 8571:25, 8572:6, 8572:12, 8575:13, 8579:45,
seconded [2] - 8538:42, 8569:8 Seconded [2] - 8539:5, 8593:21 seconder [1] - 8539:14 secrecy [2] - 8532:26, 8533:36 secretary [39] - 8510:35, 8510:39, 8511:33, 8511:42, 8512:1, 8512:7, 8512:14, 8512:22, 8512:35, 8512:45, 8513:17, 8515:46, 8516:7, 8516:21, 8517:3, 8523:6, 8524:21, 8524:45, 8525:1, 8536:38, 8536:40, 8551:31, 8551:43, 8554:37, 8555:44, 8557:26, 8560:11, 8571:29, 8583:35, 8586:14,	8533:3, 8570:40, 8579:31 seeking [1] - 8515:36 seem [2] - 8561:37, 8596:26 selected [1] - 8506:3 Seminary [2] - 8526:18 seminary [20] - 8503:17, 8521:37, 8522:18, 8522:20, 8522:35, 8526:30, 8526:33, 8526:40, 8526:43, 8527:14, 8527:16, 8527:26, 8534:10, 8534:12, 8535:3, 8535:16, 8535:22, 8536:22, 8536:26 sending [1] - 8509:11, 8512:19, 8516:25, 8555:13, 8581:9	8579:43, 8579:45, 8579:47, 8582:23 set [13] - 8508:36, 8508:41, 8515:19, 8515:24, 8516:38, 8537:22, 8565:12, 8565:13, 8565:24, 8579:30, 8579:31, 8579:34, 8596:20 sets [2] - 8560:29, 8567:44 several [2] - 8550:18, 8550:26 sex [1] - 8527:14 sexual [32] - 8519:20, 8519:22, 8519:24, 8519:38, 8519:47, 8520:9, 8520:36, 8520:47, 8523:19, 8523:22, 8527:39, 8528:3, 8529:4, 8529:8, 8530:23, 8530:25, 8535:25,	showing [1] - 8501:40 shown [2] - 8520:26, 8592:46 sick [1] - 8515:27 sign [2] - 8501:40, 8540:5 signature [2] - 8540:3, 8565:1 signed [1] - 8513:42 significant [4] - 8500:29, 8582:24, 8584:47, 8585:3 signify [1] - 8576:5 signs [1] - 8581:27 silence [1] - 8569:39 similar [3] - 8531:15, 8561:36, 8578:15 simple [1] - 8579:38 simpler [1] - 8529:25 simply [6] - 8535:35, 8547:7, 8558:11, 8573:41, 8573:47, 8594:25 sin [2] - 8528:42,	sometimes [10] - 8503:5, 8503:7, 8503:8, 8505:8, 8506:47, 8507:1, 8511:6, 8558:11, 8566:35, 8570:17 somewhere [7] - 8510:32, 8515:22, 8560:3, 8561:31, 8570:38, 8570:40, 8595:46 Sorry [1] - 8571:21 sorry [31] - 8504:21, 8506:6, 8507:22, 8508:38, 8509:44, 8519:30, 8524:9, 8528:14, 8535:20, 8542:21, 8542:38, 8542:39, 8547:38, 8551:20, 8552:36, 8552:40, 8553:9, 8567:29, 8571:25, 8572:6, 8572:12, 8575:13, 8579:45, 8584:12, 8589:12,
seconded [2] - 8538:42, 8569:8 Seconded [2] - 8539:5, 8593:21 seconder [1] - 8539:14 secrecy [2] - 8532:26, 8533:36 secretary [39] - 8510:35, 8510:39, 8511:33, 8511:42, 8512:1, 8512:7, 8512:14, 8512:22, 8512:35, 8512:45, 8513:17, 8515:46, 8516:7, 8516:21, 8517:3, 8523:6, 8524:21, 8524:45, 8525:1, 8536:38, 8536:40, 8551:31, 8551:43, 8554:37, 8555:44, 8557:26, 8560:11, 8571:29, 8583:35, 8586:14, 8589:44, 8590:9,	8533:3, 8570:40, 8579:31 seeking [1] - 8515:36 seem [2] - 8561:37, 8596:26 selected [1] - 8506:3 Seminary [2] - 8526:18 seminary [20] - 8503:17, 8521:37, 8521:37, 8522:18, 8522:20, 8522:35, 8526:30, 8526:33, 8526:40, 8526:43, 8527:14, 