

2017/03: Should the former archbishop of Sydney, Cardinal George Pell, return to Australia to answer questions?

What they said

'The message to victims and their families has been one of arrogance and disdain'

Judy Courtin, a lawyer representing victims of institutional sexual abuse commenting on Cardinal Pell giving evidence via video link

'Like every other Catholic priest or bishop, I comply with the law of the land and will cooperate fully'

Cardinal Pell stating his readiness to cooperate with the Royal Commission into Institutional Responses to Child Sexual Abuse

The issue at a glance

On February 8, 2017, a Greens motion calling on Cardinal George Pell to return to Australia to assist Victorian Police in investigating his alleged criminal conduct passed the Senate.

Cardinal Pell subsequently rejected the request in both a public statement and a letter forwarded to the Senate. He accused the Senate of ignoring his history of cooperation with authorities and of denying him due process before the law.

The exchange is the most recent in a long-running dispute between critics and defenders of the Catholic Church regarding the adequacy of its response to the Royal Commission into Institutional Responses to Child Sexual Abuse established in 2013.

A particular source of contention has been Cardinal Pell's inability, on health grounds, to attend the Commission in person since December 2015. Cardinal Pell is currently living in Vatican City, where he is prefect of the Secretariat for the Economy to the Vatican. His 2016 testimony to the Commission was given by video link. (The Cardinal's testimony in August 2014 had also been given by video link, though not on grounds of ill health.)

Popular ill feeling has become stronger since July 2016 when the ABC's 7.30 Report revealed that Victoria Police was investigating allegations of child molestation made against Cardinal Pell. Investigators have gone to Rome to question Cardinal Pell.

Background

Royal Commission into Institutional Responses to Child Sexual Abuse

In November 2012, Prime Minister, Julia Gillard announced the establishment of a royal commission to investigate child sexual abuse in institutions across Australia.

In January 2013 the terms of reference were announced for an Australian Royal Commission into Institutional Responses to Child Sexual Abuse which would investigate institutional sexual abuse of minors. The Commission was to investigate allegations against clergy of the Catholic Church and the Church's response to such allegations; however, all Australian institutions (religious, non-religious and regardless of denomination) were to be investigated.

By February 2017, there had been fifty hearings conducted by the Royal Commission of which 16 had investigated abuse within the Catholic Church.

Cardinal Pell and the Royal Commission

Cardinal Pell has appeared before the Royal Commission three times □ once in person and twice via video link.

March 2014 - Cardinal Pell, as archbishop of Sydney, gave evidence before the Commission in person. He issued a statement to the Royal Commission and appeared before it for questioning twice.

August 2014 □ Cardinal Pell, by this time appointed as prefect of the Secretariat for the Economy to the Vatican, gave evidence before the Royal Commission via video link. He defended the Melbourne Response, the compensation framework he had set up while Archbishop of Melbourne for victims of child abuse within the Catholic Church in the Melbourne diocese. Cardinal Pell also denied that the Catholic Church, as an institution, was responsible for the wrong-doing of some of its priests. There were some technical difficulties experienced with the video link.

May, 2015 □ Cardinal Pell forwarded denials to the Royal Commission of accusations that he had attempted to bribe an abuse victim in order to have the man remain silent.

December, 2015 □ Cardinal Pell indicated he was not well enough to attend a Royal Commission hearing in Australia. The Commission decided to defer Cardinal Pell's evidence until its next scheduled sitting in February, 2016, in the hope that by then 'he [could] travel safely to Australia'.

Following Cardinal Pell's inability to travel in 2016, a GoFundMe campaign entitled 'Send Ballarat Survivors to Rome' was launched to enable 15 victims of abuse to travel to Rome and see Cardinal Pell give evidence in person. It reached its target of A\$55,000 in one day, doubled that the following day and trebled it the day after. Comedian and musician Tim Minchin wrote and recorded the song 'Come Home (Cardinal Pell)', with all proceeds to go to the GoFundMe campaign.

February-March, 2016 □ Cardinal Pell gave evidence to the Royal Commission via video link as he was still too ill to undertake the long-haul flight to Australia. Cardinal Pell was questioned for four days.

14 abuse survivors were present when Cardinal Pell gave his evidence. Their trip to Rome had been funded by the crowd-funding campaign.

February, 2017 □ The Royal Commission released a report indicating that one in every 14 Australian Catholic priests who worked between 1950 and 2010 within 75 Catholic Church bodies was an alleged perpetrator of child sexual abuse.

Leader of the Opposition, Bill Shorten, called for Cardinal Pell to return to Australia to appear before the Commission to respond to questions arising from the extent of the abuse that had been revealed within the Catholic Church.

Allegations of child sex abuse against Cardinal Pell

On July 27, 2016, the ABC's 7.30 Report revealed that Cardinal Pell was being investigated following allegations of child sex abuse made against him.

The program reported that Victoria Police's Taskforce SANO, which investigates complaints coming out of the Royal Commission into Institutional Responses to Child Sexual Abuse, had been examining the allegations for more than a year. Victoria Police has confirmed that the Pell case has been referred to the Office of Public Prosecutions for advice. Cardinal Pell has issued a denial of the allegations.

October 2016 □ Victoria Police interviewed Cardinal Pell in Rome in regard to the allegations of sexual abuse made against him

February 8, 2017 □ a Greens motion calling on Cardinal George Pell to return to Australia to assist Victorian Police in investigating his alleged criminal conduct passed the Senate.

