LADY SMITH: Good morning. Could I begin by echoing an apology that I think has already been made to you for our delayed start this morning. I think it has been explained that there's nothing wrong with the video link at this end, but there were real problems at the other end that proved to be insurmountable, despite us trying to work on them from yesterday afternoon when the difficulty first became apparent, so I'm sorry about that.

I understand that a different video link is now ready to go and should be working as well as we need it to.

Ms MacLeod, it's your witness, I think.

MS MACLEOD: Good morning, my Lady. This witness is Brother Joseph O'Neill and he's appearing on video link from Dublin.

LADY SMITH: Brother O'Neill, can you hear me?

THE WITNESS: I hear you clearly.

LADY SMITH: And can you see me?

THE WITNESS: I can see you, yes.

LADY SMITH: Good.
Good morning, Brother O'Neill, what I would like to
start by doing is putting you on oath.

BROTHER JOSEPH O'NEILL (sworn)
(The witness appeared via video link)

LADY SMITH: Before I hand you over to Ms MacLeod, could
I just impress on you the importance that this link is
working from your perspective. If you have any
difficulty in hearing or seeing, please let me know;
will you do that?

A. I shall.

LADY SMITH: Also, I do understand that giving evidence,
particularly over a video link, can be quite tiring and
stressful, so if you need a break, please feel free to
tell me. Will you do that?

A. I shall.

LADY SMITH: Thank you very much.

I'll now hand over to Ms MacLeod and she'll explain
what happens next.

Questions from MS MacLEOD

MS MACLEOD: Good morning, Brother O'Neill.

A. Good morning.

Q. Were you born on 1932?

A. Yes.

Q. Are you now 86 years old?

A. 86. In I'll be 87.
Q. You've provided a statement for the inquiry and I think you have a copy of that statement in front of you today; is that right?

A. That is correct.

Q. I'll give the reference for the transcript. It's WIT.001.002.6535. I wonder if you could turn to the final page of the statement. Do you have that?

A. I have it now.

Q. Have you signed the statement?

A. I have, yes.

Q. In the final paragraph do you say: "I have no objection to my witness statement being published as part of the evidence to the inquiry"?

A. That is there, yes.

Q. And do you go on to say: "I believe the facts stated in this witness statement are true"?

A. Yes, I abide by that.

Q. As you know, the reason you've been asked to provide a statement to the inquiry and to appear at hearings today is particularly in relation to a brother known to you as Mark Farrell and your recollections relating to him.

You've assisted the inquiry in your statement by looking at some documentation you have been shown and
identifying certain things for the inquiry; is that right?

A. That is correct.

Q. Before we come to that, I'll start by asking you a little about your own background and your education and your career. You set this out for us at the beginning of your statement.

I think you tell us that you joined the Christian Brothers when you were 14.

A. Correct.

Q. And that you became a novice at 16.

A. Correct.

Q. Did you then do a spiritual year and then a year of teacher training in Dublin?

A. Correct.

Q. Followed by four years of teaching?

A. Correct.

Q. Then I think you tell us that in December 1954 you were sent to South Africa where you taught in a school called St Columba's High School in Athlone; is that right?

A. That is correct.

Q. Did you spend around nine years there?

A. Yes.

Q. I think you say also that you did a distance learning course at that time at the University of South Africa.
A. Correct. We were able to get a degree through correspondence through the University of South Africa.

Q. I see.

A. And I did that in three years.

Q. From there, did you go to the Orange Free State?

A. Correct.

Q. And I think you tell us that you learned Afrikaans and that you taught and did further studies there.

A. Correct.

Q. And I think you say that you obtained a Bachelor of Education in 1967.

A. Correct.

Q. Did you then move to Welkom for a number of years?

A. Correct; that's also in the Orange Free State.

Q. I think you say that you were made principal of a school there at that time.

A. That is correct.

Q. Then you tell us that you moved on to the order's headquarters, I think, in Kimberley?

A. That is, of course, the South African headquarters. It was the first school that the brothers started in South Africa. I was moved there.

Q. I see.

At the General Chapter in 1972, I think you tell us you got a call from Rome to say that you were to be the
provincial for the whole of the South African province.

A. That is correct, because I wasn't at the chapter itself.

Q. Were you aged around 40 at that time?

A. It would be -- about 40, yes, I'd say that.

Q. You mention that a Brother Southwell had been your predecessor.

A. Correct.

Q. And I think you also say that there were about 100 Christian Brothers in South Africa at that time.

A. That was plus or minus 100.

Q. As provincial for the South African province, I think you say that you weren't teaching any more but that it was a -- you were the administrative head for all the Christian Brothers schools in South Africa?

A. That's right, pastoral and administrative.

Q. Thank you. Were there about 14 such schools in South Africa?

A. South Africa and then -- today's Zimbabwe, it was then Rhodesia.

Q. Were you the provincial for around nine years from 1972 to --

A. Correct. First of all, I was put for three years to get the decree to make sure that the provincial was at the chapters, but then I was reappointed after three years for six more years, so it was nine years in all.
Q. I think you go on to tell us that after that time, after 1981, you remained on the Provincial Council for South Africa, albeit not as provincial.

A. That is correct.

Q. And you then went back to teaching, I think.

A. Correct.

Q. You tell us that in 1997 you left South Africa having spent 43 years there.

A. That is correct.

Q. Since that time, 1997, have you lived in Dublin?

A. Yes.

Q. I think what you say is that you're technically retired but that you do or have done, until very recently, some work for the Marino Institute of Education.

A. That is correct.

Q. You then go on to tell us in your statement a little bit about the structure of the Christian Brothers order, and I would just like to ask you a little bit about that.

I think you mention that in 1972, worldwide, you say there were about 3,000 Christian Brothers.

A. Plus or minus. I'm not certain of the actual number.

That's about it, yes.

Q. Were those brothers divided into provinces?

A. Correct.

Q. I think you say there were about 13 provinces at that
A. Thirteen, I think that would be about right. A number of them there, actually.

Q. Yes, I see you say there that there were four provinces in Australia, one in New Zealand, one is South Africa, one in India, one in England, two in America, one in Canada and two in Ireland.

A. That is correct.

Q. And you tell us that one of the main aims of the order is the education of the young, especially among poorer people.

A. Correct.

Q. In terms of the number of provinces, do you know if that's still the position today?

A. No, because in Ireland now -- there was two provinces in Ireland and one in England, but around about 2009, these were brought into one province --

Q. Thank you.

A. -- whereas the same in Australia, as far as I know, the four provinces became one, and I don't know if New Zealand was part of them, but we were so taken up with our own field that we weren't too -- but that I think is the correct answer, yes.

Q. You set out some information about the General Council in Rome.
A. Correct.

Q. And who was the Superior General at the time that you were the provincial of South Africa?

A. Brother Kelty.

Q. And as well as Brother Kelty, were there other brothers on the General Council?

A. There were. I do believe there were four on the General Council. Because at that stage they would appoint maybe one that would represent Australia and the one from England and South Africa, and India was one. They picked one because there were four there, you see, and that incumbent was -- you will later see the name of Brother Colman Curran. They were appointed at a General Chapter.

Q. Does the Superior General have personal authority over the communities and brothers of the order?

A. Correct. That is the thing, but in a working order it's done -- what do you say? -- it's a circus one, he has the provincials below him and they advise him on things. A lot of the ordinary decisions are taken by the provincial, you see, whereas then -- but he has the ultimate -- he has the personal authority of the communities and brothers of the order.

Q. Is the General Council also known as the order's leadership team?
A. Correct.

Q. And I think you tell us that the General Council carry out visitations of the provinces.

A. Correct. But also, the local province, the provincial council, they also have visitations as well for their own province, but the General Council come every now and then and have the visitation for the province.

Q. In relation to the provincial council in South Africa when you were the provincial of South Africa, I think you tell us there was yourself and five brothers.

A. Four others.

Q. Four others and yourself?

A. Five in all, yes.

Q. You mention that one of these was a Vincent Kelleher?

A. Correct.

Q. I'm now going to focus on the issues relating to Mark Farrell and we'll have look at that.

A. Right.

Q. Is Mark Farrell the person also known as John Bernard Farrell?

A. Correct, yes. The religious name was Mark.

Q. You give us some information in paragraph 15 of your statement about where Mark Farrell worked during a period of time that he spent working in South Africa.

A. Correct. Might I say that two of those years were as
a student. That will come up later on.

Q. Could you take me through, as far as you're aware from that information, where he started out and the moves that he had?

A. He started out in Welkom, then Pretoria, then Athlone, then Cape Town, then ... now, next would be actually Bulawayo, because that would be from 1975 to 19 ... He was studying there. And then for the rest of the year, he seemed to have been in Boksburg; that's close to Johannesburg.

Q. So did he then spend time working or teaching, as it were, in five places, and a period of time studying in Bulawayo?

A. Correct.

Q. You tell us in your statement that he arrived in South Africa in 1967.

A. From the records, yes.

Q. We'll come to look at this, but I think we know that he left in 1977, so that he spent around 10 years there.

A. Correct.

Q. In 1972, when you became the provincial of South Africa, where did Mark Farrell work at that time?

A. He was then in Pretoria.

Q. Which school was he at in Pretoria?

A. Christian Brothers College, Pretoria.
Q. You tell us that at your first provincial council meeting as provincial of South Africa, an issue came up at that meeting in relation to Mark Farrell. Could you tell me about that?