8527:16, 8527:26, 8534:10, 8534:12, 8535:3, 8535:16, 8535:22, 8536:22, 8536:26 sending [1] - 8509:11, 8512:19, 8516:25, 8555:13, 8581:9 seniority [6] -	8579:43, 8579:45, 8579:47, 8582:23 set [13] - 8508:36, 8508:41, 8515:19, 8515:24, 8516:38, 8537:22, 8565:12, 8565:13, 8565:24, 8579:30, 8579:31, 8579:34, 8596:20 sets [2] - 8560:29, 8567:44 several [2] - 8550:18, 8550:26 sex [1] - 8527:14 sexual [32] - 8519:20, 8519:22, 8519:24, 8519:38, 8519:47, 8520:9, 8520:36, 8520:47, 8523:19, 8523:22, 8527:39, 8528:3, 8529:4, 8529:8, 8530:23, 8530:25, 8537:1, 8559:9,	showing [1] - 8501:40 shown [2] - 8520:26, 8592:46 sick [1] - 8515:27 sign [2] - 8501:40, 8540:5 signature [2] - 8540:3, 8565:1 signed [1] - 8513:42 significant [4] - 8500:29, 8582:24, 8584:47, 8585:3 signify [1] - 8576:5 signs [1] - 8581:27 silence [1] - 8569:39 similar [3] - 8531:15, 8561:36, 8578:15 simple [1] - 8579:38 simple [1] - 8529:25 simply [6] - 8535:35, 8547:7, 8558:11, 8573:41, 8573:47, 8594:25 sin [2] - 8528:42, 8529:44	sometimes [10] - 8503:5, 8503:7, 8503:8, 8505:8, 8506:47, 8507:1, 8511:6, 8558:11, 8566:35, 8570:17 somewhere [7] - 8510:32, 8515:22, 8560:3, 8561:31, 8570:38, 8570:40, 8595:46 Sorry [1] - 8571:21 sorry [31] - 8504:21, 8506:6, 8507:22, 8508:38, 8509:44, 8519:30, 8524:9, 8528:14, 8535:20, 8542:21, 8542:38, 8542:39, 8547:38, 8551:20, 8552:36, 8552:40, 8553:9, 8567:29, 8571:25, 8572:6, 8572:12, 8575:13, 8579:45, 8584:12, 8589:12, 8589:32, 8590:45,
seconded [2] - 8538:42, 8569:8 Seconded [2] - 8539:5, 8593:21 seconder [1] - 8539:14 secrecy [2] - 8532:26, 8533:36 secretary [39] - 8510:35, 8510:39, 8511:33, 8511:42, 8512:1, 8512:7, 8512:14, 8512:22, 8512:35, 8512:45, 8513:17, 8515:46, 8516:7, 8516:21, 8517:3, 8523:6, 8524:21, 8524:45, 8525:1, 8536:38, 8536:40, 8551:31, 8551:43, 8554:37, 8555:44, 8557:26, 8560:11, 8571:29, 8583:35, 8586:14, 8589:44, 8590:9, 8591:10, 8592:21,	8533:3, 8570:40, 8579:31 seeking [1] - 8515:36 seem [2] - 8561:37, 8596:26 selected [1] - 8506:3 Seminary [2] - 8526:18 seminary [20] - 8503:17, 8521:37, 8522:18, 8522:20, 8522:35, 8526:30, 8526:33, 8526:40, 8526:43, 8527:14, 8527:16, 8527:26, 8534:10, 8534:12, 8535:3, 8535:16, 8535:22, 8536:22, 8536:22, 8536:26 sending [1] - 8502:12 senior [5] - 8509:11, 8512:19, 8516:25, 8555:13, 8581:9 seniority [6] - 8509:19,	8579:43, 8579:45, 8579:47, 8582:23 set [13] - 8508:36, 8508:41, 8515:19, 8515:24, 8516:38, 8537:22, 8565:12, 8565:13, 8565:24, 8579:30, 8579:31, 8579:34, 8596:20 sets [2] - 8560:29, 8567:44 several [2] - 8550:18, 8550:26 sex [1] - 8527:14 sexual [32] - 8519:20, 8519:22, 8519:24, 8519:38, 8519:47, 8520:9, 8520:36, 8520:47, 8523:19, 8523:22, 8527:39, 8528:3, 8529:4, 8529:8, 8530:25, 8537:1, 8559:9, 8559:35, 8579:25,	