

**ROYAL COMMISSION INTO INSTITUTIONAL  
RESPONSES TO CHILD SEXUAL ABUSE**

**Public Hearing - Case Study C42  
(Day C157)**

Newcastle Court House,  
343 Hunter Street, Newcastle  
Court Room 6.1

On Friday, 5 August 2016 at 10am

Before:

The Chair:	Justice Peter McClellan AM
Commissioner:	Mr Robert Fitzgerald AM
Commissioner:	Mr Robert Atkinson AO APM

Counsel Assisting:	Ms Naomi Sharp
	Ms Kirstie Raffan

1 <RICHARD FRANKLIN APPLEBY, on former oath: [10am]

2  
3 THE CHAIR: Application was made yesterday for a pseudonym  
4 to be given to a person who is apparently named in  
5 documents. I will not name him again. The ground for the  
6 application was that this person was the subject of  
7 complaint and his conduct investigated by the relevant  
8 committee or panel of the Church some six years ago. At  
9 that time this person's daughter was aged eight; she is now  
10 aged 14. It was submitted, without any evidence, that the  
11 consequence of the publication of his name may now be  
12 harmful to her.

13  
14 The fact that someone's name is published in  
15 a Royal Commission will always have potential consequences,  
16 both for them and for members of their family. If those  
17 consequences are adverse that is regrettable, but it is  
18 an inevitable part of a public hearing and for that reason  
19 I would not have provided a pseudonym in this case.

20  
21 However, as I understand the position at present, this  
22 person's part in the inquiry which we are undertaking is  
23 not in strict terms within our Terms of Reference.

24  
25 Counsel Assisting has submitted that the only reason  
26 his actions are relevant is to record the history of the  
27 development of the processes of professional standards  
28 review within the Diocese.

29  
30 Accordingly, on that understanding and upon the  
31 assumption that understanding is made good by the documents  
32 when they ultimately are examined, I will accede at this  
33 stage to allow this person to be identified by a pseudonym  
34 and Counsel Assisting, I would be grateful if you could  
35 arrange for an appropriate pseudonym. If, however, it  
36 becomes apparent that he is a person whose conduct is  
37 within our Terms of Reference, then I will review that  
38 decision.

39  
40 MS SHARP: Thank you, your Honour. May I indicate that  
41 I understand that that person has been assigned the  
42 pseudonym [COJ].

43  
44 THE CHAIR: Very well. Thank you.

1 <EXAMINATION BY MS SHARP CONTINUED:

2  
3 MS SHARP: Q. Bishop Appleby, we spoke yesterday  
4 afternoon about the incident involving Stephen Gray that  
5 you referred to in your statement to this Commission. Can  
6 you tell me how Keith Allen came to be involved in this  
7 matter?

8 A. I've got no idea. My understanding was that he was  
9 engaged by Mr Gray, or people associated with him, to act  
10 for him, but beyond that I've got no idea.

11  
12 Q. Can I take you to a document at tab 7. You will see,  
13 Bishop, this is a letter addressed to you from Keith Allen?

14 A. Correct.

15  
16 Q. You will see that it is dated 30 May 1990. You will  
17 see that there is a stamp on it that says that it was  
18 received by your office on 31 May 1990.

19 A. Yes.

20  
21 Q. You received this letter, didn't you?

22 A. The fact it was received by my office, the answer  
23 would be yes.

24  
25 Q. You read this letter at the time?

26 A. I would imagine so, yes.

27  
28 Q. You will see in the first paragraph it advises:

29  
30 *As you are aware the writer acts for*  
31 *Stephen Gray.*

32  
33 Is it right that prior to receiving this matter you knew  
34 that Keith Allen acted for Stephen Gray?

35 A. About that I could not be certain. I've got no  
36 recollection of Mr Allen being in touch with me prior to  
37 this, but certainly I received this letter with that  
38 information.

39  
40 Q. You will see that in the first paragraph it advises:

41  
42 *... the matter will be coming before the*  
43 *District Court at Gosford.*

44  
45 A. Yes.

46  
47 Q. You were aware at the time of reading this letter that

1 Mr Gray was being prosecuted, weren't you?  
2 A. That certainly is the clear implication there, yes.  
3  
4 Q. I am asking you were aware of that at the time,  
5 weren't you?  
6 A. Whether I was aware of it before the receipt of this  
7 letter I could not be sure.  
8  
9 Q. I am just trying to understand. Is it your evidence  
10 that you recall receiving this letter or you don't  
11 remember?  
12 A. Oh, I don't remember at all, but having now seen it  
13 and the fact it was received by my office, I could say  
14 quite certainly I would have seen it at the time, yes.  
15  
16 Q. Do you recall that one of your clergy in your Diocese  
17 was being prosecuted for a criminal offence?  
18  
19 THE CHAIR: Ms Sharp, I think we have been over a lot of  
20 this. Where are we going now?  
21  
22 MS SHARP: A little further, your Honour. I will move on  
23 from this particular --  
24  
25 THE CHAIR: Can we go to where we want to go? We have a  
26 pretty good understanding of how this all fits together.  
27  
28 MS SHARP: Yes, thank you.  
29  
30 Q. Were you aware that Stephen Gray was being prosecuted  
31 for a sexual offence against a child?  
32 A. I don't believe I was.  
33  
34 Q. You will see that you were told, in the second  
35 paragraph, that there were no press present and then you  
36 will see in the third paragraph you're asked to write  
37 a written reference?  
38 A. Correct.  
39  
40 Q. Did you write a written reference?  
41 A. No, I don't believe I did.  
42  
43 Q. Why was that?  
44 A. My understanding is that when I received such a letter  
45 I would have discussed it with Bishop Holland and I noticed  
46 subsequently that he wrote a reference and my guess is,  
47 though I've got no remembrance of the actual event, my

1 guess is it's likely Bishop Holland would have said to  
2 this, "You leave this with me, I'm dealing with this."

3  
4 Q. Mr Allen was, to your knowledge, back in 1990,  
5 a person with a longstanding involvement in the Diocese?

6 A. During the years I was there, yes. I really can't  
7 recall the various roles he had, but he - I mean,  
8 for example, I'm not sure that he was a member of the  
9 Diocesan Council in that time, he may have been, and I know  
10 he became a trustee, but just when I'm not sure.

11  
12 Q. This letter is dated 1990, that is six years after you  
13 became the Assistant Bishop?

14 A. Seven years.

15  
16 Q. It is right that by six years into your  
17 assistant bishophood, you were well aware that Keith Allen  
18 was quite involved in the affairs of the Diocese?

19 A. Certainly towards - I knew he became a trustee, but as  
20 to when he became a trustee and his involvement, the answer  
21 would be, yes, I was aware of him, but the exact extent of  
22 that involvement I'm not sure.

23  
24 Q. You were aware that he was acting for Stephen Gray in  
25 a criminal prosecution?

26 A. This letter alerted me to that, yes.

27  
28 Q. Did you not think it incumbent upon you to inquire as  
29 to the nature of that criminal prosecution?

30 A. I believe I would have discussed the matter with  
31 Bishop Holland, who was the Diocesan Bishop, and I believe  
32 that he would have indicated to me that he was handling  
33 this matter and that I should not be involved.

34  
35 THE CHAIR: Ms Sharp, I think we have been over all this  
36 too. Can we move on?

37  
38 MS SHARP: Yes, your Honour, I will move on.

39  
40 Q. Can I show you a document at exhibit 18. This is not  
41 a document that you will have seen before, Bishop Appleby,  
42 but I want to draw some matters to your attention in this  
43 document. You will see this is a Crime Information Report?

44 A. Yes.

45  
46 Q. You will see that the incident reported - I will need  
47 to have that enlarged, if I can, and a focus on the top

1 left-hand side of the document. You will see, towards the  
2 top of the document on the left-hand side, it states:

3  
4 *Type of incident: homosexual intercourse*  
5 *with a male over 10-16 years*  
6

7 A. Yes.

8  
9 Q. Can I then draw your attention a little further down  
10 to the right-hand side. It says:

11  
12 *Date reported: 5.15am on 12.2.90.*  
13

14 You can take it from this document that this is the time  
15 the allegation against Stephen Gray was reported to the  
16 police?

17 A. Yes.

18  
19 Q. Can I show you a further document. This is at  
20 tab 430D. Can I just have that document enlarged, please.  
21 You will see that is a document headed:

22  
23 *Facts relative to Stephen Hatley Gray.*  
24

25 Could I just show this witness the final page of the  
26 document and the signature at the bottom. If we can  
27 enlarge that, you will see that this document has been  
28 signed by a detective sergeant in the Police Force?

29 A. Yes.

30  
31 Q. Could I take your attention to that last page. You  
32 will see in the second-last paragraph:

33  
34 *The victim was taken to the ... Hospital on*  
35 *the morning of 12 February, 1990 ...*  
36

37 A. Yes.

38  
39 Q. You will see that the prisoner, that is, Mr Gray, was  
40 interviewed later that day?

41 A. Yes.

42  
43 Q. That is on 12 February.

44 A. Correct.

45  
46 Q. It's right that you did not visit Mr Gray until after  
47 the matter had been reported to the police; correct?

1 A. My understanding was that the reporting to the police  
2 happened after I was sent down early in the morning, but  
3 I've got no evidence to support my view on that, apart from  
4 what I have seen in documents before this Commission.

5  
6 Q. I will ask you to assume that the incident occurred on  
7 12 February and the incident was reported to the police on  
8 12 February. Will you make that assumption for me?

9 A. Well, I mean, I don't know otherwise.

10  
11 Q. All right. You say that you were asked - you were  
12 told there had been a "serious disturbance" and you were  
13 asked to go and see Stephen Gray --

14 A. Yes.

15  
16 Q. -- and obtain his resignation?

17 A. Yes.

18  
19 Q. Did you go immediately to see Stephen Gray after that  
20 request was made from you, or was it a few days later, or  
21 what?

22 A. I went immediately. I was phoned early in the  
23 morning. I got dressed and got in the car and went  
24 straight to Wyong.

25  
26 Q. You have told us that you obtained his written  
27 resignation?

28 A. Correct.

29  
30 Q. You have told us that he wrote out that resignation in  
31 front of you?

32 A. Correct.

33  
34 Q. Did you have any conversation with him about the date  
35 he should write on that letter of resignation?

36 A. No. I just simply asked him to write his resignation  
37 addressed to "The Bishop of Newcastle".

38  
39 Q. Can I show you that letter of resignation at tab 5.  
40 Can you see that that resignation is dated 11 February  
41 1990?

42 A. Yes.

43  
44 Q. The incident, I will ask you to assume, didn't occur  
45 until 12 February 1990 and therefore you could not have  
46 seen Mr Gray before 12 February 1990. Are you able to  
47 assist the Royal Commission in relation to the question of

1 why this letter is dated 11 February 1990?  
2 A. I'm sorry, I've got no idea. I mean it could have  
3 been a careless mistake. I have got no idea. I'm sorry,  
4 as much as I would like to, I really do not have any  
5 knowledge on this particular issue with which I could  
6 assist the Commission; I'm sorry about that.  
7  
8 Q. Is it right then that you had no discussion with  
9 Reverend Gray about the date he should place on this letter  
10 of resignation?  
11 A. Definitely not. I simply asked him to give me his  
12 resignation in writing.  
13  
14 Q. Have you had any discussion with anybody about the  
15 date of this resignation?  
16 A. No, not to my knowledge, never.  
17  
18 Q. Have you ever had any discussion with Keith Allen  
19 about the date of this resignation?  
20 A. No.  
21  
22 Q. Is it your evidence that you never became aware that  
23 an underage boy was associated with this incident?  
24 A. It's only more recently with documentation at this  
25 Commission that I have become aware of that.  
26  
27 THE CHAIR: I think we have been over that too, Ms Sharp.  
28  
29 MS SHARP: Yes.  
30  
31 Q. May we take it then that, to the best of your  
32 knowledge, no efforts whatsoever were taken by anyone  
33 within the Diocese to provide any assistance to this  
34 underage boy?  
35 A. I cannot answer for what the Bishop of the Diocese,  
36 the Bishop of Newcastle did and he was clearly handling  
37 this matter and so, I'm sorry, I do not know.  
38  
39 Q. Bishop Appleby, let me ask you squarely. Did you turn  
40 a blind eye to what was going on with Stephen Gray?  
41 A. No. No.  
42  
43 Q. Did you turn a blind eye to allegations that [CKZ] had  
44 been assaulted by James Brown?  
45 A. Definitely not because I was not aware of that.  
46  
47 Q. Did you turn a blind eye to allegations that [CKA] had



1       been assaulted by [CKC]?

2       A.   No, in that I did not know about it.

3

4       Q.   Can I take you to paragraph 67 of your statement,  
5       please. Here you talk about the process of selecting who  
6       was to be ordained in the Diocese?

7       A.   Correct.

8

9       Q.   I think you gave some evidence that you improved the  
10      process of selection during your term as the  
11      Assistant Bishop?

12     A.   I've made that point in this statement, yes.

13

14     Q.   How did you do that?

15     A.   I introduced a much more rigorous process with more  
16     intensive interviews. It involved a residential weekend  
17     conference to assess the students. I involved a senior  
18     psychiatrist and clinical psychologist in the interview  
19     process and I required, with the support of the Diocese,  
20     police checks as well. It was one of the most rigorous and  
21     best processes around the Anglican Church of Australia and  
22     many bishops came to me to check what we were doing and to  
23     seek advice as to how they might implement it themselves.

24

25     Q.   Were you aware that Stephen Gray had attended  
26     Morpeth College in the 1970s?

27     A.   No, I wasn't, no. That was certainly before my time  
28     in the Diocese and I was - I mean many of the clergy of the  
29     Diocese had been to St John's College at Morpeth but not  
30     all of them.

31

32     Q.   That of course makes sense because Morpeth is located  
33     within the Diocese?

34     A.   Correct.

35

36     Q.   Were you at Morpeth College as a student at the time  
37     Allan Kitchingman was there?

38     A.   No.

39

40     Q.   Was that before your time at Morpeth College?

41     A.   I believe so.

42

43     Q.   Is it right that was he there at the time that  
44     Graeme Lawrence was?

45     A.   That I do not know.

46

47     Q.   Is it fair to say that, at least as at today's date,

1 Keith Allen has given long and significant service to the  
2 Diocese of Newcastle?

3 A. Yes.  
4

5 Q. Are you aware that the New South Wales Police have  
6 been re-investigating the [CKC] matter?

7 A. I indicated in my statement that I was asked by  
8 a detective involved in that work for a statement and so as  
9 a result of that, the answer was yes, I was.  
10

11 Q. Have you ever discussed that new investigation with  
12 Keith Allen?

13 A. No. The new investigation, no.  
14

15 Q. Are you sure about that?

16 A. I certainly have no recollection of having done that.  
17

18 Q. I am just trying to understand. Is it the case that  
19 you don't remember or do you say, "No, I did not"?

20 A. I certainly don't remember, no.  
21

22 Q. So it's not something you recollect?

23 A. No.  
24

25 Q. Could it be that Mr Allen has suggested to you some of  
26 the things you might say to the police during that  
27 investigation?

28 A. Oh, no. The policeman - the detective, there was one  
29 issue he wished to have a statement from me about and this  
30 was certainly on my own initiative and I cooperated fully  
31 and provided the statement.  
32

33 MS SHARP: Those are my questions.  
34

35 THE CHAIR: Who has questions for the Bishop? There are  
36 only two hands at the moment. Are there any others?  
37 Three. Yes, you can go first, Mr O'Brien.  
38

39 **<EXAMINATION BY MR O'BRIEN:**  
40

41 MR O'BRIEN: Q. O'Brien is my name and I appear for Paul  
42 Gray, [CKA] and [CKG] and I want to ask you, obviously,  
43 about the involvement with the [CKA] allegations, do you  
44 understand that?

45 A. Yes.  
46

47 Q. When, as you say, Keith Allen called you and informed

1 you that [CKC] had been charged --

2 A. Correct.

3

4 Q. -- did you ask why he was contacting you about that?

5 A. He told me he was contacting me about it because it  
6 had been alleged that [CKA] had been to see me in 1984 to  
7 tell me about this abuse.

8

9 Q. So Keith Allen told you that?

10 A. That is my recollection, yes.

11

12 Q. Did he tell you that that information had come from  
13 Gray and Lawrence?

14 A. No. No.

15

16 Q. Did he tell you that [CKA] had told Graeme Lawrence in  
17 1999 that he had come to you in 1984 and complained of  
18 being abused by [CKC]?

19 A. You are referring to [CKA] coming to see me in 1999?

20

21 Q. No. Did Keith Allen tell you that he had been told by  
22 Graeme Lawrence that [CKA] had complained to you about what  
23 [CKC] had done to him?

24 A. I was simply told that there was an allegation that  
25 a report had been made to me, but there was no reference as  
26 to who had told who and where it had come from.

27

28 Q. Did you ask?

29 A. No. I was simply being told that this matter was  
30 coming before the court and that I had been - it had been  
31 alleged that the matter had been reported to me in 1984, as  
32 I recall it.

33

34 Q. You have said to this Royal Commission that you were  
35 familiar by that stage, in 2000, with Keith Allen?

36 A. Yes.

37

38 Q. You have said that he had by that stage been  
39 significantly involved in the church affairs within the  
40 Diocese of Newcastle?

41 A. Yes.

42

43 Q. The yearbook establishes in 2000 he was a member of  
44 the Diocesan Financial Advice Board, he was on the Panel of  
45 Triers and he was on the presentation panel within the  
46 Diocese?

47 A. Correct.

1  
2 Q. When he rang you, you thought of him as a legal  
3 representative significantly involved in the church; is  
4 that right?  
5 A. I wouldn't say as a legal representative involved but  
6 someone who had a fairly high level of involvement, yes.  
7  
8 Q. You also knew by the time he spoke to you that he was  
9 also the lawyer representing [CKC] in relation to criminal  
10 charges?  
11 A. That I believe was what was revealed to me in that  
12 conversation, yes.  
13  
14 Q. Did you feel then that he was someone coming to you  
15 with the hope that you might protect the Church and protect  
16 [CKC]?  
17  
18 MR SKINNER: I object to that.  
19  
20 THE WITNESS: No.  
21  
22 THE CHAIR: He can answer it.  
23  
24 MR SKINNER: May it please the Commission.  
25  
26 THE WITNESS: The answer is no. No. I mean my concern,  
27 when I was approached, was to establish the truth of the  
28 matter and the matter that particularly touched on me was  
29 the allegation that it had been reported to me in 1984.  
30  
31 MR O'BRIEN: Q. I want to suggest to the contrary. You  
32 would have said to Keith Allen at that stage anything to  
33 protect the reputation of the Church and protect the  
34 reputation of [CKC], is that the case?  
35 A. No. No.  
36  
37 Q. Did you know [CKC] to be an abuser of children --  
38 A. No.  
39  
40 Q. -- by 2000?  
41 A. No, I didn't. Had I known, as I indicated yesterday,  
42 I would have acted, but no, I didn't.  
43  
44 Q. Were you in any way instrumental in the forced leave  
45 of [CKC] from the Diocese?  
46  
47 MR SKINNER: I object to that. That is an assumption in

1 that question. With the greatest respect, I don't think it  
2 has been established, the forced leave.

3  
4 MR O'BRIEN: I will come at it in a different way. I will  
5 withdraw the question.

6  
7 Q. Did you have anything to do with [CKC] leaving the  
8 Diocese of Newcastle?

9 A. No. He left the Diocese, as I understand it, in 1996,  
10 by which stage I had been the Bishop of the  
11 Northern Territory for some years. I was not in the  
12 Diocese at the time he left and I only discovered  
13 subsequently that he had accepted an appointment in the  
14 Diocese of Ballarat.

15  
16 Q. Did you hear the evidence of Roger Dyer over the last  
17 couple of days?

18 A. Yes, I did.

19  
20 Q. He told this Royal Commission that [CKC] had told him,  
21 in around 1996, that you had caused his resignation?

22 A. I can only say I believe that there is something wrong  
23 about that, in that I did not. I was not in the Diocese at  
24 the time. I had nothing whatsoever to do with it and  
25 I only became aware of it subsequently.

26  
27 Q. And [CKC], according to Roger Dyer, had said that he  
28 was very unhappy with you for having caused his resignation  
29 from the Diocese of Newcastle. Do you say that that is  
30 wrong evidence, do you?

31 A. The answer is, yes, I do.

32  
33 Q. In 1984 there were problems with Father Arthur Bridge?

34 A. Correct.

35  
36 Q. He was the subject of a number of complaints from  
37 parishioners within the parish that he was the priest of;  
38 is that right?

39 A. There was difficulty in the parish. Whether there  
40 were - the extent of the complaints I'm not quite sure but  
41 as I indicated in my evidence yesterday, the issue that  
42 particularly involved me in that parish was an Art Union  
43 which he had set up and was exposing both the Parish and  
44 the Diocese particularly to significant financial risk. It  
45 was a mess and people were very concerned and I was called  
46 in. I had a series of meetings with key parishioners  
47 concerning that. Father Arthur Bridge was an able and

1 entrepreneurial priest and the longer he was in the parish  
2 he got more and more erratic and this issue of the  
3 Art Union was, as I recall it, the focus for much concern.  
4

5 Q. You have heard [CKA] tell the Royal Commission that  
6 around about 6 June 1984, he met with you to discuss his  
7 problems with Arthur Bridge?

8 A. I have absolutely no recollection of that.  
9

10 Q. You heard him say that, didn't you?

11 A. I heard him say that, yes.  
12

13 Q. Did you check your diaries for around about that time,  
14 6 June, the middle of 1984?

15 A. I indicated in my evidence yesterday that I checked  
16 with great care my appointments diaries for not only 1984  
17 but I also looked at the whole of 1983, the whole of 1984  
18 and the whole of 1985 and there is no single entry for  
19 [CKA] having made a time to come and see me.  
20

21 Q. Have you made those diaries available to the  
22 Royal Commission staff?

23 A. I'd be very happy to do that.  
24

25 Q. Do those diaries indicate to you that there had been  
26 meetings within that parish involving discussions connected  
27 with Arthur Bridge?

28 A. That I can't answer in that I haven't looked  
29 particularly for that purpose, but the answer is I do  
30 recall meeting with key leaders of that parish concerning  
31 Father Arthur Bridge at that time.  
32

33 THE CHAIR: Q. Bishop, are you telling the Commission  
34 that every meeting you ever had was in your diary?

35 A. Anyone who - the answer, your Honour, is anyone who  
36 made an appointment to come and see me, either through my  
37 secretary or to myself, was entered into my diary.  
38

39 Q. I can understand that, but you are not saying that  
40 every meeting you have ever had was in your diary, are you?