A. I was appointed as provincial in 1972. I was earlier there, but then after that I had a road accident and I was three days unconscious, but I overcame that except for double vision for a while. But this was my first meeting of the council in South Africa, that one there, when Brother Kelleher brought the notice to the council that he had interfered with a boy or boys in the boarding school in South Africa.

Some of the community were in residence in the boarding school, but the rest were in the ordinary house there, you know.

Q. The school Mark Farrell was in, the college, was that a boarding school?

A. It was, but there were two, if you like -- some of the brothers were in the boarding section, others were in the ordinary community residence.

Q. So can you remember what Brother Vincent Kelleher said at the meeting? How was this introduced?

A. I'm not certain, but as I had said there, he had interfered with a boy or boys who were residing in the boarding school, because he was in the boarding section
and he had received a complaint and had taken the
decision to move Mark Farrell from the boarding school
to the community residence on the same campus.

Q. What was your understanding at the time of what it was
alleged that Mark Farrell had done at the school?

A. The only thing that came up, as I said here, is he is
completely (inaudible:distorted) experience of the
language, that he had interfered with the boys, in other
words some moral transgression had occurred and I was
surprised that he was just ... I never received
a complaint from the parent or parents. It was
Brother Kelleher got that and he dealt with it. But
when he came into the council, then I decided, probably
at the meeting, that he should be moved completely from
Pretoria.

Q. Was it your understanding that he interfered with one
boy or more than one boy?

A. That I don't know, I didn't go into that. As I said
there, I didn't know the ages of the one he had
interfered with. Seeing the complaint had come to
Brother Kelleher, it didn't come to me, and I went on
the word of Brother Kelleher that the complaint had been
made to him, and then we decided that he should be moved
from Pretoria.

Q. Was your understanding at the time that he had
interfered with the boy or boys in a sexual way?

Q. What was the age range of the children at the school?

A. Because I was principal in that school later on, many years later, and it would have gone from about standard 2 to standard 10. In South Africa, it goes numbers ... so I would say from about 8 or 9 up to 18.

Q. Within that range of age, did you have any indication of the age group of the boy or boys concerned?

A. No.

Q. How had Brother Kelleher became aware of the allegation?

A. It seems that he had received a complaint. I don't know whether it came from the boys who made the complaint or their parents. I don't know. But it would seem that he got that complaint and I took it that it was a moral transgression, but I didn't meet the parent or the parents. In today's world, it would be a different way of approaching it.

Q. Do you know if Brother Kelleher spoke to Mark Farrell at the time?

A. I'm not certain, but it was left over to him to deal with the complaint there, and actually when it came in to us, we took it that now we were dealing with the brother on it, you see ... he was left at the time to continue with whatever happened in Pretoria and I didn't
again get anything -- there was no follow-up on that
that I'm aware of at all.

Q. So as I understand it, the decision had already been
taken before the issue was brought up at council that
Mark Farrell be moved out of the boarding side of the
school; is that right?
A. Correct, yes.

Q. Was there then a discussion at the council about whether
something else required to be done?
A. Well, I'm rather vague on this, but I think
Brother Kelleher said the idea was that the community
residence might be -- my feeling at the time was that he
should be moved from Pretoria completely.

Q. Did the council make a decision about that, whether or
not he should be moved from Pretoria?
A. Well, I'm sure they did -- I'm vague on that, but anyhow
that was what happened. He was moved then at that
stage.

Q. What were your own thoughts at the time about the
allegation that had been made? Did it surprise you?
A. No, you see, I didn't know him well at all, I never
lived with him, but I am certain that at the time
anything like that of a sexual nature was not very much
in the news. I thought that this was, for him, an
indication that he had transgressed because I believed
what I heard from Brother Kelleher and that -- and in
subsequent places that he would attack this problem
himself and that the opportunity was given him to turn
over a new leaf on the matter.
Q. Do you know if the matter was reported to any place
outside the Christian Brothers order, for example any
external organisation or the police?
A. No, not at that time. Because there was no follow-up
from that side; it was left in the hands of the
principal of the school, Brother Kelleher.
Q. Do you know how quickly Mark Farrell was moved from
Pretoria after the decision had been taken at the
meeting that he should be moved?
A. It would have been very shortly afterwards. I think
later on, thinking over the thing, that it was in August
in 1972 that he was -- it would have been pretty soon
after that that he was moved.
Q. Do you know if Mark Farrell knew the reason that he was
moved from Pretoria?
A. Well, I'm going on things that ... why was he moved was
the very fact ... I definitely assumed that he knew what
the situation was.
Q. The school that he was moved to, was that St Columba's
High School in Cape Town?
A. Correct.
Q. Was that school made aware of what had happened in Pretoria?

A. No, I think that was a day school, whereas he was moved from the boarding school in Pretoria.

Q. Would there be any monitoring of him in that school by the council or anybody who knew what had happened in Pretoria, the allegation?

A. No. No, but I do know that I watched the thing carefully and for the rest of the time between 1972 and 1977, as I state later on in the document, there was never any report of any kind coming in of any sexual transgression at that time.

Now, two of those years admittedly were as a student in Bulawayo, but I had never at that time had any complaint of that kind, and I probably assumed, wrongly, that he had overcome this tendency.

LADY SMITH: So Brother O'Neill, when you say you watched the thing carefully, are you talking about watching carefully for any reports coming in of further complaints of sexual misconduct?

A. That's right. I went completely on anything that anyone would complain about him in that style(?)

LADY SMITH: Right. But am I right in thinking there were no proactive efforts made to enquire as to how he was conducting himself?
A. The only way that would have been would be the annual visitation reports that we reported at that stage.

LADY SMITH: Thank you.

MS MACLEOD: Did he ever work in a boarding school again in South Africa?

A. No.

Q. Would he have been allowed to work in another boarding school in South Africa?

A. I don't think so (inaudible: distorted) but there wasn't any, there wasn't any request.

The only thing I should bring out here is that at the time there were some brothers in South Africa who had one year in Marino and they hadn't got the full -- what can I say? -- qualification. And a circular went out to them that they could, some of them, go to evening classes at some of the universities or to study full-time and he was the only one, actually, who availed of that opportunity to study full-time in Bulawayo, at a training college in Bulawayo.

Q. I'm now going to ask you to look at a number of documents that I think the inquiry have shown you and you discuss in your statement. If I can take you, first of all, to the first document in your folder. I'll give the reference for the transcript. It's CBR.001.001.5652. Have you got that?
A. Yes, I've got it, yes.

Q. Is this a Province of South Africa visitation report from 7 to 11 August 1972?
A. Correct.

Q. Does it relate to St Columba's High School in Athlone?
A. Yes.

Q. Do you know who carried out this visitation on behalf of the province?
A. I'm not certain, but it was probably myself.

Q. If we look at the final paragraph of the report, I'll just read out a part of the final paragraph and then we can look at it:

"Brother Mark Farrell joined the community on the second day of visitation, having been changed due to circumstances in Pretoria. He is a very good worker in school and in extracurricular activities and it is to be hoped that he will be able to overcome the reasons for his change from Pretoria."

Do you see that?
A. Yes.

Q. Who would see this report? Would St Columba's School see the report?
A. No, definitely not. It would only be an internal brothers' report.

Q. What do you take then, looking at that now, what's
written there, what do you take from that?

A. Well, that he had been changed and there was no complaint or anything about the matters because he was changed away from the boarding school, that there was no accusation of, say, sexual aberration.

Q. If we can then move on to the second document. I'll give the reference for the transcript: CBR.001.001.5653. Is this a visitation report for the same school, a visitation by the province for the following year, 20 to 24 May 1973?

A. Correct.

Q. Who prepared this report?

A. Again, I put it down that it was probably myself, because I was the only one of the council that was fully -- a lot of the others were in school and they'd come for meetings at certain times, but sometimes some of them did prepare the reports, but in all probability now that report would be made by myself.

Q. If I can take you to the final paragraph in the main section of the report, I'll read out a couple of lines:

"Brother Mark Farrell seems to have made a good recovery from his troubles of last year. Though rather loud and extrovert, he is leading a good life and is working very hard in school and is carrying out his duties as bursar well."
I just wonder, when carrying out the visitation, how
would that kind of information be sought? Would you
speak to people at the school, would you speak to
Mark Farrell himself?

A. Well, you would speak with each brother individually,
but you didn't speak to anybody in the school. For
example, it seems that he got a job, that he worked hard
in school, and that would have come from observation of
what he did there at the time.

Q. So when it says that he seemed to have made a good
recovery from his troubles, would the people you spoke
to in the school know about his troubles?

A. They wouldn't know about it at all. It was all very
much kept as an internal matter. Even amongst the
brothers themselves. I give you -- maybe I'm diverting
here, but later on, I read that they had a meeting in
England and a brother that had been in Welkom beforehand
said that he was changed and they didn't know why he was
changed. That was the Pretoria change. So it was kept
kind of, even amongst the brothers, as very, very
private. It was for the individual himself to make the
changes.