showing [1] - 8501:40 shown [2] - 8520:26, 8592:46 sick [1] - 8515:27 sign [2] - 8501:40, 8540:5 signature [2] - 8540:3, 8565:1 signed [1] - 8513:42 significant [4] - 8500:29, 8582:24, 8584:47, 8585:3 signify [1] - 8576:5 signs [1] - 8581:27 silence [1] - 8569:39 similar [3] - 8531:15, 8561:36, 8578:15 simple [1] - 8579:38 simple [1] - 8529:25 simply [6] - 8535:35, 8547:7, 8558:11, 8573:41, 8573:47, 8594:25 sin [2] - 8528:42, 8529:44 singularly [1] -	sometimes [10] - 8503:5, 8503:7, 8503:8, 8505:8, 8506:47, 8507:1, 8511:6, 8558:11, 8566:35, 8570:17 somewhere [7] - 8510:32, 8515:22, 8560:3, 8561:31, 8570:38, 8570:40, 8595:46 Sorry [1] - 8571:21 sorry [31] - 8504:21, 8506:6, 8507:22, 8508:38, 8509:44, 8519:30, 8524:9, 8528:14, 8535:20, 8542:21, 8542:38, 8542:39, 8547:38, 8551:20, 8552:36, 8552:40, 8553:9, 8567:29, 8571:25, 8572:6, 8572:12, 8575:13, 8579:45, 8584:12, 8589:12, 8589:32, 8590:45, 8591:36, 8594:45,
seconded [2] - 8538:42, 8569:8 Seconded [2] - 8539:5, 8593:21 seconder [1] - 8539:14 secrecy [2] - 8532:26, 8533:36 secretary [39] - 8510:35, 8510:39, 8511:33, 8511:42, 8512:1, 8512:7, 8512:14, 8512:22, 8512:35, 8512:45, 8513:17, 8515:46, 8516:7, 8516:21, 8517:3, 8523:6, 8524:21, 8524:45, 8525:1, 8536:38, 8536:40, 8551:31, 8551:43, 8554:37, 8555:44, 8557:26, 8560:11, 8571:29, 8583:35, 8586:14, 8589:44, 8590:9,	8533:3, 8570:40, 8579:31 seeking [1] - 8515:36 seem [2] - 8561:37, 8596:26 selected [1] - 8506:3 Seminary [2] - 8526:18 seminary [2] - 8526:18 seminary [20] - 8503:17, 8521:37, 8522:18, 8522:20, 8522:35, 8526:30, 8526:33, 8526:38, 8526:40, 8526:43, 8527:14, 8527:16, 8527:26, 8534:10, 8534:12, 8535:3, 8535:16, 8535:22, 8536:22, 8536:26 sending [1] - 8502:12 senior [5] - 8509:11, 8512:19, 8516:25, 8555:13, 8581:9 seniority [6] - 8509:19, 8555:18, 8565:13,	8579:43, 8579:45, 8579:47, 8582:23 set [13] - 8508:36, 8508:41, 8515:19, 8515:24, 8516:38, 8537:22, 8565:12, 8565:13, 8565:24, 8579:30, 8579:31, 8579:34, 8596:20 sets [2] - 8560:29, 8567:44 several [2] - 8550:18, 8550:26 sex [1] - 8527:14 sexual [32] - 8519:20, 8519:22, 8519:24, 8519:38, 8519:47, 8520:9, 8520:36, 8520:47, 8523:19, 8523:22, 8527:39, 8528:3, 8529:4, 8529:8, 8530:25, 8537:1, 8559:9, 8559:35, 8579:25, 8586:18, 8587:40,	showing [1] - 8501:40 shown [2] - 8520:26, 8592:46 sick [1] - 8515:27 sign [2] - 8501:40, 8540:5 signature [2] - 8540:3, 8565:1 signed [1] - 8513:42 significant [4] - 8500:29, 8582:24, 8584:47, 8585:3 signify [1] - 8576:5 signs [1] - 8581:27 silence [1] - 8569:39 similar [3] - 8531:15, 8561:36, 8578:15 simple [1] - 8579:38 simple [1] - 8529:25 simply [6] - 8535:35, 8547:7, 8558:11, 8573:41, 8573:47, 8594:25 sin [2] - 8528:42, 8529:44 singularly [1] - 8582:37	sometimes [10] - 8503:5, 