



OFFICE OF  
**BISHOP WILLIAM WRIGHT**

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**A STATEMENT BY WILLIAM WRIGHT, BISHOP OF MAITLAND-NEWCASTLE ON THE DIOCESE'S RESPONSE TO THE REPORT OF THE SPECIAL COMMISSION OF INQUIRY, THE BISHOP'S INDEPENDENT ADVISORY PANEL, FR WILLIAM BURSTON AND MGR ALLAN HART**

**Introduction**

I am finally in a position to report to the people of the diocese and to the public on the conclusions and advice of the Independent Advisory Panel. I established 'the Panel' to consider what action the diocese should take in regard to adverse findings made in the Cunneen Commission Report concerning Monsignor Allan Hart and Fr Bill Burston. I will also explain the actions I have taken in the light of the Panel's advice.

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**The Cunneen Commission**

The Cunneen Commission was established in response to growing public concern arising from repeated media stories of conspiracies to cover-up historic crimes of child sexual abuse in the diocese, conspiracies either among diocesan personnel or police or both.

I welcomed the establishment by public authority of a Commission with sweeping powers to gather evidence and compel witnesses. I saw it as a great opportunity to establish the facts of what had actually happened. I indicated that I and the diocese would cooperate fully with the Commission.

As I said at the announcement of the Cunneen and Royal Commissions, in the context of an apology to victims,

*It's healthy to have to face up to what you have done; to confess the wrong, to stiffen up your resolve that these things must not happen again. There can be no great change while we hide the truth, and especially when we choose to hide it from ourselves. That's true for individuals, and it's true for institutions.*

*Public statement 'Royal Commission will be healing for the Church' 20<sup>th</sup> November 2012*

The Cunneen Commission published three of the four volumes of its Report on 30<sup>th</sup> May 2014.

Now, as then, I support and accept the Report's findings, for myself and on behalf of the Diocese of Maitland-Newcastle.

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## The Response of the Diocese to the Release of the Cunneen Report

On the day the Report was released, a Friday, I issued an open letter to the people of the Diocese and an accompanying on-line video. The following Tuesday I made a further statement and answered questions in a press conference. In the succeeding fortnight I held seven Information and Discussion sessions around the Diocese, one each for the clergy and diocesan staff, and five open sessions in Taree, Muswellbrook, Newcastle, Glendale and East Maitland. Then there were articles on the Report in the diocesan monthly publication *Aurora* in July and August, which also appeared on-line. I attempted to be very open with both the Catholic people and the public as to how the Diocese was receiving and responding to the Commission's findings.

Through the public forums, and in emails and letters received, it was clear that there was significant public concern about what was going to happen to Mgr Hart and Fr Burston. It was also clear that there would be considerable mistrust of any internal process that the diocese might employ to consider that question. I had said from the day of the press conference onwards that we would consider the matter carefully. The Commission's Report made no recommendations in regard to Frs. Hart and Burston, but we had to consider the implications, for their ministry as priests, of the adverse comments made on them in the Report. I decided to form a Panel of people with a mixture of qualifications and backgrounds that could look at the question quite independently of myself and diocesan staff, and report. I also undertook to publish the Panel's report and advice.

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## The Independent Advisory Panel

The Panel was given a most complex and difficult task, involving exposure to confronting and distressing facts and the need to review a huge amount of material, quickly and in detail. I wish to express my most sincere thanks for the dedicated and professional way members of the Panel faithfully fulfilled their commitment. I personally, and the Diocese collectively, owe them a debt of gratitude for the work they have done.

The Panel was established on 24<sup>th</sup> June with the appointment of its Chair, retired NSW Court of Appeal justice and international jurist the Honourable Ken Handley. In addition to Justice Handley the Panel comprised:

- Mgr Chris de Souza, serving Vicar-General from Parramatta
- Patricia Crennan, retired senior educator and child protection advocate
- Terry Lovat, emeritus professor and former Chair Newcastle University Ethics Committee
- Two confidential members, being a practising lawyer and a retired business person.

Five of these people identified themselves as Catholic, of whom two were active parishioners in the diocese and one an 'occasionally practising' member of the diocese.

