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Pell exonerated over abuse claims

By Kelly Burke, Religious Affairs Writer
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Sydney's Catholic Archbishop, George Pell, claimed victory yesterday after an independent inquiry released its findings into allegations of sex abuse.

A retired Victorian Supreme Court judge, Alec Southwell, ruled that he was not satisfied that the complaint against Dr Pell had been established.

The absence of forensic evidence due to the 40-year interval between the alleged offence and the investigation, the complainant's credibility, lack of corroborative evidence and Dr Pell's sworn denial of the accusations were key factors in the inquiry's conclusion, Mr Southwell said.

"I am grateful to God that this ordeal is over and that the inquiry has exonerated me of all allegations," Dr Pell said, fresh from celebrating his first mass at St Mary's Cathedral after standing down as archbishop in August for the duration of the inquiry.

He added that he would consent to release the inquiry's full transcript and all exhibits.

But the complainant's lawyer, Peter Ward, of the Melbourne firm Galbally & O'Bryan, also claimed vindication yesterday.

"We're delighted with the hearing. The commissioner accepted that essentially we were honest in our account of the molestation. Our honesty has been accepted."

Mr Southwell's report concluded that he accepted "as correct the submission of [barrister Michael] Tovey that the complainant, when giving evidence of molesting, gave the impression that he was speaking honestly from an actual recollection. However, the respondent, also, gave me the impression that he was speaking the truth".

Mr Ward said the inquiry had firmly quashed previous assertions by Dr Pell and his supporters that the complainant's accusations were vindictive and motivated by the prospect of monetary compensation and malice. Mr Southwell found that "extensive inquiries made on behalf of the respondent have unearthed no evidence of any other matter or incident which might have aroused spite or malice on the part of the complainant towards either the respondent or the church. On the other hand, the respondent has

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had a strong motive to push memory (if there ever was memory) of these fleeting incidents by a 19-year-old into the recesses of the mind, from which there could be no recall."

But Mr Ward said releasing the inquiry transcripts was unnecessary. "Our client is happy with the result. His honesty has been accepted, and that's all he wanted. It's closure. He never wanted compensation or civil redress."

Geoff Cahill, one of the first solicitors to file a statement of claim in the NSW Supreme Court against a Catholic religious institution over sexual abuse, criticised the finding as "open for controversial interpretation".

"The opinion of the presiding chairman ... that the complainant gave the impression that he was speaking honestly from an actual recollection can only enhance public concern ... the nature of the inquiry gives serious misgivings about the church's application and universal compliance with their own sexual-abuse protocol, Towards Healing. It is time for a thorough review of the whole system."

But John McCarthy, of the Catholic lawyers' association, the St Thomas More Society, said Dr Pell had been exonerated. "As far as he was able to go in respect to the terms of reference, the commissioner has found that the complaints against Archbishop Pell were neither truthful or accurate."

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