8503:7, 8503:8, 8505:8, 8506:47, 8507:1, 8511:6, 8558:11, 8566:35, 8570:17 somewhere [7] - 8510:32, 8515:22, 8560:3, 8561:31, 8570:38, 8570:40, 8595:46 Sorry [1] - 8571:21 sorry [31] - 8504:21, 8506:6, 8507:22, 8508:38, 8509:44, 8519:30, 8524:9, 8528:14, 8535:20, 8542:21, 8542:38, 8542:39, 8547:38, 8551:20, 8552:36, 8552:40, 8553:9, 8567:29, 8571:25, 8572:6, 8572:12, 8575:13, 8579:45, 8584:12, 8589:12, 8589:32, 8590:45, 8591:36, 8594:45, 8595:14, 8596:15
seconded [2] - 8538:42, 8569:8 Seconded [2] - 8539:5, 8593:21 seconder [1] - 8539:14 secrecy [2] - 8532:26, 8533:36 secretary [39] - 8510:35, 8510:39, 8511:33, 8511:42, 8512:1, 8512:7, 8512:14, 8512:22, 8512:35, 8512:45, 8513:17, 8515:46, 8516:7, 8516:21, 8517:3, 8523:6, 8524:21, 8524:45, 8525:1, 8536:38, 8536:40, 8551:31, 8551:43, 8554:37, 8555:44, 8557:26, 8560:11, 8571:29, 8583:35, 8586:14, 8589:44, 8590:9, 8591:10, 8592:21, 8594:2, 8594:11,	8533:3, 8570:40, 8579:31 seeking [1] - 8515:36 seem [2] - 8561:37, 8596:26 selected [1] - 8506:3 Seminary [2] - 8526:18 seminary [2] - 8526:18 seminary [2] - 8503:17, 8521:37, 8522:18, 8522:20, 8522:35, 8526:30, 8526:33, 8526:38, 8526:40, 8526:43, 8527:14, 8527:16, 8527:26, 8534:10, 8534:12, 8535:3, 8535:16, 8535:22, 8536:22, 8536:26 sending [1] - 8502:12 senior [5] - 8509:11, 8512:19, 8516:25, 8555:13, 8581:9 seniority [6] - 8509:19, 8555:18, 8565:13, 8595:5, 8595:23	8579:43, 8579:45, 8579:47, 8582:23 set [13] - 8508:36, 8508:41, 8515:19, 8515:24, 8516:38, 8537:22, 8565:12, 8565:13, 8565:24, 8579:30, 8579:31, 8579:34, 8596:20 sets [2] - 8560:29, 8567:44 several [2] - 8550:18, 8550:26 sex [1] - 8527:14 sexual [32] - 8519:20, 8519:22, 8519:24, 8519:38, 8519:47, 8520:9, 8520:36, 8520:47, 8523:19, 8523:22, 8527:39, 8528:3, 8529:4, 8529:8, 8530:25, 8537:1, 8559:9, 8559:35, 8579:25,	showing [1] - 8501:40 shown [2] - 8520:26, 8592:46 sick [1] - 8515:27 sign [2] - 8501:40, 8540:5 signature [2] - 8540:3, 8565:1 signed [1] - 8513:42 significant [4] - 8500:29, 8582:24, 8584:47, 8585:3 signify [1] - 8576:5 signs [1] - 8581:27 silence [1] - 8569:39 similar [3] - 8531:15, 8561:36, 8578:15 simple [1] - 8579:38 simple [1] - 8529:25 simply [6] - 8535:35, 8547:7, 8558:11, 8573:41, 8573:47, 8594:25 sin [2] - 8528:42, 8529:44 singularly [1] -	sometimes [10] - 8503:5, 8503:7, 8503:8, 8505:8, 8506:47, 8507:1, 8511:6, 8558:11, 8566:35, 8570:17 somewhere [7] - 8510:32, 8515:22, 8560:3, 8561:31, 8570:38, 8570:40, 8595:46 Sorry [1] - 8571:21 sorry [31] - 8504:21, 8506:6, 8507:22, 8508:38, 8509:44, 8519:30, 8524:9, 8528:14, 8535:20, 8542:21, 8542:38, 8542:39, 8547:38, 8551:20, 8552:36, 8552:40, 8553:9, 8567:29, 8571:25, 8572:6, 8572:12, 8575:13, 8579:45, 8584:12, 8589:12, 8589:32, 8590:45, 8591:36, 8594:45,