Three members of the Panel were women. One member was an adult survivor of childhood sexual abuse committed in the Catholic Church. There were delays in arriving at that final configuration of the Panel because two original members felt compelled to withdraw, one for personal reasons, the other because of community concerns about having a serving Police officer on the Panel.

Terms of reference were designed to provide the Panel with appropriate degrees of freedom to explore complex and difficult issues:

*To examine and report on adverse comments made in the Cunneen [Commission] Report concerning Monsignor Allan Hart and Fr William Burston, two serving priests in the Diocese, and to advise Bishop William Wright of what further action, if any, ought to be taken in relation to their holding of Church offices in the Diocese and their continued public ministry.*

*Hon. Kenneth Handley AO QC shall chair any necessary Panel meetings and be the lead author of the Panel's report to Bishop Wright.*

*In examining the material provided by the Diocese, the Panel and Handley may liaise with Bishop Wright and other senior Diocesan representatives as required from time to time. The Panel and Handley will ensure procedural fairness is afforded to Monsignor Hart and Fr Burston in the course of their examination and Report.*

It is worth stating that the Panel operated without any input from me or other diocesan officials, other than the diocese supplying them with documents. I met the Panel members briefly before their first meeting, and I have not met them since. Justice Handley rang me only once, in December, as he was finishing his Report. The diocese's liaison with the Panel was Sean Tynan, manager of Zimmerman Services. He had no voice on the panel, but provided logistical support around provision of documents and secretarial services. The Panel members were supplied with very large bundles of material, including the three volumes of the Commission's Report, the relevant transcripts of evidence given in public or private hearings that had been released by Commissioner Cunneen, exhibits tendered to the Commission, and the 'tender bundles' of documents used in the course of the hearings. Additionally, the Panel members were supplied with copies of the seventy-two confidential submissions sent to the panel by members of the public.

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### The Priests in Question

Apart from the general consideration that so extensive and thorough an inquiry as the Cunneen Commission deserved detailed examination, and that any persons at risk of suffering damage to their reputations or positions should be accorded procedural fairness, the decision to look very carefully into the adverse comments on Monsignor Hart and Fr Burston reflected the fact that these men were not slight or marginal figures in the diocese. Each has given around fifty years of service to people in our parishes, and each has occupied at different times very senior and responsible positions.

Monsignor Hart has been a priest of the diocese since 1966. After a series of appointments as an assistant priest, he became parish priest of Toronto in January 1980. From 1987 he was a Consultor to the bishop and a member of the Council of Priests. He served for some years as chaplain to the St Vincent de Paul Society in the diocese. From 1990 he was Vicar-General of the diocese for six years, and in 1995 he was appointed parish priest of Hamilton and subsequently Dean of Sacred Heart Cathedral. He was elected to the Council of Priests again in 2001 for five years and for a third time in 2012. Monsignor Hart was always known for his capacity for hard work and efficient administration. A man who could be relied on to get things done, he has admittedly sometimes pushed projects ahead to the dismay of those who did not share his vision of things. Nonetheless, if some of his priest colleagues experienced 'Mons Hart' as a force to be reckoned with, they probably had all heard stories from people, as I have, of his great gentleness and practical care when they were grieving or in trouble. Such a man, after such a contribution, deserved at least a fair hearing.

Father Burston was ordained a priest in Rome in late 1963. He has served in ministry in the diocese for the last 45 years. From early on, Fr Burston had a particular ministry in social welfare, leading the development and growth of the Catholic Family Welfare Bureau into the subsequent Centacare. He had graduated Master of Psychology from University College Dublin before returning to the diocese in 1970, and, alongside being Director of the Catholic Family Welfare Bureau/Centacare from 1974 to 1995, he quietly provided advice and support to other priests in ministering to complex or damaged people. Fr Burston, however, has not been simply an organiser or social worker. Despite some early scepticism, presumably of a professional nature, he was persuaded by experience to take an interest, and then leadership, in the charismatic revival movement that was having profound effects in people's spiritual lives. Fr Burston was appointed a Diocesan Consultor for five years from 1981 and again from 1996 until 2005. In 1996 Fr Burston was appointed both Vicar-General and Parish Priest of Mayfield and Mayfield West. In 2001 Fr Burston agreed to remain as Assistant Vicar-General for a further four years. Fr Burston, then, has also made significant pastoral, spiritual and leadership contributions in this diocese over many years. His 'case' deserved thorough and fair consideration.