Q. If we can move on to the next document, which is
document number 3. I'll give the reference for the
transcript: CBR.001.001.5673. I think we're moving some
years ahead here. This document is -- we're moving from
1973 to 1977. If we look at this document, does this
seem to be a letter from Mark Farrell to the
Superior General, Brother Kelty, in Rome?
A. Correct. I'm looking at it now. If you notice now,
this will be five years later. That would be 45 years
ago. This is the first time I've seen that letter at
all, but that would be him all right: finished his
course, the two-year course in Bulawayo, the two years
that he had off.
Q. I think you may have seen a copy of this letter when you
prepared your statement for the inquiry.
A. It may be that there were other letters there. I never
saw that particular letter itself, but it was referred
to.
Q. I see. Well, in this letter -- do you understand that
at least in some letter Mark Farrell wrote to the
Superior General to ask to be transferred back, to be
near his family?
A. Yes, but that was one that was referred to already, so
I knew that he had done that.
Q. If we look to the final paragraph of this letter, I'll
just read that out:
"In April, while making my annual retreat, I wrote
my first draft of this letter. Then I refrained from
posting it until I had spoken to my provincial in May at
visitation. He was most sympathetic and, after frank
discussion, his comment was that I should discuss it
more widely with my confrères, but ultimately my
vocation and happiness are of more concern to him than a
further dwindling of the number of brothers in the
province."

Do you recall having a discussion with Mark Farrell
about his wishing to move back to the English province?
A. No, I cannot remember having the discussion with him,
but at a visitation I'm sure, because it was
a one-to-one thing, that he definitely could have
brought it up there. I can't remember it now, but I go
by what's there on that letter.

Q. If we look to the next document, which is a short
letter, I'll give the reference for the transcript:
CBR.001.001.5675. This appears to be a letter from
Brother Kelty, dated 1 September 1977, where he says
in the second paragraph to Mark Farrell:
"You have discussed the matter of your request for
a transfer back to St Helen's province with the
provincial."

So would that be you, the provincial?
A. Yes, that would have been me, yes. But that would have
taken place at that visitation, I'd say.
Q. Then in the final paragraph do we see that Brother Kelty says:

"When I have something definite from Clement, I will write you again."

A. I'm Clement.

Q. I was going to ask you: is Brother Clement your religious name?

A. Yes, Joseph Clement, yes.

Q. Thank you. Then if we look to the next document, number 5, which is at CBR.001.001.5676, do you see that this appears to be a letter from Brother Kelty to you, Brother Clement, on 1 September 1977?

A. Correct.

Q. Do you remember seeing this letter when you provided your statement to the inquiry?

A. I think what I -- I didn't get the letter, but I think it was referred to, the documents that I had.

Q. I see. Well, if I read out the second paragraph of the letter for you, it's a letter to yourself from Brother Kelty in relation to Mark Farrell's request for transfer:

"Do not be surprised if there is something deeper affecting Mark and causing him to make this request for transfer. It is normal enough to miss one's family, but a man of 36 who has already completed ten years of such
separation would normally be able to face the situation more calmly than Mark is doing at the present time. If he is to go back to Ireland, I would ask Brendan to let him do the tertianship as early as possible. If he returns, you might allow him to come through Rome so that I can talk with him about the future. He seemed to settle down very well after the upset -- in Pretoria wasn't it? -- of a few years ago, and there could be a legacy of that period influencing his situation at the present time. It is common enough."

And I think in the final sentence of the letter, he says:

"I really think that Mark will not settle down now in South Africa whatever the root cause of his present unhappiness."

Does it appear from that letter that Brother Kelty knew at least something about what had happened in Pretoria?

A. Definitely, because with documents at the time -- with the meeting with the people of the central part, then you weren't kept in kind of secret as with a lot of the other brothers in the province with headquarters. It was definitely as if he knew at the time and it was especially later on, which we will find in this correspondence) consulate with Colman Curran. So
I think to answer your question, I'd say he knew of it.

Q. I think what you mention in your statement is that it is possible that Brother Kelty learned about it from Brother Colman Curran.

A. Correct.

Q. He was a member of the General Council at the time; is that right?

A. Correct.

Q. And did he have a particular role in relation to South Africa?

A. Well, he was, as I said... When the General Council at the time -- now, this is not written down, but usually they would send -- whenever the General Council was elected it would represent especially provinces, and I think at the time that India, England and South Africa were kind of grouped together, so he would have a special interest on that one that way.

Q. Did you at any time tell Brother Kelty about what you knew about Mark Farrell's move from Pretoria?

A. I don't think so. I don't think so, but as I said from the documents there, I'd say he had the information from somebody on the General Council. And Brother Curran was one of these.

Q. How would Colman Curran have come to know about the situation in Pretoria?
A. The only way is I've talked to him some time or other. I can't remember now, but definitely it would have been ... because we used to have meetings and they'd come on visitation. I can't remember, I haven't written anything, but I would say that I would have told him that.

Q. Do you remember receiving this letter from Brother Kelty?

A. I don't remember receiving it, but it definitely is very genuine.

Q. When Brother Kelty says that:

"There could be a legacy of the period in Pretoria influencing Mark Farrell's situation at the present time, it is common enough."

What did you or what do you take him to mean by that?

A. Well, he was an Australian and I suppose from previous experience, when dealing with jobs that he had to do, that there was a legacy of what happened, similar to what happened in Pretoria, and that now it might have something to do with his request for a transfer. But at the time it was a request for Mark to go back to either England or Ireland. But you can see that:

"I really think that Mark will not settle down ... whatever the cause of his present unhappiness."
Because now he had gone to the (inaudible: distorted) and took the two years off and now when he gets it, he wants to be transferred away from South Africa.

Q. If we move on to the next document then, document 6, CBR.001.001.5681. Does this appear to be a letter from Mark Farrell to Brother Kelty, the Superior General, on 9 September 1977?

A. Correct.

Q. Do we see him in the second paragraph set out that he would be happy to go to the English province?

A. Correct.

Q. "The English system of education is reasonably familiar to me through being stationed in Rhodesia and I would be happy to go to the English province if you feel the need for personnel there is more pressing."

Would that be more pressing than Ireland?

A. Well, I don't know. Probably that's what he meant by it.

Q. Do you see that in the final sentence of that paragraph he says:

"Clement arrived back at provincial headquarters today and when I saw him this evening he had received your letter."

A. Yes.
Q. So that may be you confirming to him that you'd received
the letter that we just looked at to you from
Brother Kelty, from 1 September 1977.
A. But I can't remember it. The way it's down there, it
looked as if he had -- that he knew about it.
Q. I see. If we turn to document number 7, which is at
CBR.001.001.5683. This is a letter which is dated a few
weeks later, 2 October 1977, and it appears to be
a reply to Mark Farrell from Brother Kelty, saying that
he will contact Fergal O'Brien. Was Fergal O'Brien the
provincial in the English province at that time?
A. Correct, that's true.
Q. Do we see in the letter that he also says:
"I have advised the provincial in Boksburg by letter
today to write to Fergal also."
Is that yourself?
A. That was me, yes.
Q. Do you know if you did write to Fergal O'Brien, the
provincial of the English province, about Mark Farrell's
transfer?
A. I think I did, yes.
Q. Do you remember what you said in the letter?
A. I again referred to his record since the problems
started in Pretoria and that there hadn't been any
complaint or anything like that. I didn't refer at all
to the reason for his being moved from Pretoria, but the thing was that I was going on the ... I think the document that I had there was never -- never referred to that that for some reason or other I didn't put it down, about what happened in Pretoria.

Q. Okay. We'll come to look at that.

A. I didn't make specific reference to that, but as we found out earlier, they did know that in the General Council in Rome, earlier we found, you know.

Q. And we'll come to look at that.

If we turn to the next document, which is document number 8, at CBR.001.001.5684. Do you see that this appears to be a letter from Brother Kelty in Rome to Brother Fergal O'Brien, the provincial of the English province --

A. Yes.

Q. -- dated 2 October 1977?

A. Yes.

Q. In this letter, he starts on the first paragraph by saying it appears that he's had an application from Brother Mark Farrell for a transfer from the South African province to England. He says:

"Mark is a native of Dublin and joined the brothers in 1959. Now just 35 years of age, he has spent 10 years in South Africa."
And he goes on to mention a trip that Mark Farrell had home to Ireland and in the final line of that paragraph:

"On paper, it looks like a genuine case of homesickness."

A. Yes.

Q. If we miss one paragraph and move on:

"I am just putting this case to you at this stage and you will probably receive a letter from Clement asking for somebody in exchange."

Then he goes on to speak about -- it appears, negotiations about brothers moving to and from South Africa. He says:

"You may think that I'm feeling uneasy about the transfer. That is not so. But I do think you should safeguard your own province in any transfer like this. You are as pressed for numbers as Clement, who has had a bad time these last two years."

So do we see there that Brother Kelty is expressing, in relation to Mark Farrell, what happens to be a general case of homesickness and that his main concern appears to be in relation to negotiating the numbers of brothers?

A. That's right. That put in mind that I would be looking for some people in exchange for one moving out of the
Q. So there's nothing mentioned here about a concern about Mark Farrell in relation to the issue in Pretoria, for example?
A. No, but here and in that letter earlier he did know of that, you see, but not in this particular case.
Q. When you say he did know of that, is that Brother Kelty?
A. Brother Kelty, yes.
Q. If we move on to document 9, which is at CBR.001.001.5699, does this letter appear to be a letter to yourself, it says "Dear Clement" at the top, dated 2 October 1977?
A. Yes.
Q. I think you mention in your statement at paragraph 41 that the signatory of the letter is missing on the page but that you think or you assume that it either came from Brother Kelty or from Colman Curran.
A. Just right at the end, it's definitely from Brother Kelty.
Q. Thank you.

LADY SMITH: Yes. The very small part of the signature we can see certainly looks similar to the signature that he puts on the letters where we can see the full amount of his signature, doesn't it?
A. Yes.
LADY SMITH: And you're deducing that from the way he writes
the J and L on the letter that you can see here?
A. With what I had before, I didn't have that on the
document, but here I would definitely say it's from
Brother Kelty.