0500.0 0500.5	0544.00 0540.7	Ctowart w 0506:00	0504:20 0502:45	_
8529:2, 8530:5, 8530:8, 8533:20,	8541:23, 8542:7, 8542:21, 8542:25,	Stewart [1] - 8526:23 still [11] - 8524:45,	8591:39, 8592:15 suggesting [2] -	Т
8537:5, 8537:10,	8542:28, 8542:41,	8530:38, 8532:20,	8539:13, 8548:36	tab [12] - 8552:1,
8539:15, 8559:9,	8542:45, 8543:1,	8541:42, 8555:44,		8555:40, 8561:46,
8567:1, 8569:39,	8543:2, 8550:45,	8571:45, 8575:24,	suggestions [2] - 8514:16, 8514:20	8562:3, 8562:27,
8571:7, 8573:41,	8551:1, 8551:3,	8580:45, 8583:28,	•	8563:5, 8564:1,
8573:47, 8578:5,	8551:10, 8551:22,	8585:22, 8585:26	suggests [3] -	8565:10, 8565:20,
8579:40, 8580:45,	8551:24, 8551:41,	stop [1] - 8502:16	8518:20, 8531:19, 8539:14	8567:37, 8571:12,
8581:25, 8581:28,	8585:28	stopped [1] - 8579:40	suicide [1] - 8500:32	8587:31
8583:13, 8591:37,	staffing [3] - 8538:15,	storage [1] - 8540:41	suitability [2] -	TAB [1] - 8552:11
8592:23	8538:19, 8593:9	story[1] - 8536:18	8509:14, 8509:20	table [5] - 8514:40,
sorts [6] - 8511:40,	stage [10] - 8516:15,	Street [2] - 8498:22,	suitable [2] - 8514:2,	8547:44, 8550:46,
8528:45, 8529:5,	8516:42, 8517:44,	8502:15	8570:33	8596:7, 8596:8
8534:27, 8579:41,	8541:21, 8550:9,	stress [3] - 8556:44,	superior [1] - 8541:16	taker [1] - 8560:11
8581:42	8556:26, 8575:28,	8558:42, 8559:13	superiors [1] - 8581:8	talks [2] - 8569:38,
sought [3] - 8550:7,	8591:27, 8594:41,	stressed [1] - 8559:19	SUPPLEMENTARY	8587:32
8554:13, 8558:1	8594:43	stressing [2] -	[1] - 8505:28 supply	taught [2] - 8528:12,
sound [1] - 8547:29	stage" [1] - 8559:31	8556:18, 8556:21	[1] - 8501:12 support	8543:42
sounds [1] - 8540:32	stages [1] - 8576:35	strictly[1] - 8513:28	[4] - 8499:38,	teach [2] - 8528:16,
south [1] - 8516:43	stand [1] - 8574:12	structure [3] -	8500:7, 8500:36,	8581:25
South [1] - 8498:22	standing [1] - 8579:38	8577:45, 8578:24,	8549:18	teaching [3] -
space [2] - 8550:18,	start [5] - 8501:10,	8578:31	supported [1] -	8531:44, 8532:12,
8550:25	8536:27, 8590:45,	student [1] - 8502:29	8528:7	8545:18
speaking [2] -	8594:8, 8594:9	Study[1] - 8498:17	supportive [1] -	teachings [2] -
8513:30, 8582:44	started [3] - 8514:18,	study [4] - 8516:31,	8580:24	8533:8, 8533:39
Special [1] - 8503:13	8548:1, 8570:7	8521:33, 8521:36,	suppose [6] - 8507:6,	technicalities [1] -
special [1] - 8527:6	starters [1] - 8577:29	8566:9	8512:16, 8514:30,	8540:26
specific [9] - 8510:15,	starting [1] - 8544:39	studying [1] - 8527:7	8523:16, 8525:44,	technology[1] -
8516:2, 8519:43,	starts [2] - 8588:19,	subject [3] - 8519:38,	8526:31	8598:10
8522:25, 8522:32,	8593:9	8519:47, 8597:24	supposition [1] -	teenagers [1] -
8523:10, 8523:34,	state [1] - 8549:12	subsequent [7] -	8514:31	8534:40
8586:42, 8589:4	statement [22] -	8499:21, 8502:10,	surprised [2] -	teens [2] - 8519:27,
specifically [10] -	8499:5, 8499:6,	8535:31, 8566:8,	8512:30, 8561:11	8519:30
8520:3, 8520:6,	8499:20, 8500:6,	8566:11, 8568:25,	surprising [2] -	telephone [1] -
8528:47, 8529:6,	8501:27, 8504:16,	8568:26	8508:15, 8525:41	8567:30
8545:10, 8545:30,	8504:21, 8504:24,	subsequently [8] -	survivor [2] - 8502:6,	tem [1] - 8564:29
8563:15, 8581:36,	8504:29, 8505:14,	8499:28, 8502:7,	8504:27	tem" [1] - 8564:26
8584:44, 8592:14	8505:17, 8505:22,	8534:11, 8534:18,	survivors [6] -	temporary [8] - 8515:27, 8557:16,
specifics [2] -	8505:23, 8505:26,	8544:39, 8544:42,	8499:34, 8499:37,	8557:21, 8557:22,
8519:23, 8519:32	8505:32, 8505:39,	8550:8, 8550:34	8500:16, 8500:18,	8562:8, 8563:39,
speculate [4] -	8505:44, 8521:9,	subsisting [1] -	8500:30, 8580:1	8564:37, 8587:36
8557:40, 8557:43,	8571:44, 8571:46,	8500:19	suspect [1] - 8535:40	tend [1] - 8531:26
8557:45, 8559:11 speeding [1] -	8572:8, 8572:9 STATEMENT [2] -	succeed [1] - 8571:8	suspected [4] -	tended [3] - 8510:41,
8546:47	8505:19, 8505:28	successful [1] -	8503:9, 8503:25,	8514:18, 8534:32
spending [1] -	statements [6] -	8577:9	8587:19, 8589:8	tender [7] - 8505:17,
8580:24	8499:27, 8505:10,	succession [1] -	suspicion [1] -	8505:26, 8521:12,
spent [2] - 8510:43,	8526:7, 8526:8,	8540:27	8570:38	8537:26, 8537:28,
8547:32	8579:16	successor [1] -	suspicious [1] -	8552:1, 8555:39
spiritual [5] - 8506:37,	states [1] - 8538:16	8585:9	8586:13 sustain [1] - 8528:18	tense [1] - 8590:40
8530:7, 8531:29,	stay [5] - 8515:15,	suffer [2] - 8531:23,		tenure [4] - 8515:15,
8569:37, 8569:41	8520:1, 8543:28,	8531:26	sustains [1] - 8528:39	8566:34, 8566:37,
spoken [3] - 8527:18,	8553:43, 8566:40	suffering [1] - 8500:31 sufficiently [2] -	Swan [2] - 8562:19,	8569:21
8580:5, 8587:10	stayed [3] - 8515:18,	8578:45, 8579:1	8562:29 sworn [2] - 8499:9,	tenured [1] - 8566:43
St [29] - 8499:22,	8519:7, 8548:42	suggest [7] - 8508:33,	8504:44	term [4] - 8507:1,
8502:15, 8502:30,	step [3] - 8500:9,	8522:36, 8524:29,	Sydney [1] - 8501:32	8507:2, 8566:47,
8503:6, 8505:4,	8567:18, 8582:11	8539:17, 8553:15,	system [1] - 8595:7	8586:41
8521:24, 8521:30,	Stephen [2] - 8502:6,	8575:15, 8587:18	3y3(6)11 [1] - 0030.7	terms [19] - 8500:25,
8522:43, 8530:33,	8503:41	6373.13, 6367.16		8506:13, 8506:28,