41 A. Most meetings would have been put in, in that they  
42 would have occupied a slice of the time and I would have  
43 put it in with the time and the nature of it, yes.  
44

45 Q. Can you answer my question?

46 A. I'm sorry?  
47

1 Q. Are you saying to us that every meeting you ever had  
2 would be recorded in your diary?  
3 A. Appointments which were set up with a time for me to  
4 go --  
5  
6 Q. No, please answer my question.  
7 A. So far as I know, the answer would be yes.  
8  
9 Q. So far as you know. It would be extraordinary,  
10 I would have thought, that anyone in your position would  
11 record every meeting they ever had in a diary. Some would  
12 be incidental, some would happen impromptu and so on?  
13 A. Yes, it is quite possible when I was in the parish  
14 for, for example, Sunday liturgy, a group of parishioners  
15 would want to talk to me afterwards.  
16  
17 Q. What about someone coming to your home and saying,  
18 "Bishop, I need to talk to you", do you put that in your  
19 diary?  
20 A. That would have been a very, very rare event.  
21  
22 Q. But do you put it in your diary?  
23 A. Probably not.  
24  
25 THE CHAIR: Yes, Mr O'Brien.  
26  
27 MR O'BRIEN: Q. You have come to learn, at least now,  
28 that [CKA], his father, [CKY], and his stepmother were  
29 significantly involved in the parish of which Arthur Bridge  
30 was the Rector?  
31 A. Yes.  
32  
33 Q. You know, at least now, that CKY was the warden of the  
34 church?  
35 A. I've learned that from evidence given to this  
36 Commission.  
37  
38 Q. You saw, during the evidence of now two witnesses,  
39 Bishop Holland and also [CKA], that [CKY] resigned in  
40 connection with discussions about Arthur Bridge; is that  
41 the case?  
42 A. I have no recollection of that at all, but I saw that  
43 evidence when it was presented.  
44  
45 Q. You are in no position to deny that you had a meeting  
46 with [CKA] about Arthur Bridge, are you?  
47 A. As I indicated yesterday, I think it is quite likely.

1  
2 Q. It's quite likely that meeting did take place?  
3 A. I believe so.  
4  
5 Q. Notwithstanding the fact that it doesn't appear in  
6 your diaries?  
7 A. A meeting - this would be a meeting in the parish  
8 concerning Father Arthur Bridge with key people in the  
9 parish?  
10  
11 Q. I am suggesting that happened in your home.  
12 A. Mr O'Brien, there is confusion here in that when the  
13 police approached me about this for a statement, they  
14 indicated that [CKA] had told them that he had met with me  
15 in the Diocesan Office and they were at great pains to  
16 ascertain the details of the office and where it was and  
17 about it and evidence then given now to this Commission  
18 suggests in my home, so there is a degree of confusion  
19 here.  
20  
21 Q. I am suggesting to you that the meeting happened in  
22 your home. Notwithstanding what the police have told you,  
23 the meeting happened in your home and you are in no  
24 position to deny that that took place, are you?  
25 A. If someone had made a time to come to see me that  
26 would be in my diary in my home, yes, that's quite clear.  
27  
28 Q. You cannot recall whether you met with him, is that  
29 your evidence?  
30 A. In my home?  
31  
32 MR SKINNER: There is an assumption there as well really.  
33  
34 THE CHAIR: I will allow that question.  
35  
36 MR O'BRIEN: Q. You cannot recall whether you met with  
37 him in your house or anywhere else; correct?  
38 A. I'm saying that I believe it is very likely that I met  
39 - in meeting with key parishioners of that parish in  
40 relation to Arthur Bridge issues, I would most likely have  
41 met with him and other members of his family when I was  
42 visiting the parish.  
43  
44 Q. It is most likely that you did meet with [CKA] in  
45 connection with Bridge because there were problems with  
46 Bridge in 1984; right?  
47 A. Insofar as I visited the parish on a number of



1 occasions and met with key people of the parish, there is  
2 every likelihood that that happened.

3  
4 Q. Not only did you meet with [CKA], I suggest to you you  
5 met with his stepmother and you met with his father, [CKY],  
6 within weeks of meeting with [CKA]. You can't possibly  
7 deny that, can you?

8 A. In terms of my business at the parish, there is every  
9 possibility, in discussing the Arthur Bridge issue with key  
10 people, that that occurred.

11  
12 Q. Thank you. I suggest to you that the reason you're so  
13 scant in your knowledge and your preparedness to accept  
14 that you met with [CKA] about Arthur Bridge is because in  
15 the same conversation you had spoken with him about  
16 Arthur Bridge, he talked to you about the abuse that  
17 happened under the hand of [CKC], didn't he?

18 A. As I indicated yesterday that had that been revealed  
19 to me, it is not something I would have forgotten in that  
20 it is abhorrent behaviour and I would have acted upon it.  
21 The fact that I did not act and that I have no recollection  
22 whatsoever would suggest to me very clearly that that  
23 matter was not raised with me.

24  
25 THE CHAIR: Q. Bishop, there is a conflict here, you  
26 understand, in the evidence that we will have to resolve.  
27 If we came to the view that such a discussion did happen,  
28 that would mean that you're not telling the truth. Do you  
29 understand?

30 A. Yes. I assure you, your Honour, that I tell the  
31 truth.

32  
33 Q. Do you understand that that's the consequence?

34 A. Indeed.

35  
36 Q. Your denial in those terms has that consequence?

37 A. Yes.

38  
39 MR O'BRIEN: Q. Arthur Bridge was a significant problem  
40 for you in 1984; that's the case, isn't it?

41 A. It developed into a significant problem, yes.

42  
43 Q. You said to the Commission yesterday in your evidence  
44 that dealing with problems, it was ordinary for you to take  
45 a file note, dictate a note, and an aide-memoire would be  
46 prepared; is that the case?

47 A. On serious matters, yes.

1  
2 Q. You were dealing then, in 1984, with a significant  
3 issue of a priest who was being, it was suggested, unfrugal  
4 and intemperate and having difficulty with the management  
5 of the funds of the parish; correct?  
6 A. Yes.  
7  
8 Q. Did you make notes about the meetings you had with the  
9 parishioners who raised those concerns with you?  
10 A. I certainly made a point of reporting on such matters  
11 to Bishop Holland and to alert him to the situation that we  
12 had before us. Beyond that, I cannot say any more.  
13  
14 Q. I want to come back to the question. Did you make any  
15 notes? Did you prepare any aide-memoirs?  
16 A. I may have --  
17  
18 Q. Did you dictate anything --  
19 A. I may have --  
20  
21 Q. -- in relation to your meetings with parishioners in  
22 relation to Arthur Bridge?  
23 A. It's very likely that I did, but I cannot recall it.  
24  
25 Q. Have they been provided, to your knowledge, to this  
26 Royal Commission?  
27 A. I do not know.  
28  
29 Q. Can they be?  
30 A. If insofar as they exist, the answer is yes.  
31  
32 Q. Do they exist?  
33  
34 MR SKINNER: He has already answered that, your Honour,  
35 with respect.  
36  
37 MR O'BRIEN: Q. Are there, to your knowledge, memos  
38 recorded by you related to the concerns that were raised by  
39 parishioners about Arthur Bridge?  
40 A. Certainly, the matter, as I indicated, would have been  
41 reported. Beyond that, I cannot say much more at this  
42 stage.  
43  
44 Q. Is there any stage that you can tell us about that?  
45 A. Maybe that was badly phrased. The answer is no,  
46 I don't.  
47

1 Q. So we just don't know, do we, if there are any memos  
2 documenting any meetings you had about Arthur Bridge; is  
3 that the situation?  
4 A. Yes.  
5  
6 Q. It flies in the face of your evidence yesterday that  
7 you took aide-memoirs and memos about important features  
8 involving decisions in the parishes you were overseeing?  
9  
10 MR SKINNER: I object to that. The fact that we just  
11 don't know because no-one has asked does not fly in the  
12 face of anything, your Honour.  
13  
14 MR O'BRIEN: Very well, I withdraw it.  
15  
16 Q. I want to suggest to you very squarely, sir, that you  
17 in 2000, when you were asked about this, were intent on  
18 protecting [CKC]?  
19 A. No.  
20  
21 Q. And you, when spoken to by Keith Allen, were intent on  
22 protecting the reputation of the Church above everything  
23 else?  
24 A. No. No.  
25  
26 Q. And you, sir, by this time, now, are not giving  
27 truthful evidence about what [CKC] told you in 1984, are  
28 you?  
29 A. Sorry, what [CKC] --  
30  
31 Q. [CKA] told you. I will withdraw that. You, by this  
32 stage now, are not telling truthful evidence about what  
33 [CKA] told you in 1984?  
34 A. I'm telling the absolute truth, absolute truth.  
35  
36 Q. Because it has gone from a stage where you were  
37 protecting the Church and protecting [CKC] and now you are  
38 protecting yourself?  
39 A. Mr O'Brien, the assertion that I was protecting the  
40 Church and [CKC] is not true and the fact - and your  
41 assertion that I am protecting myself is certainly not  
42 true.  
43  
44 MR O'BRIEN: I have nothing further of you. Thank you.  
45  
46 THE CHAIR: Yes. Mr Gyles.  
47

1 MR GYLES: Thank you, your Honour.

2  
3 <EXAMINATION BY MR GYLES:  
4

5 MR GYLES: Q. Bishop, my names is Gyles and I appear for  
6 Bishop Thompson. I would just like to clarify one matter  
7 in relation to paragraph 41 of your statement, please. In  
8 that paragraph you make reference to the telephone  
9 conversation with Mr Allen which you have just been asked  
10 about.

11 A. Yes.

12  
13 Q. You say that it occurred while you were the Bishop of  
14 the Northern Territory?

15 A. Yes.

16  
17 Q. Can I put this timeline to you. You were the Bishop  
18 of the Northern Territory between 1992 and 1999?

19 A. Correct.

20  
21 Q. In 1999 you became the Bishop of the Northern Region,  
22 Brisbane Diocese?

23 A. Correct.

24  
25 Q. If you could assume for the purpose of my question  
26 that [CKC] was charged in 2001, do you accept that your  
27 recollection as to when that phone call was received by you  
28 may be mistaken and you may have received that phone call  
29 in 2001 after you had moved to the Brisbane Diocese?

30 A. I don't believe I'm mistaken in that I have a clear  
31 recollection that I was in Darwin, in my office in Darwin,  
32 when I received the call, but that would mean if that was  
33 the case, I left the Northern Territory in June of 1999,  
34 that it would have had to be before that.

35  
36 Q. If you could assume for the purpose of the question,  
37 as I say, that [CKC] was not charged until 2001, what I am  
38 suggesting to you is that you may be mistaken as to where  
39 you were at the time of that telephone call being received?

40 A. Insofar as it related to him being charged, and so on,  
41 I accept that there may be a mistake there, yes.

42  
43 Q. All right. Is it your position that you have a clear  
44 recollection of a conversation having taken place with  
45 Mr Allen?

46 A. Yes.

1 Q. And you accept the possibility that that conversation  
2 may have taken place in 2001 after [CKC] had been charged?  
3 A. Except that my - I do recall a conversation which  
4 I believe was when I was still in the Northern Territory.  
5  
6 THE CHAIR: Mr Gyles, there is an alternative explanation.  
7  
8 Q. You record, Bishop, that you were told he was facing  
9 criminal charges. It may be - and perhaps you can tell  
10 us - were you told by Mr Allen that the police were  
11 investigating [CKC]?  
12 A. No, I don't believe so. I was told that there were  
13 charges.  
14  
15 Q. You see what Mr Gyles is saying to you makes your  
16 evidence impossible?  
17 A. Yes.  
18  
19 Q. I am just seeking to see whether or not the mistake  
20 lies in the way you have expressed yourself in  
21 paragraph 41, but if you deny that then that's fine, but it  
22 means your evidence is just not possible?  
23 A. In which case, your Honour, if that's the case,  
24 I would accept that my memory has let me down and I have  
25 made a mistake in what I have said there, but I was  
26 certainly approached by Mr Allen in relation to this  
27 matter.  
28  
29 Q. I understand that. What I am suggesting to you is it  
30 may have been you were approached before he had actually  
31 been charged --  
32 A. Yes.  
33  
34 Q. -- but when it was known the police were investigating  
35 and Mr Allen wanted to know what you knew; could that be  
36 right?  
37 A. Yes, that's possible.  
38  
39 Q. So Mr Allen was seeking from you your knowledge of  
40 [CKC]'s activities; would that be right?  
41 A. The answer was, yes, he was seeking what I knew about  
42 [CKA]'s activities and the answer was I didn't. This  
43 was - this was the first occasion I'd heard allegations  
44 that [CKC] had been involved in inappropriate sexual  
45 relationships with children, first occasion.  
46  
47 Q. But one assumes that Mr Allen at least was prepared to

1 think that you may have known something?  
2 A. Yes.  
3  
4 Q. That is why he rang you up?  
5 A. Yes.  
6  
7 Q. And that's possibly not an unreasonable assumption  
8 given that you were an Assistant Bishop during the relevant  
9 time, isn't it?  
10 A. That's true, but as I indicated there, which is the  
11 absolute truth, that this came as a complete surprise to  
12 me. I had not heard of it before and as a consequence,  
13 I was unable to be of assistance to Mr Allen.  
14  
15 THE CHAIR: Mr Gyles, I don't know whether I have made it  
16 clearer or not.  
17  
18 MR GYLES: I don't need to ask any further questions,  
19 your Honour.  
20  
21 <EXAMINATION BY MS McLAUGHLIN:  
22  
23 MS McLAUGHLIN: Q. Bishop Appleby, my name is McLaughlin.  
24 I appear for current Assistant Bishop Peter Stuart.  
25 A. Yes.  
26  
27 Q. I would like to ask you some questions about your  
28 involvement with the St Stephen's Parish in 2013.  
29 A. Yes.  
30  
31 Q. As I understand your statement and your evidence, that  
32 was your parish between 2009 and 2016; is that correct?  
33 A. Correct.  
34  
35 Q. That's where Reverend Chris Bird is the priest?  
36 A. Yes.  
37  
38 Q. You say in your statement - and this is around  
39 paragraphs 44 to 53 when you talk about Graeme Lawrence --  
40 A. Yes.  
41  
42 Q. -- that when the issue of his proceedings before the  
43 Professional Standards Board was occurring, the subsequent  
44 court proceedings, the challenge and the like, you were  
45 well aware of those proceedings as they occurred?  
46 A. Through news media reports, yes.  
47

1 Q. So you were aware through news media reports that  
2 Bishop Brian Farran ultimately followed the Board's  
3 recommendations and deposed Graeme Lawrence of his  
4 Holy Orders?

5 A. Yes, not just through news media reports, but  
6 Bishop Farran also informed the clergy of his diocese,  
7 including retired clergy like me, of his actions.

8

9 Q. Graeme Lawrence was a parishioner at St Stephen's at  
10 the time?

11 A. Yes.

12

13 Q. It would be fair to say that it would have been  
14 a topic of some note amongst the parishioners in  
15 St Stephen's?

16 A. The answer would be probably more in private  
17 conversations among groups of people, but people would have  
18 certainly been alert to that and aware of it and there was  
19 a degree of sensitivity about it, yes.

20

21 Q. You are an experienced and senior Bishop - yes?

22 A. I think the answer would have to be yes.

23

24 Q. Yes. You understand what the consequences are or what  
25 is meant by someone being deposed from their Holy Orders?

26 A. Indeed.

27

28 Q. And that includes that person can't take a public role  
29 in any church service or ceremony?

30 A. Can't exercise any of the functions of a priest.

31

32 Q. Yes. You were given permission to officiate as  
33 a bishop in the Diocese of Newcastle despite having been  
34 retired from that position; that's correct, isn't it?

35 A. Yes.

36

37 Q. That permission was clarified in 2013 when  
38 Assistant Bishop Peter Stuart was the Acting Bishop in that  
39 year?

40 A. Yes, I believe that's true.

41

42 Q. A condition of the permission given to you to  
43 undertake episcopal functions was that you must do so with  
44 the permission of the Bishop?

45 A. Yes.

46

47 Q. You understand that to have been the case at that

1 time?

2 A. Yes.

3

4 Q. In December 2013 you presided over the re-hallowing  
5 service at the St Stephen's Church in Adamstown Parish?

6 A. That's true.

7

8 Q. You did that without the permission of  
9 Assistant Bishop Peter Stuart; that's true, isn't it?

10 A. I now realise that is the case. I think I had assumed  
11 that sufficient clearance had been obtained, but I was  
12 wrong about that.

13

14 Q. On what basis did you form that assumption?

15 A. I formed that assumption in that I believed that the  
16 parish priest, in organising the service, would have made  
17 the necessary clearance.

18

19 Q. You had a conversation with Chris Bird about that, did  
20 you?

21 A. He asked me to be involved, yes.

22

23 Q. But did you have a conversation with him in which you  
24 asked him to clarify that you had the authority to  
25 undertake that service?

26 A. I think there was an assumption there and looking back  
27 on it, I believe that I should have been more explicit.

28

29 Q. I see. Graeme Lawrence took part in that service,  
30 didn't he? He read from the Bible.

31 A. My recollection is that, yes, he did one of the  
32 readings from the Christian scriptures which of course is  
33 not a function which is restricted to those who are  
34 ordained and hold the Bishop's licence, but laypeople are  
35 the normal ones who'd make such readings.

36

37 Q. You didn't feel that that was a breach of the  
38 deposition orders that had been made by Father Brian?

39 A. He wasn't exercising any priestly ministry and so my  
40 view would have been - if I had been asked, would have been  
41 no, it wasn't.

42

43 Q. Did you take the view that it was appropriate for  
44 Graeme Lawrence to undertake such a role in that parish at  
45 that time?

46 A. That's a matter of judgment and it may well have been  
47 wise not to have done that.



1  
2 Q. What was your judgment at the time?  
3 A. I think my judgment was that it was probably unwise  
4 for him to have read one of the scripture readings, even  
5 though that was not a priestly thing to be doing.  
6  
7 Q. If you felt it was unwise and you were presiding over  
8 the service exercising your episcopal function, why did it  
9 go ahead?  
10 A. The arrangements for the service were certainly not in  
11 my hands and those who were lined up to do readings and so  
12 on were not made by me, as would be normal, so I don't see  
13 anything that is odd about that.  
14  
15 Q. Were you aware that in the course of 2013,  
16 Assistant Bishop Peter Stuart and other members of the  
17 Church, including Professional Standards, were seeking to  
18 ensure that there was an appropriate risk management  
19 strategy in place for Graeme Lawrence's interaction with  
20 the parish at St Stephen's?  
21 A. I was not - I became aware of that, but at the time  
22 I was not and there's probably no reason why, as  
23 a parishioner there, I should have been told.  
24  
25 Q. After that service, despite you feeling it was unwise  
26 at the time for Graeme Lawrence to participate in that  
27 service, you didn't take any subsequent steps, did you, to  
28 notify Assistant Bishop Peter Stuart of what had taken  
29 place?  
30 A. If Graeme Lawrence had exercised some priestly  
31 ministry in some way, the answer would have been I would  
32 have wanted to alert the Diocesan Bishop of that, but he  
33 was not doing that and so there was no breach of any Church  
34 law or protocols in that he was simply doing what  
35 a layperson would have done. It may have been unwise to  
36 have done it but there was no - my understanding would be  
37 there was no rule against that.  
38  
39 Q. And because there was no rule against it, are you  
40 saying that is why you didn't advise Acting Bishop Peter  
41 Stuart of what had taken place, even though you considered  
42 it to be an unwise decision?  
43 A. I didn't see any need to advise.  
44  
45 MS McLAUGHLIN: Yes, no further questions.  
46  
47 THE CHAIR: Does anyone else have any questions?

1  
2 MR SKINNER: May I, thank you, Commissioner.  
3

4 **<EXAMINATION BY MR SKINNER:**

5  
6 MR SKINNER: Q. Just one issue, Bishop Appleby. For the  
7 record, my name is Skinner, I appear for you. Can I just  
8 ask you about what has just fallen from you in questioning  
9 by Mr Gyles SC and his Honour about the timing of you  
10 receiving a phone call from Keith Allen about [CKC] and  
11 that is referred to at paragraph 41 of your statement; do  
12 you recall that?

13 A. Yes.  
14

15 Q. You found your proposition, as I understand it, that  
16 you took the call whilst you were the Bishop of the  
17 Northern Territory because you took it in Darwin?

18 A. Correct.  
19

20 Q. Is it possible you were in Darwin after you were the  
21 Bishop of the Northern Territory? Did you visit once you  
22 had been to Brisbane?

23 A. No.  
24

25 MR SKINNER: All right. Thank you, that's all.  
26

27 THE CHAIR: Ms Sharp?  
28

29 MS SHARP: There is just one matter arising.  
30

31 **<EXAMINATION BY MS SHARP:**

32  
33 MS SHARP: Q. Can you assume from me that  
34 Graeme Lawrence was defrocked in around September 2012

35 A. I'm sorry, I didn't - I'm sorry, I can't --  
36

37 Q. Can you assume from me that Graeme Lawrence was  
38 defrocked in around September 2012?

39 A. Yes, that's my understanding.  
40

41 Q. You have discussed with Assistant Bishop Stuart's  
42 counsel the fact that he did read from the scriptures on  
43 one occasion when you presided.

44 A. Yes.  
45

46 Q. Other than that one occasion, did you ever see  
47 Graeme Lawrence in the period from September 2012 on

1 formally participate in any services at that church?  
2 A. In the whole time that I've been - was involved there  
3 never once did he exercise any priestly function. He was  
4 involved in the parish, often helping old and frail  
5 parishioners with transport on Sundays to and from church,  
6 helping in the kitchen with washing up and things like  
7 that.  
8  
9 Q. Could I just go back to the services that were  
10 performed at the church.  
11 A. Yes.  
12  
13 Q. Were there other occasions upon which he read from the  
14 scriptures?  
15 A. Occasionally he did that, yes.  
16  
17 Q. And this is from the period September 2012 onwards?  
18 A. Correct. Correct.  
19  
20 Q. On how many occasions do you estimate that you  
21 observed him reading from the scriptures?  
22 A. Oh, during that period of time?  
23  
24 Q. Yes.  
25 A. Four or five times.  
26  
27 Q. On any of those occasions did he wear his collar, as  
28 he did so?  
29 A. No, never, never dressed as a priest, ever.  
30  
31 MS SHARP: Thank you. Those are my questions.  
32  
33 THE CHAIR: Yes. Thank you, Bishop, that concludes your  
34 evidence, you are excused.  
35  
36 THE WITNESS: Thank you, your Honour.  
37  
38 <THE WITNESS WITHDREW  
39  
40 MS SHARP: Your Honour and Commissioners, the next witness  
41 is [CKU] and a copy of his statement can be found at tab 18  
42 of the first volume of the statements.  
43  
44  
45  
46  
47

1 <WITNESS [CKU], sworn: [10.58am]

2

3 <EXAMINATION BY MS SHARP:

4

5 MS SHARP: Q. Sir, you have elected to be known by the  
6 pseudonym [CKU] for the purpose of this hearing?

7 A. Yes.

8

9 Q. But your real name is known to those assisting the  
10 Royal Commission?

11 A. Yes.

12

13 Q. And your address is known to those assisting the  
14 Royal Commission?

15 A. Yes.

16

17 Q. You prepared and signed a statement dated 22 July 2016  
18 for the purpose of the Royal Commission?

19 A. Yes.

20

21 Q. Are the contents of that statement true and correct to  
22 the best of your knowledge?

23 A. Yes.

24

25 MS SHARP: I tender that statement.

26

27 THE CHAIR: It will become exhibit 42-026

28

29 **EXHIBIT #42-026 STATEMENT OF [CKU] DATED 22/07/2016**

30

31 MS SHARP: Q. Sir, could I ask you to read from  
32 paragraph 5 of your statement.

33 A. Yes.

34

35 "My full name is [CKU] and I was born in 1984. I am  
36 32 years of age. I grew up with my mum, [CKR], and my two  
37 older sisters. I have always been close to [REDACTED]  
38 because she often looked after me when mum was away.