February 9, 2017 □ Cardinal Pell issued a statement rejecting the Senate's appeal on the basis that he had already been questioned by Victoria Police and had also been questioned three times by the Royal Commission.

Internet information

The homepage of the Royal Commission into Institutional Responses to Child Sexual Abuse can be accessed at <http://www.childabuseroyalcommission.gov.au/>

On March 20, 2017, The Huffington Post carried a report detailing Cardinal George Pell's letter to the Australian Senate in response to its call that he return to Australia to assist police with their inquiries.

The article is titled 'George Pell Refuses Senate Call To Return Home, Slams □Interference□' and can be accessed at http://www.huffingtonpost.com.au/2017/03/20/george-pell-refuses-senate-call-to-return-home-slams-interfere_a_21902963/

In March, 2017, Broken Rites published on its Internet site an updated comment titled 'Why is Cardinal George Pell not re-appearing in Australia?'

Broken Rites is an advocacy group for the victims of sexual abuse within the Catholic Church. Its comment condemns Cardinal Pell for not having appeared in person two of the Australian Royal Commission into Institutional Responses to Child Sexual Abuse hearings which he was requested to attend.

The full text of this comment can be accessed at <http://www.brokenrites.org.au/drupal/node/391>

On February 26, 2017, The Newcastle Herald published an analysis and comment titled by Joanna McCarthy titled 'The Vatican, child sex crimes and how Australia is the great facilitator'.

The article details the diplomatic relations between the Vatican and Australia and explains both the lack of an extradition agreement and the Vatican's failure to assist the Royal Commission into Institutional Responses to Child Sexual Abuse by making information available to it.

The full text of this article can be accessed at <http://www.theherald.com.au/story/4477315/calls-for-vatican-diplomatic-recognition-to-end/>

On February 12, 2017, Eureka Street published a comment and analysis of the findings of the Australian Royal Commission into Institutional Responses to Child Sexual Abuse into the extent of abuse within the Catholic Church.

The piece is written by Frank Brennan SJ, chief executive officer of Catholic Social Services Australia. Father Brennan concludes 'the Australian [Catholic] Church will need to change radically, or become a despised, diminishing sect.'

The full text of the article can be accessed at <http://www.eurekastreet.com.au/article.aspx?aid=50620#.WOGFWGclFVc>

On February 9, 2017, civil liberties lawyer Terry O'Gorman issued a media release criticising the Senate's call for Cardinal George Pell to return to Australia to assist the Victoria Police in their investigation of allegations of child abuse made against him. O'Gorman noted that the motion was made in apparent ignorance of the Cardinal's co-operation with investigations and showed a disregard for the proper separation of powers.

The full text of O'Gorman's comments can be found at <http://www.robertsonogorman.com.au/blog/2017/february/09/terry-ogorman-comments-on-senate-calls-for-pell-to-return-to-australia/>

On February 9, 2017, The Sydney Morning Herald published a report titled 'Cardinal George Pell slams Greens push demanding his return a □political stunt□'

The report details Cardinal Pell's objections to the motion that passed the federal Australian Senate calling on him to return to Australia to facilitate investigations into accusations of child abuse that had been made against him.

The full text of the report can be accessed at <http://www.smh.com.au/national/cardinal-george-pell-slams-greens-push-demanding-his-return-a-political-stunt-20170208-qu8rs6.html>

On February 8, 2017, SBS News published a report titled 'Senate calls on Pell to return to Australia' detailing the successful passage through the Australian federal Senate of a Greens motion calling on Cardinal George Pell to return to Australia to answer allegations of child sex abuse made against him.

The full text of this report can be accessed at <http://www.sbs.com.au/news/article/2017/02/08/senate-calls-pell-return-australia>

On February 8, 2017, The Australian published a report titled 'George Pell must front child abuse inquiry again, says Bill Shorten'

The report treats leader of the Opposition, Bill Shorten's demand that Cardinal George Pell return to Australia to answer questions before the Royal Commission in regard to the extent of child abuse exposed within the Catholic Church.

The full text can be accessed at <http://www.theaustralian.com.au/national-affairs/in-depth/royal-commission/george-pell->

[must-front-child-abuse-inquiry-again-says-bill-shorten/news-story/1be84f3664f05b00c4b86fb75cf19027](http://www.abc.net.au/news/2017-02-06/royal-commission-into-child-sexual-abuse-begins-in-sydney/8242600)

On February 7, 2017, ABC News published a report titled 'Royal commission into child sexual abuse: 1,880 alleged perpetrators identified in Catholic Church'

The report details the findings of the Australian Royal Commission into Institutional Responses to Child Sexual Abuse on the alleged incidence of child abuse within the Catholic Church from 1950.

The full text of the news report can be accessed at <http://www.abc.net.au/news/2017-02-06/royal-commission-into-child-sexual-abuse-begins-in-sydney/8242600>

On March 5, 2016, The Sydney Morning Herald published a comment and analysis by Fairfax religion editor Barney Zwartz . The piece is titled 'The tragic legacy of George Pell'. It examines the video testimony of Cardinal Pell and his apparent inaction over decades regarding child abuse within the Catholic Church in Australia. The article suggests Pell's connections with the Vatican may injure the reputation of Pope Francis.

The full text can be accessed at <http://www.smh.com.au/comment/pells-reputation-irrevocably-tarnished-by-his-performance-in-rome-20160303-gnabq8.html>

On March 4, 2016, The ABC published a comment by Dr Simon Longstaff, the Executive Director of The Ethics Centre, titled 'Equal Before the Law: Cardinal Pell and the Presumption of Innocence'

The article stress the importance of Cardinal Pell being treated fairly regrading all the accusations that have been made about him.