LADY SMITH: Was Brother Kelty interested in cricket?
A. Very much so.

LADY SMITH: Because he makes reference to Australia's lack
of success, I should say, in a recent test match at the
foot of that letter, doesn't he?
A. Yes. Definitely it was in there.

LADY SMITH: "An ignominious display"?
A. Correct. That's the sort of thing that he would say.

MS MACLEOD: Do we see that in the first paragraph of that
letter, Brother Kelty is thanking you for two letters
that he's received from you, 16 and 14 September, with
accompanying materials?
A. What paragraph is that?
Q. The very first one.
A. Yes. "And for the accompanying material", yes.
Q. Do you know what these letters were or what the
accompanying materials were?
A. I cannot remember that.
Q. Okay. In the second paragraph, does he say:
"I had a letter from Mark Farrell again and he prefers to join the English province. I suggest you write to Fergal and try to arrange some sort of exchange, but you would need to let him know that Mark's return would be a permanent arrangement. When you have sent me your vote, I will also write to Fergal and approve Mark's transfer."

Do you see that?

A. I see that, yes. I'm surprised -- I must have got that because the vote -- we rarely voted in that way, but anyhow we must have. He was counting up people that were saying things about the transfer, actually.

Q. I want to ask you a little bit more about that. In the penultimate paragraph of the letter it reads:

"I have just read the postscript to your long letter. It must be a record one for you and I will have to take that as a favourable vote on Mark's request. It is a bit involved but it appears that the vote could be read as 3-2 under any circumstances. I will write to Fergal as soon as possible and let him know the situation."

We don't have your letter with that postscript, so I just wonder if you can remember or help me at all, what was this vote and how did it work?

A. I think, actually, it was a case of whether he should be
granted the request to join the English province.

That's the only thing that could be going on that and then I'm rather surprised on the 3-2. I don't even know who would be voters on that. It looks as if that one, I was saying that, fine, he could be moved to ...

I would agree to his move to England, the English province.

Q. If we turn to document 10, which is at CBR.001.001.5700, does this appear to be a letter again from Rome from Brother Kelty --

A. Yes.

Q. -- to yourself, and it's dated 24 October 1977?

A. Yes, that's right, yes.

Q. If we turn to the second page of this letter, and the third paragraph down, I'll just read a few lines there:

"Mark Farrell expressed a preference for the English province, so I have written to Fergal to inform him of that. I have heard nothing from him as yet. Brendan may be keen to accept Mark back there and I think Mark would be happy to go to any of the three provinces. All things considered, I am worried about Mark's future, though I cannot give any facts that give me a cause for concern. I promised to write him again when I have some news from England."

I just wonder if you could help me with what you
take from the words:

"All things considered, I am worried about Mark's future, though I cannot give any facts that give me cause for concern"?

A. Well, I think, actually, that he could have had the initial Pretoria episode in mind, but he might also have had the fact of what he was going to try to get -- what exactly was his reasons. Because I think this thing of homesickness didn't mean a lot to Brother Kelty.

Q. If we look to document 11, which is at CBR.001.001.5690, does this look to be a letter from Brother O'Brien, the provincial in England, to Brother Kelty, the Superior General in Rome?

A. From the address at St Mary's, The Priory, Bath. I have only one page of that.

Q. Unfortunately, we only have one page of it. At the top of the letter, do we see that it's dated 29 October 1977?

A. Correct.

Q. In the second paragraph of the letter, does it read:

"South Africa: since your letter I have heard from Clem ..."

Is that yourself?

A. Yes, correct.

Q. "... who informs me that 'we are quite in agreement
about the transfer here but as to the exact reason for it, I do not know as I have my doubts about the reasons he put forward to me'."

So does it appear from that that you had expressed doubt about the reasons Mark Farrell had put forward and that you'd expressed these doubts to Brother O'Brien?

A. Correct, because he had gone for two years, the only one of such, the extra two years in teacher training, and now he's coming up with conveniently -- I shouldn't use that word -- but in 1977 he had that, and that's why I had my doubts about the reasons for his going back. I'm not going on to what happened later on in his career, but that was written at the time.

Q. Do you know if you said anything else to Brother O'Brien? Did you tell him, for example, about the allegations you knew about from Pretoria?

A. I don't think I talked to Brother O'Brien.

Q. If we move on to the next document, number 12, which is at CBR.001.001.5662. Does this appear to be a letter from Brother Kelty to Brother O'Brien in England, dated 14 November 1977?

A. Yes, I think so.

Q. And if we go to the fourth paragraph of the letter, I'll read that out:

"I have no further word from Clement about
Mark Farrell but I would expect him to contact you again first. We will certainly approve his transfer and I trust that he will be able to settle down in England. As Clement mentioned, the only apparent reason why he wants to transfer from South Africa is because of homesickness. But that is rarely the full cause of decisions like this. If I learn anything that will be of use in your care of Mark, I will let you know."

Do you see that?

A. I see that, yes. The word that really stands out for me there is "the only apparent reason" and "I would expect him to contact you again first". Whether I did that or not, I don't know, but I did send something to Brother O'Brien, but it might be ... I think later on we come across that in the letter that I wrote.

Q. Yes, we'll come on to look at that.

You said that the word "apparent" sticks out to you; what do you take from the use of that word?

A. "The apparent reason why he wants -- the only one that said there must be other reasons why he wanted to get back.

Q. If we now turn to document 13, which is at CBR.001.001.5703. This is a three-page letter. Does it appear to be a letter from you to Brother Kelty?

A. Yes. Definitely, because that was one of our schools in
Tweespruit in the Orange Free State and my signature is there. That's definitely me.

Q. Is the letter dated 14 November 1977?
A. Correct.

Q. And if we turn to the third page of the letter, about nine or so lines down the third page, does it read:

"Fergal has agreed to take Mark Farrell and as soon as I get back to Boksburg I will arrange his travel through Rome so that you can meet him on the way. I will give you good notice of his coming."

A. That's correct.

Q. So do we see there that you seem to be saying you're going to arrange for Mark Farrell to go to the English province but via Rome so he could meet up with Brother Kelty?
A. That's right.

Q. If we turn to document 14 in your folder, which is at CBR.001.001.5691, this is a two-page letter. Does it appear, at least from the second page and the end of the second page, that it is a letter to Colman Curran?
A. Correct.

Q. I think what you say in your statement at paragraph 55 in relation to this -- and it doesn't appear that we know who the letter is from ...
A. Are you referring now to 5692?
Q. Yes. It's a two-page letter.
A. Yes.

Q. So is it a letter to Colman Curran?
A. Yes.

Q. I don't think it's clear from this letter who it is from, but we might be able to look at another document in a moment that might assist you with that. From looking at this letter, do you know who it's from?
A. It's the first time I've seen this letter.

Q. I see, so you didn't see this when you provided your statement to the inquiry?
A. No, definitely not.

Q. Okay.
A. It might have been a one or two page -- a two-line statement in my statement, but I definitely didn't see all this in it.

Q. I see. Okay. So it appears -- and I can look at this with you when I look at another document shortly -- that this might be from somebody in the English province.
A. Correct, yes.

Q. I'll read a part of the second page, which might assist you. If we turn to the second page of the letter and the fourth paragraph down. It reads:

"We need someone for Prior as Pat Carey is having his hip operation in January. Could the South African
likely to join us shortly be suitable for St Peter's and
generally in Prior? He was in Pretoria according to
Clement's sheet on him, but I wonder whether this was
a boarding school. Otherwise he would have been in
a day school in Africa. I would like to see P Carey
moved and the new man take over St Peter's."

Do you see that?

A. That's right. That definitely looks as if it is one of
the assistants in the English province writing back to
Brother Colman Curran in the Generalate in Rome.

Q. Okay. Do you see that this letter suggests that a sheet
has been provided by you to the English province, which
showed that Mark Farrell had been in Pretoria?

A. Definitely, because that's what was known as the
transfer, where you had the thing of a brother, where
you write down where he was and what school he was at
while he was there in the province.

Q. Does it appear that the person writing this letter
in the English province didn't know from the sheet that
had been provided whether the school in Pretoria had
been a boarding school or a day school?

A. The only school that they were -- they were one and all,
it was the same school. But some of the pupils in the
day school were boarders.

Q. Do we see that the person who's writing this letter
"But I wonder whether this was a boarding school."

So it appears that at least the person writing this letter didn't know whether or not that was a boarding school.

A. That's right, yes.

Q. You've already told us that you didn't include information about the reasons for the move to Pretoria.

A. Correct. To England, to the English crowd. I did not include the Rome crowd in that. I didn't include it to the English province.

Q. Yes, thank you. So the person writing this letter -- it doesn't appear they knew anything about concerns about Pretoria?

A. Correct.

Q. Do you see that the plan, at least at this time when this letter was written, was that Mark Farrell might be placed in a school called Prior?

A. I think so. That was definitely there. Prior -- it could be Prior Park, there was a school, Prior Park.

Q. Is that Prior Park Preparatory School in England?

A. Probably.

Q. Is that a boarding school?

A. I'm not certain, but I think it was. My knowledge of the English province schools was then rather vague.
Q. I see. If we then turn to the next document, document 15, which is at CBR.001.001.5664. This is a two-page letter and it appears to be, I think, a letter from Brother O'Brien in England to Brother Kelty.