39

40 I was born in Australia but when I was 2 years old, my  
41 family moved to England. When I was 5 years old, my  
42 parents separated and I lived with my mum. When I was 12  
43 years old, my mum and I returned to Australia so that she  
44 could train to become a priest in the Newcastle Diocese of  
45 the Anglican Church. My dad remained in England and has  
46 never returned to Australia.

47

1 Both my parents are religious. Throughout my  
2 childhood, mum was away a lot for her church work and  
3 studies. As a child, I did not talk to my mum a lot but we  
4 became closer as I grew up. My dad lives in England so our  
5 relationship has generally been a bit distant.

6  
7 I was raised as an Anglican but no longer consider  
8 myself very religious. I only went to church because I had  
9 to. I would describe myself as a Christian, but I do not  
10 trust the Church.

11  
12 St John's Theological College, Morpeth

13  
14 In early 1997, mum and I moved into St John's  
15 Theological College in Morpeth, NSW, where mum commenced  
16 training to be an Anglican priest. There was house style  
17 accommodation on the property for the people training to  
18 become priests, along with their families. My sisters  
19 joined us shortly afterwards.

20  
21 When we first moved to St John's, there were two other  
22 families on the Campus. I became friends with [REDACTED].  
23 He lived on the Campus and was in my year at Maitland High  
24 School. His dad was also training to become a priest.

25  
26 Apart from [REDACTED] I was a bit of a loner and never  
27 had many friends. Mum was studying and away a lot and at  
28 times I felt isolated and bored.

29  
30 Ian Barrack

31  
32 Within my first six months at St John's College, I met  
33 Ian. Ian studied with my mum and was also training to be  
34 a priest.

35  
36 When we met, Ian was about 28 years old and I was 12.  
37 Ian lived on the Campus at St John's with his wife, about  
38 five minutes' walk from my house. They did not have any  
39 children.

40  
41 I think Ian learnt through my mum that dad was in  
42 England. In mid-1997 [REDACTED] and I started going to  
43 Ian's house to use his computer and internet. There were  
44 no other computers with internet access on the Campus or at  
45 school. Ian agreed to let us use his computer and internet  
46 if we both paid him money every month. I cannot remember  
47 how much we paid him. After a couple of months he let us

1 use it for free. We started going to Ian's house a couple  
2 of times a week, generally after school.  
3

4 My friend and I played computer games and searched the  
5 internet on Ian's computer. I also sent emails to my  
6 father. Ian was always there, either on the computer with  
7 us or in the kitchen.  
8

9 Ian would talk and joke around with me and my friend  
10 as if he was one of our mates. We became pretty good  
11 friends. His wife was hardly ever home. I did not know  
12 her well because I only ever saw her a handful of times.  
13

14 Ian also paid us to mow his lawn every few weeks.  
15 After about six months of knowing Ian, he gave me the key  
16 to his house. I would often feed his cat and use the  
17 internet when he went away.  
18

19 Around the time Ian gave me a key to his house, he  
20 also started 'pushing the boundaries' with me. I think he  
21 was trying to gauge my reaction. He started telling me  
22 dirty jokes. On one occasion he showed me and [REDACTED]  
23 heterosexual pornography on his computer and made some joke  
24 about it.  
25

26 After my friend and his family left St John's in  
27 November 1997, Ian's behaviour towards me changed. Ian  
28 befriended me more and he became 'touchy' with me. It  
29 started with a pat on the back, then a rub on the shoulder  
30 and it progressed to massages when I stayed over at his  
31 house. Each time he pushed the boundaries with where he  
32 massaged me.  
33

34 Ian also bought me things. If I wanted something he  
35 would get it for me. The gifts started with small things  
36 like the free internet, soft drinks, chips and toys. Ian  
37 helped me buy and build my first computer. He spent a lot  
38 of time with me and it made me feel loved.  
39

40 Mum trusted Ian and let me go to his house all the  
41 time. In late 1997, when I was 13 years old, I was allowed  
42 to sleep over at his house. It started off as a one-off  
43 invite to come over and watch a movie. Within two months  
44 it had become a weekly thing. I slept in the spare room.  
45 Mum assumed that Ian's wife was home when I slept there but  
46 she never was. There was never anyone else around.  
47

1           At this time in late 1997, I heard rumours from Mum  
2 and sister that Ian was having a relationship with another  
3 man. This man was also studying at St John's and was  
4 married. I remember seeing this man on two occasions at  
5 Ian's home. On both occasions they went outside and  
6 argued, like a couple. This man left after his first year  
7 around the end of 1997. I heard rumours he left because  
8 the College had found out about his relationship with Ian.  
9

10           The first time Ian sexually abused me was one  
11 afternoon in June 1998, while we were playing computer  
12 games at his house. It was a month after my 14th birthday.  
13 Ian and I were playing a game called 'Quake'. We would  
14 swap turns on the computer when either of us lost or died.  
15 I was sitting on Ian's lap in front of the computer. I was  
16 playing the game when Ian started rubbing my leg on the  
17 inside of my thigh. I didn't really 'click' to what was  
18 happening because I was concentrating on the game. Ian  
19 said, 'Give me a go or I'll suck your dick'. I said,  
20 'Okay, you can have a go' and got off his lap. I was  
21 stunned at what Ian said.  
22

23           I sat down on a beanbag near the computer and Ian  
24 continued to play on the computer for a few minutes. Then  
25 he came over and knelt down in front of me. Ian asked me  
26 to pull down my pants. I then remember my pants and boxer  
27 shorts being around my knees. As soon as my pants were  
28 down, Ian started to suck and play with my penis. This  
29 lasted for about ten minutes until I ejaculated in his  
30 mouth.  
31

32           I felt very confused and embarrassed. I felt like it  
33 was not really happening. I did not say anything. When  
34 Ian stopped, he might have asked if I was okay and started  
35 talking like nothing had happened. I pulled up my pants  
36 and sat on the beanbag in silence until I left within  
37 ten minutes.  
38

39           I did not really know about sex or sexual acts. I had  
40 received some sex education at school, but it had focused  
41 on reproduction.  
42

43           I did not tell anyone what had happened and I stayed  
44 away from Ian and his house for about a week. I felt  
45 embarrassed and in some way I knew what he did was wrong.  
46 One morning during that week in June 1998, Ian approached  
47 me while I was waiting at the bus stop. He asked me where

1 I had been and if anything was wrong. He then said, 'Do  
2 you think it's wrong? Did I scare you off?' I shrugged my  
3 shoulders and did not reply.  
4

5 I started going back to Ian's house around July 1998,  
6 because I wanted to use the internet to communicate with my  
7 father. I was not able to use the phone at home because  
8 Mum would not have been able to pay for the calls and the  
9 only other option was writing letters. It was really  
10 important to me as a kid to stay in contact with my father.  
11

12 Ian acted as if nothing had happened and this had the  
13 effect of normalising the abuse for me. From July to  
14 August 1998, the next incidents of abuse were progressive.  
15 He was 'touchy' for a few weeks and he would often tell me  
16 how much he cared and how he loved me. After a few weeks  
17 of this he started to abuse me again.  
18

19 It felt like what he was doing was okay and I felt  
20 safe. Ian was like a family member. He was always there  
21 for me and willing to fulfil my needs. I thought he cared  
22 for me. After the second time he abused me in around  
23 August 1998 it became a regular thing. It was the same  
24 type of abuse each time: Ian would perform oral sex on me  
25 until I ejaculated in his mouth.  
26

27 Also in about August 1998, Ian introduced me to  
28 pornographic movies. I was watching television in his  
29 bedroom. Ian went out and returned with a box containing  
30 three pornographic videos. He said he had bought one of  
31 them for me. It was heterosexual pornography. He asked if  
32 I wanted to watch one and I said yes. Ian put on the video  
33 and I sat on the bed watching it while he abused me.  
34 I probably watched pornographic videos with Ian on six  
35 other occasions, he abused me on each occasion.  
36

37 Also around August 1998, I came across a PowerPoint  
38 program on his computer which contained images of young  
39 naked boys. They were aged about 12 years old and were all  
40 giving or receiving oral sex. Ian was with me in the  
41 computer room and said something like 'I see you found my  
42 secret stash'. The videos were saved in a folder and it  
43 was not difficult to find. I closed the program straight  
44 away. I remember a few weeks later, around September 1998,  
45 I walked past Ian's computer room and saw him looking at  
46 similar images on his computer.  
47



1 By October 1998, I was going to Ian's house every day.  
2 He performed oral sex on me three or four times a week.  
3 His wife was never there.  
4

5 On one occasion, on a Friday night between September  
6 and November 1998, Ian had sexual intercourse with me.  
7 I was 14 years old. Ian had once asked before if he could  
8 have sex with me and I said no. When he asked again,  
9 I still did not want to, but I knew he would keep asking  
10 until I let him. Ian took me into his bedroom and gave me  
11 a condom. He knelt in front of me and I anally penetrated  
12 him.  
13

14 When I was being abused by Ian I did not know how to  
15 feel. I was numb and confused. I felt like it was  
16 a dream. I did not know it was wrong, Ian treated it like  
17 it was completely normal and I felt confused.  
18

19 In or around October 1998, Ian gave me a wind-up toy  
20 figurine of a man standing behind a sheep. The man had no  
21 pants on and an erect penis. When you wound it up, the man  
22 thrust his penis in and out of the sheep. At the time  
23 I thought the toy was funny and I didn't see a problem with  
24 it.  
25

26 In October 1998, I remember being at Ian's house. We  
27 were mucking around and I said, 'Don't do that or I'll  
28 tell'. I did not mention the abuse, but it seemed to make  
29 him angry and he said 'don't do that, I'll be done for  
30 a paedophile'. I do not think I even knew what that word  
31 meant but I knew it must have been bad because of his  
32 reaction. I remember feeling guilty for saying it, because  
33 I did not want him to get in trouble.  
34

35 Towards the end of 1998, Mum had to move to  
36 Forster-Tuncurry to take up a position as  
37 an assistant priest. She told me Ian had spoken to her  
38 about me moving in with him. Mum said she did not want  
39 that and neither did I. At this stage I was starting to  
40 realise that what Ian was doing to me was not right.  
41

42 Ian started talking to me about going to boarding  
43 school in Armidale. He initially encouraged it. He was  
44 a good friend of the school counsellor, Brother James. Ian  
45 said if I went there he would be able to visit me. At the  
46 time I still wanted to be able to see Ian.  
47

1 I decided I wanted to go to Armidale School and spoke  
2 with my Mum about it. Ian drove me and Mum to school for  
3 the admissions interview. We stayed overnight in  
4 accommodation on the school grounds. Ian's friend,  
5 Brother James, had arranged the accommodation for us.  
6 I cannot recall any discussion between my Mum and Ian in  
7 the car drive to or from Armidale. I was in the back seat  
8 and probably not taking notice.

9  
10 In December 1998, I stopped talking to Ian. I decided  
11 I had had enough of the abuse. In mid-December that year  
12 I went to England to visit my father. Ian emailed me while  
13 I was away, he sent the email to my father's email address.  
14 He wanted to know how I was and why I was not talking to  
15 him. I did not reply.

16  
17 In February 1999, I started boarding at the  
18 Armidale School. I had not seen Ian since I left for  
19 England in December the year before. During my first year  
20 at boarding school, I received three letters from Ian, they  
21 had just general stuff in them. I read them, ripped them  
22 up and threw them away. The last one was at Christmas  
23 1999, it had \$50 in it. I threw away the letter and spent  
24 the money.

25  
26 I felt hounded by Ian and did not feel safe at  
27 boarding school. I knew Ian was friends with Brother James  
28 and had access to the school through him. Brother James  
29 never said or did anything to me that caused me concern.  
30 It was just the fact that they knew each other and might be  
31 speaking about me.

32  
33 I called my Mum about once a week from boarding  
34 school. I had not told her about Ian abusing me. However,  
35 I always felt she knew that something had happened to me  
36 and that it involved Ian. I told my mum in the general  
37 conversation 'Ian's contacted me again ...' I felt like Mum  
38 was waiting for me to bring it up.

39  
40 In May 2002, I received an email from Ian, by this  
41 time I was scared and I was angry at him. I do not know  
42 how he got my email address because I had changed it. The  
43 email said, 'Hi, how are you? Ian'. I immediately deleted  
44 it, I did not respond.

45  
46 In or around November 1998, I showed the sheep  
47 figurine to my sister and her husband. I had a close

1 relationship with my sister and I thought the toy was  
2 funny. I did not usually show people the gifts that Ian  
3 gave me because I did not want people to wonder why he was  
4 giving me all these things. I thought that someone,  
5 probably Mum, might tell him not to buy them for me and  
6 I did not want him to stop. Later that same day Mum came  
7 and took the toy away from me. I do not remember what Mum  
8 said to me, but she was angry. At the time I did not know  
9 what she did with the toy.

10  
11 At the end of November 1998, about two weeks before  
12 I left to go to England, I was at my sister's house with  
13 a friend. Mum was away on an ordination retreat. I was  
14 telling my friend about the pornographic movies I had  
15 watched with Ian at his house. I do not remember the exact  
16 conversation, but my friend thought it was all a bit weird.

17  
18 My sister overheard this conversation and started  
19 hounding me, asking me questions. I told them that Ian  
20 watched pornographic movies in front of me. I did not  
21 mention any sexual abuse. They asked questions and I gave  
22 one word answers. I felt so embarrassed, there was also  
23 a part of me that wanted to protect Ian. However, I also  
24 hoped that after telling, she or Mum would say something to  
25 Ian that would keep him away from me. I assume my sister  
26 would have told my Mum about the pornography but I never  
27 knew. Mum never spoke to me about it.

28  
29 In January 2002, when I was 17, I told my girlfriend  
30 at the time that I had been abused by Ian. I cannot  
31 remember exactly what I told her. I know I told her about  
32 the oral sex. I felt a mixture of vulnerability and  
33 relief. At that time I was still processing it all by  
34 myself. At the time, there were various other cases of  
35 child sexual abuse in the news, so it was everywhere you  
36 looked. I suppose it just came out.

37  
38 In May 2002, I thought I saw Ian in Singleton. That  
39 same day, he'd mailed me (for the last time ). I got so  
40 scared and upset, I thought he had come looking for me.  
41 I called Mum but she was away at the time and she was not  
42 allowed access to her mobile phone. I left her a frantic  
43 voicemail message. She called me back, I told her  
44 I thought I saw Ian, that he had emailed me and that I was  
45 scared. Mum asked me why I was so scared. I did not tell  
46 her about the abuse but I think she had an inkling. Mum  
47 said she would come home as soon as she could.

1  
2 The next day she came home and we spoke. I was really  
3 upset and told Mum Ian abused me. I did not go into  
4 detail. I told Mum that I wanted to do something about  
5 what had happened to me and she recommended that I go to  
6 the police. I agreed because I knew Ian had done something  
7 wrong. About a week later mum took me to the  
8 police station at Singleton.  
9

10 When I first attended Singleton police station on  
11 29 May 2002, I was there all afternoon. I spoke to a male  
12 police officer, a detective, I cannot recall his name.  
13 There was also another officer in the room but they did not  
14 say anything. I made a police statement that day. I was  
15 18 years old at the time.  
16

17 When I spoke to the police officer he may have  
18 discussed options and processes with me, but I cannot  
19 recall. I was not offered the opportunity to have someone  
20 with me as support. Although it felt good for me to tell  
21 someone and to get it off my chest, I do remember feeling  
22 as if the officer did not really care, his body language  
23 and manner seemed blasé.  
24

25 I did not hear anything back from the police for three  
26 years until sometime in early 2005 when I was contacted by  
27 Detective John Mongan. I thought either the police did not  
28 really care or that maybe they had done something with my  
29 complaint and did not need my help anymore. I was upset  
30 that I did not receive any contact from the police.  
31 I started getting paranoid, thinking someone in the church  
32 had influence over the police and my complaint was just  
33 thrown away. It is difficult not knowing. I did not call  
34 the police to find out.  
35

36 Sometime in early 2005 I was contacted by  
37 Detective John Mongan from The Entrance police station. He  
38 asked me to come into the station to give another  
39 statement. It was like two separate cases. In 2002  
40 nothing really happened, then in 2005, it was just like  
41 they started again. When I received the call I felt a bit  
42 of hope, like something might happen this time.  
43

44 On 21 February 2005, Ian was charged with two counts  
45 of aggravated sexual assault against me. I am not sure if  
46 it was the police or my Mum that told me about this.  
47

1 In April or May 2005 the DPP contacted me. They  
2 explained in order for the charges against Ian to succeed  
3 they would have to convince the court that I did not  
4 consent to any of the abuse. In my statement I had said  
5 that I agreed to let Ian have sex with me. This meant the  
6 charges may not succeed and Ian would not be found guilty.  
7 The DPP wanted to change the charges against Ian to three  
8 counts of sexual intercourse with a person aged between 10  
9 and 16. I was not happy about this, but my main concern  
10 was that he would not offend again. The DPP said they had  
11 a much better chance of convicting Ian with these amended  
12 charges and although the potential sentence was less, it  
13 was still a maximum of ten years.

14  
15 On 26 May 2005, I went into the police station at  
16 The Entrance and spoke with Detective Mongan. I was asked  
17 the same type of questions as the first time, although  
18 Detective Mongan was more thorough. I did not receive any  
19 further contact from the police until May 2006.

20  
21 The court matter was handled by the DPP. They kept in  
22 contact regularly. They also provided me a support person  
23 when I went to court. I felt like the DPP actually cared.  
24 From memory, the court process only lasted a few weeks.

25  
26 I understand there was a plea bargain and the DPP  
27 dropped some of the charges to get a guilty plea from Ian.  
28 The final charges were brought down to one count of sexual  
29 intercourse with a child between 10-16 years old. Before  
30 agreeing to the plea bargain the DPP spoke with me about  
31 it. They explained to me that Ian was likely to receive  
32 a custodial sentence even after the other charges were  
33 dropped, whereas if the matters proceeded to trial, he  
34 might be found not guilty or be given a lighter sentence.  
35 It felt good that the DPP involved me in the decision  
36 because it was me who was directly impacted. I was happy  
37 with the decision made.

38  
39 On the first court date, 10 May 2006, Ian pleaded  
40 guilty to one count of sexual intercourse with a child  
41 between 10-16 years. I attended the hearing and provided  
42 a Victim Impact Statement. Graeme Lawrence, Dean of  
43 Newcastle Christ Church Cathedral gave a character  
44 reference for Ian at the trial. On 22 September 2006 Ian  
45 was sentenced to two years' imprisonment with a 12-month  
46 non-parole period. I would have liked for him to have  
47 received a longer sentence but I was happy that Ian was

1 found guilty and punished. This helped me to get some  
2 closure and I felt like I had finally been believed.  
3

4 What upset me during the court process was that Ian  
5 had a support person from the Church, but the Church didn't  
6 support me or my Mum. It felt like a slap in the face.  
7 The Church later made contact through Mum, but only after  
8 she rang the Bishop directly and had a go at him.  
9

10 Around 2003 my Mum organised counselling for both she  
11 and I. My Mum had been speaking with someone from the  
12 diocese, I do not know who, and the diocese was paying for  
13 all or part of this counselling. I attended a number of  
14 counselling sessions between 2003 and 2006. I cannot  
15 recall how many counselling sessions I attended. I do not  
16 know what the arrangements were with the diocese but my Mum  
17 would.  
18

19 Around mid-August 2003, I, assisted by my Mum, engaged  
20 Lawson Solicitors, seeking advice in relation to a civil  
21 claim against both the Diocese of Newcastle and St John's  
22 in relation to the sexual abuse I experienced. I was given  
23 advice to wait until the outcome of criminal charges before  
24 lodging a civil claim. Lawson Solicitors assisted me with  
25 this application for victim's compensation.  
26

27 Not long after Ian was sentenced, I asked the  
28 prosecutor of the DPP for a recommendation about pursuing  
29 a civil claim against the Diocese. He initially put us in  
30 touch with Robert Caddies' law firm, but they conflicted  
31 themselves out, so I ultimately engaged Bilbie Dan to help  
32 me pursue an action against the Church.  
33

34 In December 2006, the diocese agreed to an ex gratia  
35 payment of \$2,000. This was paid to me via a cheque  
36 written out to my mother in early 2007. The diocese had  
37 learnt of my intention to travel overseas through my Mum,  
38 and they offered me this money as a 'gift'.  
39

40 In March 2007, I sought compensation from the  
41 Anglican Diocese of Newcastle in relation to sexual abuse  
42 by Ian. I obtained legal advice through Bilbie Dan  
43 Solicitors, my solicitor was Nicholas Dan.  
44

45 The compensation process lasted nearly two years.  
46 I felt this was a long process considering Ian had pleaded  
47 guilty at court. My solicitor communicated with the legal

1 representative of the Anglican Diocese of Newcastle.  
2 I never had any direct contact or communication with the  
3 Anglican Diocese or their legal representative.  
4

5 When I sought compensation through my solicitor, I was  
6 offered additional counselling services by the Church where  
7 they would pay. I accepted the additional counselling but  
8 I was not comfortable going through the Church. After  
9 everything that had happened to me, the abuse, the court  
10 case and the long compensation process, I just didn't trust  
11 the Church anymore. Instead I asked them to pay a lump sum  
12 on top of my settlement amount so I could arrange my own  
13 counselling.  
14

15 In February 2009, I reached a settlement with the  
16 Newcastle Diocese. I received a total of \$60,000. To the  
17 best of my recollection this sum included the amount of  
18 \$3,000 to cover my cost of ongoing counselling. The  
19 Anglican Diocese also paid for my legal fees. I was  
20 required to pay back the Victim Compensation payment of  
21 about \$6,000 I had received years earlier. They also  
22 agreed to answer mum's 11 questions to the Diocese. I was  
23 aware that Mum wanted to get some questions answered but  
24 I do not believe I ever read the list, nor did I read the  
25 answers she received. I believe that Mum may have told me  
26 some of the details in conversation but I cannot now recall  
27 those details.  
28

29 I was required to sign a 'Deed of Release' to receive  
30 the compensation amount. The deed included  
31 a confidentiality clause. The confidentiality clause was  
32 explained to me by my solicitor. I understood the  
33 clause to mean that, once signed, I was not allowed to talk  
34 about my abuse with anyone, except for a doctor, lawyer or  
35 the police. I was told this clause lasted permanently.  
36

37 I also asked for a written and public apology, to all  
38 the people who had been abused within the Anglican Church.  
39 On 3 September 2009, I received a written apology from  
40 Bishop Brian Farran, the Bishop of Newcastle, in relation  
41 to my abuse, but it was not a public apology. This apology  
42 was important to me. The apology provided me with some  
43 sense of 'closure'. Throughout the compensation process  
44 I felt like the Anglican Church fought very hard to avoid  
45 responsibility and deny their 'duty of care'. An apology  
46 from the Church was an acknowledgement that they were in  
47 the wrong and I was happy to receive it.