The full text of this article can be found at <http://www.abc.net.au/religion/articles/2016/03/04/4418566.htm>

On February 22, 2016, the New Matilda published a comment by Hugh Harris, board member of the Rationalist Society of Australia, titled 'Can Australian Catholicism Save Itself From Its Ultra-Conservative Forces?'

The comment suggests the type of leadership necessary if Australian Catholicism is to survive the aftermath of the sexual abuse scandal.

The full text can be accessed at <https://newmatilda.com/2016/02/22/can-australian-catholicism-save-itself-from-its-ultra-conservatives/>

On February 20, 2016, The Illawarra Mercury published an editorial titled 'Cardinal George Pell must humble himself in abuse hearings in Rome'

The editorial argues that if Cardinal Pell is unable for health reasons to return to Australia to testify before the Royal Commission, he should accede on behalf of those victims of abuse who have asked to be able to come to Rome to hear his testimony.

The full text of this editorial can b accessed at <http://www.illawarramercury.com.au/story/3740843/cardinal-george-pell-must-humble-himself-for-victims/>

On February 18, 2016, The Australian published a news report titled 'Cardinal George Pell responds to call to face abuse royal commission' detailing the Cardinal's response to popular demands that he should return to Australia to testify before the Royal Commission.

The full text of this report can be accessed at <http://www.theaustralian.com.au/news/nation/cardinal-george-pell-responds-to-call-to-face-abuse-royal-commission/news-story/8e26798fb49afa790c5917fe03df068c>

On February 17, 2016, The Herald Sun published a comment by Andrew Bolt titled 'Cardinal George Pell is the victim of a vicious witch hunt'.

The comment defends Cardinal Pell against demands that he return to Australia and a series of accusations and abuses levelled against him.

The full text can be accessed at <http://www.heraldsun.com.au/news/opinion/andrew-bolt/cardinal-george-pell-is-the-victim-of-a-vicious-witch-hunt/news-story/29e8036f329dfee742adf48949ed8743>

On February 8, 2016, The United Kingdom Catholic Herald published a comment by Ed Condon, a canon lawyer working for tribunals in a number of English dioceses. The opinion piece is titled 'Peter Saunders's departure was ugly, but inevitable'. Condon explains the circumstances surrounding Saunders's removal and suggests its probable effects.

The full text can be accessed at <http://www.catholicherald.co.uk/commentandblogs/2016/02/08/peter-saunderss-departure-was-ugly-but-it-was-inevitable/>

On February 8, 2016, The New Daily published a report titled 'George Pell to remain in Rome' The report details the medical condition which prevents Cardinal Pell returning to Australia to give testimony before the Royal Commission in person.

The full text of the report can be accessed at <http://thenewdaily.com.au/news/national/2016/02/08/george-pell-wont-return-child-abuse-commission/>

On January 29, 2016, Mamamia published an opinion piece by Georgina Dent titled 'George Pell, it's time to stop running' The comment calls on Cardinal Pell to return to Australia to attend the Royal Commission hearing being conducted in February and March, 2016.

The full text can be accessed at <http://www.mamamia.com.au/george-pell-too-unwell-to-travel/>

On May 24, 2015, The Daily Telegraph published a comment by Miranda Devine titled 'Miranda Devine: It's easy to blame Cardinal George Pell but that misses target'

The opinion piece details the prejudicial treatment to which the author believes Cardinal Pell has been subjected.

The full article can be accessed at <http://www.dailytelegraph.com.au/news/opinion/miranda-devine-its-easy-to-blame-cardinal-george-pell-but-that-misses-target/news-story/6ea3ef91256bb93869e7669a9365aeaf>

On December 23, 2015, Online Opinion published a comment by Bill Cover, Associate Professor in the School of Social and Cultural Studies at The University of Western Australia, titled 'The scandal of defending George Pell: Amanda Vanstone's moral support'

The comment examines the need for an open investigation of the Australian Catholic Church's response to child abuse, including that of one of its principal leaders, Cardinal George Pell.

The full text can be accessed at <http://www.onlineopinion.com.au/view.asp?article=17917&page=1>

On December 22, 2015, The Age published five letters to the editor under the heading 'Cardinal George Pell: No, not a benevolent man of the people'

The letters are a response Cardinal Pell's August 2014 testimony to the Royal Commission, his inability to attend the Commission in person and former Liberal minister Amanda Vanstone's subsequent defence of Cardinal Pell.

These letters can be accessed at <http://www.theage.com.au/comment/the-age-letters/cardinal-george-pell-no-not-a-benevolent-man-of-the-people-20151220-gls852.html>

On August 22, 2014, The Daily Mail published a news report titled 'Cardinal George Pell compares priests to truck drivers as he claims Catholic Church leaders should not be held responsible for child sex abuse'

The report details some of Cardinal Pell's testimony before the Royal Commission explaining why he believes church leaders cannot be held responsible for the wrongdoing of individual priests.

The full text can be accessed at <http://www.dailymail.co.uk/news/article-2731340/Cardinal-George-Pell-compares-priests-truck-drivers-claims-Catholic-Church-leaders-not-held-responsible-child-sex-abuse.html>

On November 13, 2012, the ABC's 7.30 Report televised excerpts of the press conference given by then Archbishop of Sydney, Cardinal George Pell, indicating his response to the recently announced royal commission into institutional sex abuse.