A. Yes.

Q. Did you see this letter when you provided a statement for the inquiry?

A. I don't think I saw it, but there may have been references to it in the documentation that came through.

Q. Your statement mentions that this might be a letter from Brother O'Brien to Colman Curran, but I think when you look at the letter -- do you think it's to Brother Kelty?

A. Well, down at the end it is -- it is to Brother Kelty, as it says here, and "To my dear Brother General", which means it had to be to Brother Kelty.

Q. It's dated 9 December 1977.

A. Correct.

Q. If I read the third paragraph of the letter:

"Mark has been with you now for some time and we expect him here any day now. As a result of your meeting with him, I would like you to let me have any further information that may have emerged which would help us to place him suitably here in the province."
I have had his record card from Clem."

A. Correct.

Q. So does it appear that Brother O'Brien has the record card from you and that he's now asking Brother Kelty, if there's any further information that would assist the English province in placing Mark, that he would like to have that information?

A. Yes.

Q. If we turn to document 16, which is at CBR.001.001.5693. This is a two-page letter.

A. Correct.

Q. Does it appear to be a letter from Colman Curran in Rome --

A. Yes.

Q. -- to a Brother Hooper, which is on the address label of the letter?

A. That's right., he was a member of the provincial council in England, Placidus Hooper.

Q. Is this letter dated 10 December 1977?

A. Correct.

Q. I'll read out the first part of this letter:

"Thank you for your letter, which arrived in Rome this morning. Thank you for all the news and for keeping me up to date with the educational world of England."
If I can pause there. Does this assist us perhaps with finding out who may have written the letter that we just looked at, at document 14, which was a letter to Colman Curran from somebody in the English province?

A. Oh yes.

Q. So might it have been Brother Hooper who wrote the letter at document 14?

A. It definitely could have been, because this is the first time I've seen this particular one. If it isn't Placidus Hooper, from a lot of the stuff there, it might have been somebody that was on the provincial council there.

Q. I see.

A. But I'm not certain of that.

Q. Thank you.

If we go back to the letter at document 16 that we were looking at, CBR.001.001.5693. I'll continue reading the first paragraph:

"I thought I had better drop you a note immediately lest you were making some of your after Christmas appointments. I would urge you not to place your most recent addition to the province in a boarding school situation. I did write to the provincial when I heard that the provincial had agreed to the transfer. I did not hear of the move until it was completed, but
I presumed the South African pro had explained the entire background and the urgent need to move brother from Pretoria."

Do you see that?

A. Yes. I have seen a copy of that in the documentation that I had -- excerpts from it, definitely. But that's from Colman Curran, isn't it, to England? And here it's evident that he knew about this thing and that England did not know.

Q. Does it appear from the letter that Colman Curran was very concerned about the suggestion that Mark Farrell be placed in a boarding school in the English province?

A. Definitely.

Q. Do we see from this letter that Colman Curran had presumed that you had explained the entire background to the English province and the urgent need to move Mark Farrell from Pretoria?

A. From that, yes -- I did remember getting a letter about 10 December there and that I should explain the whole thing to England. I had that -- I could have got that. I didn't know if I had replied to that letter or sent the information that he wanted sent to England, that I gave them that information.

Q. So do you know if you provided the entire background to the English province at that time?
A. I don't know, but it looks like this -- as if they didn't get that information from me, actually. But the only thing is that the General Council in Rome would have known it through Colman Curran's letter there.

Q. I think if we could look for a moment at paragraph 63 of your statement that you provided to the inquiry -- have you got your statement in front of you?

A. Yes.

Q. That's WIT.001.002.6546.

I think here you tell us about your task when you were in touch with the provincial in England, Brother O'Brien. You say:

"My task when I was in touch with the provincial in England, Brother O'Brien, was the question of Mark Farrell's request to be transferred to the English province."

Then a few lines down, about eight lines down, you say:

"In my report to Brother O'Brien in England, I limited it to say that he was a good teacher, was good at the games, was good in community, and that he taught science. I did not mention the question of the moral aberration of 1972 as I based my report on the years since he had been transferred from Pretoria from September 1972 to 1977. I assumed that he had overcome
that aberration. This was of course 55 years ago and no

doubt in today's world I would have taken a different

approach."

And then you go on to say that you sincerely regret
the decision taken by you at the time in not having
spoken to Mark Farrell himself and subsequently not
having informed the English province on his transfer to
the English province.

A. That is correct, because there it was -- I was going on
the way that we handled the affair in Pretoria, that we
kept it as an internal matter and that by his record
from the following five years, that there was no further
allegations and I assumed that he'd overcome that
aberration. But I can see now that -- well, he hadn't
overcome that aberration. But that was the time back in
1972, you see. So as I say that -- then we would have
-- because I didn't know what exactly the subsequent
affairs in Pretoria was, you see, and that if it was
now, it would be a different way of approaching a thing
like that. The one that was the victim was the first
one that should be looked after, not the one who had
caused the trouble.

Q. So do you think then that you should have told the

English province --

A. Yes (inaudible: distorted), yes. I should have told
them at that time. But all I can say there, I didn't
tell the English province, but Rome itself did know
that, and that's what Brother Colman Curran says here in
the letter to Placidus Hooper.

LADY SMITH: Brother O'Neill, can I just check one thing?
Did I pick you up correctly earlier when you said the
"following five years", so we're talking about the
five years after the Pretoria affair. Brother Farrell
was studying at college for two of those years; is that
correct?
A. Correct.

LADY SMITH: And so it was for three of those years that
he was working at another school?
A. Yes.

LADY SMITH: And that was a day school, not a boarding
school?
A. Correct.

LADY SMITH: So he hadn't been tested out, if I can put it
that way, in a boarding school environment again, not in
South Africa?
A. Correct.

LADY SMITH: Do I take it that's because it was felt that it
was safer to put him in a day school than a boarding
school?
A. I think so.
LADY SMITH: Thank you.

Ms MacLeod.

MS MACLEOD: You've told us about your own approach at the time and that that wasn't something that you -- that information about Pretoria wasn't something you passed on to the English province. But I think we can see from the letter we've looked at, at document 16, that Colman Curran perhaps took a different view in that he felt that this was something the English province ought to be told about.

A. Correct. Correct. I see that document there, document 17, that letter definitely -- what he says there in his letter to Placidus Hooper brings it out very closely.

MS MACLEOD: I'm now moving on to another document, my Lady.

LADY SMITH: It's of a different tenor as well, isn't it? Brother O'Neill, what I think we should do at this stage is take the lunch break. We've been asking you questions for nearly a hour and a half and I'm guessing you might welcome a break at this stage, would that be right?

A. Well, we'll go by your ...

LADY SMITH: I think we should. Could we try and start again at, say, 1.50? All right.

A. Thank you.
(The lunch adjournment)

(1.56 pm)

LADY SMITH: Good afternoon, Brother O'Neill. Welcome back.

Are you ready for us to carry on to complete your evidence now?

A. Certainly.

LADY SMITH: Thank you very much. I'll hand back to Ms MacLeod.

MS MACLEOD: My Lady.

Good afternoon, Brother O'Neill.

A. Good afternoon.

Q. Can I start by asking you to look at the next document in the folder, which is document number 17. The reference is CBR.001.001.5695. Have you got that?

A. Right, got it now.

Q. Does this document appear to be minutes of a provincial council meeting held in Liverpool on 17 December 1977?

A. Correct, yes.

Q. Do we see noted in the very first line of the minute: "All the members were present"?

A. Yes, correct.

Q. Would we take that to mean all the members of the English Provincial Council?

A. I think so, yes.
Q. If we turn over to the second page of the minute at CBR.001.001.5696, and if we look at the foot of that page, where there is a heading "Entry to Province". I'll read that out for you:

"Brother Mark Farrell had arrived and had stayed with the provincial in Bristol during the provincial's pastoral visit there. He has now flown to Ireland to see his family. He too would be available for an assignment and Titus would need replacing for the chapter in March held in the Rhodesian's teacher's certificate. He had taken a two-year course. He would not be a recognised teacher in the DES category."

Then it notes:

"Bulawayo 1975 to January 1977."

Then:

"He had left Ireland in 1963 (born 1942) without even doing the one-year course in Marino for teacher training. He had been posted to Welkom in August 1963 and then in 1967 to Pretoria (boarding school), January. He was moved in August in the middle of the school year to Cape Town in 1972 where he stayed until his studies started in Rhodesia in January 1975.

"Since qualification he had been posted at Boksburg to the present end of the term. The provincial had commented to him that he had been in six different
houses in ten years. Mark said he had been giving edification. The provincial's immediate reflections were that he was an active, keen gamesman, but rather loquacious. His home was in Cabra. His provincial in South Africa had reported that he was a good school monk, good at games, good in community, and that he took science. He also reported that Mark was rather homesick after his last visit to these islands. He had given no other information about him."

Is that there referring to the information that you'd given to the English province about Mark Farrell?

A. Yes.

Q. "Mark told the provincial here that he had found life rather different in South Africa from Rhodesia and that he was homesick. Leo Kean who had him from a year in Welkom enjoyed meeting him. He mentioned to the provincial that his move from Pretoria in mid-year had been a surprise in the South African province at the time."

Leo Kean, is this a name that's familiar to you?

A. Yes. Definitely. He would have been in Welkom, the first community that Mark Farrell was in in South Africa.

Q. Do you know the reasons for Mark Farrell's transfer from Welkom to Pretoria?
A. No. It was just an ordinary transfer, I would say.