8503:41

steps [1] - 8539:26

8522:43, 8530:33,

8540:16, 8540:31,

suggested [4] -

8500:38, 8503:29,

8507:36, 8507:47,

8510:8, 8510:18,	thoughts [2] -	8530:43, 8531:8,	U	8576:20, 8588:37,
8512:38, 8512:39,	8514:10, 8527:26	8531:16, 8559:35,	ultimately [3] -	_ 8594:6, 8594:29,
8524:6, 8527:28,	thousands [3] -	8587:41, 8588:26	8512:2, 8539:1,	8594:31
8530:5, 8530:26, 8568:17, 8581:29,	8501:45, 8502:1,	transgressions [2] -	8549:3	upcoming [1] - 8507:42
8581:40, 8586:35,	8580:6	8530:24, 8530:25	unaware [2] - 8546:1,	
8591:31, 8595:19	threatened [1] - 8502:30	trap [2] - 8548:4, 8548:7	8582:38	upset [2] - 8502:34, 8523:42
terrible [1] - 8582:21	three [6] - 8502:26,	travel [1] - 8570:39	uncommon [1] -	us" [1] - 8501:24
testimony[1] -	8507:11, 8516:47,	travelled [1] - 8572:5	8580:43	useful [1] - 8500:23
8549:44	8526:37, 8533:9,	travelling [1] -	under [22] - 8507:20,	usual [4] - 8554:46,
Thailand [1] - 8534:42	8592:1	8510:44	8508:12, 8508:17,	8555:30, 8556:34,
THE [59] - 8499:1,	throughout [1] -	treat [1] - 8508:7	8508:18, 8508:32,	8570:27
8503:43, 8504:1,	8582:8	treated [1] - 8579:39	8508:33, 8508:35,	
8504:11, 8504:21,	title [1] - 8544:9	trial [4] - 8545:30,	8508:40, 8510:1,	V
8504:32, 8504:37,	titles [2] - 8542:19,	8548:1, 8548:11,	8510:19, 8518:7,	
8504:40, 8505:34,	8542:22	8573:44	8518:15, 8519:34,	vacancy[2] - 8513:45, 8514:2
8507:45, 8509:23,	TO [2] - 8498:13,	tried [2] - 8537:42,	8519:35, 8538:15,	vacant [6] - 8514:44,
8514:34, 8516:7,	8598:16	8577:7	8538:30, 8554:38, 8556:34, 8583:3,	8515:2, 8554:22,
8521:16, 8524:24,	today [14] - 8499:7,	trouble [1] - 8500:30	8583:11, 8591:1,	8594:44, 8594:45,
8527:33, 8534:3,	8499:47, 8504:16,	troubled [1] - 8502:41	8591:13	8595:21
8536:7, 8537:16,	8505:46, 8517:6,	true [5] - 8502:34,	underlined [1] -	value [1] - 8509:24
8537:26, 8539:19,	8517:7, 8578:15,	8505:14, 8505:23,	8518:32	various [6] - 8504:25,
8539:45, 8547:38,	8578:32, 8580:30,	8550:10, 8590:23	underlining [2] -	8510:45, 8516:44,
8547:42, 8552:6, 8556:43, 8558:41,	8580:31, 8580:46,	trust [1] - 8544:10	8566:20, 8568:32	8550:46, 8576:35,
8560:35, 8560:43,	8585:45, 8587:4, 8598:4	Truth [1] - 8560:41	underneath [2] -	8597:27
8560:47, 8561:4,	together [6] - 8516:29,	try [1] - 8500:9	8562:38, 8567:22	version [3] - 8552:2,
8561:8, 8561:14,	8516:30, 8516:31,	trying [4] - 8519:12,	understood [5] -	8552:3, 8552:7
8561:21, 8561:26,	8551:41, 8588:13	8528:7, 8581:25,	8548:19, 8549:19,	VERSION [1] -
8561:33, 8561:42,	tomorrow [1] - 8598:4	8582:6	8549:45, 8575:2,	8552:11