The full text can be accessed at <http://www.abc.net.au/7.30/content/2012/s3632078.htm>

Arguments supporting Cardinal George Pell's return to Australia

1. Cardinal George Pell's return to Australia to testify before the Royal Commission into child abuse would assist the investigatory process

It has been claimed that Cardinal George Pell's appearance in person before the Royal Commission would substantially assist it in its investigations.

Broken Rites, an advocacy group for Catholic victims of sexual abuse by clergy, has stated, 'The Commission's cross-examining of Pell, by video link, in August 2014, was a technical disaster, with disruptions to the vision and/or the sound. And, with the Royal Commissioners sitting in a court-room in Ballarat, it was difficult for the commissioners to show certain documents to Pell when seeking his comment about those documents.'

It has been suggested that the manner in which the testimony was delivered impeded the Commission's capacity to interrogate properly the evidence given by Cardinal Pell. Broken Rites has indicated its dissatisfaction with the manner in which Cardinal Pell gave his evidence, stating, 'A public hearing is not for the purpose of Pell presenting his evidence that is, not for making a speech. It is to enable the Commissioners (and various lawyers, representing the Church's victims) to cross-examine the person who is giving evidence (in this instance, George Pell).'

Similar complaints about the acceptability of Cardinal Pell's evidence and the extent to which it should be given credence have been made by the lawyers representing two employees of the Catholic Education Office whom Cardinal Pell has accused of keeping from him information about the serious misconduct of a priest.

In October 2016, the counsel assisting, Gail Furness and Stephen Free, urged the Royal Commission to reject evidence from Cardinal Pell that he had been intentionally deceived about the conduct of a former priest.

In their written submission, Ms Furness and Mr Free said that there was no evidence the Catholic Education Office (CEO) intentionally concealed information. The counsel urged the Royal Commission to find that the CEO had no motive to deceive Cardinal Pell and did not do so. The implication is that George Pell's accusation has not been adequately investigated. Critics have claimed that unless Cardinal Pell is present in person at the Commission's hearings, it is very difficult to question his responses adequately.

Referring to the need publicly to cross-examine witnesses in cases where testimony varies, Frank Brennan SJ, professor of law at the Australian Catholic University, argues, 'It is imperative now that all parties be seen and heard in public so that we can all make our assessments of recollection and credibility up to 22 and 41 years on.' Father Brennan, who has written consistently in support of Cardinal Pell, has argued for full public disclosure and investigation of all claims and counter claims made in relation to the handling of abuse allegations.

2. Cardinal George Pell's return to Australia to testify before the Royal Commission and to answer allegations of child abuse would demonstrate respect for victims of child abuse

It has been claimed that were Cardinal Pell to return to Australia to give evidence and be questioned in the jurisdiction within which the victims of abuse by Catholic priests still live this would be seen as a mark of respect for their suffering. This argument has been put by the federal leader of the Opposition, Bill Shorten, who stated in May, 2015, 'I do believe that George Pell should co-operate and help the royal commission deal with these problems, which have been going on for far too long and if that means that he should come home to Australia to help the Royal Commission, Cardinal Pell should do that.'

It is important everyone co-operates. It is an issue of respect. It shouldn't be about legal strategy.'

Stephen Woods and Andrew Collins were among a group of victims that gave distressing evidence before the Royal

Commission in May, 2015. The two men did not consider it appropriate that Cardinal Pell did not give evidence in person. Mr Woods stated, 'He should have been here and he should be held accountable.'

On December 15, 2015, The Age published a comment by Judy Courtin, a lawyer representing victims of institutional sexual abuse. Ms Courtin stated, 'When it was announced at the royal commission hearing that Pell would not be attending to give evidence, the outrage and frustration of victims and families of those who had committed suicide was raw and shattering. Combining this insult with three weeks of ongoing denials and multiple memory failures by senior clergy in the witness box, the message to victims and their families has been one of arrogance and disdain.'

Cardinal Pell has been repeatedly called on by his critics to demonstrate respect and compassion for the victims of sexual abuse by Catholic clergy. Cardinal Pell's refusal to testify within Australia has been condemned by some as a failure of respect. An editorial published in The Illawarra Mercury on February 20, 2016, stated, '[Cardinal Pell] must take to heart the suffering of his accusers, suffering which is immeasurably worse than anything he could face in the witness stand. He must be sensitive. He must be humble. He must understand the Church can never do too much for victims.'

3. Cardinal George Pell's return to Australia to give testimony and answer personal allegations would promote a more positive image of the Catholic Church in Australia

It has been claimed that Cardinal George Pell's failure to return to Australia to testify before the Royal Commission and to answer questions about allegations of abuse in the jurisdiction where the offences are claimed to have occurred is harming public perceptions of the Church.

In a letter published in The Age on December 22, 2015, Jenifer Nicholls noted the symbolic value of Cardinal Pell's actions and inaction. Nicholls wrote, 'The issue is what [George Pell] represents □ the systemic failure of his church, for which he has long been a figurehead in Australia.'

On December 23, 2015, Online Opinion published a comment by Dr Rob Cover, Associate Professor in the School of Social and Cultural Studies at The University of Western Australia. Dr Cover referred to 'outrage at the delays of having a senior Catholic leader&appear at the royal commission and the perception that a range of mechanisms are being used to prevent it being treated openly and honestly.'