Q. The minute goes on:

"Colman Curran had sent a private confidential note to the provincial indicating that he would place Mark in a day school. He had given no reasons."

Do you see there that it seems this minute seems to note that Colman Curran had sent some kind of letter on a private and confidential basis to the English provincial?

A. Yes.

Q. "After discussion, the provincial agreed to phone the Superior General for further information. This the provincial did twice at the weekend without being able to speak to the General. Subject to a final decision in the light of the General's views, it was agreed that Gerry should be posted to Prior Park and Mark to Falkland. The decision would be finalised at the council meeting in Manchester."

Do you see that?

A. Yes.

Q. Does it appear then that although there had been a suggestion at an earlier stage that Mark Farrell was to be posted to Prior School, from reading this it appears that he's now to be posted to Falkland?

A. There was reference there to somebody from Prior, just
reading the word Prior, and that they were looking for somebody there, actually. (inaudible) read there, have you finished with that? There's something I want to go back on.

LADY SMITH: Yes, I'm sure we can go back. Ms MacLeod will take you there.

A. Right. One of the things in that particular paragraph, there was something there about his time in the first year of training. It was about the third line from the end:

"He had left Ireland in 1963 (born 1942) without even doing the one-year course in Marino for teacher training."

That second last line. In the one -- I had thought that he had done that teacher training and it struck me reading this document, when this came out earlier on, I just rang headquarters and: did he do that training? They said he did, but I didn't know (inaudible: distorted) this thing here, those council minutes that he didn't even do the one-year course so --

LADY SMITH: Brother O'Neill, we're hearing a bit of fuzz. You may be too close to the microphone. Try that position and we'll let you know if that's working. It's not your fault, you wouldn't know the problems we're having at this end. Can we take it from there? Before
you carry on, can I just be clear about what you've been explaining?

It's to do with this reference to Farrell not even having done the one-year course at Marino; yes?

A. Yes.

LADY SMITH: Am I to understand that you had thought that he did do that course?

A. Yes.

LADY SMITH: Was it normal for people to do that course?

A. It was. Actually -- usually, in my day, myself, I did one year and then went out in teaching practice for four years and then came back to do the second year.

LADY SMITH: I thought you'd said that, yes. So was the one year at Marino regarded as being the minimum that a brother should do before he engaged in any teaching at all?

A. Usually, that was the case, that he should do that.

LADY SMITH: Thank you. Ms MacLeod.

MS MACLEOD: My Lady.

Staying with that for a minute, it goes on to say that:

"Mark would, of course, not be recognised as a teacher by the Scottish Teachers Registration Council."

So I think that's an acknowledgement there that he
wouldn't be recognised as a teacher in Scotland.

A. Yes. But the idea was that by doing that course in Bulawayo, as far as I can remember, that would have made him eligible to teach in Zimbabwe in a South African school.

Q. I see. If we now turn to the next document at number 18, which is CBR.001.001.5706. Do you see that this is a letter dated 17 December 1977, so the same day as the minute we've just looked at of the council meeting? Is it a letter to yourself, Brother Clement, from Colman Curran?

A. Yes. It definitely looks like that. I haven't seen this one before.

Q. Do you see that in the second paragraph, if I read from four lines down, it says:

"Mark Farrell spent a few days with us here in Rome en route to England. I hope they will not put him into a boarding school. I am sure you gave them some advice about placing him."

Do you see that?

A. Yes.

Q. Do you remember receiving this letter from Colman Curran?

A. I don't, actually. There was a letter that he wrote on 10 December, somewhere in the documents, where he put
down that he shouldn't be sent to a boarding school.
I'm not saying that this didn't come, but I can't
remember it at the time.

Q. The letter from the 10th, I think the one you're
referring to, was document number 16, which was from
Colman Curran to Brother Hooper in England.
A. That's right.

Q. So if we look at the document number 18, the letter to
yourself from Colman Curran, do we see from this that
he's really expressing the hope that you are going to
provide some advice to the English province?
A. Correct on that, yes.

Q. Did this prompt you in any way to give the English
province advice about placing Mark Farrell in a boarding
school?
A. Well, it seems -- I would say I would have replied to
him, but I can't remember now seeing the letter or
replying. But as it stands there, I probably would have
replied to him, but I don't think I referred in any case
to the English province about the Pretoria affair.

Q. If we now look to document 19, which is
CBR.001.001.5698. Do you see that this appears to be
the minutes of a provincial council meeting held in
Manchester a few weeks after the other meeting we looked
at? This is dated 30 December 1977.
A. Yes.

Q. The last one was 17 December, this is 30 December.

If I can just read out the part after "Matters arising":

"The provincial had confirmed the transfer of Gerry Bownes from Liverpool to Prior Park College. Brother Carey's operation was on 17 January next. The provincial reported that he had eventually contacted successfully the Superior General on the phone and had indicated our intention to post Brother Mark Farrell to Falkland. The General raised no query on this transfer and went as far as to state that he would accept responsibility for this posting. The provincial referred to a letter which Placidus had had from Colman Curran, in which he had mentioned again that he himself would not post Mark to a boarding school."

Do you see that?

A. Yes, I see that. It is rather extraordinary that the letter we referred earlier to Placidus Hooper was 10 December. This is on 30 December. I presume that that was -- they had the information from Colman Curran about his Pretoria episode. But now I think that the final, what would I say, putting it into place would have been decided on 30 December 1977. But there had been -- at least one of them had been told about the
request from Colman Curran not to place him in
a boarding school. That's my reading.

Q. Do we take from this that they knew about the concerns
raised by Colman Curran but that ultimately, the
Superior General had given the go-ahead to the transfer
and said he would accept responsibility for the posting?

A. Well, it looks like that, as if he had accepted
responsibility for it, because with the reading of the
minutes earlier -- that's the famous vote and so on --
and now he was accepting responsibility as
Superior General. I suppose he had the right.

LADY SMITH: Brother O'Neill, did you say earlier that you
didn't know anything about Prior Park School?

A. I said that I thought that there was a boarding section
to Prior Park.

LADY SMITH: Do you know what sort of school it was?

A. As far as I know, it was a high school, but it looked as
if there was a primary as well in it, you know, because
I think it was very popular with overseas students.
I don't know much about it, to be quite honest with you,
on that.

LADY SMITH: Thank you.

MS MACLEOD: If we turn to the next document, document
number 20, CBR.001.001.5666, do you see that this is
a letter dated 5 January 1978?
A. Yes.

Q. Do you see that it appears to be from Mark Farrell?

A. Correct.

Q. I don't think we know who the recipient of the letter is. I don't know if you can assist with that.

A. No, I have no idea. It's the first time I've seen the full letter, actually. I heard a reference to it all right, but I don't know who that would be from. Can I have a look through it?

Q. Yes, of course.

A. (Pause). No, I couldn't throw any light on that at all.

Q. Does it appear that in the letter, Mark Farrell is confirming that he has arrived in Falkland?

A. "Safely ensconced here in Falkland, Scotland", yes.

Q. Okay. So if we then move on to the next document, which is document number 21, at CBR.001.001.5689. Have you seen this document before?

A. I saw it referred to in the documents I got, yes.

Q. This appears -- I'm sorry?

A. It's the one that says, "John Farrell: Convicted in the Scottish courts"; is that the one?

Q. That's the one.

A. Yes. I was asked to comment on that in the original documents that I had and the only thing I remember of that was I had met John Burke one day and he told me
that this man had been sentenced in the courts.

Q. Is that John Farrell?

A. Farrell, yes. The thing was I was asked to comment on that and what word I used in the ... I said, yes, he was engaged with -- he interfered with boys in Pretoria. He asked me about that and I said that was the only thing I had -- it was news to me that he was convicted in court.

Q. Is this a memo written by John Burke, Brother John Burke?

A. It must be. In other words, he probably did that and someone else -- I don't know where it would have come from, but it was John Burke, yes. He's the one that usually represents the brothers at these hearings.

Q. Do you remember having a conversation with Brother John Burke after Brother Farrell had been convicted of offences against children at St Ninian's in Scotland?

A. I just passed the information from him and I said, "Oh yes, he had a conviction, but he was" -- the matter of interfering with boys in Pretoria had taken place and that was all I said at the time.

Q. If we then move to the final document, which is at number 22, CBR.001.001.5657.

A. Yes.

Q. Do you see that this appears to be an email from
a Michael de Klerk to Karen Johnson.

A. Yes.

Q. Is Karen Johnson the archivist for the Congregation of Christian Brothers in Ireland?

A. In Ireland, yes.

Q. I'll read part of the email out:

"Dear Karen. Eileen and I have had another search of files in relation to former Brother Mark Farrell. Attached is a reference to his transfer from the Pretoria community on 7 August 1972 to Athlone (Cape Town) gleaned from the Pretoria community annals. He was transferred from Athlone to Green Point (Cape Town) at the end of December 1973 and he spent the 1974 school year in Green Point. In 1975 he moved to Bulawayo and then to Rhodesia. All of the above has been obtained from community annals rather than council minutes.

"From the council minutes of November of 1975, there is reference to his request to do a BEd in Salisbury in 1977. This request was denied by the provincial council. The council minutes of 1972 do not make any mention of the transfer from Pretoria. A change in provincial leadership occurred during the middle of 1972. I regret that we cannot find any further information regarding the Pretoria 'upset' or the
reasons for the transfers within the province or the
move to the UK."