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### **The advice of the Panel in regard to Monsignor Hart**

On 17<sup>th</sup> September 2014, Mgr Hart was hospitalised with a severe respiratory illness. After treatment he left hospital and began a slow recovery, but he has not been well enough to return to parish work since that time. On 30<sup>th</sup> October the Panel wrote to Mgr Hart putting their view of his situation and inviting his response. On 21<sup>st</sup> November legal counsel for Mgr Hart submitted a response, which included a statement of his intention to retire due to his ill health. At the beginning of December, Mgr Hart was readmitted to hospital with new and acute medical problems which occasioned emergency surgery. At this point, given the prior problems, his capacity to survive surgery was by no means assured. After he was taken off life support and returned from Intensive Care to his ward, I called on Mgr Hart. I had heard

that he had told someone that he was retiring, but at this point I had no knowledge of his letter to the Panel and of course, no advice as yet from the Panel in this regard. While I was with him, Mgr Hart verbally tendered his retirement which I accepted. It was some time in the following days that Justice Handley rang me, seeking confirmation of Monsignor's retirement and discussing what implications that might have for the Panel, which had not yet prepared its advice to me.

The advice of the Panel in regard to Mgr Hart is now published along with this statement of mine. It incorporates the 'show cause' letter that the Panel had sent him. You will see that the Panel did not consider Mgr Hart's response or issue any advice to me in regard to him.

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### **The Advice of the Panel in regard to Father Burston**

On 16<sup>th</sup> December 2014 the Panel submitted its report. That report is now published along with this statement. There you can find the argument that led the Panel to advise me to ask Fr Burston to withdraw from public ministry. I accepted the Panel's advice. I saw Fr Burston on the weekend prior to Christmas and sought his retirement. Fr Burston requested some time to consider his response and to seek legal advice in formulating a statement that might be made public. Early in the New Year, Fr Burston let me know that he was unable to meet with his legal counsel until he, the solicitor, had returned from holidays. Ultimately, I met with Fr Burston and his advisor and Fr Burston tendered his retirement. I have accepted his retirement. As is usual, it will take a little time for a replacement priest to be able to move from his present appointment, so Fr Burston will continue to provide ministry in Mayfield and Stockton parishes for some weeks yet.

While Fr Burston has acceded to my request and submitted his retirement, he disagrees with a number of the Panel's findings. In particular, he has objected to the following form of words:

*[Appearing before the Commission] called for clergy to give their evidence with conspicuous candour and honesty. Father Burston manifestly failed to do this. In fact he did the opposite.*

Fr Burston contends that this statement of the Panel's will be taken to mean or imply that he lied to the Commission. The Commission made no such finding and I do not interpret the Panel's advice that way. I take the advice to mean what it says, that Fr Burston did not conspicuously, obviously, do his best to cooperate fully with the Commission, as I had assured the public we would.

On reading the Panel's advice to me about Fr Burston, you will see that five short passages have been 'redacted', that is, blacked out. These were extracts from five of seventy-two confidential submissions made to the Panel. As I had not, and have not, seen those submissions, it was not unreasonable for the Panel to supply me with some examples of the material they had received. They are evidence of the sorts of views held in the community and, in these five cases, by people who were present when Fr Burston gave his evidence. On

reflection, however, I do not think it is appropriate that some of the words of five individuals, given in confidence and, necessarily, quoted anonymously in the Panel's advice, should be set before the public alongside the Panel's own considered findings. After consultation with the Panel, I understand that all the submissions were crucial in hearing the voices of the church and had a significant effect on its deliberations. The Panel's work was completed when it submitted its advice to me and it was my commitment to make the Panel's advice public. In my opinion, redacting these quotations has not altered the advice of the Panel or obscured its logic.



Most Reverend William Wright  
**Bishop of Maitland-Newcastle**