1  
2 As a child being abused I felt trapped. You are  
3 constantly being manipulated. You get to the point where  
4 you believe what is being done to you is good and what they  
5 are doing is right. It is this manipulation, I believe,  
6 that contributes greatly to people not reporting abuse  
7 until much later.  
8

9 Although I know people around me do not know what  
10 happened, I feel self-conscious about being around children  
11 and what strangers might think of me if I am seen near  
12 children. I have heard theories about abused people  
13 becoming abusers and although I know this not true, it  
14 plays on my mind."  
15

16 MS SHARP: Your Honour and Commissioners, I have no  
17 questions.  
18

19 THE CHAIR: Does anyone else have any questions?  
20

21 **<EXAMINATION BY MR KERKYASHARIAN:**  
22

23 MR KERKYASHARIAN: Q. My name is Kerkyasharian and  
24 I appear for Robert Caddies. According to I think  
25 paragraph 61 of your statement, I won't take you there, Ian  
26 was sentenced on 22 September 2006?  
27

28 A. Yes.  
29

30 Q. And you said that not long after that, a prosecutor  
31 from the DPP recommended someone for you to go to to pursue  
32 a civil claim?  
33

34 A. Yes.  
35

36 Q. Can you remember precisely what that prosecutor said?  
37

38 A. No.  
39

40 Q. Why do you come to think he said it's Robert Caddies'  
41 law firm?  
42

43 A. Because I saw the sign on the outside of the building.  
44

45 Q. If I was to suggest to you that Robert Caddies' wasn't  
46 working there at that time, would you be able to comment on  
47 that one way or another?  
48

49 A. No.  
50

51 MRF KERKYASHARIAN: Thank you.  
52



1 THE CHAIR: Anyone else? No. Yes, thank you, [CKU].  
2 Thank you for your evidence, you are excused.

3  
4 <THE WITNESS WITHDREW

5  
6 THE CHAIR: We will take the morning adjournment.

7  
8 MS SHARP: Thank you, your Honour

9  
10 **SHORT ADJOURNMENT**

11  
12 MS SHARP: Your Honour and Commissioners, the next witness  
13 is [CKR] and a copy of her statement can be found at tab 19  
14 of the first volume of the statements folder.

15  
16 <WITNESS [CKR], sworn: [12.03pm]

17  
18 <EXAMINATION BY MS SHARP:

19  
20 MS SHARP: Q. You have chosen to be known by the  
21 pseudonym [CKR] for the purpose of this hearing?  
22 A. Yes.

23  
24 Q. Your real name is known to those assisting the  
25 Royal Commission?  
26 A. Yes.

27  
28 Q. And your address is known to those assisting the  
29 Royal Commission?  
30 A. That's right, yes.

31  
32 Q. You have prepared and signed a statement dated 21 July  
33 2016?  
34 A. Yes.

35  
36 Q. There is a correction you wish to make to your  
37 statement at paragraph 57.  
38 A. Yes.

39  
40 Q. Could I ask you if I can interrupt you when you're  
41 reading at paragraph 57 and you can make that correction.  
42 A. Okay.

43  
44 Q. Thank you. Are the remaining contents of that  
45 statement true and correct to the best of your knowledge?  
46 A. Yes, they are.

1 MS SHARP: I tender that statement.

2  
3 THE CHAIR: It will be exhibit 42-027

4  
5 **EXHIBIT #42-027 STATEMENT OF [CKU] DATED 21/07/2016**

6  
7 MS SHARP: Q. Could I ask you to read from paragraph 5  
8 of your statement?

9 A. "My full name is [CKR] and my date of birth is 1949.  
10 I was born in the United Kingdom (UK). I prefer to be  
11 called [CKR]. I am a Reverend in the Anglican Church, and  
12 am currently the Rector in a diocese in the UK. I am the  
13 mother of [CKU] who was born in 1984. I also have two  
14 daughters, who are both older than [CKU], born in 1978 and  
15 born in 1980.

16  
17 In August 1972 I married. We separated around 1990.  
18 Both my ex-husband and I are members of the  
19 Anglican Church.

20  
21 In 1979 my ex-husband and I were living in Australia.  
22 My ex-husband commenced studies at St John's Ministry  
23 Centre, Morpeth in New South Wales. We lived on Campus for  
24 twelve months at St John's while he studied. While I lived  
25 on Campus I heard a lot of rumours going around about  
26 certain people and certain priests, concerning homosexual  
27 activity happening amongst people on Campus, and about  
28 certain priests who might fancy little boys. I can  
29 remember one of the priests being spoken about as  
30 homosexual and preferring youngsters was Peter Rushton.  
31 There was also a lot of talk about 'Robinson House' and  
32 homosexual activities going on in there.

33  
34 Within the first six months of living on Campus  
35 I decided to speak with the then principal of the College  
36 about the rumours. I questioned how this sort of sexual  
37 activity aligned with the teachings of the faith and the  
38 sanctity of marriage. I said I was concerned this was  
39 happening and among people who would be ordained. I recall  
40 he said that when it came time for these people to be  
41 ordained they would have to take a vow of celibacy, but  
42 while they were at college they did not. I decided to just  
43 'keep my head down' and do what I had to, to cope with  
44 living on Campus.

45  
46 In 1981 we left St John's College. In 1987 my  
47 ex-husband was offered an opportunity to continue learning

1 as clergy in England, which he accepted. In 1987 my  
2 ex-husband, myself and our three kids all moved back to  
3 England. In 1990 I separated from my ex-husband and we had  
4 formalised the divorce in 1995. In 1996, I returned to  
5 Australia from England with my children.  
6

7 Early in 1997, I entered the Closebourne Conference  
8 Centre, which was part of the training facility of  
9 St John's Ministry Centre, Morpeth in New South Wales.  
10 This is a Theological College in the Anglican Diocese of  
11 Newcastle, and I studied there in 1997 and 1998, after  
12 which I was ordained as a Reverend.  
13

14 [CKU] and I moved into a house at St John's in Morpeth  
15 at the beginning of 1997. At the time [CKU] was 12,  
16 [REDACTED] was 17 and [REDACTED] was 19.  
17

#### 18 Meeting and Interactions With Ian Barrack 19

20 In 1997 Ian Barrack ('Ian') was a student at St John's  
21 College studying theology. He would have been about  
22 28 years old. He was a large man with dark hair and was  
23 solidly set. My initial impression of Ian was that he  
24 appeared to be very caring and interested in people.  
25

26 As far as I am aware Ian applied for ordination via  
27 a lengthy and detailed selection process known as  
28 a selection conference on three separate occasions.  
29 I didn't know at the time, but now know Ian was refused  
30 ordination the first two times on account of his confusion  
31 about his sexuality. He was accepted on his third attempt.  
32

33 In 2003/2004, after [CKU] reported his abuse to the  
34 Police, and when I was living in The Entrance I received  
35 a package from an anonymous sender. In that envelope were  
36 documents from the Newcastle Diocese, from selection and  
37 selectors concerning Ian.  
38

39 When I began studying in 1997, I became friends with  
40 Ian and his wife. Ian was a computer expert. My son [CKU]  
41 had a keen interest in computers. He and Ian quickly  
42 became friends. Ian encouraged [CKU] and his friend to go  
43 to his house at St John's Campus, where he would teach the  
44 boys about computers.  
45

46 During 1997 [CKU] and [REDACTED] spent a considerable  
47 amount of time at Ian's home on Ian's computer and learning

1 about computers. [CKU] would often sleep over at Ian's  
2 home on Friday nights. At the time I did not think this  
3 was odd because we were in a Christian community. Ian was  
4 married and I knew [CKU] was very interested in learning  
5 about computers. I also thought that it was good for Ian  
6 to spend time with [CKU] because [CKU] was living in an all  
7 female household.

8  
9 As time went on, Ian seemed to require more of [CKU]'s  
10 company. To pay for his internet use, [CKU] cut Ian's  
11 lawns. Ian invited [CKU] to join him on computer jobs,  
12 where they went to people's homes. In early 1998 [CKU]  
13 decided to buy his first computer. Ian took control of  
14 this project and helped [CKU] buy the necessary parts and  
15 build a computer.

16  
17 Towards the middle of 1998, Ian and [CKU] frequently  
18 started meeting for breakfasts on Saturday mornings. After  
19 breakfast the two of them would go out on computer jobs.  
20 Often if I had been out to the parish and was late coming  
21 home, I would arrive home and find out [CKU] was still at  
22 Ian's home. [CKU] then stopped telephoning to tell me  
23 where he was as he had done to that point.

24  
25 By June 1998 [CKU] started to spend so little time at  
26 home that I became concerned. Ian began to ring [CKU] if  
27 he came home from school and did not go to Ian's house  
28 first. By June 1998 Ian was buying [CKU] expensive  
29 presents such as model ships and planes. I spoke to Ian  
30 and told him this was not good for [CKU].

31  
32 At this time, from 1997 till June 1998, I had assumed  
33 that [REDACTED] was also at the house when [CKU] stayed  
34 over on Friday nights. However, I recall having  
35 a conversation with [REDACTED] around September or October  
36 1998 in which I asked her whether she minded [CKU] staying  
37 on Friday nights. [REDACTED] informed me that she spent  
38 Friday nights at her mother's house and was not home. This  
39 worried me and I tried to talk to [CKU] about it. [CKU]  
40 seemed afraid to speak about it and so I did not pursue it.  
41 I decided to begin keeping a more watchful eye on Ian's  
42 contact with [CKU].

#### 43 44 Notable Changes in [CKU]'s Behaviour

45  
46 As 1998 progressed, [CKU] seemed to change. He was  
47 13 years old. He became unapproachable, reclusive,

1       secretive and obsessed with computers. [CKU] spent most of  
2       his time at Ian's home or alone in his room.

3  
4       I was scheduled to complete my training at St John's  
5       at the end of 1998. I was then to work in ministry full  
6       time, requiring that I move to a parish and live in a house  
7       provided by the diocese. Because of this I was  
8       contemplating sending [CKU] to a boarding school in 1999.

9  
10       In or about September 1998, I decided to look at  
11       The Armidale School in Armidale, New South Wales. I had  
12       an old car which I did not think was capable of driving  
13       from Morpeth to Armidale and back. Ian offered to drive me  
14       and [CKU]. While we were at the school, and on the drive  
15       home, Ian kept trying to dissuade me from sending [CKU]  
16       there.

17  
18       In September or October 1998, Ian repeatedly told  
19       [CKU] he should go and live with him rather than go to  
20       The Armidale School. Ian told [CKU] he would have his own  
21       room and that Ian would buy him stuff. [CKU] became  
22       confused by the pressure he was receiving from Ian. [CKU]  
23       told me he didn't want to go to The Armidale School and  
24       that he thought it might be better if he stayed in Morpeth  
25       with Ian. I responded by saying: 'No way mate'.

26  
27       In October 1998 Ian sent me horrible letters outlining  
28       how irresponsible I was for sending [CKU] to Armidale and  
29       how I was making the decision for myself and not for [CKU].  
30       Ian also telephoned me on many occasions after the trip to  
31       Armidale trying to get me to let [CKU] either stay with him  
32       or with the Archdeacon of Newcastle, the Reverend Bruce  
33       Hoare. I went down to Ian's house and said: 'I make the  
34       decisions for [CKU], not you'. Reverend Hoare customarily  
35       had various boys residing with him at the Cathedral complex  
36       at Christ Church Cathedral clergy house. I'd heard regular  
37       rumours around 2002 that Bruce Hoare was bi-sexual and it  
38       was inferred he liked younger boys. I would never have  
39       allowed [CKU] to stay with him.

40  
41       Around October 1998 Ian also started to spoil [CKU]  
42       even more than previously and required even more of his  
43       time. Ian started arriving at [CKU]'s school and picking  
44       him up without my permission.

45  
46       In about early October 1998, I spoke to [CKU] and told  
47       him that Ian was not allowed to pick him up after school

1 and that instead he was to get the bus home. [CKU] became  
2 angry with me for this. I tried to explain that Ian was  
3 spending far too much time with him and that adults don't  
4 do this with young people. Then, Ian became increasingly  
5 possessive of [CKU] and Ian started to ignore me.  
6 [REDACTED] partner [REDACTED] and I became suspicious that  
7 something sexual was happening between Ian and [CKU].  
8 [CKU] was also not eating properly and became withdrawn.  
9

10 In October 1998, I made my decision with [CKU] that  
11 [CKU] would go to The Armidale School. I told Ian that  
12 [CKU] was going to boarding school and would not be coming  
13 to live with him and [REDACTED].  
14

15 After that, Ian ignored me but continued to spend  
16 a significant amount of time with [CKU], especially when  
17 I wasn't around.  
18

19 On a Saturday morning in late October 1998, my  
20 daughter [REDACTED] came over to my house. [REDACTED] said  
21 to [CKU] in front of me words to the following effect:  
22 'Have you shown Mum that awful thing that Ian gave you and  
23 told you not to show Mum?' [CKU] looked uncomfortable and  
24 said, 'No'. [REDACTED] said, 'You get it now and show her,  
25 it's disgusting'. [CKU] then retrieved that 'awful thing'  
26 and gave it to [REDACTED]. The toy was a sheep figurine  
27 with a man's penis inserted into his rear end. When it was  
28 wound up the man had sex with the sheep. [CKU] was then  
29 13 years old.  
30

31 I felt repulsed when I saw the sheep figurine  
32 depicting an act of bestiality. I thought it was time to  
33 separate Ian and [CKU] as things were becoming too intense.  
34

35 In early November 1998, [CKU] was staying with  
36 [REDACTED] and [REDACTED] at their residence at St John's  
37 College whilst I was away on my ordination retreat. [CKU]  
38 had a friend over. [REDACTED] and [REDACTED] overheard  
39 [CKU] and his friend talking about pornography they had  
40 been exposed to at Ian's house.  
41

42 After talking with [REDACTED] and [REDACTED] about  
43 this conversation we thought something had happened to  
44 [CKU] because he had changed. He was not happy, he didn't  
45 talk and he didn't laugh.  
46

47 I decided to report the incidents with the 'sheep

1 figurine' and [CKU]'s exposure to pornography, through Ian,  
2 to the Reverend Bruce Hoare. On 16 November 1998, I met  
3 with him and showed him the toy and discussed my concerns  
4 about Ian's behaviour toward [CKU].  
5

6 I did this expecting the Diocese would take some  
7 disciplinary action against Ian. When I showed  
8 Reverend Hoare the sheep figurine he laughed and did not  
9 appear to think it was offensive or inappropriate. When  
10 I said: 'It's no laughing matter that an adult is giving  
11 this to a boy', Bruce Hoare changed his demeanour and  
12 agreed with me. I could not help feeling that  
13 Reverend Hoare was agreeing with me simply to pacify me.  
14 Reverend Hoare took the sheep figurine from me and told me  
15 he would show it to Bishop Roger Herft before getting back  
16 to me.  
17

18 At this time, Reverend Hoare was the Ministry  
19 Development Officer for ordinations and examining  
20 chaplains. He was essentially the supervisor for Ian and  
21 the other students at St John's. His role involved getting  
22 to know students at St John's. He was part of the  
23 selection process and disciplining students. He would have  
24 been part of the policy setting at St John's.  
25

26 The day I went to see Reverend Hoare to complain about  
27 the toy was the same day that Ian was in a selection  
28 conference. The selection conference process occurred at  
29 the end of each year to determine if a student was suitable  
30 to proceed into the following year of study.  
31 Reverend Hoare indicated that Ian was not meeting academic  
32 requirements and would not continue in the course.  
33 I learnt about this only after receiving the documents  
34 I referred to earlier anonymously in the mail. I also  
35 later learnt, around 1999 from [REDACTED] and [REDACTED]  
36 that despite my complaint and failing his ordination  
37 training, Ian was allowed to remain on campus and continue  
38 with studies.  
39

40 About a week after I brought the sheep figurine to  
41 Reverend Hoare, the Reverend asked me to come and see him.  
42 He told me he had shown the toy to Bishop Herft and that  
43 they had agreed I should return the toy to Ian and tell him  
44 it was inappropriate and express my displeasure. There was  
45 no mention of the Diocese taking any action to reprimand  
46 Ian.  
47

1 I rang Ian and asked him to come to my house.  
2 I confronted him about the sheep figurine and told him it  
3 was an inappropriate thing to give to [CKU]. I also said  
4 that he was not to have any further contact with [CKU].  
5 Ian was upset and very angry when I told him I had shown  
6 the sheep figurine to the Reverend Hoare. He punched  
7 a wall and this frightened me. I asked him to leave.  
8

9 In January 1999 I commenced as assistant priest at the  
10 Parish of Forster-Tuncurry. In February 1999 [CKU]  
11 commenced as a boarding student at The Armidale School. As  
12 far as I am aware Ian was still resident at St John's.  
13

14 During [CKU]'s first term at The Armidale School, he  
15 stayed with [REDACTED] and [REDACTED] one weekend. On the  
16 Saturday morning, whilst [REDACTED] and [REDACTED] were  
17 out, Ian arrived at [REDACTED]'s house wanting to see  
18 [CKU]. [CKU] did not open the door and he rang me in  
19 a panic. I told [CKU] to keep the door locked and I called  
20 the Principal of St John's, Dr Ann McElligott, and asked  
21 her to go to the residence to give [CKU] some protection.  
22 She went to the residence and took [CKU] across to the  
23 Principal's lodge.  
24

25 Ian continued to try to make contact with [CKU].  
26 In May 1999, he sent [CKU] a birthday card and some money.  
27 Ian wrote letters to [CKU] at The Armidale School, saying  
28 he wanted to come and visit him. In October 1999, Ian  
29 wrote to [CKU] saying he was going to be visiting a friend  
30 at The Armidale School, Brother James. [CKU] told me he  
31 was very scared of this and wanted to return home. [CKU]  
32 would not tell me why he was scared. [CKU] destroyed the  
33 letter Ian sent to him. I only learnt about the letters in  
34 2002 after [CKU] told me he had been abused by Ian.  
35

36 From October 1998 to March 1999, there had been no  
37 conversation between me and the Diocese in relation to the  
38 complaints referred to in Bishop Herft's letter.  
39 In February 1999, [REDACTED] and [REDACTED] wrote  
40 statements about [CKU]'s disclosure to them that Ian had  
41 showed [CKU] pornography and about how Ian would verbally  
42 abuse [CKU] at the bus stop after we learnt of the sheep  
43 figurine. These statements were provided to Bishop Herft.  
44

45 I received a letter from Bishop Herft dated 13 May  
46 1999 asking me to come into the Diocesan Office in  
47 Darby Street, Newcastle, for a meeting on 27 May 1999 with



1 a representative from DoCS and a police officer. The  
2 meeting was to discuss the statements provided by  
3 [REDACTED] and [REDACTED] concerning the sheep figurine and  
4 pornography [CKU] was exposed to.

5  
6 On 27 May 1999 I met with Bishop Herft,  
7 Reverend Hoare, Peter Mitchell (Business Manager and  
8 Registrar of the Diocese), Joanne McLeane (DoCS) and one  
9 other person whose identity I do not recall at the  
10 Newcastle Diocesan Office. At the meeting we discussed the  
11 written statements made by [REDACTED] and [REDACTED].  
12

13 At the end of the meeting there was no debriefing or  
14 care offered to me pastorally, and no discussion about what  
15 was to be done about the matter.  
16

17 At some point that same year I also had a separate  
18 telephone discussion with Bishop Herft in which he told me  
19 he had spoken to the Ombudsman in response to a question  
20 I had posed about the legal concept of duty of care: 'Who  
21 has duty of care to parents who have children living on  
22 Campus, when that parent is absent at the request of the  
23 Bishop and is working in parishes and the child is on  
24 Campus...' Bishop Herft said the Ombudsman had told him  
25 that the Diocese did not have a duty of care to either me  
26 or [CKU] or anyone else in the College because we were  
27 renting accommodation and were not live-in students.  
28 Bishop Herft said the duty of care remained with parents in  
29 spite of the fact the Diocese paid everyone's rent.  
30

31 Following the meeting in May 1999, Reverend Hoare  
32 began to pay more attention to me and asked about [CKU]  
33 frequently. Reverend Hoare was in charge of newly ordained  
34 priests and their training. There were a few lunches with  
35 Reverend Hoare when I was in Tuncurry and Singleton. No  
36 matter the conversation, Reverend Hoare would always turn  
37 the conversation to [CKU]. I felt Reverend Hoare was  
38 fishing for information and I became very wary.  
39

40 In 2001, I moved to Singleton for further training and  
41 my second Curacy in the Singleton Parish. [CKU] moved with  
42 me and attended a local school. [CKU] was 15 years old.  
43

44 During May 2002, I was in Taree for priest training  
45 for three days. During this time, two parishioners cared  
46 for [CKU]. On the second day I was away, [CKU] received  
47 an email from Ian. [CKU] became very distressed after

1 receiving it and rang [REDACTED]. [REDACTED] then rang me  
2 at 9pm that night and told me what happened. I rang [CKU]  
3 and told him I would be home early the next morning.  
4

5 When I arrived home, [CKU] and I sat, and I said words  
6 to the following effect: 'Right, mate. Why are you so  
7 afraid of Ian?' [CKU] was able to reveal to me that he had  
8 been sexually abused by Ian. We discussed what to do and  
9 [CKU] told me he wanted to go to the police.  
10

11 [CKU] and I went to Singleton Police Station where  
12 [CKU] provided a signed statement. Constable Julie  
13 Williams rang me after [CKU] gave his statement and she  
14 told me some of the details. Julie felt I should know  
15 certain things as [CKU]'s mother. It was during this  
16 conversation I learnt [CKU]'s abuse included oral sex.  
17

18 I rang Reverend Bruce Hoare shortly after [CKU] told  
19 me he had been abused by Ian, the same time I made the  
20 appointment for [CKU] to go to the police station. I told  
21 Reverend Hoare [CKU] told me that he had been sexually  
22 abused by Ian when we lived at St John's. Reverend Hoare  
23 told me he would take the matter up with Bishop Herft.  
24 There was no direct contact between me and Bishop Herft.  
25 I later discovered that Bishop Herft had asked  
26 Reverend Hoare to 'look after' me, by which I presume meant  
27 that Reverend Hoare would be my contact person with respect  
28 to my complaint. I was told by Bishop Herft's secretary  
29 that Bishop Herft called DoCS on 20 May 2002. His  
30 secretary also gave me a contact number for Joanne McLeane,  
31 our DoCS case worker. However, when I rang Joanne, she  
32 said that because of [CKU]'s age, it was a police matter  
33 and not a DoCS matter.  
34

35 After [CKU] and I reported the matter to  
36 Singleton Police, I heard nothing further from either the  
37 Police or from the Newcastle Diocese. I believed the  
38 Diocese was handling the matter and that the issues with  
39 Ian had been reported to the Department of Professional  
40 Standards.  
41

42 A few weeks after reporting to Singleton Police, I was  
43 yet to receive further contact, so I rang Julie Williams.  
44 Julie informed me the matter had been transferred to  
45 Maitland Police. By July I had still heard nothing from  
46 the police so I rang the Maitland Police. I was informed  
47 that John Mongan was the detective in charge of the matter.