8565:12, 8571:23,	took [12] - 8499:29,	Tuesday [2] - 8498:27, 8500:11	8591:23	veterans [3] -
8571:38, 8573:39,	8503:25, 8546:35,	turn [8] - 8518:32,	undertaken [1] -	8500:16, 8500:17,
8579:14, 8585:17,	8547:22, 8552:23,	8549:30, 8553:12,	8529:11	8500:21
8586:28, 8586:44,	8571:32, 8576:20,	8561:45, 8565:10,	unheard [1] - 8567:20	via [1] - 8499:28
8587:26, 8588:40,	8577:13, 8583:25,	8566:19, 8567:37,	unless [1] - 8531:46	Vicar [15] - 8502:12,
8589:28, 8590:30,	8584:38, 8585:2,	8571:46	unlimited [1] -	8506:23, 8506:24,
8591:21, 8593:40,	8591:37	turning [3] - 8501:41,	8500:21	8506:31, 8512:6,
8595:44, 8596:39,	top [5] - 8552:32,	8563:22, 8564:15	unredacted [2] -	8512:13, 8512:15, 8512:23, 8512:35,
8597:41, 8597:45,	8552:33, 8563:23,	TV [1] - 8547:44	8552:3, 8552:7	8517:20, 8525:34,
8598:1, 8598:7,	8564:15, 8566:20	twelve [1] - 8507:6	UNREDACTED [1] - 8552:11	8525:36, 8564:12,
8598:12, 8598:15 themselves [3] -	topic [1] - 8581:36	two [26] - 8505:10,	unsigned [1] - 8499:5	8565:33
8526:7, 8581:47,	topics [1] - 8504:26	8507:13, 8507:39,	untoward [3] -	victims [4] - 8499:26,
8596:26	Torpy [2] - 8565:46,	8513:7, 8513:8,	8510:15, 8510:17,	8500:7, 8501:39,
there'd [1] - 8560:18	8566:1	8515:21, 8526:44,	8510:23	8503:35
thereabouts [1] -	totally [2] - 8577:28,	8527:5, 8527:38,	unusual [6] - 8516:4,	Victoria [3] - 8498:23,
8516:19	8578:42	8527:40, 8535:12,	8558:42, 8567:18,	8502:15, 8568:45
thereafter [2] -	touching [2] - 8529:5, 8585:37	8540:36, 8540:39,	8567:28, 8568:9,	Victorian [1] - 8499:24
8536:30, 8588:35	towards [8] - 8507:26,	8540:40, 8541:26,	8570:5	view [16] - 8508:45,
therefore [4] -	8516:45, 8538:14,	8541:30, 8542:12, 8542:24, 8542:37,	unwilling [1] - 8503:3	8512:2, 8512:33,
8558:26, 8570:40,	8538:26, 8540:41,	8542:39, 8542:43,	up [24] - 8501:10,	8514:45, 8516:34,
8577:41, 8581:26	8564:47, 8578:21,	8543:21, 8543:22,	8501:39, 8516:15,	8533:3, 8533:7,
they've [4] - 8525:21,	8579:28	8546:3, 8592:36	8516:46, 8532:25,	8539:35, 8547:4,
8531:31, 8533:21,	Towards [2] -	typical [4] - 8538:29,	8532:27, 8533:16,	8577:19, 8577:26,
8533:25	8500:40, 8503:36	8592:20, 8592:26,	8533:17, 8536:3,	8583:1, 8583:9,
thinking [2] - 8503:23,	trained [1] - 8503:20	8592:27	8547:24, 8548:1,	8584:38, 8584:43,
8524:6	training [1] - 8508:30	typically [3] - 8565:4,	8549:42, 8561:47,	8584:47 views [2] - 8514:21,
third [1] - 8500:39	transcript [1] -	8592:2, 8595:19	8566:20, 8570:6,	8596:21
thoughtless [1] -	8582:40		8571:9, 8575:34,	vigilance [1] - 8579:6
8518:26	transgression [6] -		8575:37, 8576:14,	vigilant [4] - 8578:45,