Dr Cover further stated 'The public questioning of George Pell is&a deeply rational and explicitly calm form of questioning that operates within a network of □justice-seeking□ that includes the royal commission and the important role played by quality journalists and opinion-leaders.' Dr Cover suggests that Cardinal Pell and his supporters must respond openly, fully and publicly to such questioning to avoid doing further harm to the public standing of the Catholic Church.

In an opinion piece published in The New Matilda on February 22, 2016, Hugh Harris, a board member of the Rationalist Society of Australia, expressed his doubt that Cardinal Pell would return from Rome and his conviction that for the Catholic Church to survive this crisis such symbolic actions are necessary. Harris has stated, 'For the Catholic Church to recover from the child sex scandal and the trend away from faith, it will need to win the hearts of young people.'

4. There are doubts regarding the medical grounds Cardinal George Pell has given for not returning to Australia

Cardinal George Pell has indicated that he is not well enough to make the long-haul flight to Australia either to testify before the Royal Commission or to be questioned by police. Initially the nature of George Pell's medical condition was not indicated; however, it has since been reported that he is suffering with high blood pressure and a worsening heart condition that prevents him from flying. Cardinal Pell submitted a two-page medical report in February 2016 which stated a flight to Australia to give evidence would severely impact his health and possibly lead to 'heart failure'. Cardinal Pell's capacity to cope with a long overseas flight has, however, been disputed by a number of his critics.

Broken Rites, an advocacy group for Catholic victims of sexual abuse by clergy has indicated that Cardinal Pell made a holiday visit to Australia less than two months before the first Royal Commission hearing that he claimed to be too unwell to attend. Broken Rites' Internet site states, 'Pell's secret trip to Australia in March-April 2015 included a visit to his home town, Ballarat.' Burial Rites further notes, 'Pell's trip was revealed in the April 2015 edition of the magazine of St Patrick's College, Ballarat □ the school where Pell had been a pupil. The magazine article& indicates that Pell's visit to the school occurred about 27 March 2015, □during a short vacation in Australia□. There is a photo of Pell, together with headmaster John Crowley, while touring the school to see its latest extensions.'

An ABC News reported published on May 26, 2015, includes the same information. It states, 'A post on St Patrick's College's website showed Cardinal Pell visited the school in late March.' The website is quoted as stating, □He [Cardinal Pell] was particularly interested in meeting new headmaster John Crowley for the first time and taking a tour of the college to meet with staff and students and inspect new facilities.□

Burial Rites has further indicated that toward the end of 2015 Cardinal Pell travelled from Rome to France to tour World War One battlefields. Weeks later he indicated his inability to attend a second Royal Commission hearing in Australia on the grounds of ill health. Burial Rites also claims that in 2016 Cardinal Pell travelled from Rome to London, where he performed a religious ceremony in May and gave an oration in November.

Broken Rites has added, 'Church victims in Australia offered to pay first-class air fares for a specialist doctor to accompany Pell on a flight to Australia for the Royal Commission.' The conclusion the organisation draws is that Cardinal Pell has used his medical condition to avoid testifying in person before the Royal Commission.

5. Cardinal George Pell's failure to return to Australia to answer questions casts doubt internationally on the Vatican's commitment to addressing child abuse by clerics

It has been argued that Cardinal George Pell's failure to return to Australia either to testify personally before the Royal Commission or to answer police questions regarding allegations of sexual abuse made against him has damaged the popular perception that the Vatican is committed to addressing sexual abuse by clerics.

Broken Rites, an advocacy group for Catholic victims of sexual abuse by clergy, has stated, 'By giving his Royal Commission evidence in Rome, Pell's decision had the unintended consequence of magnifying the event, which might otherwise have remained confined to a few news cycles in Australia. Now Pell prompted the European and American media to cover a story about paedophile priests, the rape of children and the church's botched cover-up □ a story which the

Vatican doesn't welcome.'

In December 2014, Pope Francis appointed Peter Saunders, an English Catholic who as a child was abused by Jesuit priests, to a special commission set up to advise the Church on child protection policies. The body is titled 'The Pontifical Commission for the Protection of Minors'.

Peter Saunders has been highly critical of Cardinal Pell's management of child abuse accusations against other Australian clerics and of his refusal to give first-hand evidence in Australia to the Royal Commission.

Mr Saunders stated, 'I think that [George Pell's] position is untenable because he has now a catalogue of denials. He has a history of denigrating people, of acting with callousness, cold-heartedness. Almost sociopathic, I would go as far as to say, this lack of care.'

Given the position of George Pell as a cardinal of the Church and in a position of huge authority within the Vatican, I think he is a massive, massive thorn in the side of Pope Francis's papacy if he's allowed to remain&

I think it's critical that he is moved aside, that he is sent back to Australia, and that the Pope takes the strongest action against him.'

Saunders was subsequently removed from the Commission in February, 2016. The United Kingdom Catholic Herald noted, 'Saunders's removal from the Commission, apparently following a 15-0 vote of no confidence, has further fed the unfortunate narrative that the Church remains more committed to preserving an appearance of stability than it is to listening to the concerns of victims.'

Arguments against Cardinal George Pell returning to Australia

1. Cardinal George Pell is too unwell to make the trip from the Vatican to Australia and back

In February 2016, Cardinal Pell's physicians judged that the long-haul flight to Australia where he has again been invited to give evidence before the Royal Commission would represent too great a risk to his health.

A two-page medical report was handed up to support the application that a flight to Australia from Rome, where Cardinal Pell oversees the Vatican's finances, could pose a serious risk to his health. Access to Cardinal Pell's medical report was provided at the hearing on the undertaking its details were not publicised.