1 Detective Mongan later told me that because John's matter  
2 was not a current case it was not being given any urgency.  
3

4 In November 2002 I was made the Rector of [REDACTED],  
5 a parish in NSW. [CKU] had finished school and elected to  
6 remain in Singleton where he had a casual job and boarded  
7 with a local parishioner.  
8

9 Two weeks before Christmas 2002, Detective Mongan rang  
10 me, asking if we still wanted to proceed with the case.  
11 I told him we definitely did and he told me he would get to  
12 it in the New Year. I heard nothing more, so in March  
13 and April of 2003 I rang him several times. I was told by  
14 Detective Mongan that he was busy with other cases. I felt  
15 like giving up.  
16

17 Early in 2003, a parishioner of mine complained to me  
18 that her son had been brutally abused by a Church of  
19 England Boys Society leader. I contacted the Professional  
20 Standards Committee ('PSC') [then the Committee of  
21 Allegations for Sexual Misconduct 'CASM'] of the Newcastle  
22 Diocese and spoke with Jean Sanders ('Jean'), who was the  
23 Chair of CASM. Jean arranged to speak with my parishioner  
24 and her son. After the meeting in my office, I then said  
25 to Jean: 'I suppose you know about the abuse my son [CKU]  
26 encountered at St John's College, Morpeth?' She replied by  
27 saying, "No, tell me about this".  
28

29 I explained my son's story to Jean. She responded  
30 with words to the effect, 'I am going back to the office  
31 to look in your file.' Jean rang me a few days later and  
32 informed me there was no report or file in the records of  
33 CASM.  
34

35 On another occasion, I cannot recall the month or  
36 year, it was towards the end of Jean's time at the Diocese,  
37 Jean rang me to tell me she had been called into a meeting  
38 with Bishop Herft, Robert Caddies (solicitor representing  
39 the Diocese), Bruce Hockman (Diocesan Business Manager) and  
40 Keith Allen."  
41

42 There was one other person which is one of the  
43 amendments.  
44

45 Q. Yes. This is paragraph 57 that you wish to make  
46 an amendment to. Could you explain what that is now.

47 A. There was another person present and that person,

1 I believe, was the Reverend Graeme Lawrence, the Dean, and  
2 that it was a general consensus in that meeting that it was  
3 agreed that whoever mentioned 'Oh, we don't have to worry  
4 about this case. It's never going to get to court',  
5 I think it would have been Bruce Hockman who - that's the  
6 memory that has come back to me.

7  
8 Q. Thank you.

9 A. Yes.

10  
11 "I surmised that unless a matter was going to court,  
12 the Diocese did not regard it necessary to conduct  
13 an internal professional standards process or inquiry.

14  
15 On 16 July 2003 I met with Detective Mongan at  
16 Maitland Police Station. Detective Mongan drafted a brief  
17 statement based on his discussion with me which I signed.  
18 Detective Mongan told me that it would take at least three  
19 years before the matter would get to court. When I left  
20 the station I felt guilty for wasting the detective's time  
21 and felt that [CKU]'s case was not a priority. I felt the  
22 Police were not taking the matter seriously. The words at  
23 the top of the statement say: 'In the matter of: sexual  
24 assault of [CKU] Barrack (Statement 16 July 2003)'. The  
25 detective did not even get the names correct.

26  
27 After first disclosing the abuse to Jean, she sought  
28 to get [CKU] and myself some support services at the  
29 Diocese's expense. After much follow-up, in or around  
30 August 2003, Jean recommended [CKU] and I contact  
31 a clinical psychologist, Michael Corbett-Jones from  
32 Kincumber Central Coast. [CKU] and I saw Dr Corbett-Jones  
33 for three or four sessions. Jean arranged some  
34 reimbursement from the Diocese for counselling. The  
35 remaining monies were claimed back from health insurance.

36  
37 In August 2003 there was considerable correspondence  
38 between myself and Jean Sanders. I became increasingly  
39 angry at the Diocese because I felt that no action was  
40 being taken. On 15 August 2003 [CKU] retained a solicitor,  
41 Chris Shrewsbury of Lawsons Solicitors to assist him in  
42 seeking financial compensation from the Diocese of  
43 Newcastle and St John's College, Morpeth.

44  
45 On 3 August 2003, Jean advised me that she had passed  
46 information to Bishop Roger Herft about my complaint. On  
47 12 August 2003 I received a letter from Jean enclosing

1 a memo and letter forwarded to Bishop Herft by Jean. In  
2 a letter to me from Bishop Herft dated 22 August 2003, he  
3 berated me.  
4

5 After this, from 2003 to 2005, there was not much  
6 communication between me and the Diocese, except about what  
7 was happening with the police investigation into Ian. For  
8 example, on one occasion before trial in around 2004 or  
9 2005, my mobile rang. [CKU] answered the mobile phone and  
10 said it was Bishop Herft's secretary and that Bishop Herft  
11 wanted to speak with me immediately. I took the phone and  
12 Bishop Herft said words to the following effect:  
13

14 'What is happening with the court case? I am going to  
15 Lambeth next week and need to know because I don't want it  
16 happening when I am away'.  
17

18 I told him not to telephone me and to ring the police  
19 if he wanted information about the case. I then terminated  
20 the call by hanging up. I didn't feel I received any  
21 support or pastoral care from the Newcastle Diocese  
22 whatsoever. I felt very angry about the pressure that was  
23 on me and I came to realise why victims feel like giving  
24 up.  
25

26 On 15 December 2003, I received a letter from  
27 Bishop Herft saying that he was frustrated by the lack of  
28 progress in the matters.  
29

30 In or about 2005, I received a cheque from the  
31 Newcastle Diocese for \$2,000 on [CKU]'s behalf. I later  
32 received a letter from Philip Gerber of Professional  
33 Standards on behalf of the Newcastle Diocese indicating  
34 that the \$2,000 was an ex gratia payment to [CKU] as he had  
35 heard [CKU] was travelling overseas and wanted to assist in  
36 financing the travel. Whilst the letter from Gerber  
37 indicated it was a gift from the Diocese and not meant to  
38 prejudice any other rights of [CKU], I believe that the  
39 payment was an attempt at buying us off.  
40

41 [CKU] received a letter dated 3 September 2009 from  
42 Bishop Brian Farran with an apology for the abuse  
43 perpetrated by Ian.  
44

#### 45 Criminal Proceedings

46  
47 Between 2003 and 2005, I continued to pursue

1 Detective Mongan.

2  
3 Finally, on or about 6 December 2005, Ian was charged  
4 with several offences and the matter was taken to Court.  
5 After plea negotiations, Ian agreed to plead guilty to one  
6 offence.

7  
8 Before the court matter, I received a couple of  
9 phone calls from Reverend Hoare. One Saturday,  
10 Reverend Hoare rang me to tell me that the police were  
11 coming to interview him and he was scared. I terminated  
12 the conversation. A week or so before Ian's trial,  
13 Reverend Hoare rang me again to say that the then Dean,  
14 Graeme Lawrence of the Newcastle Cathedral, had asked  
15 Reverend Hoare to ring me to find out what was happening  
16 with the case. I was not very polite to him and told him  
17 where to go.

18  
19 During the court matter we were provided a social  
20 worker from the DPP office. She was absolutely amazing and  
21 sat with [CKU] and I and talked us through the process.  
22 I felt really cared for, unlike the support or lack of  
23 support we received from the church.

24  
25 At court on 27 March 2006 I noticed that Ian was  
26 supported by another member of the Diocese, the  
27 Reverend Wayne Sheean. Sheean was Rector of Kurri Kurri  
28 and a friend of Ian's. Sheean was dressed in his full  
29 clerical attire which made it look like he was representing  
30 the Diocese at the hearing rather than present in a private  
31 capacity. Sheean was at one stage on CASM and even gave  
32 character evidence at Ian's sentencing. Also at court was  
33 Paul Rosser, who was a solicitor who represented the  
34 Diocese.

35  
36 After the sentencing hearing on 14 August 2006, I rang  
37 Philip Gerber, the Director of the PSC. I asked Gerber  
38 about the presence of the Reverend Wayne Sheean at the  
39 hearing who appeared to be present in support of Ian and  
40 was wearing full clerical dress. Gerber denied that Sheean  
41 was representing the Diocese but said: 'Even the alleged  
42 offender needs support from a friend and a priest'.  
43 I replied: 'But we weren't offered any support?' Gerber  
44 then replied: 'I suppose we should offer you one then. Who  
45 would you like?' I said: 'Reverend Rosemary Gilham'.  
46 Following this request Rosemary attended some court  
47 appearances with us. I do not know why I had to ask for

1 a support person when the procedures required that support  
2 be provided whenever a member or parishioner is in need.  
3

4 The sentence was handed down on 22 September 2006.  
5 Ian was sentenced to two years' penal servitude with  
6 a non-parole period of 12 months, backdated to 21 September  
7 2006.  
8

9 During the court proceedings in 2006 there was a new  
10 bishop for the Newcastle Diocese, Bishop Brian Farran. At  
11 one point the DPP solicitor spoke to Rosser as to why he  
12 was there, and Rosser replied he attended at  
13 Bishop Farran's request. I emailed Bishop Farran about  
14 Rosser's presence at court. He denied arranging for Rosser  
15 to be present. I believe the Diocese provided legal  
16 representation for Ian during the court proceedings. I say  
17 this because the Diocese was using the same law firm for  
18 their defence of [CKU]'s civil claim as Ian was using for  
19 his criminal defence.  
20

21 On 4 October 2006, I had an interview with  
22 Reverend Rosemary Gilham in relation to how I felt  
23 throughout the period 1998 to 2006. During the interview  
24 I emphasised what I regarded as the failings of St John's  
25 College in its duty of care. These failings included:  
26

27 (a) the confusion as to the roles being played by  
28 senior clergy;  
29

30 (b) not knowing who was responsible for doing what  
31 within the Diocese;  
32

33 (c) conflicts of interest;  
34

35 (d) the sense of isolation felt from colleagues after  
36 [CKU]'s complaint was made;  
37

38 (e) the fact that I was ignored by other clergy after  
39 [CKU]'s complaint had been made;  
40

41 (f) the fact that the case was not dealt with in  
42 accordance with the diocesan processes of dealing with  
43 allegations;  
44

45 (g) the Diocese seemed to be more worried about  
46 covering up than assisting allegations of sexual abuse;  
47

1 (h) the lack of support for the victim;

2  
3 (i) the support for the perpetrator;

4  
5 (j) lack of attention for our ongoing needs; and

6  
7 (k) I feel I was made to feel guilty because I was  
8 a priest within the church making these complaints. I felt  
9 like I was being completely attacked on many different  
10 levels.

11  
12 When I referred to 'conflicts of interest' in  
13 point (c), I am talking about the conflict in the two  
14 'roles' I held. First, as the parent of [CKU] who had been  
15 sexually abused by someone within the church and diocese.  
16 Secondly, as a priest employed by the Diocese. As John's  
17 mother, I wanted to support my son and the investigation  
18 and conviction of his abuser.

19  
20 I also felt the pressure placed on me by the diocese.  
21 I felt like I was expected to 'toe the line' because I was  
22 employed by the Diocese.

23  
24 On 17 October 2006, I met with Rosemary again and she  
25 prepared a Contact Person's Report on our meeting. The  
26 report noted that I wanted an apology from the Diocese and  
27 those involved.

28  
29 Following the court matter we sought civil  
30 compensation for [CKU]. We went to a firm of solicitors in  
31 Newcastle. When we arrived at the offices, we were advised  
32 that a female solicitor from the firm would be able to help  
33 us. We waited, and then were told that the solicitor had  
34 been an advisor on Ian's case and she couldn't help us due  
35 to a conflict of interest. I do not understand how Ian was  
36 able to be represented by the same firm that looked after  
37 Newcastle diocesan matters.

38  
39 In November 2006, I wrote a letter to Philip Gerber  
40 asking 11 questions about the inaction and selection  
41 actions and issues of duty of care at Morpeth. I had no  
42 acknowledgement that this letter was received. On numerous  
43 occasions that I rang Gerber, I felt like I was being  
44 fobbed off.

45  
46 In early 2007 I telephoned Gwen Vale who was by then  
47 the Chair of the Professional Standards Committee.



1 I inquired about the letter I had sent to Gerber and she  
2 said words to the following effect:

3  
4 'There is not much we can do with the letter as  
5 Bishop Roger has gone to higher places, namely, Archbishop  
6 of Perth'.

7  
8 In 2007 [CKU] reached an out of court settlement with  
9 the Diocese for about \$60,000 including some money for  
10 counselling. [CKU] had asked for a public apology but the  
11 Church did not agree to that. In return for the monetary  
12 settlement and apology, we were asked to sign  
13 a confidentiality agreement agreeing not to talk to anyone  
14 about what happened or to take any further court action  
15 against the Diocese.

16  
17 On 24 March 2009, I received an email from  
18 John Cleary, the diocesan Business Manager, asking for  
19 a meeting with me and the new chair of the Professional  
20 Standards Committee, Dr Ann Taylor, to discuss my concerns  
21 about the handling of [CKU]'s matter. I met with Dr Taylor  
22 and Michael Elliott on Friday, 22 May 2009 to discuss my  
23 11 point letter.

24  
25 On 25 May 2009 I received an email from Dr Taylor  
26 proposing a second meeting at Zimmermann House with her and  
27 Michael Elliott. I went to that meeting on 18 June 2009  
28 and took a support person, Nicholas Dan, who is a solicitor  
29 with Bilbie Dan Pty Ltd. I took a support person because  
30 I was terrified and trusted no-one.

31  
32 At the meeting I was given a report prepared by  
33 Dr Taylor which addressed each of the questions I had sent  
34 to Gerber. In my view the answers in this report were  
35 inconclusive and some of the dates of the events were not  
36 correct.

37  
38 I subsequently received a further email from  
39 Dr Ann Taylor requesting another meeting, which I attended  
40 with solicitor Mr Dan. In this meeting I asked for the  
41 Diocese to pay for counselling sessions and I was given ten  
42 sessions with the same psychologist I had seen previously.

43  
44 Throughout the entire ordeal, I have felt that the  
45 Church has never acted fairly, compassionately or  
46 pastorally. In 1996 the Newcastle Diocese published  
47 a document titled 'Principles and Procedures for dealing

1 with allegations of sexual misconduct'. I believe the  
2 Diocese failed to meet its obligations under this policy.  
3 This matter has damaged my trust in the processes and  
4 systems the Church has for victims of sexual abuse. I am  
5 still traumatised by the events. My son [CKU] has also  
6 been irreparably damaged in particular to his  
7 self-confidence and has been - his boyhood dream of  
8 following in the family tradition of joining the army."

9  
10 May I finish my statement, I have asked that I can, by  
11 a quote --

12  
13 Q. Yes.

14 A. -- and it is this:

15  
16 *The world will not be destroyed by those*  
17 *who do evil, but by those who watch them*  
18 *without doing anything.*

19  
20 That is Albert Einstein.

21  
22 Q. Thank you. Your Honour, I see the time. I only have  
23 about two minutes of questioning.

24  
25 THE CHAIR: Do others have questions? I think it might be  
26 best if we take the luncheon adjournment now which we will  
27 do until 2 o'clock.

28  
29 **LUNCHEON ADJOURNMENT**

30  
31 **UPON RESUMPTION**

32  
33 MS SHARP: Q. Ma'am, I just have a few clarifying  
34 questions for you, if I may. Can I take you, please, to  
35 paragraph 7 of your statement. You there speak about your  
36 hearing of rumours when you were living at Morpeth College.  
37 It is right that at that time you lived at Morpeth College  
38 for three years, from 1979 to 1981?

39 A. Yes.

40  
41 Q. Could you explain a little bit more about what these  
42 rumours were that you were hearing at the time?

43 A. They were sort of rumours about Robinson House and  
44 I think it was the - there were two stories, so it was the  
45 second storey and up in the - up there there was one end  
46 where it seemed to be that all the gay clergy, or not  
47 clergy but the gay students were all living, and so often

1 you were invited up for cups of tea and coffee, my husband  
2 and I, and you just heard rumours about who was with who  
3 and what was going on and it was just general knowledge,  
4 basically. They just, you know, talked about it openly,  
5 and the rumours from other students about "Have you heard  
6 what's going on up in Robinson House?", and, you know, you  
7 did. It was just a general culture, what was there.

8  
9 Q. Just to clarify, Robinson House is part of  
10 Morpeth College?

11 A. It was, yes.

12  
13 THE CHAIR: Q. How many people were in Robinson House?

14 A. It was - I don't know how many were in Robinson House,  
15 but it was a full college, 30 students, and lots of  
16 children at that time on campus.

17  
18 Q. Can I ask you about paragraph 8. There you say you  
19 spoke to the principal.

20 A. Yes.

21  
22 Q. Who was the principal?

23 A. It was either the vice principal or the principal and  
24 at that time, when [REDACTED] was at college, it would have  
25 been - John Sutherland was the vice and then I can't  
26 remember his name, Lance Johnston.

27  
28 Q. In your statement you say you were concerned that this  
29 was happening amongst people who would be ordained.

30 A. Yes.

31  
32 Q. You say you recall that he said when it came time for  
33 these people to be ordained, they would have to take a vow  
34 of celibacy.

35 A. Yes.

36  
37 Q. Perhaps I should tell you, I was brought up as an  
38 Anglican, I didn't understand that Anglican clergy took a  
39 vow of celibacy.

40 A. Well, no, that was the confusion when I left the  
41 office and I was walking away feeling a bit stupid for  
42 going there and that didn't add up to me.

43  
44 Q. Am I right, my understanding is, Anglican clergy don't  
45 take a vow of celibacy?

46 A. No.

1 Q. But would I also understand that the Anglican teaching  
2 would be that there shouldn't be sexual activity outside of  
3 marriage?

4 A. Yes.

5

6 Q. Would that be right?

7 A. At that time, yes. Yes.

8

9 Q. How did what was happening sit with your understanding  
10 of what was to be expected?

11 A. Well, that was - that was the question I had because,  
12 you know, how does that - that teaching seemed to be  
13 contrary to what was actually happening on campus.

14

15 MS SHARP: Q. Could it be that the vow of celibacy that  
16 you were referring to was instead a vow of chastity? Was  
17 that the nature of the conversation?

18 A. No, it wasn't.

19

20 Q. Could I ask you just a little bit more about  
21 paragraph 7 of your statement. Of course, there is a  
22 distinction between being a homosexual on the one hand and  
23 a paedophile, on the other?

24 A. Yes.

25

26 Q. In your statement you refer to one of the priests  
27 being spoken about as preferring youngsters, that person  
28 being Peter Rushton. Could you say a little bit more about  
29 that, please?

30 A. Yes. That name stuck in my, if you like, subconscious  
31 over the years and what brought it to the conscious was  
32 that when I went the second time to Morpeth and we - the  
33 first - I think it was the first community eucharist we had  
34 in the chapel, with a dinner following, I walked in and sat  
35 down and I looked to the principal's stall and there was  
36 Peter Rushton sat and I suddenly said to myself, "What's  
37 roly-polly doing there?", I don't know where that name  
38 came from. "Well, perhaps those rumours weren't true; he's  
39 still got a licence", but the rumours which were going  
40 around at St John's in 1979ish, during those three years,  
41 was that Peter Rushton liked little boys.

42

43 Q. Are you clear that the rumour was to "little boys"  
44 rather than young adult males?

45 A. It was youngsters, yes.

46

47 Q. Tell me, while you were at Morpeth between 1979 to

1 1981, did you ever hear Morpeth being referred to as  
2 Satan's Playground?

3 A. It did have a nickname and I couldn't remember it, but  
4 I can't be - I can't definitely say it was the one which  
5 was spoken about yesterday, but there was a nickname for  
6 Morpeth that, in a sense, it was a bit like the  
7 Devil's Playground because anything seemed to go on there  
8 and it was acceptable. It was an awful place to live.  
9 I mean, I'd come from country Victoria in Ballarat to live  
10 on campus because my ex-husband was training for the  
11 priesthood for the Ballarat Diocese and so I was new to  
12 Newcastle anyway and it was - you know, living on campus  
13 with a young daughter at the time and all these other  
14 children and everything, it was, you know, there was all  
15 sorts happening. There was I suppose a bit like -  
16 everything was emphasised. You had people running off with  
17 other people's wives and disappearing off college. I mean,  
18 it was - I couldn't believe all this stuff was happening on  
19 this college and there didn't seem to be much control in  
20 the place, I think that's how I would describe it  
21

22 MS SHARP: Thank you. I have no further questions.  
23

24 THE CHAIR: Does anyone else have any questions? Could  
25 I see who are all the people who want to ask questions?  
26 Does anyone suggest who should go first?  
27

28 MR HEAZLEWOOD: I don't mind, your Honour.  
29

30 THE CHAIR: You would like to go first.  
31

32 MR HEAZLEWOOD: I'll be short, yes.  
33

34 <EXAMINATION BY MR HEAZLEWOOD:  
35

36 MR HEAZLEWOOD: Q. Madam, my name is Heazlewood,  
37 I appear for Bishop Farran. I just wanted to ask you  
38 something about your involvement with him in about  
39 mid-2006. Do you agree that's when he came here?  
40

41 A. Yes.  
42

43 Q. It wasn't long after he arrived that you had a meeting  
44 with him to discuss your displeasure about the way you were  
45 being treated. Do you agree with that?  
46

47 A. I can't 100 per cent agree with that because I cannot  
remember the meeting.

1 Q. Pardon?  
2 A. I can't 100 per cent agree with that because I cannot  
3 remember the meeting.  
4  
5 Q. I will put it then to you directly, that you did meet  
6 with him in October 2005 and you discussed your problems  
7 and, in your presence, he tried to contact Mr Gerber who  
8 was then the head of Professional Standards; do you recall  
9 that?  
10 A. Was that 2005 or 2006, because you said 2006 in the  
11 beginning.  
12  
13 Q. Did I?  
14 A. Yes.  
15  
16 Q. All right. I meant 2005. If I said 2006, I'm sorry.  
17 A. That's a possibility but I can't, again --  
18  
19 Q. Okay. Thereafter, you and he exchanged emails from  
20 time to time about the progress of the court case?  
21 A. No, I didn't.  
22  
23 Q. Not at all?  
24 A. As far as I remember, I did not.  
25  
26 Q. Well, didn't you, as it were, keep him in the loop by  
27 informing him what had happened from time to time when the  
28 case was adjourned?  
29 A. No, because I was told that I wasn't to discuss the  
30 case before it went to court, so I wasn't - I was being  
31 very careful about speaking about it and in any detail to  
32 anybody.  
33  
34 Q. It is not a matter of discussing the case, it's just  
35 what happened about it being adjourned.  
36 A. I don't remember it being adjourned.  
37  
38 Q. The case went on for some months, didn't it, or years  
39 even?  
40 A. It depends what you mean by that.  
41  
42 Q. Do you recall then an occasion you were sent flowers  
43 by him?  
44 A. Yes, and I wasn't - I didn't appreciate them. That  
45 was done just before the court case because, basically,  
46 I had not had much correspondence at all. I certainly did  
47 not get any help whatsoever, and I did not receive a

1 support person to come alongside John and I. And to send  
2 somebody a bunch of flowers, I could have flushed them down  
3 the loo, to tell you the truth, I thought it was most  
4 insensitive.