8579:1, 8586:36, 8586:40 Villa [1] - 8542:45 violence [1] - 8579:25 virtue [1] - 8549:13 visibly[1] - 8502:34 visit [3] - 8511:20, 8547:34, 8547:42 visiting [2] - 8503:21, 8579:39 visual [1] - 8598:5 voted [1] - 8539:2 voting [1] - 8539:15 vow [5] - 8527:18, 8527:27, 8527:30, 8527:33, 8528:8

W

wait [1] - 8502:21 walk [2] - 8549:30, 8549:42 walked [1] - 8548:28 walks [1] - 8580:44 wants [1] - 8590:26 Warrnambool [1] -8562:30 WAS [1] - 8598:15 watch [3] - 8583:3, 8583:11, 8585:2 ways [1] - 8587:6 WEDNESDAY [1] -8598:16 week [4] - 8499:5, 8500:18, 8504:17, 8504:33 weekends [1] -8580:44 weeks [3] - 8502:14, 8563:1, 8572:39 welcome [1] - 8564:16 welfare [1] - 8537:45 well-being [1] -8569:41 Wendouree [6] -8535:27, 8535:31, 8535:33, 8535:37, 8535:39, 8536:8 Werribee [1] - 8522:21

whatsoever [1] -

whereas [3] - 8528:38,

8530:4, 8594:18

8533:36, 8534:43,

8536:18, 8539:9,

8541:2, 8575:12,

8578:18, 8594:25

wing [1] - 8540:37

wish [4] - 8499:18,

whole [9] - 8517:8,

8545:34

8538:45 WITHDREW [2] -8504:40, 8598:1 Witness [1] - 8508:5 witness [1] - 8547:39 WITNESS [3] -8504:40, 8547:42, 8598.1 witnesses [3] -8504:28, 8575:34, 8598:3 Woods [2] - 8502:6, 8503:41 word [7] - 8510:22, 8547:22, 8563:27, 8578:10, 8586:41, 8595:7, 8595:8 wording [1] - 8591:28 words [1] - 8560:5 worry[1] - 8531:30 worse [1] - 8501:38 worst [1] - 8500:31 worthwhile [1] -8503:34 write [2] - 8513:33, 8567:24 writing [1] - 8552:23 written [1] - 8513:37 wrote [4] - 8500:3, 8552:26, 8552:28, 8565:17 X

8499:20, 8505:31,

wished [5] - 8499:6,

8511:20, 8515:15,

8557:35, 8581:33

8561:39

withdraw [1] -

Xavier [1] - 8542:46

Year [3] - 8538:20,

Υ

8541:23, 8593:18 year [14] - 8521:5, 8521:39, 8526:34, 8527:1, 8527:7, 8534:13, 8534:15, 8536:27, 8545:24, 8551:20, 8566:30, 8569:25, 8570:13, 8594:11 years [15] - 8501:45, 8501:46, 8502:1, 8502:25, 8506:42, 8507:13, 8515:21, 8526:37, 8526:38, 8533:9, 8581:28, 8591:6, 8593:4,

8594:2, 8594:10 yelled [1] - 8501:22 Yes" [1] - 8501:6 young [4] - 8547:46, 8548:7, 8548:10, 8596:23 younger [7] - 8526:47, 8527:1, 8527:3, 8534:33, 8534:39, 8534:42, 8534:43 youngest [1] -8527:10 yourself [5] - 8529:32, 8530:14, 8531:38, 8579:11, 8591:11 yourselves [1] -8581:35

Ζ

zones [3] - 8516:43, 8516:44, 8516:47

youth [1] - 8547:30