When Cardinal Pell had declined to attend the Commission in person in December, 2015, his office in Rome issued a statement stating his heart condition had worsened, making it unsafe for him to travel. The statement from Rome included the observation 'Cardinal Pell realises there may be some who will question his decision to remain in Rome; however, it would be unwise for him not to heed medical advice.'

Supporters of Cardinal Pell argue that a man in his seventies cannot be expected to act against his doctors' advice. The same position has been taken by the chair of the Royal Commission.

Commission chair, Justice Peter McClellan, indicated on February 8, 2016, that he accepted medical evidence that the 74-year-old Cardinal would be at risk of heart failure if forced to fly to Australia to give evidence.

Justice McClellan stated, 'Although people with the conditions that Cardinal Pell has may fly long distances, it is apparent from the medical report that in the case of Cardinal Pell there is a risk to his health if he undertook such travel at the present time.'

Having regard to the nature of his ailments it could not be expected that his health is likely to improve and remove those risks.'

Although the details of Cardinal Pell's medical condition were not released by Justice McClellan it was reported in some media outlets in February 2016 that 'Cardinal Pell was suffering from hypertension, ischemic heart disease complicated by a previous myocardial infarction and cardiac dysfunction related to the hypertension and ischemia.'

Supporters of Cardinal Pell have highlighted the unfairness of condemning him for non-attendance when he is too ill to travel the distance. In an opinion piece published in The Herald Sun on February 18, 2016, commentator Andrew Bolt criticises those who abused Cardinal Pell as a 'coward' for giving video evidence, when in fact he is 'too ill to fly from Rome to give evidence'. On February 17, 2016, Andrew Bolt noted the disregard that Pell's critics demonstrated for the risk plane travel posed to the cardinal's health. Bolt noted, 'The Sydney Morning Herald published snide items urging Pell to get on a plane, despite being told by cardiologists that Pell's medical advisers were right □ it could kill the 74-year-old, given his heart problems.'

2. Cardinal George Pell has co-operated fully with the Royal Commission into child abuse, testifying in person and via video
Supporters of George Pell point out that the Cardinal's ill health and inability to give evidence in person before the Royal Commission have not prevented the commission from receiving or examining Pell's evidence. They note that Cardinal Pell has always declared his willingness to co-operate with the Royal Commission. When asked about his readiness to testify before the Royal commission when it was first announced, Cardinal Pell stated, 'like every other Catholic priest or bishop, I comply with the law of the land and will cooperate fully.'

When Cardinal Pell was publicly criticised, including within the Tim Minchin song, for not attending the Royal Commission in person in February 2016, the Cardinal's office issued the following statement, 'He has appeared before the Victorian Parliamentary Inquiry and twice before the Royal Commission, including for several days in person at the Royal Commission public hearing in Sydney in 2014.'

The Cardinal is anxious to present the facts without further delays. It is ultimately a matter for the Royal Commission to determine the precise arrangements for the provision of evidence by the Cardinal in Rome. The Cardinal will continue to co-operate with whatever arrangements the Royal Commission determines, so that he can be heard on the days and at the times recently set by the Commissioner.'

At the same time Cardinal Pell was defended by the Archbishop of Melbourne, Dennis Hart, who stated he was 'appalled at the manner in which [Cardinal Pell] had been denigrated publicly'. The Archbishop further stated, 'It must be remembered that the Royal Commission controls this process, that it accepted that the Cardinal could give his evidence in Rome due to his health concerns.'

At the time that the royal commission was announced, the Church committed itself to full cooperation. I can assure the community that our support for the work of the royal commission will not waver."

In the event, Cardinal Pell gave video testimony from Rome over a period of four days in February-March 2016. As Cardinal Pell's supporters have further noted, by giving testimony on three separate occasions (once in person and twice via video link), Cardinal Pell has testified before the Commission more than any other witness apart from the Anglican Archbishop of Brisbane, Phillip Aspinall, who has given evidence four times. Public supporter of Cardinal Pell, Herald Sun commentator Andrew Bolt, has noted the extent of Pell's testimony before the commission. Pell has noted that the Commission has 'asked Pell to give evidence three times in what is now becoming a punishment by process.'

3. Cardinal George Pell has assisted Victoria Police in their inquiries and the Senate's call for his return to Australia is an interference with due process

Cardinal Pell has indicated that his inability to fly to Australia because of ill health has not prevented Australian police from investigating accusations of child abuse made against him.

On October 27, 2016, the ABC's 7.30 program reported that 'three members of Victoria Police travelled to Rome [in the last week of October] where Cardinal George Pell voluntarily participated in an interview regarding allegations of sexual assault.' The Victoria Police has indicated that it is still looking into the accusations. A Victoria Police spokesperson stated, 'As a result of the interview further investigations are continuing. We are not prepared to comment further at this time.'

Cardinal Pell has indicated his willingness to continue to assist the police in their inquiries. Following the announcement of the Victoria Police interview conducted in Rome, Cardinal Pell's office released a statement which said, '[The Cardinal] will continue to cooperate with Victoria Police until the investigation is finalised.'

Supporters of Cardinal Pell have indicated that it is not necessary for him to return to Australia for further investigations to take place. Cardinal Pell can either be interviewed by video link or Victoria Police officers can again fly to Rome to question the Cardinal there.

On February 7, 2017, it was reported that allegations of criminal misconduct against Cardinal George Pell had been sent to Victoria's Office of Public Prosecutions for a second time.