5

6 Q. Let me say that was not the way you responded to him  
7 in an email after you received them, was it?

8 A. Maybe I'm polite.

9

10 Q. All right. In short, I am suggesting to you that you  
11 contacted him shortly after his arrival and, thereafter,  
12 there were a number of emails between you and he and,  
13 indeed, a number of meetings?

14 A. There was certainly a lot of meetings and if you  
15 really want to go into the meetings with Bishop Farran, it  
16 is probably not a good place to go, because I found him -  
17 I was harassed and bullied by this man and I would not wish  
18 to meet with him.

19

20 Q. Madam, let me put it to you then very clearly, that  
21 there were a number of emails you sent him that expressed a  
22 contrary view?

23 A. Right, okay, maybe, but I have not any recollection of  
24 those emails.

25

26 MR HEAZLEWOOD: Yes, thank you.

27

28 THE WITNESS: And I keep all my emails.

29

30 THE CHAIR: Yes, who is next?

31

32 <EXAMINATION BY MR WILLIAMS:

33

34 MR WILLIAMS: Q. Madam, my name is Williams and I appear  
35 for Bruce Hockman. I just want to take you to some  
36 evidence you gave in paragraph 57 of your statement, if  
37 that can be brought up. Do you have that there?

38 A. Yes.

39

40 Q. I think it is undated but it appears to have been  
41 signed on 21 July 2016. It is undated at the top.

42 A. Yes.

43

44 Q. Do you agree?

45 A. Yes.

46

47 Q. In paragraph 57, you deal with a conversation you had

1 with Jean Sanders who at the time was the Chair of the  
2 Committee For Allegations of Sexual Misconduct or CASM; is  
3 that correct?

4 A. That's right, yes.

5  
6 Q. This conversation was in relation to a meeting she  
7 told you she had attended with Bishop Herft and others,  
8 including Bruce Hockman, who was at the time the diocesan  
9 manager; is that correct?

10 A. That's correct.

11  
12 Q. You obviously were not present at any such meeting?  
13 This is a conversation you had with Jean Sanders about a  
14 meeting that she was relaying to you information about?

15 A. I think that's what is written here, yes.

16  
17 Q. Yes. So what you know about this supposed meeting is  
18 based only on what you were told by Jean Sanders in this  
19 phone call you refer to; is that correct?

20 A. That's what it says.

21  
22 Q. You also say you don't recall the month or year you  
23 had that conversation, although you believe it was towards  
24 the end of Jean Sanders' time at the Diocese; is that  
25 correct?

26 A. That's what I recall, yes.

27  
28 Q. It was clearly after the report had been made about  
29 [CKU]'s abuse, the report that had been made to  
30 Singleton Police, it was clearly after that, wasn't it, the  
31 first report?

32 A. Yes.

33  
34 Q. What you recall being told by Jean Sanders was that  
35 she had asked at that meeting why there was no record or  
36 file on your son, [CKU], and the abuse that he had  
37 suffered. Do you recall that?

38 A. Yes.

39  
40 Q. In your statement, paragraph 57, you then say this:

41  
42 *She was told by Bishop Herft ...*

43  
44 Again quotation:

45  
46 *Oh, we don't have to worry about this case.*  
47 *It's never going to get to court.*



1  
2 That is what is recorded in your statement, correct?  
3 A. That's correct.  
4  
5 Q. In other words, you clearly say in your statement that  
6 that comment was attributed to Bishop Herft by Ms Sanders;  
7 is that correct?  
8 A. Yes, but I think there was an amendment to that.  
9  
10 THE CHAIR: That's what I understood. She gave evidence  
11 about this.  
12  
13 MR WILLIAMS: Q. I will take the witness firstly to what  
14 was in her statement, if your Honour please.  
15  
16 THE CHAIR: Yes, but then she has told us, and told you,  
17 that she wished to amend the statement.  
18  
19 MR WILLIAMS: Yes.  
20  
21 Q. I will take you to your evidence in respect of the  
22 amendment that you made when giving your evidence before  
23 lunch. I think it was at transcript 16592 from about  
24 line 36. There you talked about, in that evidence, there  
25 being a general consensus in that meeting and that it was  
26 agreed whoever mentioned the quotation "Oh, we don't have  
27 to worry about this case. It's never going to get to  
28 court", you referred in your evidence before lunch to there  
29 being some sort of consensus. Do you remember that?  
30 A. Yes, I do.  
31  
32 Q. You gave evidence to this effect, "It was agreed  
33 that", and then you said, "whoever mentioned", and you gave  
34 the quotation. Do you recall giving that evidence?  
35 A. Yes.  
36  
37 Q. And then you said:  
38  
39 *I think it would have been Bruce Hockman.*  
40 *That's the memory that has come back to me.*  
41  
42 Correct?  
43 A. Yes.  
44  
45 Q. Well, what did you mean?  
46 A. It means I suppose that I - if you like, I've been  
47 waking up rather early in the morning and going over what

1 I'm going to have to do here with the Royal Commission, in  
2 my head, and basically, that came back into my head, that  
3 perhaps it wasn't Bishop Herft that said that but it was  
4 Bruce Hockman. Do you ever have memories what come back?

5  
6 Q. Madam, can I suggest to you this: you were very  
7 specific in your statement that you had been told by  
8 Ms Sanders that those words had been attributed to  
9 Bishop Herft, do you agree with that?

10 A. Yes.

11  
12 Q. What you say today in your evidence is that as you sit  
13 there, a recollection came back to you that you think it  
14 would have been Bruce Hockman who said that?

15 A. It was not while I was sat here, it was while - it was  
16 a few days ago and that memory came back and I didn't know  
17 what to do with it, so I sought some advice whether I could  
18 amend that by putting the other name forward. But the  
19 general consensus which came from that meeting, which was  
20 conveyed to me, was that it was said and everyone agreed  
21 with that because I was a priest within the Diocese.

22  
23 Q. All right. You are saying now that the memory you  
24 have is that what you were told by Ms Sanders was that  
25 Bruce Hockman had said those words? Is that your memory?

26 A. That's what's come back through my memory, yes.

27  
28 Q. But you're certainly not entirely clear about that,  
29 given the way you have couched that evidence, even when  
30 seeking to amend your statement?

31 A. Let's put it this way: the general consensus was that  
32 everyone agreed with whoever said that, no-one disagreed,  
33 right, by that, what was said.

34  
35 Q. But you've --

36 A. If there had been, then I wouldn't have been told it  
37 that way, would I?

38  
39 Q. But you certainly are unsure then, as you sit there  
40 now, as to who it was you were told those words had been  
41 attributed to by Ms Sanders, is that the position?

42 A. I would say I'm pretty sure now because, as I said, in  
43 the amendment there was another person who was present in  
44 that meeting and it was Graeme Lawrence, and that was the  
45 other name what came back to me.

46  
47 MR WILLIAMS: May it please the Commission, that's the

1 cross-examination.

2

3 <EXAMINATION BY MR HEALY:

4

5 MR HEALY: Q. I have a question. I am Healy on behalf  
6 of Bishop Herft. Can we go to paragraph 44 of your  
7 statement. In paragraph 44 you refer to Bishop Herft and  
8 say that he'd been informed that information about the duty  
9 of care by the Ombudsman?

10 A. Mmm-hmm.

11

12 Q. Is it possible that Bishop Herft told you that he had  
13 been informed of that information by Robert Caddies?

14 A. No, I don't recall that.

15

16 Q. Is it possible that he told you that he had been told  
17 that by Robert Caddies?

18 A. Not what I can recall.

19

20 Q. What you can recall being told is that he informed you  
21 about this duty of care?

22 A. Yes.

23

24 Q. Do you specifically recall he told you that he had  
25 been told that by the Ombudsman?

26 A. Yes.

27

28 MR HEALY: No further questions.

29

30 <EXAMINATION BY MR HARPER:

31

32 MR HARPER: Q. [CKW], can you hear me?

33 A. Oh, yes.

34

35 Q. Thank you. Could I take you, firstly --

36

37 THE CHAIR: I am sorry, can you tell everyone who you are  
38 and who you appear for?

39

40 MR HARPER: I'm sorry, yes.

41

42 Q. My name is Harper and I appear for the person you  
43 refer to as the Reverend Bruce Hoare, now Bruce Hoare.

44 A. Oh, yes.

45

46 Q. Thank you. Could I take you, firstly, to paragraph 23  
47 of your statement. Do you have that in front of you?

1 A. I will in a minute.

2

3 Q. Thank you. Could I take you to the second half of  
4 that paragraph on page 6. Do you see the pagination at the  
5 top of the page?

6 A. Mmm-hmm.

7

8 Q. You speak of:

9

10 *Reverend Hoare customarily had various boys*  
11 *residing with him at the Cathedral complex*  
12 *at Christ Church Cathedral clergy house.*

13

14 A. Yes.

15

16 Q. You then go on to say:

17

18 *I'd heard regular rumours around 2002 that*  
19 *Bruce Hoare was bisexual and it was*  
20 *inferred he liked younger boys.*

21

22 A. Yes.

23

24 Q. When you state that, "Reverend Hoare customarily had  
25 various boys residing with him", was that a rumour you had  
26 heard or did you actually have firsthand knowledge of it?

27 A. Actually, it was Ian Barrack who told me that when he  
28 was trying to get [CKU] to come and reside with him and his  
29 wife.

30

31 Q. Right.

32 A. And when I put my put foot down he tried saying,  
33 "Well, he could go to the Newcastle Grammar School and stay  
34 with Bruce Hoare because he often has young boys staying  
35 with him."

36

37 Q. The entirety of information came from --

38 A. Ian Barrack.

39

40 Q. -- Ian Barrack. When you say that you'd heard  
41 rumours --

42 A. There was always rumours around in Newcastle Diocese.

43

44 Q. About everyone, it seems.

45 A. No, ones which were a little bit - yes.

46

47 Q. Those that were perhaps homosexual, to start with?

1 A. No, not necessarily.  
2  
3 Q. When you say "I'd heard rumours around 2002 that  
4 Bruce Hoare was bisexual and it was inferred he liked  
5 younger boys", does that mean, are you saying that you  
6 inferred?  
7 A. No, I didn't infer it at all.  
8  
9 Q. Who inferred it?  
10 A. It was a conversation who I honestly cannot remember  
11 who I had with, but it could have been a number of people  
12 because often you had coffee around tables with people and  
13 conversations like that happened.  
14  
15 Q. I would just like now to ask you a few questions, if  
16 I may, about what seems to be your perception about the  
17 lack of pastoral care offered to you by Bruce Hoare.  
18 A. I wouldn't have wanted any pastoral care from  
19 Bruce Hoare.  
20  
21 Q. Okay. Can we start with paragraph 31. On 16 November  
22 1998, you took to him the figurine that had been handed to  
23 you?  
24 A. Yes, I did.  
25  
26 Q. You say that his immediate reaction was that he  
27 laughed?  
28 A. Yes, he did.  
29  
30 Q. He was certainly taken aback, I suggest to you?  
31 A. No, he wasn't taken aback, he laughed.  
32  
33 Q. He wasn't taken aback by the figurine that you  
34 produced?  
35 A. No, he sat and looked and laughed.  
36  
37 Q. I suggest to you that he didn't laugh?  
38 A. I think you're wrong.  
39  
40 Q. In any event, you, on your version, criticised him and  
41 he immediately changed tack?  
42 A. No.  
43  
44 Q. No?  
45 A. No.  
46  
47 Q. What do you say happened?

1 A. I walked in and I produced it and he laughed and  
2 I said, "It's no laughing matter." And then I was very  
3 angry that he laughed because it had been given to a  
4 13-year-old boy, and then he changed his tune and got a  
5 little bit quieter.

6  
7 Q. Was it then discussed between you and he that the best  
8 plan of attack was for you to confront Barrack with the  
9 figurine?

10 A. Not then, that was later. He said he would take it  
11 with him and go and give it to Bishop Herft and show  
12 Bishop Roger and he would get back to me, and I left him  
13 with the sheep toy and I went back home.

14  
15 Q. You also discussed at that meeting the pornographic  
16 videos and magazines that had been shown to your son, did  
17 you not?

18 A. No, because I didn't know about it at that time.

19  
20 Q. Whether the figurine went to Bishop Herft and then  
21 came back or whether it didn't go there, eventually it was  
22 returned to you and you did confront Barrack?

23 A. It came back about - it could have been a week, maybe  
24 10 days later and I was asked to see Bruce again and I went  
25 in and he had the figurine with him and he said, "I've  
26 shown it to Bishop Roger and we both feel that you should  
27 give it back to Ian Barrack."

28  
29 Q. Confront him with it?

30 A. Give it back to him, and confront him in the sense of  
31 saying, "This is inappropriate to be giving this to a  
32 13-year-old boy."

33  
34 Q. On that timeline we're up to about the end of November  
35 - 16 November, the first meeting with Bruce Hoare, and then  
36 a couple of weeks later the figurine goes to Roger Herft  
37 and back to you?

38 A. I'm not sure on those dates, they could be a little  
39 bit off, because it all happened with Ian Barrack going to  
40 Armidale, coming back, all that stuff going on at college.  
41 He went away for a weekend down to Sydney and I believe it  
42 was that weekend, after the weekend, when he came back he  
43 gave the toy to [CKU], right? So, I mean, one of the  
44 questions I suppose I could ask you is that if the  
45 selection conference which Ian was supposed to be in when  
46 I gave him the toy, maybe you could trace the time from  
47 that.

1  
2 Q. Can I take you to paragraph 31 where you place the  
3 date 16 November 1998. The reason I am raising these dates  
4 is to take you to what action occurred from your first  
5 meeting with Bruce Hoare.  
6 A. Well, I've just told you what happened.  
7  
8 Q. Okay. So 16 November is your date that you say the  
9 first meeting occurred with Bruce Hoare, is that --  
10 A. I didn't keep diaries at college, so it's  
11 approximately around that time.  
12  
13 Q. Okay. And then sometime later you were asked to  
14 confront Barrack with the figurine?  
15 A. Yes.  
16  
17 Q. Then in December did you not travel with [CKU] to  
18 England?  
19 A. Yes, before I started at Forster.  
20  
21 Q. You went overseas I think for some weeks in December,  
22 extending after Christmas, to some weeks in January?  
23 A. I went to England after I was ordained in November.  
24  
25 Q. And remained there for how long?  
26 A. Where?  
27  
28 Q. In England.  
29 A. I can't honestly recall whether it was three weeks,  
30 four weeks. I know I couldn't move into the clergy house  
31 at Forster because it wasn't ready and so it was maybe  
32 suggested that I could go - I should go over to England so  
33 he could spend Christmas with his father.  
34  
35 Q. What I suggest is that the understanding you relayed  
36 to Bruce Hoare was that you would be away overseas during  
37 December and into the new year?  
38 A. Yes, but the meeting was before I was ordained.  
39  
40 Q. Correct. Moving into the new year, the next meeting  
41 between you and Bruce Hoare occurred in March of that year,  
42 I suggest to you, at your house?  
43 A. It could have been in Tuncurry.  
44  
45 Q. It was Bruce Hoare that contacted you to meet with  
46 you, as you say, in Tuncurry at your house, I suggest?  
47 A. Yes, because he was there - at that stage he was

1 supposed to be looking - I suppose not looking after new  
2 ordinands and so I saw that as a visit by him to see how  
3 I was going in Tuncurry.  
4

5 Q. Had you been asked at the original meeting by  
6 Bruce Hoare, this is pre-Christmas, to obtain a  
7 statement --

8 A. Are you still talking about the sheep figurine?  
9

10 Q. At that meeting to obtain statements from your  
11 daughter and son-in-law who had spoken to [CKU] about  
12 Barrack's involvement with him, to find out what they knew  
13 about the extent of the abuse? Do you remember that?

14 A. I remember that my son-in-law said that he and my  
15 daughter had both written statements about that incident,  
16 but they had sent it in to Bishop Herft.  
17

18 Q. For completeness, I suggest to you that you provided  
19 those statements to Hoare at your house in March in  
20 Tuncurry?

21 A. No, I didn't.  
22

23 Q. At that stage the totality of what you and the family  
24 understood to be Barrack's abuse was the figurine, and  
25 nothing more, according to you?

26 A. At that stage, yes.  
27

28 Q. We're now up to March of 1999. Then there was a  
29 meeting with Roger Herft and others, including Bruce Hoare,  
30 in May of 1999 --

31 A. Yes.  
32

33 Q. -- where the subject of Barrack's abuse was discussed?

34 A. Yes.  
35

36 Q. And then --

37 A. But in a sense, yes, it was abuse about the figurine  
38 and we met with DoCS.  
39

40 Q. That's right. There was supposed to be a police  
41 officer there, according to paragraph 41 of your statement.  
42 Do you remember whether there was a police officer at that  
43 meeting?

44 A. There possibly was.  
45

46 Q. In any event, after that meeting, you say that that's  
47 when Bruce Hoare seemed to spend more time with you and



1 every time he did, he'd raise the issue of [CKU]?  
2 A. What I'm saying is that I got visits from Bruce Hoare  
3 both in Singleton and at Forster and on some occasions he  
4 took me out for lunch as a social occasion to talk about  
5 the parish, yes, but then it would always turn to "Well,  
6 how's [CKU], what's he doing? Where is he?", this sort of  
7 thing, and I just didn't like that conversation. Is he -  
8 you know, is he speaking about Ian, is he - what's this?  
9 You know, he was trying to find out information.  
10  
11 Q. You weren't able to provide any more information?  
12 A. I wasn't prepared to provide anymore information.  
13  
14 Q. Did you have anymore information concerning any  
15 further allegations of abuse at that stage?  
16 A. What are you talking about now?  
17  
18 Q. Abuse by Barrack.  
19 A. By Barrack?  
20  
21 Q. Yes.  
22 A. To who?  
23  
24 Q. [CKU].  
25 A. No, because at that stage [CKU] had not disclosed --  
26  
27 MS SHARP: I would ask for a non-publication order over  
28 that name.  
29  
30 THE CHAIR: I am sure everyone has noted that a slip has  
31 occurred. Yes.  
32  
33 MS SHARP: There has been a cut to the live feed.  
34  
35 THE CHAIR: Yes, thank you.  
36  
37 MR HARPER: Q. We will move forward three years to  
38 May 2002 and that's when [CKU] did disclose the extent of  
39 the abuse --  
40 A. Yes.  
41  
42 Q. -- by Barrack on him. That's when you did two things:  
43 firstly, you decided there and then to go to the police,  
44 and you did?  
45 A. I didn't decide to go there and then to the police.  
46  
47 Q. Right. Who did?

1 A. He did.  
2  
3 Q. [CKU] decided to go to the police; you supported him  
4 in that decision?  
5 A. I certainly did. I was his mother.  
6  
7 Q. And the other thing you did, once you had been told  
8 the full extent of the abuse, is ring Bruce Hoare to inform  
9 him?  
10 A. Yes, because he was in charge of ordinands and young -  
11 and priests who were in their first and second year of  
12 training and so I thought it was appropriate to ring him  
13 and tell him what had happened and he would then talk to  
14 Bishop Herft.  
15  
16 Q. Right.  
17 A. That seemed the right procedure, what I understood to  
18 happen.  
19  
20 Q. I don't disagree. Can I just finally now take you to  
21 paragraph 67 for the sake of completeness. You say there  
22 that --  
23 A. Can I get there first, please.  
24  
25 Q. Certainly. The police were coming to interview him  
26 concerning [CKU]'s revelations.  
27 A. Yes.  
28  
29 Q. Allegations.  
30 A. Yes.  
31  
32 Q. And he was scared?  
33 A. Yes.  
34  
35 Q. Is that the word you mean?  
36 A. Yes, he did.  
37  
38 Q. How did he appear scared?  
39 A. I was in a meeting for youth down on the coast with  
40 another lady priest and some other people and my mobile  
41 went. I went into the courtyard, answered my mobile and it  
42 was Bruce Hoare and he said, "I've just had a phone call",  
43 I think it was, to inform him that a police officer was  
44 coming to interview him and, "What do they want to talk to  
45 me about?", and I said "I don't know", and he said, "Well,  
46 I'm scared, what do I say?". I said, "I don't know", and  
47 I terminated the conversation.

1  
2 Q. Finally, Bruce Hoare has no recollection --

3 A. I bet.

4  
5 Q. -- of being asked by Dean Graeme to speak to you about  
6 what was happening in the case. Are you sure that  
7 happened?

8 A. It definitely happened. I'd finished saying morning  
9 prayer in my Church and I walked across to my office and  
10 the phone was ringing, I picked it up and it was  
11 Bruce Hoare.

12  
13 Q. You understand I don't say it didn't happen.  
14 Bruce Hoare says he has no recollection of that happening?

15 A. Right. Well, what happened was - I said who I was and  
16 he said, "It's Bruce"; I said, "Hi Bruce". He said, "The  
17 Dean has" - he'd just finished morning prayer too. The  
18 Dean had asked him to give me a ring to find out what was  
19 happening with the court case. I won't tell you what  
20 I said to him because it's not very polite, and I hung up.

21  
22 MR HARPER: Yes, thank you.

23  
24 **<EXAMINATION BY MS DAVID:**

25  
26 MS DAVID: Q. My name is Ms David and I represent  
27 Roger Dyer. You may have heard his evidence a few days  
28 ago. Just a few brief questions.

29  
30 THE CHAIR: Ms David, I am not sure that microphone is  
31 picking you up.

32  
33 MR DAVID: Oh, sorry.

34  
35 Q. Just to repeat that, I am David and I represent  
36 Roger Dyer who gave evidence the day before yesterday.  
37 I just noted, when you gave evidence, you said that you  
38 were expected to toe the line because you had been employed  
39 by the Diocese. Would you agree that you were very  
40 dependent upon the Bishop's approval of you to continue  
41 practising the ministry that you loved?

42 A. Yes.

43  
44 Q. If you didn't toe the line, you risked never being  
45 given another position, or being sidelined from your  
46 position, would you agree with that?