Do you see that?
A. Yes.
Q. Are you surprised to note that the council minutes of
1972 do not make mention of the discussions surrounding
the move of Mark Farrell from Pretoria?
A. I am, actually, because that refers -- that would have
been my first minute as provincial in August 1972. And
I'm surprised that the minutes don't seem to be there at
all. They're referring to the community annals. That
was in the local house, somebody wrote what was
happening there. But it hadn't the same official lot as
council minutes.
Q. Were minutes taken at the meeting?
A. I'm sure that they were. But usually, they weren't
signed and so on. I thought for a moment that I was
mixing it up with another type of meeting, but they
should have been there any how.
Q. Where would you expect those minutes to have been
located and preserved?
A. Provincial archives, the South African provincial
archives.
Q. There is mention there of the various moves that
Mark Farrell had between different schools in
South Africa. You've told us about the move from Pretoria and the reasons for that. Do you know the reason for his move between any of the other schools during his time?

A. No, I got mixed up there because he was sent to Athlone first and then to Green Point. Then, you see, after one year in Green Point, as I referred to earlier, he asked to be let off to do the two-year training in Bulawayo. And if you notice there, there is on that letter from the council minutes of November 1975, there's a reference to:

"... his request to do a BEd in Salisbury 1977. This request was denied by the provincial council."

In other words, he wanted to do another section and it was turned down.

Q. Can you remember anything at the time to do with that request or why it was turned down?

A. No, but I would say that, as I said earlier, it was a number of brothers who had just done the first year and they were given alternate ways of adding to it. But he was the only one who went for a full-time course. So I presume that seeing as he had got that two years off, that maybe he wanted to do another one in Salisbury, which at that time was the capital of the then Rhodesia, and probably the reason was that he had got the chance...
to do the two years and he was turned down on that particular one.

Q. Would other provinces have access to the South African province's minutes of their council meetings? Could, for example, the English province ask to look at those minutes? Would they be available to them?

A. Well, they'd have to, I suppose, go through the General in Rome for that.

Q. If I can just take you back for a moment to the decision that was made at the council meeting to move Mark Farrell from Pretoria. What was the purpose of moving him? What were the reasons behind the move?

A. Well, one of the reasons is that he wouldn't be in the local residence, but I suppose really the fact was that it was to get away from the boarding school environment.

Q. And why was it thought that he should be removed from the boarding school environment?

A. Well, after the case, the very first case that came in and where he had been guilty of the -- let's put it -- the case of interfering with a pupil, and he was --

Q. So was he -- carry on.

A. The principal at the time sent him to the local community residence, so at the time he thought the best thing was to get him out of Pretoria completely.

Q. Was that to protect himself so that no further action
would be taken or for some other reason?

A. It was really to protect himself, that he would see the extent of -- the enormity of this sexual aberration, I suppose, and that he would be able to remedy it himself.

Q. So it was more to protect Mark Farrell than to protect children who may be in his care?

A. I think so, yes, but I think both of them come in there, actually, because you are safeguarding -- because today the important thing is to safeguard the victim, but I didn't -- the complaint didn't come directly to me at the time; it went to the principal in Pretoria at the time.

Q. The document we've just been looking at there, the email to Karen Johnson, it mentions, as we've just discussed, that Mark Farrell had requested to do a BEd in Salisbury in 1977. I just wonder if you can comment on -- that doesn't necessarily fit with him being homesick and wanting to return to the English province or the Irish province --

A. (Overspeaking). He wanted maybe to do this extra year, but he had got two years already, so I think that was the reason he was turned down. What it had to do with his desire to go back to England, I don't know.

Q. I think you and others, as we've seen in the letters,
had raised some doubts about whether his homesickness was the only reason for his wishing to transfer to the English or the Irish province. Do you think this request of his for a move to Salisbury suggests that he may not have been that homesick for Ireland or England?

A. I'd be inclined to go along that way because Salisbury is a distance of -- quite some distance from the nearest brothers' community in Bulawayo, so it was a different location completely.

Q. Did you speak directly to Mark Farrell at any time about what had happened in Pretoria?

A. That's a difficult one because I cannot -- I thought that the movement to the new place would make him see the (inaudible: distorted) and that he would act on it and I think that's why I put such reference on that for the following five years he seemed to have -- seemed to have -- overcome that.

Q. Do you know if you yourself did speak to him at any time about what had happened in Pretoria?

A. I spoke to him, definitely, but I cannot remember -- I can't say now that I did speak to him directly on why he was changed because of the offence in Pretoria. I went on the word of the principal of Pretoria.

Q. In paragraph 85 of your statement, you tell us that prior to becoming provincial in 1972, you didn't receive
training. I just wish to ask you: did you receive training at any time while you were provincial as how such allegations against a brother should be dealt with?

A. No, I didn't, but what happened in later years, especially in Ireland, there was a different line altogether that the victim should be the main one and that it should be investigated, and then if it was to happen then -- what I saw -- I didn't get training, but the perpetrator should be suspended until such time as a proper interrogation was made, but that was years afterwards.

Q. I think what you say at paragraph 85 is:

"Prior to becoming provincial, I did not receive any training as to how such matters should be dealt with. There was no counselling given to Mark Farrell. Both of these things were a weakness in the system at the time."

A. I agree.

Q. Is that right?

A. Yes.

Q. The document you've got still open in front of you, the email, is there a second page behind that, CBR.001.001.5658?

A. 5658. There's something here, yes. That must be from the house annals:

"Stephen Gregory Brown took the place of
Mark Farrell who was transferred to Athlone."

That was in 1972.

Q. We can see there that there is nothing mentioned there
    about the reason for the move of Mark Farrell?
A. No, that's right.

Q. I think you're aware, as we discussed there, when
    we were looking at the memo by John Burke, I think
    you're aware that Mark Farrell was prosecuted and was
    convicted of certain serious sexual offences against
    children at St Ninian's in Falkland, in Scotland.
A. Yes.

Q. Do you yourself have any knowledge of St Ninian's?
A. No, to be absolutely open, I didn't even know that
    St Ninian's existed. In all that talk of the changing
    from South Africa to England, I didn't know of
    St Ninian's Falkland at all.

Q. I think you tell us towards the end of your statement,
    paragraph 88, that Mark Farrell came to see you in
    Dublin about eight years ago.
A. That's correct. He had left the brothers at that stage.
    He just came in one day in Dublin and we spoke at the
    time, but it was a kind of a -- there was no mention of
    prosecutions or anything like that. He wasn't a brother
    any longer. It was a case of maybe reminiscing on
    various things, but the matter of prosecution did
Q. Did the subject of his time in Pretoria and the transfer from Pretoria come up during that meeting?
A. No, definitely not. He had left the brothers at that stage, I know, anyhow, because really, the thing is, when he was transferred to -- you might find it difficult, but he was transferred to England and that was that. We had our own things to deal with in South Africa and we weren't concerned about what was happening in other places.

Q. At paragraph 89 of your statement you were asked if you had any comment to make on the fact that a brother with a record for moral transgressions who was not considered fit for a boarding school in South Africa was able to be placed in a boarding school environment run by the same order in Scotland. I just wonder, what is your comment on that now?
A. Well, at the time I thought this was an extra question that was put in, you know, with a record of moral transgressions ... At that stage, the only moral transgression that I was aware of was the one in Pretoria. And as I've said already, in the following five years, I didn't have another -- that was the only one.

Whereas a record of moral transgressions -- well,
I don't think it was established to my knowledge, anyway, at that stage.

Q. I see. So do you have any comment to make then on the fact that a brother, against whom there had been an allegation that he had interfered with boys in a boarding school in South Africa, was able then to be placed by the same order of brothers in a boarding school in Scotland?

A. I did say that if there was the correct knowledge of it in today's world, he definitely wouldn't be on that. I don't know what it is at the time.

   It's rather general, "with a record for moral transgressions". I want to bring out that it was one transgression and that on -- the evidence available to me was that, from his point of view, as such there wasn't record of moral transgressions that I was aware of.

Q. I see --

LADY SMITH: Brother O'Neill, just let me check this: you didn't have specific details of Brother Farrell's interference with boys at the school in Pretoria, did you?

A. No.

LADY SMITH: So it could have been more than one boy he interfered with?
A. Yes, that could be the case.

LADY SMITH: You see, I wondered whether that ought to be read as being in that event there was a multiplicity of moral transgressions, namely every time he interfered with a child was a moral transgression.

A. I don't know, because, as I said, it was my first meeting as provincial, and it was the principal of Pretoria, who wasn't the council, who reported it at that stage. In other words, it was left to -- I don't know whether it was just one or any more at that stage. I had no knowledge of that. Because I didn't put enough questioning on what happened exactly.

LADY SMITH: That's very frank of you, thank you, Brother O'Neill.

MS MACLEOD: I think you go on in paragraph 90 of your statement to say:

"I am disappointed that Mark Farrell was placed in a boarding school on his return to the UK against the advice of Brother Colman Curran of the General Council."

A. I see, yes. Well, that particular information that they got, I think, from that letter that he had written on 10 December and it wasn't acted on.

MS MACLEOD: Thank you very much, Brother O'Neill. I don't have any further questions to ask you today.

My Lady, I think I have covered all the issues that
I have been asked to put to Brother O'Neill. I am not aware of anything else.

LADY SMITH: Are there any outstanding applications for questions? No.

That does complete all the questions we have for you from here in Edinburgh. It simply remains for me to thank you very much for bearing with us today. I appreciate it has been a long session we have asked you to engage in over the video link. Thank you very much for doing that and, of course, for providing your detailed written statement, which has been of such assistance to us, and taking the time and trouble you have done to go back through the Christian Brothers' records that we were able to gather from the order.