Commentators have noted that sending a second brief to the DPP is significant because it comes after extensive investigations of the first brief.

In response to the report that the allegations against him had again been referred to the Office of Public Prosecutions, Cardinal Pell once more stated that he would continue to co-operate with Victoria Police and that he awaited advice from the Office of Public Prosecutions.

After the Senate's call for his immediate return to Australia to assist police in their investigations, Cardinal Pell sent a letter to the Senate which stated, 'I am concerned that the Senate's motion appears to have been made on the basis of a significant misunderstanding of my willingness to assist the Victoria Police in their investigations of allegations made against me. The use of parliamentary privilege to attack me on this basis is both extraordinary and unjust.'

Cardinal Pell further wrote, 'Given that the investigation is ongoing, any calls from the Senate for my return to Australia can only be perceived as an interference on the part of the Senate in the due process of the Victoria Police investigation.'

Cardinal Pell's letter concluded, 'I strongly believe that I should be permitted the same due process as any other Australian in an ongoing investigation, and that the Senate's interference in that regard is extraordinary. I call on the Senate to withdraw its call for me to return to Australia.'

Cardinal Pell's concerns have been endorsed by civil liberties lawyer, Terry O'Gorman, who has stated, 'The wording of the Senate motion namely calling on Cardinal Pell to return to Australia to assist Victorian Police and the Office of Public Prosecutions was totally misguided and reflected the total lack of appreciation by those who voted for the Senate motion of the importance of observing the separation of powers doctrine which is fundamental to Australian democracy but also indicates an appalling, and one suspects, a wilful ignorance of the processes of Police investigations and decisions to prosecute by the DPP.'

4. Cardinal George Pell is being unjustly held to account for allegations made against others

It has been claimed by both Cardinal Pell and his supporters that the Cardinal is being treated as a scapegoat by campaigners against child abuse who are trying to hold him to account for the crimes of others.

Referring to the Senate's concern regarding allegations presented to the Royal Commission of sexual abuses committed by a large number of Australian Catholic priests, Cardinal Pell has stressed that he cannot and should not be held responsible for the behaviour of these men.

In a letter the Cardinal wrote to the Senate in response to its call that he return to Australia to assist police enquiries, the Cardinal stated, 'In circumstances where the vast majority of the allegations highlighted in the Motion in fact relate to offences which occurred prior to my appointment as an Archbishop (and in a significant number of instances before I was even ordained as a priest) it is unjust and seriously misleading to link all offences and allegations against Church personnel to me.'

In a public statement issued by the Cardinal after the Senate motion was passed, Pell similarly noted, 'The suggestion that Cardinal Pell should be accountable for all the wrongdoings of Church personnel throughout Australia over many decades is not only unjust and completely fanciful but also acts to shield those in the Church who should be called to account for their failures.'

Cardinal Pell has repeatedly, in the past, stressed that the Catholic Church, as an institution, cannot be held responsible for the misdeeds of individuals within it. In video evidence Cardinal Pell gave to the Royal Commission in August, 2014, he compared the Catholic Church to a trucking company, suggesting that the Church was no more responsible for the misdeeds of individual priest than the trucking company was for the criminal behaviour of some of its drivers. Cardinal Pell stated, 'If a driver sexually assaulted a passenger they picked up along the way I don't think it appropriate for the ... leadership of that company to be held responsible.'

When questioned in 2014 about the Catholic Church's supposedly obstructionist response to an abuse victim's attempt to sue it for damages, Cardinal Pell acknowledged that the Church's response may have been morally inappropriate; however, it was not illegal.

Cardinal Pell was referring to what has come to be known as the Ellis response, a precedent which enables the Catholic

Church to deny financial responsibility for the wrongdoing of its priests. The Ellis Defence is based on a ruling of the high court of Australia which found that the Catholic Church, as a whole, cannot be held legally (and thus financially) responsible for the actions of its priests who sexually abused children, because it is not incorporated as a single entity and there is no legal requirement for the church to do so.

As a bishop and now Cardinal within the Catholic Church of Australia, Cardinal Pell appears to be arguing that he can no more be held responsible for the conduct of individual priests than can the Church as a whole. This, he suggests, is particularly the case for offences committed before he had any leadership role in the Church.

5. Cardinal George Pell is the victim of critics with a prejudice against religion and the Catholic Church

Both Cardinal Pell and many of his supporters have argued that the hostility expressed toward him, up to and including the calls for him to return to Australia for questioning, often grows out of prejudice against religion and the Catholic Church. Cardinal Pell issued a statement after the Senate motion was passed, criticising the Greens, the party which put the motion up. The Cardinal's statement declares, 'The Greens would be well aware of the cardinal's decisive actions to address the evils of abuse and the changes he has implemented in the Church over 20 years ago.

Their anti-religion agenda is notorious and most fair-minded Australians would see this motion as pathetic point-scoring.' Defenders of Cardinal Pell have similarly claimed that he is the victim of a 'witch-hunt' perpetrated by those who are opposed to Catholicism.

Herald Sun commentator, Andrew Bolt, noted in an opinion piece published on February 17, 2017, that the media campaign being conducted against Cardinal Pell would not have been directed against leaders of some other religions. Referring to Channel Ten's 'The Project' which televised Tim Minchin's song ridiculing Cardinal Pell, Andrew Bolt asks of the program's host, Waleed Aly, 'Would you have screened four minutes of unbridled hatred for a Muslim cleric?' Bolt's implication is that the criticism is motivated by hostility directed toward a particular religion.