47 A. Yes, and I think if I - it would be really hard for me

1 to talk about it, but I believe the pressure I received  
2 from when I moved from the parish to another parish, that  
3 I was almost seen as a very troublesome woman and had to be  
4 sort of ousted out and I felt that very - I can't prove it,  
5 but it happened to me; I know the experience what happened  
6 to me. I was bullied, harassed. Things like my dog, who  
7 had to stay outside, I came home one day and he'd gone.  
8 All the things had been cut. I got all sorts of - I can't  
9 explain it. I can't prove these things happened except  
10 I know they happened, and I got conversations which came on  
11 telephones to me saying, you know, "You ought to go on sick  
12 leave", and all this and that. One of the safeguarding  
13 things I put in to protect myself over the years in  
14 Newcastle was that I always believed in having a supervisor  
15 and I continued to have a supervisor who was a clinical  
16 psychologist, and he knew I was angry at the Diocese and  
17 I was working through issues so that I could work  
18 strategies out to continue to do good ministry within my  
19 parishes and because of that, I was asked at one time that  
20 the Diocese would have an independent psychologist assess  
21 me and I told them - I won't say what I told them. And  
22 I said, "No. If you want to know where I am and who I am,  
23 I've been with this clinical psychologist for almost  
24 10 years, he really does know where I am and what I'm at.  
25 Perhaps you should" -- I gave them permission to talk to  
26 him, but they didn't want that, and then the pressure  
27 really got on me. I mean, I took - I went to meetings and  
28 actually came home and verbatim [sic] them to what  
29 happened. I had one distressing meeting, and I will say  
30 it, with Bishop Farran where he almost launched a chair at  
31 me. There was David Battrick in the room and Stephen  
32 Pullen. I was so distressed by the time I came out of the  
33 diocesan office I said to myself, "I will never ever go  
34 anywhere near anybody in the Diocese again without a  
35 support person", and I didn't. When I got to my car,  
36 I rang a friend, I was so distressed, and they said to me,  
37 "Don't get in the car. You're not in a fit state to drive.  
38 Go into DJ's and have a coffee and sit and be quiet for a  
39 while", and I did. I was - from that day on it was like  
40 I was being hounded. I can't prove some of it but I know  
41 what happened to me.

42  
43 Q. Just on that, you were asked some questions about how  
44 you may have approached the Bishop. For example, you said  
45 you may have been polite to Bishop Farran, for example,  
46 when you were asked some questions this afternoon. Do you  
47 agree that it is extremely difficult for a priest to be

1 other than very polite to a Bishop?  
2 A. Oh, yes, because you are - there's a - I suppose this  
3 is where, in a sense, you can get into conflict of  
4 interest. One, I'm a priest and, two, I was a mother.  
5  
6 Q. Yes.  
7 A. You have obedience to your Bishop and I couldn't be  
8 obedient to my Bishop.  
9  
10 Q. Bishops are very powerful figures in a Diocese, aren't  
11 they?  
12 A. Oh, yes, very. Yes.  
13  
14 MS DAVID: Thank you.  
15  
16 THE CHAIR: Anyone else? No. Ms Sharp?  
17  
18 MS SHARP: Nothing arising.  
19  
20 THE CHAIR: Yes, thank you for your evidence.  
21  
22 THE WITNESS: Thank you.  
23  
24 THE CHAIR: You are excused.  
25  
26 THE WITNESS: Thank you.  
27  
28 <THE WITNESS WITHDREW  
29  
30 MS SHARP: Can I tender some documents before I call my  
31 next witness, your Honour.  
32  
33 The first of these is a statement of a witness given  
34 the pseudonym [COH], dated 3 August 2016. I am told it is  
35 reproduced at tab 40AA of the Commission's bundle. It has  
36 been served upon the parties. I tender that document.  
37  
38 THE CHAIR: Is it already in the bundle?  
39  
40 MS SHARP: I am told that it is in the bundle.  
41  
42 THE CHAIR: It is already in evidence, is it?  
43  
44 MS SHARP: No, this is the statements bundle, so it is not  
45 in evidence yet.  
46  
47 THE CHAIR: I see. It will become exhibit 42-028.

1       **EXHIBIT #42-028 STATEMENT OF [COH] DATED 03/08/2016**  
2

3       MS SHARP:    Next I tender the statement of Tim Mawson,  
4       dated 3 July 2016.  That also has been served upon the  
5       parties.  I am told that it is in the Commission's bundle  
6       of statements at tab 33A.

7  
8       THE CHAIR:    That will be exhibit 42-029.

9  
10       **EXHIBIT #42-029 STATEMENT OF TIM MAWSON DATED 03/07/2016**  
11

12       MS SHARP:    The next statement I will hand up, this is a  
13       statement of Robert Leslie Wall, dated 3 August 2016.  It  
14       has been served on the parties but it is not in the  
15       Commission's bundle.

16  
17       THE CHAIR:    That will be exhibit 42-030.

18  
19       **EXHIBIT #42-030 STATEMENT OF ROBERT LESLIE WALL**  
20       **DATED 03/08/2016**  
21

22       THE CHAIR:    By the way, are you proposing to call Mr Wall?

23  
24       MS SHARP:    I will see if arrangements can be made.

25  
26       THE CHAIR:    No, does anyone want him called?

27  
28       MS SHARP:    I haven't had the opportunity to discuss that  
29       with parties as yet.  This statement has just come in.

30  
31       THE CHAIR:    Very well.

32  
33       MS SHARP:    I will now tender a document that's not in the  
34       documentary tender that has occurred to date.  This is a  
35       photocopy of an extract of a 1975 Register of Services.  It  
36       is a redacted document.

37  
38       THE CHAIR:    Is this the document about which there has  
39       been evidence previously?

40  
41       MS SHARP:    Yes, there has been some discussion.  I expect  
42       the next witness will be asked about this.

43  
44       THE CHAIR:    This is the document that has been previously  
45       discussed, is it?

46  
47       MS SHARP:    Yes, it is.

1  
2 THE CHAIR: It is almost impossible to read in this form.  
3  
4 MS SHARP: Yes. I might see if I can have my solicitors  
5 prepare an A3 version of this document.  
6  
7 THE CHAIR: I think something needs to be done.  
8  
9 MS SHARP: Yes, your Honour.  
10  
11 THE CHAIR: I would also like to see the original.  
12  
13 MS SHARP: Yes, I have an unredacted copy that I can have  
14 made available in A3 size as well. I understand that the  
15 Commission is not in possession of the original.  
16  
17 THE CHAIR: We should get it.  
18  
19 MS SHARP: I will see if arrangements can be made.  
20  
21 THE CHAIR: They will be made.  
22  
23 MS SHARP: Yes, your Honour.  
24  
25 THE CHAIR: We want the original. Yes, very well. Who  
26 has the original at the moment?  
27  
28 MS SHARP: I understand it is in the possession of the  
29 NSW Police at the moment.  
30  
31 THE CHAIR: Do you need a subpoena?  
32  
33 MR TEMBY: We will seek to make arrangements --  
34  
35 THE CHAIR: Do you need a summons? I will issue a  
36 summons.  
37  
38 MR TEMBY: I don't think we need a summons. I am sure you  
39 will if you need to.  
40  
41 THE CHAIR: I will.  
42  
43 MR TEMBY: I am sure you won't need to. We will do  
44 everything that needs to be done to get it. With respect,  
45 and without wishing to sound presumptuous, we will need to  
46 know that we can get it back because the police will need  
47 it back.

1  
2 THE CHAIR: I will promise you, Mr Temby.

3  
4 MR TEMBY: Yes. Thank you.

5  
6 **EXHIBIT #42-031 PHOTOCOPY OF AN EXTRACT OF THE**  
7 **1975 REGISTER OF SERVICES**  
8

9 MS SHARP: I call Keith Allen. Your Honour and the  
10 Commissioners will find a copy of Mr Allen's statement at  
11 tab 1 of the volume of statements.

12  
13 **<KEITH WILLIAM ALLEN, sworn:** [2.56pm]

14  
15 **<EXAMINATION BY MS SHARP:**

16  
17 MS SHARP: Q. Mr Allen, could you state your full name  
18 to the Royal Commission?

19 A. William Keith Allen.

20  
21 Q. Your address is known to those assisting the  
22 Royal Commission?

23 A. I'm not sure if the Commission has my new address,  
24 ma'am.

25  
26 Q. Arrangements can be made to provide that to the  
27 Commission; is that the case?

28 A. Yes.

29  
30 Q. You sent a letter to the Royal Commission dated  
31 27 June 2016?

32 A. Yes.

33  
34 Q. With that letter you enclosed what you describe as  
35 statements relating to Stephen Gray, [CKN] and [CKC]?

36 A. Yes.

37  
38 Q. Are the contents of that letter and those enclosed  
39 statements true and correct to the best of your knowledge?

40 A. Yes.

41  
42 MS SHARP: I tender that document and the attachments.

43  
44 THE CHAIR: Together they will become exhibit 42-032.

45  
46 **EXHIBIT #42-032 LETTER SENT BY KEITH WILLIAM ALLEN TO THE**  
47 **ROYAL COMMISSION, WITH ATTACHMENTS, DATED 27/06/2016**



1  
2 MS SHARP: Q. Mr Allen, I understand that you wish to  
3 make one correction to a date?  
4 A. Yes, that's so.  
5  
6 Q. Where will we make that correction?  
7 A. I haven't got here the hard copies of the statement.  
8  
9 Q. Is it right that you wish to make an amendment to a  
10 date on the last page?  
11 A. That is so, at the top, the first line.  
12  
13 Q. Yes.  
14 A. There's a typographical error, I believe. It should  
15 be "1990", on reflection, and on the last line, "1998"  
16 should be inserted, not "1989".  
17  
18 Q. For the purpose of preparing that attachment, did you  
19 have available to you any documents to assist you in  
20 remembering the dates?  
21 A. I looked at the yearbooks of the Diocese of Newcastle  
22 to ascertain that my client was appointed to the Parish of  
23 Wyong and that was shown in the yearbook.  
24  
25 Q. Is that the only document you had available to you for  
26 the purpose of preparing this attachment?  
27 A. That's so.  
28  
29 Q. How can you be so sure, at the distance of this many  
30 years, that the date of 16 February 1990 was the date upon  
31 which Reverend Stephen Gray was charged?  
32 A. I looked at, I believe, a yearbook to show that he  
33 resigned at a particular time. I believe it was  
34 16 February 1989 but I cannot be exactly certain.  
35  
36 Q. You've just corrected your statement so that it should  
37 now read 16 February 1990.  
38 A. I'm sorry, yes.  
39  
40 Q. Is your evidence that you looked at a yearbook and it  
41 confirmed that he resigned on a particular day?  
42 A. There is a date in the yearbook, I believe.  
43  
44 Q. You only wrote this statement on around 27 June this  
45 year?  
46 A. That's so.  
47

1 Q. It was at about that time you looked at the yearbook?  
2 A. That's correct.  
3  
4 Q. And you still have a copy of that yearbook?  
5 A. Yes, I have yearbooks from about 1960 to 2014.  
6  
7 Q. Would you be so kind as to bring that yearbook to the  
8 Commission on Monday?  
9 A. I am happy to do so.  
10  
11 Q. Thank you, sir. Can I take you back to the first  
12 attachment to your statement, that is, the second page.  
13 You're here recounting some details in relation to [CKC].  
14 You of course know the real name of [CKC]?  
15 A. I am aware.  
16  
17 Q. Yes. Did you have any documents available to you when  
18 you were preparing this attachment to your letter?  
19 A. I had the indictment sheet showing the dates set out  
20 in items 1, 2, 3 and 4 and that document has survived.  
21  
22 Q. I beg your pardon?  
23 A. That document is held by me.  
24  
25 Q. You have the indictment. Do you have any other  
26 documents relating to [CKC]?  
27 A. I have the majority of the file in connection with the  
28 trial.  
29  
30 Q. When you say "the majority of the file", is that the  
31 solicitor's file or some other kind of file?  
32 A. No, it's the file that was used by me in connection  
33 with the trial of [CKC].  
34  
35 Q. Thank you. And you still possess the majority of that  
36 file?  
37 A. I believe most of the file is in a box. I am not  
38 absolutely able to say that every piece of paper is in the  
39 box.  
40  
41 Q. May I take it that you reviewed some documents in that  
42 file before you came to give evidence here today?  
43 A. No.  
44  
45 Q. Have you reviewed any documents in relation to [CKC]  
46 before you've come to give evidence today?  
47 A. I looked at the indictment sheet and cursorily looked

1 at some notes in relation to the evidence given in  
2 connection with the trial.

3

4 Q. Have you looked at a copy of the register of services  
5 before you came here today for the purpose of giving  
6 evidence?

7 A. No.

8

9 MS SHARP: Can I ask you about the second attachment to  
10 your letter which is on the next page. This relates to  
11 [CKM] and at the bottom of that - I beg your pardon, can  
12 I ask for a non-publication order over that?

13

14 THE CHAIR: I am sorry.

15

16 MS SHARP: I have inadvertently said a name. It is,  
17 in fact, [CKM].

18

19 THE CHAIR: Yes, very well. I don't think it has made it  
20 to air, has it? No.

21

22 MS SHARP: I am told not.

23

24 Q. May I direct your attention, please, Mr Allen, to the  
25 final paragraph. You say:

26

27 *I have not acted further for [CKM].*

28

29 At any time have you acted for [CKM] for the purpose of  
30 seeking compensation against the Diocese of Newcastle?

31 A. No. After the matter, the criminal matter was dealt  
32 with, I provided [CKM] and both his parents with a letter  
33 that I could not act, as, at that stage, I was appointed a  
34 Trustee of the Diocese.

35

36 Q. Thank you. Mr Allen, you've mentioned that you still  
37 possess the majority of files in the [CKC] matter. Would  
38 you be so kind as to bring those to the Royal Commission on  
39 Monday?

40 A. I shall endeavour to.

41

42 MS SHARP: Thank you.

43

44 THE CHAIR: Q. I think we would like you to do that. Is  
45 there any reason why you can't?

46 A. No, sir. I will bring them.

47

1 THE CHAIR: Thank you.

2

3 MS SHARP: Q. Mr Allen, it is correct that you're a  
4 solicitor?

5 A. Yes.

6

7 Q. You're still on the Roll of Solicitors?

8 A. I am.

9

10 Q. How long have you practised as a solicitor?

11 A. Since, I think, May 1971.

12

13 Q. Is it fair to describe you as having provided long and  
14 significant service in the Diocese of Newcastle?

15 A. I have been on a number of diocesan committees over  
16 the years. I was elected to Diocesan Council and then went  
17 off Diocesan Council for a period of time and then went  
18 back. I served as a Trustee for 25 years, my term  
19 finishing in, I think, November 2014. I was the Chairman  
20 of Committees of the Synod for a number of years and on  
21 various other Diocesan committees.

22

23 Q. Is it fair to describe you as having provided a long  
24 and significant service to the Diocese?

25 A. That's surely for others to make the decision about.  
26 I have been continually on committees in the Diocese of  
27 Newcastle.

28

29 Q. Do you think it's a fair description?

30 A. I don't necessarily think I should make that  
31 self-serving decision. It is for others to say whether  
32 I have served the Diocese adequately.

33

34 Q. Is it right that you've served as a member of the  
35 Diocesan Synod for around 44 years?

36 A. I was first elected to the Diocesan Synod when  
37 Bishop Shevill was the Bishop of Newcastle and that's  
38 I think '73 to '76.

39

40 Q. I will have to do the maths there. 43 years.

41 Thank you, Mr Temby has done it for me. When were you  
42 first on the Diocesan Council?

43 A. In my early years on Synod I was elected, my memory  
44 says, for a term, but I can't tell you when it was.

45

46 Q. For what may fairly be described as a very long  
47 period, you have variously served as a member of the

1 Diocesan Council; correct?

2 A. Correct.

3

4 Q. A member of the Diocesan Synod; correct?

5 A. Yes.

6

7 Q. And also a member of the Committee of Trustees for the  
8 Diocese?

9 A. Yes.

10

11 Q. In simple terms, the Trustees look after the physical  
12 assets of the Diocese?

13 A. The money and the assets and the insurance.

14

15 THE CHAIR: Q. In that time have you acted as the  
16 solicitor for the Diocese?

17 A. Yes, I acted as the solicitor in a conveyancing matter  
18 when the Diocesan solicitors were selling their freehold  
19 office to the Registry. There was a discussion by the  
20 Trustees under the bishop of the day. I offered --

21

22 Q. You've acted on that occasion?

23 A. I acted on that occasion.

24

25 Q. Have you acted on any other occasions?

26 A. I went to the first Inquiry on Fund Raising by  
27 Charities because I was, I think at that stage, the Chair  
28 of the Anglican Savings Development Fund.

29

30 Q. Have you ever given advice to a bishop in relation to  
31 any matter?

32 A. No, but I've probably had discussions where bishops  
33 have asked me questions.

34

35 Q. Well, did you respond to the questions by giving  
36 advice?

37 A. I would have made comments to bishops over the years  
38 when I was invited to comment about matters.

39

40 Q. And by "comment", I take it, you gave them advice, you  
41 expressed your view; would that be right?

42 A. That's so, sir.

43

44 Q. Sorry?

45 A. That is so.

46

47 Q. And do I take it you did that over many years for many

1 bishops; would that be right?  
2 A. Yes. I mean I was on the Synod for something like --  
3  
4 Q. No, let's talk about the advice you've given to  
5 bishops. A number of bishops over many years you have  
6 given advice to; would that be right?  
7 A. Yes, it would.  
8  
9 Q. Yes. Would I be right in thinking that you have on  
10 occasions helped bishops to settle the contents of letters;  
11 would that be right?  
12 A. Only in respect of the reference in respect of  
13 Stephen Gray by Bishop Holland; that is my memory, sir.  
14  
15 Q. You've never otherwise helped a bishop to settle the  
16 content of any letter whatsoever; is that what you say?  
17 A. Not as far as I can remember, sir.  
18  
19 Q. What about the content of any other documents, apart  
20 from a letter, have you ever given advice to a bishop as to  
21 the content of any other document, a report, a minute or  
22 the like?  
23 A. No, not the minutes of meetings. I was involved in  
24 the negotiations of a lease for the grammar school, which  
25 had some complexities about it, where the Trustees were  
26 leasing the grammar school, to the Newcastle Grammar  
27 School.  
28  
29 Q. Have bishops over the years asked you for advice from  
30 time to time?  
31 A. Yes, I would - I'd say yes, sir.  
32  
33 Q. Can you give us an indication of the types of matters  
34 that you've been asked for advice about?  
35 A. During Bishop Holland's time there was a priest in a  
36 particular diocese that was unlicensed and that issue came  
37 up and I was involved in the discussions with  
38 Bishop Holland and the then Registrar as to the licensing  
39 of this priest and as to the arranging of his affairs,  
40 because he was getting ready to retire, sir.  
41  
42 Q. Is that the only occasion you've been asked to give  
43 advice by a bishop?  
44 A. Bishop Herft might have asked me what my views were or  
45 my opinion was about matters at Synod when the Synod was in  
46 recess for morning tea or afternoon tea.  
47

1 Q. Otherwise, you've never been asked by a bishop to give  
2 advice about any other matter; is that right?

3 A. As far as I can remember so, sir.  
4

5 MS SHARP: Q. Is it fair to say that during  
6 Bishop Holland's tenure as Bishop, you had the ear of that  
7 Bishop?

8 A. I was appointed as a Trustee of the Diocese during the  
9 tenure of Bishop Holland. The Trustees are four people,  
10 I think, plus the Bishop.  
11

12 Q. Is it fair to say that during the tenure of  
13 Bishop Holland, you had the ear of the Bishop?

14 A. Yes.  
15

16 Q. And you were one of his confidants; correct?

17 A. Probably, yes.  
18

19 Q. Is it fair to say that during the tenure of  
20 Bishop Herft, you had the ear of the Bishop?

21 A. I was the Trustee and the Chairman of Committees  
22 during the Episcopate of Bishop Herft for the whole of the  
23 time.  
24

25 Q. Is it fair to say that during the tenure of  
26 Bishop Herft, you had the ear of the Bishop?

27 A. Yes, I'm happy to say, yes.  
28

29 Q. Were you one of that Bishop's confidants?

30 A. Probably to a degree on certain things but I don't  
31 particularly know everything.  
32

33 Q. Is it fair to say that you had the ear of  
34 Bishop Farran during his tenure as the Bishop of the  
35 Diocese of Newcastle?

36 A. I was the Chairman of Committees and again a Trustee  
37 during Bishop Farran's Episcopate.  
38

39 Q. Is it fair to say that you had the ear of  
40 Bishop Farran during his tenure as the Bishop of the  
41 Diocese of Newcastle?

42 A. Yes, I'd probably say so.  
43

44 Q. Is it fair to say that you were one of Bishop Farran's  
45 confidants while he was the Bishop of the Diocese of  
46 Newcastle?

47 A. I would say, yes, on some occasions.

1  
2 Q. Is it correct that you were a member of the Board of  
3 Investigation in the period 1993 to 1999 in the Diocese of  
4 Newcastle?

5 A. If those are the years, I would say yes. I was on  
6 that Board.

7  
8 Q. For a significant period of time?

9 A. Yes.

10  
11 Q. Was that some sort of precursor to what we now know as  
12 the Professional Standards Committee?

13 A. No. That was a Board established, my memory says, by  
14 the Synod to investigate where parishes were in financial  
15 difficulty and where their plant and equipment may not be  
16 up to scratch, and to check that parishes were in order  
17 before a new priest would be appointed, or if a parish was  
18 going backwards financially, to look at how that could be  
19 arrested.

20  
21 Q. Were you a member of the Panel of Triers of the  
22 Diocese in the period 1996 to 2007?

23 A. I believe so.

24  
25 Q. Is it fair to say that the Panel of Triers was the  
26 Newcastle Diocese equivalent of a Diocesan Tribunal?

27 A. Yes, but it never met, as far as I know, not while  
28 I was a member.

29  
30 Q. It is right that these days in the Diocese the  
31 functions of the Panel of Triers has largely been  
32 supplanted by the Professional Standards Board?

33 A. I am not certain. I don't know whether the Ordinance  
34 for the Panel of Triers has been repealed. The  
35 Professional Standards people deal with their work in  
36 accordance with, I think, the document from General Synod  
37 that was adopted by the Diocese.

38  
39 Q. As a person with longstanding involvement in the  
40 Diocese, has it always been your view that you've owed  
41 particular duties to the Diocese?

42 A. As the Chairman of Committees of the Synod I had a  
43 duty not only to the Bishop but to the whole of the Synod  
44 to facilitate, in my view, the running of the Synod and on  
45 occasions that meant assisting members of the Synod with  
46 preparation of motions.



1 Q. Has it always been your view that you have owed a duty  
2 to the Diocese to protect its interests?

3 A. I have looked after and been mindful of the interests  
4 of the Diocese but I've never had anything to do with the  
5 Professional Standards Board or group.  
6

7 Q. Just returning to my question, has it always been your  
8 view that you have owed to the Diocese a duty to protect  
9 its interests?

10 A. Yes, the care of the Diocese.  
11

12 Q. Has it always been your view that you've had a duty to  
13 act consistently with the obligations that the Diocese owes  
14 others?

15 A. Could you just repeat that, I'm sorry?  
16

17 Q. Has it always been your view that you have had a duty  
18 to act consistently with the duties that the Diocese owes  
19 other people?

20 A. Yes, in respect of fairness, yes.  
21

22 Q. I will take you to one particular obligation and I'll  
23 take you to a particular document to make this concrete.  
24 Could I ask that Mr Allen be shown the document at tab 435?  
25 Could I have that enlarged somewhat. You will see there is  
26 a document entitled "Principles and Procedures for Dealing  
27 with Sexual Harassment by Ministers in the Diocese of  
28 Newcastle". Could we scroll down. You will see the date  
29 of that document at the bottom is October 1993?

30 A. Yes.  
31

32 Q. May I take it that you're familiar with this document?

33 A. No, not particularly, no.  
34

35 Q. Is there any reason why you're not familiar with this  
36 policy of the Diocese?

37 A. I have not been involved in the sexual matters and I'm  
38 not certain whether that document was a document that was  
39 agreed to by the Synod; I don't know.  
40

41 Q. Could I just show you a particular page. Could I go  
42 to pinpoint reference 0062. I might need that scrolled  
43 down a little bit, please. Would you scroll down a little  
44 further. Can I take your attention to paragraph 8. Do you  
45 see that policy there states:  
46

47 *The Diocese acknowledges its obligations to*

1           *offer pastoral support to all who seek or*  
2           *need it; this includes complainants,*  
3           *respondents, their families and parishes.*  
4

5       A.    Yes.  
6

7       Q.    Have you been aware that this is a duty that the  
8       diocese has espoused itself as owing over a very large  
9       number of years?

10      A.    Not particularly aware.  
11

12      Q.    Does this come as a surprise to you that the Diocese  
13      acknowledges that it has an obligation to offer pastoral  
14      support to complainants?

15      A.    No.  
16

17      Q.    So that does not surprise you?

18      A.    No.  
19

20      Q.    Has it been your understanding in the last three  
21      decades of dealing with diocesan matters that the Diocese  
22      does have an obligation to provide pastoral support to  
23      those who seek it, including complainants?

24      A.    Yes, that's my understanding.  
25

26      Q.    Is it right that you have at all times tried to act in  
27      such a way so that you may discharge the obligations of the  
28      Diocese?

29      A.    Yes.  
30

31      Q.    You are currently married to Dr Sandra Smith?

32      A.    That's correct.  
33

34      Q.    How long have you been married to Dr Smith?

35      A.    2013.  
36

37      Q.    At all times that you have been married to Dr Smith,  
38      she has been a practising psychiatrist?

39      A.    Up until April of this year.  
40

41      Q.    You, of course, know Mr Paul Rosser QC?

42      A.    Yes, I do.  
43

44      Q.    When did you first meet Mr Rosser?

45      A.    I first met Mr Rosser, I think, at the District Court  
46      at Gosford many, many, many years ago.  
47

1 Q. Could we put a decade on it?  
2 A. No, I am sorry. I practised at Gosford, at  
3 The Entrance since 1971, but I'm not certain, but it's many  
4 years ago.  
5  
6 Q. Would it be prior to 1990?  
7 A. Yes, I would have thought so.  
8  
9 Q. At that time, to your knowledge, was Mr Rosser  
10 involved in the governance of the Diocese in any way?  
11 A. My memory is that Mr Rosser was elected to the Synod  
12 of the Diocese, but I can't give you a time when.  
13  
14 Q. During the entirety of the time you've known  
15 Mr Rosser, have you been aware that he has been involved in  
16 the governance of the Diocese?  
17 A. Yes, he was the Deputy Chancellor and then the  
18 Chancellor for a period --  
19  
20 Q. Yes.  
21 A. -- to the Bishop.  
22  
23 Q. And prior to that time?  
24 A. And prior to that, I think he was a member of the  
25 Synod.  
26  
27 Q. Is it right that the yearbooks would disclose the  
28 times at which he was a member of the Synod?  
29 A. That would be correct.  
30  
31 Q. Do the yearbooks also disclose the times that clergy  
32 are licensed in the Diocese?  
33 A. I think the yearbook shows the date the priest comes  
34 to the diocese. If a priest then resigns there's a list of  
35 resignations normally published in the yearbook saying  
36 (A) resigned on such and such a date; (B) resigned on such  
37 a such a date, or (C) has died on such and such a date.  
38  
39 Q. Do the yearbooks record when licensed clergy have  
40 moved between parishes?  
41 A. Yes. The yearbook would show if Priest X moved from  
42 parish A to parish B.  
43  
44 Q. The yearbook is not a difficult document to find  
45 within the diocesan records; is that fair?  
46 A. I would have thought not. I mean, I don't know.  
47

1 Q. Is it right that it is a fairly well-known document in  
2 relation to people who have governance roles within the  
3 diocese?

4 A. The yearbook is produced and was sent to every member  
5 of Synod each year. I think from 2014 it's now online and  
6 you have to download it.

7

8 Q. Do people involved in the Diocese have any kind of  
9 obligation to submit information to the Diocese so that it  
10 can produce the yearbook?

11 A. The parish returns of each parish are sent to the  
12 Diocese, I think in the first three months of the year, and  
13 that statistical information is then, I believe,  
14 transferred to the yearbooks.

15

16 Q. Thank you. I want to ask you now some questions about  
17 your relationship with Bishop Holland. May I take it you  
18 came to know him reasonably well during his tenure as  
19 Bishop of the Diocese of Newcastle?

20 A. Yes.

21

22 Q. I want to show you a document which is at tab 392 of  
23 the tender bundle. Have you had a look at the tender  
24 bundle, Mr Allen?

25 A. No. I had a brief look with my counsel.

26

27 Q. Are you aware that there are some documents in the  
28 tender bundle which are file notes prepared by Mr Cleary of  
29 conversations with you?

30 A. I wasn't until last night, and I was never told that  
31 they were to be recorded.

32

33 Q. Can I ask you to have regard to this one. You will  
34 see that this purports to be a file note of a meeting  
35 between you and Mr Cleary on 11 February 2015. You can  
36 take it from me that this was prepared by Mr Cleary. Could  
37 I take your attention please, sir, to pinpoint reference  
38 0015.

39 A. It's very small.

40

41 Q. Yes. I think I've jumped --

42

43 THE CHAIR: Before we do that, could we just go back to  
44 the first page.

45

46 MS SHARP: Yes.

47

1 THE CHAIR: Q. As I understand the document, but please  
2 tell me if your understanding is the same, this is a  
3 meeting between you and John Cleary with two people, [CKM]  
4 and [CKN]; is that right?  
5  
6 MS SHARP: The redactions are rather difficult and I might  
7 have a different version made available to your Honour.  
8  
9 THE CHAIR: Q. What I want to understand is, this is a  
10 record of a meeting that you were asked to attend; is that  
11 right?  
12 A. That would be my memory that Mr Cleary may have -  
13 would have contacted me to come to Newcastle.  
14  
15 Q. He's the business manager?  
16 A. Yes, sir.  
17  
18 Q. And he has asked you to come to a meeting at the  
19 diocesan office?  
20 A. That would be my memory, sir.  
21  
22 Q. In the course of that meeting, as this minute records,  
23 you gave advice; is that right?  
24 A. There were discussions by Mr Cleary and I about a  
25 number of issues in relation to the Diocese.  
26  
27 Q. In which you gave advice?  
28 A. Yes. If that's the correct term, yes.  
29  
30 Q. That's what the words say. In fact the word "advice"  
31 is used multiple, multiple times.  
32 A. I had nothing to do with the preparation of that --  
33  
34 Q. I appreciate that. I am just asking whether or not  
35 the understanding that I have of the minute is the correct  
36 understanding of what happened?  
37 A. Those issues were discussed.  
38  
39 MS SHARP: Perhaps I could ask a question to clarify.  
40  
41 THE CHAIR: Sorry?  
42  
43 MS SHARP: Perhaps I could ask a question --  
44  
45 THE CHAIR: Q. No, no, no, could you answer my question?  
46 A. I'm sorry, I said that the word "advised" appears, but  
47 I was not the author of the document.

1  
2 Q. No, but what I am asking you to do is confirm that the  
3 document is correct, you were giving advice upon multiple  
4 issues?  
5 A. There were discussions which may have been interpreted  
6 as advice, yes.  
7  
8 Q. Well, that's a very oblique way of talking, Mr Allen.  
9 Can't we just be frank. Were you not giving your opinion  
10 on various matters?  
11 A. Yes.  
12  
13 Q. That's advice in ordinary language, isn't it?  
14 A. Probably, yes.  
15  
16 Q. Why did you think you had been invited to this meeting  
17 and your advice was sought?  
18 A. Mr Cleary invited me to look or discuss the issues set  
19 out in the memorandum prepared by him.  
20  
21 Q. You see, on that first page, if you look towards the  
22 bottom of the screen at the moment:  
23  
24 *Allen advised that it will be a "small*  
25 *claim" and that it will be resolved with a*  
26 *few letters.*  
27  
28 Do you see that?  
29 A. Yes.  
30  
31 Q. That sounds to me like legal advice; is that right?  
32 A. I wouldn't, sir, put it as high as that.  
33  
34 Q. What else could it be: "a small claim", "resolved  
35 with a few letters", that's clearly legal advice, isn't it?  
36 It is your opinion as to the legal consequences --  
37 A. Yes.  
38  
39 Q. That's advice, isn't it?  
40 A. Yes, sir.  
41  
42 Q. Mmm?  
43 A. Yes, sir.  
44  
45 Q. You are said to have advised that you were assisting  
46 Michael Daley with this claim; right? What was the  
47 assistance you were giving Michael Daley?

1 A. I don't think that interpretation is correct. I think  
2 Mr Cleary told me that he'd had correspondence from  
3 Michael Daley.

4  
5 Q. The minute says:

6  
7 *Allen advised that he is assisting*  
8 *Michael Daley with this claim.*  
9

10 He goes on to say:

11  
12 *I found this strange that Allen was*  
13 *assisting a victim of abuse to sue the*  
14 *diocese when Allen is a board member of the*  
15 *diocese and Allen himself advised me that*  
16 *he advised Mr and Mrs [CKM]'s parents years*  
17 *ago that they "can sue the diocese" but*  
18 *"I can't act for you".*  
19

20 Is that an accurate account of what happened at this  
21 meeting?

22 A. I made no notes. I believe that Mr Cleary raised the  
23 question of correspondence from Mr Daley.  
24

25 Q. Yes, but the minute records you advising that it will  
26 be a small claim and that you were assisting Mr Daley with  
27 this claim?

28 A. No, I have not assisted Mr Daley and I --  
29

30 Q. But that's what it says, isn't it?

31 A. I know what it says, sir, and --  
32

33 Q. So you say that's just wrong, do you?

34 A. I say that the interpretation placed on the words - on  
35 those words - were not, I don't think, what was said.  
36

37 Q. What this is talking about is a suit against the  
38 Diocese, Michael Daley is acting, you're in a position of  
39 advising the Diocese, as revealed by this minute, and  
40 you're in a direct position of conflict if the minute is  
41 correct, aren't you?

42 A. On the literal interpretation of the words it appears  
43 as such, sir.  
44

45 Q. And in fact, it wouldn't be honest of a solicitor to  
46 act in that way, would it?

47 A. No, one can't act for both parties.

1  
2 Q. No. Indeed, beyond being unprofessional, it would  
3 just be dishonest, wouldn't it?  
4 A. Yes.  
5  
6 Q. The minute frames that position clearly. You say the  
7 minutes are wrong, do you?  
8 A. I am relying entirely on my memory and I don't -  
9 I didn't make any notes, I didn't know these notes were  
10 made, and I'd never seen them until I think yesterday.  
11  
12 Q. Do you say the minute is wrong, do you?  
13  
14 MR WATTS: With respect, I do object to this.  
15  
16 THE CHAIR: No, you can't. Please let him answer the  
17 question.  
18  
19 Q. Do you say the minutes are wrong?  
20 A. It appears to me that they may be incorrect, in my  
21 memory.  
22  
23 Q. Is the minute reflecting the actual position as it  
24 happened at the time? We know you were here giving advice  
25 to the Diocese. Were you assisting Mr Daley?  
26 A. No.  
27  
28 MR WATTS: I really must object. I have not objected to a  
29 number of questions your Honour has asked. Using the word  
30 "advice" in this minute cannot be, in my respectful  
31 submission, read as legal advice.  
32  
33 THE CHAIR: We can come to submissions later on but we are  
34 really --  
35  
36 MR WATTS: The document is self-evident. Mr Cleary  
37 himself says, "I advised this to Mr Allen". Mr Cleary  
38 wasn't giving advice to Mr Allen. He uses the word  
39 "advice" more than perhaps using the word "informed" or  
40 "stated".  
41  
42 THE CHAIR: Mr Watts, the document speaks for itself, but  
43 thank you.  
44  
45 MR WATTS: It does.  
46  
47 THE CHAIR: Thank you.



1  
2 Q. Can we go back to it. Were you assisting Mr Daley  
3 with this claim?  
4 A. No.  
5  
6 Q. You are quite sure about that, are you?  
7 A. Yes, sir.  
8  
9 Q. So you say, in that respect, not only is the minute  
10 not accurately recording what you advised, but also it is  
11 wrong; is that right?  
12 A. My memory is that the Diocesan Business Manager raised  
13 that Mr Daley was acting --  
14  
15 Q. No, the minute says:  
16  
17 *Allen advised that he is assisting*  
18 *Michael Daley with this claim.*  
19  
20 Now, as I understand it, you say that that is not an  
21 accurate recollection of the discussion at the meeting; is  
22 that right?  
23 A. That's so.  
24  
25 Q. But was it, nevertheless, accurate as to the position  
26 that was actually occurring, that you were advising  
27 Michael Daley, or assisting Michael Daley with this claim?  
28 A. No, I didn't assist Mr Daley.  
29  
30 THE CHAIR: Very well. Yes, Ms Sharp.  
31  
32 MS SHARP: Q. Can I just clarify whether, to your  
33 knowledge, Michael Daley had any responsibility in  
34 assisting [CKM] make a claim against the Diocese?  
35 A. Can I just have that repeated? I'm sorry.  
36  
37 Q. To your knowledge, was Michael Daley a solicitor?  
38 A. Yes.  
39  
40 Q. To your knowledge, was Michael Daley assisting [CKM]  
41 make a claim against the Diocese?  
42 A. Yes. When I was a locum in 2015, Mr Daley alerted me  
43 of the file and took the file home to his house, while  
44 I was doing a locum.  
45  
46 Q. Is it right that you had dealings with Mr Daley about  
47 the claim he was making against the Diocese on behalf of

1 [CKM]?

2 A. [CKM]?

3

4 Q. Yes. Do you need to look at your list of pseudonyms?

5 A. On here it's - no, sorry. Mr [CKN], I became aware  
6 instructed Mr Daley, because when I went to do the locum in  
7 2015, Mr Daley raised it with me.

8

9 Q. Sorry, let me break this down so I understand it  
10 correctly. Michael Daley was a solicitor who was assisting  
11 [CKM] make a claim against the Diocese?

12 A. I believe so.

13

14 Q. You were providing assistance to Mr Daley in making  
15 that claim?

16 A. No, as far as I know.

17

18 Q. Did you ever have conversations with Mr Daley in  
19 relation to that claim?

20 A. When I was to do the locum in 2015, Mr Daley raised  
21 the question of the file and he took it home while I was  
22 the locum there.

23

24 Q. Were you a locum at Mr Daley's practice?

25 A. Yes, in 2015.

26

27 Q. Did you have any involvement whatsoever in the making  
28 of [CKM]'s claim against the Diocese?

29 A. No.

30

31 Q. Can I draw your attention to that file note. Midway  
32 down the page, it is recorded:

33

34 *Allen advised that it will be a "small*  
35 *claim" and that it will be resolved with a*  
36 *few letters.*

37

38 Is that what you told Mr Cleary?

39 A. I can't remember what words were said. Mr --

40

41 Q. Just stop for a moment, please, Mr Allen. Can we  
42 strike that, please.

43 A. Sorry, [CKM]'s - my dealing with him in respect to the  
44 criminal matter led me to a conclusion that he was not a  
45 really confident person.

46

47 Q. Is it right that you advised Mr Cleary that your view

1 was that [CKM] would only be making a small claim?  
2 A. I can't remember the words "small claim" being said,  
3 but I don't say they weren't said.  
4  
5 Q. At that time - we'll move away from the file note - it  
6 was your view that [CKM] would only be making a small  
7 claim?  
8 A. I don't know whether the word "small claim" was  
9 discussed or not. I have no specific recollection one way  
10 or the other.  
11  
12 Q. You appeared to have some knowledge as at that time  
13 about the quantum of the claim that [CKM] was going to make  
14 from the Diocese; is that correct?  
15 A. The nature of the criminal proceedings against [CKM]  
16 disclosed certain conduct by [CKN] - sorry, yes, [CKN].  
17  
18 Q. I am asking you about your knowledge as at around  
19 11 February 2015. Is it right that you had an idea that  
20 [CKM] would only be making a small claim against the  
21 Diocese?  
22 A. Information that I obtained from the criminal  
23 proceedings as to the conduct that [CKM] was subject to, in  
24 my view, meant that it was not a claim of the highest  
25 nature.  
26  
27 Q. Are you trying to suggest in that answer that the only  
28 basis you had for any knowledge about the quantum of the  
29 claim was your involvement in the criminal proceedings  
30 many, many years prior to 2015?  
31 A. Yes.  
32  
33 Q. I see. I suggest to you that in fact you were  
34 assisting Michael Daley, solicitor, make the claim on  
35 behalf of [CKM] against the Diocese. What do you say to  
36 that?  
37 A. No.  
38  
39 Q. Do you deny that all together?  
40 A. Mr Daley - Mr Daley spoke to me about the claim but  
41 I have no record of what was said or anything. It was of a  
42 cursory nature in relation to the matter.  
43  
44 Q. What did Mr Daley speak to you about?  
45 A. The nature of the victim's - the nature of the  
46 victim's injuries or what the perpetrator did to him.  
47

1 Q. Were you in any way leaning upon Mr Daley or [CKM] to  
2 make a claim of a modest or small quantum?

3 A. No.

4

5 Q. You see, can I take you --

6

7 THE CHAIR: Q. You say now that Mr Daley told you that  
8 the injuries were modest, is that right, which enabled you  
9 to form the judgment that it would be a small claim; is  
10 that right?

11 A. I knew what the injuries were as a --

12

13 Q. You just told us a minute ago that Mr Daley told you.

14 A. Yes, Mr Daley - the passage of time was Mr Daley then  
15 re-asked about the injuries.

16

17 Q. Mr Daley told you about them?

18 A. No, sir, not in graphic detail.

19

20 Q. Let's not worry about graphic detail. How could you  
21 honestly, having had that discussion with Mr Daley, then be  
22 involved in advising the Diocese that this will be a small  
23 claim and resolved with a few letters, how could you do  
24 that?

25 A. I didn't consider a conflict - if there was one,  
26 I don't know. I know that you've used - Mr Cleary has used  
27 the word "advised". I don't necessarily agree with that  
28 term, but it's what's in the notes, sir.

29

30 Q. Do you see the conflict now? If you didn't back then,  
31 do you see it now? Here you are in discussions with  
32 Mr Daley about the nature of the injuries, he acting in  
33 pursuit of the claim, and you telling the Diocese it will  
34 be a small one resolved with a few letters. Do you see the  
35 conflict?

36 A. I see what you're saying, sir.

37

38 Q. You should never have been in this position, should  
39 you?

40 A. This offence took place, I think, in --

41

42 Q. Let's not worry about the offence. You should never  
43 have been in this position in this meeting, should you?

44 A. Probably not now it's drawn to my attention.

45

46 MS SHARP: Q. Can I draw something else to your  
47 attention, Mr Allen. Could we scroll to the bottom of this

1 first page. You will see right at the end, Mr Cleary  
2 records you as saying that "claim settlement will 'be easy'  
3 with [CKM] and he will facilitate it through Daley". Is  
4 that what you told --

5 A. I can't pick it up on the screen. Can this come down  
6 a bit?

7  
8 THE CHAIR: Q. Just the last line, the last two lines.  
9 A.

10 *Allen advised the claim settlement will*  
11 *"be easy" with --*

12  
13 Q. "[CKM] and he will facilitate it through Daley".  
14 A. Through.

15  
16 Q. That is, you will facilitate it through Daley?  
17 A. I don't think that was ever said, in my memory. If it  
18 was said, I don't remember it.

19  
20 MS SHARP: Q. Is that in fact what was going on, you  
21 were going to facilitate the making of that claim with  
22 Mr Daley?

23 A. I agree with the words that are printed there, but  
24 I don't agree that they were said in the context of what's  
25 now been put into words.

26  
27 Q. I will be very clear about what I'm now putting to  
28 you. At about 11 February 2015 you either had discussed  
29 with Mr Daley, or were intending to discuss with Mr Daley,  
30 making a small claim against the Diocese on behalf of  
31 [CKM]?

32 A. Not in February 2015. I had no contact with Mr Daley  
33 at about that time.

34  
35 Q. Did you do it later?  
36 A. Not to my memory.

37  
38 Q. Are you denying that you had contact with Mr Daley in  
39 order to facilitate the making of a small claim against the  
40 Diocese on behalf of [CKM]?

41 A. My memory is that at some stage, and I don't know  
42 when, Mr Daley rang me about the matter generally.

43  
44 Q. Could you answer my question? Did you, in the months  
45 following 11 February 2015, have dealings with Mr Daley to  
46 facilitate the making of a claim against the Diocese --  
47 A. No.

1  
2 Q. -- on behalf of [CKM] that was a "small claim"?

3 A. No.  
4

5 Q. Can I again ask you to have regard to what Mr Cleary  
6 records in the last dot point of that file note. Is that  
7 an accurate statement of what you told him during that  
8 meeting?

9 A. I don't remember any statement about something,  
10 inverted commas, "be easy". Mr Cleary and I may have  
11 discussed that it would not be a difficult matter, but  
12 I have no recollection of what was said and I don't say or  
13 not say that the words in the last dot point were said or  
14 not said.  
15

16 Q. You see, what Mr Cleary's file note records of your  
17 conversation rather suggests that you told him that you  
18 were going to facilitate the making of a small claim  
19 against the Diocese by [CKM]. Is that what you conveyed to  
20 Mr Cleary?

21 A. I don't remember conveying those words and I don't  
22 remember what was said.  
23

24 Q. Do you deny that you said those things?

25 A. It could have been said but I do not remember it.  
26

27 Q. At that point or shortly thereafter, did you assist  
28 Daley make a claim on behalf of [CKM] that was reasonably  
29 small in quantum?

30 A. Not that I remember apart from when Mr Daley rang me  
31 at some time in the past, long before this February  
32 meeting.  
33

34 MS SHARP: I see the time, your Honour. I have got quite  
35 a bit to cover.  
36

37 THE CHAIR: The Commissioners have to travel a great  
38 distance. It might be appropriate if we adjourn now, until  
39 10 o'clock on Monday morning.  
40

41 **AT 3.53PM THE COMMISSION WAS ADJOURNED TO MONDAY,**  
42 **8 AUGUST 2016 AT 10AM**  
43  
44  
45  
46  
47

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