In an opinion piece published in The Daily Telegraph on May 24, 2015, Miranda Devine similarly noted that Pell has been treated as a 'scapegoat' and that he has been subjected in the media to a 'defamatory swamp& [of] character assassination.' Devine suggests that Cardinal Pell has attracted criticism because of his 'abrupt style' rather than because of any misdeeds on his part.

Further implications

The vehement disapproval directed at Cardinal George Pell, though apparently highly personal in nature, seems an expression of popular anger toward the Catholic Church in Australia in the aftermath of the extent of child abuse by clergy revealed by the Royal Commission into Institutional Responses to Child Sexual Abuse.

Cardinal Pell's position as archbishop of two major dioceses, Melbourne and Sydney, together with his connections with Ballarat, one of the dioceses where the abuse of children by clergy appears to have been most prevalent, has made the prelate a natural target for community opprobrium.

The Cardinal's claim that he is not responsible for the wrongdoing of other priests has not found a receptive audience. Accusations ranging from obtuseness and insensitivity to probable cover-ups and attempts to limit the financial liability of the Catholic Church in claims for compensation have been made against Cardinal Pell. These have given him a moral and symbolic responsibility in the eyes of many, even if neither he nor the Catholic Church can be held legally responsible. However, attempts to have Cardinal Pell return to Australia either to appear before the Royal Commission or be questioned by Victoria Police are problematic on a number of fronts.

There have been two classes of witness called before the Royal Commission into Institutional Responses to Child Sexual Abuse. As the Commission's Internet site notes, 'Some people can choose to participate (such as survivors of child sexual abuse) and others are legally required to attend (such as people working in the relevant institutions).' Thus, Cardinal Pell's attendance is required; that of those who have been the victims of abuse is not. However, once Cardinal Pell took up residence in the Vatican City, Australia lost the capacity to compel his attendance at any legal hearing.

Australia has granted the Vatican diplomatic recognition as a separate nation since 1973. It is one of 180 countries to do so. The complication is that while Australia has an extradition treaty with Italy; it does not have one with the Vatican.

Extradition is the process by which a person located outside Australia is handed over by a foreign government for trial or punishment within Australia. Without an extradition treaty with the Vatican, Australian authorities cannot require Cardinal Pell to return for questioning by Victoria Police or to appear before the Royal Commission.

Since his taking up residence in the Vatican, Australian law is no longer effectively binding over Cardinal Pell. Cardinal Pell was simply stating the truth when he claimed that the Senate motion calling on him to return to Australia was a 'political stunt'. It gave the Senate an opportunity to express popular outrage at the extent of child abuse within the Catholic Church while having no power to require Cardinal Pell to heed its request.

The Senate's motion is problematic on another front. It blurs the distinction between the legislative branch of government (the Parliament) and the judiciary (Australian courts). A separation of these two branches of government is a protection against courts being politicised and against the Parliament acquiring excessive power. An independent judiciary is seen as a fundamental guarantee of the just operation of a democracy.

Were Cardinal Pell ever to return to Australia to be tried in relation to the accusations of molestation made against him, the Senate's motion might be seen as an impediment to Cardinal Pell receiving a fair trial. In fact Cardinal Pell might even refuse to return to Australia for such a trial based on the supposition that he would not be tried fairly. This is an unlikely but not impossible development.

It must also be acknowledged that the Senate in making its request is indicating that it does not accept the validity of Cardinal Pell's medical advice that it is not safe for him to return to Australia by plane. Given that both the Royal Commission and the Victoria Police appear to have accepted this advice the Senate should reveal to Australia's citizens the basis on which it has not.

Cardinal Pell is not only under no legal obligation to return to Australia, he is under no legal obligation to respond to the Royal Commission's questions or to those of Victoria Police, either in person or via video link. Without an extradition treaty, there is no penalty that could be imposed on him for non-cooperation.

From the point of view of the Catholic Church's moral standing around the world, it would be very damaging for it to support Cardinal Pell in such a stand. However, it should be noted that the Vatican has not released to the Royal Commission records of the Australian priests whose names were referred to it as having been child abusers, despite the Commission having requested them.

Newspaper items used in the preparation of this issue outline

AUST, September 24, 2016, page 21, comment (photo of Cardinal George Pell) by Angela Shanahan, 'Much maligned Pell holds his head up high as he cleans up Vatican finances'. [🔗](#)

AUST, November 5, 2016, page 22, comment by Gerard Henderson, 'Case against Pell falls down for lack of evidence'. [🔗](#)

H/SUN, November 3, 2016, page 13, comment by Andrew Bolt, 'Evidence against Pell just doesn't stack up'. [🔗](#)

AUST, November 1, 2016, page 11, comment (photos) by P Hoysted, 'Ballarat sins unforgiven'. [🔗](#)

AUST, November 1, 2016, page 1, news item by T Akerman et al, 'Pell fights for reputation as key evidence rejected' (see also page 2 items, incl comment, 'How long can they endure the pain?' [🔗](#)).

The Age, March 20, 2017, news item *Cardinal George Pell lashes 'unjust' Senate call* [🔗](#)

Huffington Post, March 20, 2017, news item by Josh Butler *George Pell Refuses Senate Call To Return Home, Slams 'Interference'* [🔗](#)

The Guardian, March 24, 2017, interview by Melissa Davey, *Bishop Greg Thompson on being a sexual abuse survivor and the threats that made him resign* [🔗](#)