I'm now pleased to say I can let you go and I hope you're able to rest for the rest of the day. Thank you very much.

A. Thank you. Thanks to you and the rest of the committee for the gracious way of the questioning that I have been subjected to. Many thanks.

LADY SMITH: Thank you.

I'm going to take a five-minute break now whilst we get ready for the next witness at this stage.

(2.37 pm)

(A short break)
LADY SMITH: Mr MacAulay.

MR MacAULAY: My Lady, the next witness is William Norman Smith Crawford.

WILLIAM CRAWFORD (sworn)

LADY SMITH: Please sit down and make yourself comfortable.

Can I just ask you to stay in a good position for the microphone. It's important, not just that everybody hears you in the room, but so the stenographers can hear you clearly through the sound system. If you're ready, I will hand over to Mr MacAulay.

Questions from MR MacAULAY

MR MacAULAY: Bill, are you William Norman Smith Crawford?

A. I am.

Q. Is your date of birth 1964?

A. Yes, it is.

Q. In the red folder that you have in front of you, you will find a copy of the statement that you have provided to the inquiry. The reference for the transcript is WIT.001.002.655.

If I could ask you to turn to the final page of the statement. Can you confirm you have signed the statement?

A. Yes, I did, on 10 June this year.

Q. Do you say in the last paragraph:
"I have no objection to my witness statement being published as part of the evidence to the inquiry"?

Is that right?

A. Yes.

Q. Do you go on to say:

"I believe the facts stated in this witness statement are true"?

A. That's correct.

Q. I think you are aware that you've been called to give evidence, and indeed you were asked to give your statement, in connection with some involvement you had with Father John Farrell, prior to his trial in the High Court in 2016.

A. Yes.

Q. By way of background, do you tell us that you completed 30 years of police service and retired from Police Scotland as an inspector in 2014?

A. That's correct.

Q. But thereafter, did you go back to join the police?

A. I have subsequently since done that, yes.

Q. What position do you presently hold?

A. I'm an interim production assistant as a member of police staff.

Q. What you tell us from about paragraphs 6 onwards is information about your role in safeguarding at different
levels and also what safeguarding involves; is that correct?

A. Yes.

Q. By way of background, are you a member of a Catholic parish in the Diocese of Motherwell?

A. I was at that time, yes.

Q. In that capacity, did you become involved in safeguarding?

A. Yes, I did.

Q. Just to get an understanding of the safeguarding system, and we're not looking at it in detail today, but working from the top downwards, we have the Bishops' Conference at the top; is that right?

A. Yes.

Q. Do we have a national safeguarding adviser who reports to the Bishops' Conference?

A. That's correct.

Q. And I think at the moment that's Tina Campbell?

A. Yes, it is.

Q. Below her, do we have safeguarding advisers for each diocese in Scotland?

A. Yes. It is the position that each diocese should have their own safeguarding adviser in place.

Q. And there are eight dioceses in Scotland?

A. That's correct.
Q. Then coming to the parish level, do the parishes require to have what's called a safeguarding coordinator?

A. Yes, they do.

Q. At a point in time was that a position you held?

A. Yes, it was.

Q. In paragraph 22, you make mention of what's called the Diocese Risk Assessment Management Team, DRAMT for short.

A. Yes.

Q. Were you a member of that particular committee?

A. I was eventually asked to join the committee. That group for the diocese -- the Motherwell diocese.

Q. In a sentence or two, can you tell me what that committee's function is?

A. Basically, it reviewed particular events or cases where there was a risk -- perhaps where there was an allegation made by a parishioner against another parishioner, or one of the most common ones was where maybe someone had been released from prison, they wished to practice their faith, and they were to be reviewed as to be allowed to go to a particular parish and under certain circumstances and controls, so they could then practice their faith but obviously we reviewed it and risk-assessed it to minimise any risk to them and any other person in that parish.
Q. If you look at someone like Father Farrell, against whom, as we will see, there were allegations of abuse being made, was there a process whereby under the auspices of this committee, a covenant of care would be set up to manage somebody like Father Farrell?

A. Yes. The covenant of care -- there were two covenants are of care, one for the example I gave you, but there was also a similar one which related to clergy, which obviously was a wee bit more involved because of their responsibilities to restrict them in their ministry.

Q. I think you've mentioned that you were the safeguarding coordinator for the parish. Did you move on to take on the position of diocesan safeguarding adviser for Motherwell?

A. Yes, I did.

Q. And I think you tell us in paragraph 55 that that was something you took on in about January 2014; is that right?

A. I did it as a temporary role for a few months prior to that, but my official appointment was in January 2014.

Q. At that time were you still in the police?

A. Yes, I was.

Q. Was it then in that particular capacity that you became involved with Father Farrell?

A. Yes.
Q. I think you tell us that you had a number of meetings with Father Farrell after certain allegations had been made; is that correct?

A. That's correct.

Q. So if we look, for example, at paragraph 70 of your statement, do you tell us there that the first meeting you had with Father Farrell was on 14 November 2013?

A. That would be correct.

Q. That then was before you actually took over the full position as safeguarding adviser. Were you acting as the safeguarding adviser for the diocese as at that time?

A. It wasn't an official acting role, but Mrs Campbell had been successful in securing the national adviser's role. She was the predecessor. So I volunteered because of my knowledge of working with the DRAMT team, that I would try and assist so she wasn't overly burdened, and one of those cases that I was assisting with was Father John Farrell.

Q. And of course, we remind ourselves that Father Farrell had been a priest in the Motherwell diocese.

A. He was a retired incardinated priest from the Diocese of Motherwell.

Q. I think at the time when this came to light, he was living in England; is that correct?
A. That's correct.

Q. But I think you tell us in your statement that once the allegations had come to light, he required to move back to Scotland?

A. Yes, he did.

Q. And the covenant of care was in place in Scotland?

A. That's correct.

Q. And without looking at the detail, would that be there to manage essentially his ministry and what he could or could not do as a priest?

A. Yes.

Q. The meeting that you had on 14 November 2013, where did that meeting take place?

A. It was at Father Farrell's flat in Haddington.

Q. And was he -- did he have friends in Haddington and had he gone to stay with friends and then moved to his own flat?

A. Yes, he did.

Q. I think you tell us that there were others present at that particular meeting.

A. They were present that day, but they weren't actually present at the physical meeting. It was only Father Farrell and Mrs Campbell and myself that was at the review for the covenant.

Q. At that particular meeting, did you tell Father Farrell
that, although you were there in your capacity as a safeguarder, you were also a police officer?

A. Mrs Campbell and myself both made that clear to him and there were two separate roles, but any dealings I would have with him was as the -- at that time acting and then subsequently the safeguarding adviser.

Q. Can I then take you to the meeting that you talk about in your statement that you had on 16 February 2014. First of all, what was the background to that particular meeting?

A. The covenant of care is reviewed quarterly, or more frequently if circumstances dictate. But it was coming up for a review and also I was made aware that Father Farrell had been interviewed by the police and there'd been some activity regarding the investigation. So I made an arrangement with him to come and see him to review the covenant but also I was concerned there was some -- I think the police had difficulty contacting him immediately after and we just needed to check on his welfare and make sure everything was okay and there was no support needed for him.

Q. What you tell us in paragraph 80 of your statement is the information that you received was by way of a voicemail message from Father Farrell himself.

A. Yes, that's correct.
Q. And in that message he had made you aware of certain
developments?
A. That's correct.
Q. What had he told you?
A. He had told me that he had been taken to Glenrothes
police office in Fife, he had been interviewed in the
presence of his solicitor, and he had been arrested and
charged with 11 sexual offences against minors before
being released.
Q. And then against that background, did you make an
arrangement to meet him?
A. Yes, I did.
Q. Was the meeting again in the same place where you'd had
the previous meeting?
A. Yes, it was at his temporary accommodation in
Haddington.
Q. In what capacity then were you going to see him at that
time?
A. As the diocesan safeguarding adviser for Motherwell.
Q. On that particular date would you be in civvies or would
you be wearing a police uniform?
A. I was dressed, I think, very similar as I am today, with
a suit, collar and tie.
Q. I think 16 February was a Sunday; is that correct?
A. Yes, that's correct.
Q. Can you tell me what time of day it was that you went to see Father Farrell?

A. It was about 2 pm in the afternoon.

Q. Was there anybody else there?

A. No, it was just Father Farrell and myself.

Q. Can you tell us then what happened when you had this meeting?

A. Obviously, I went with the intention of reviewing the covenant and to go over the facts and that. We did that every time we met to make sure that there was no ambiguity regarding what was in the covenant and what was expected from him. But I was also wanting to enquire as to how his well-being was -- obviously what he'd been through would have been a significant event for him -- and just to make sure that he was fit and well in his own right.

Q. How did he come across to you when you first met him on that particular day?

A. He did seem a wee bit more subdued than he had been previously, but I felt that was to be expected.

Q. Just to be clear, when you talk about the covenant of care, that's a physical document, is it, that you'd go over with him?

A. Yes. The initial document would be created by Mrs Campbell and then at each subsequent visit, there
would be a new iteration of that and it would be signed by all parties, so that -- and that would be retained at the diocesan office.

Q. Did you ask him about what had happened in relation to his involvement with the police that he had mentioned in the voicemail?

A. I asked him how he was and what had happened, just to -- obviously, my intention was to just make sure he was fit and well, that there was no kind of ongoing effect from him from the effect of being detained and taken to the police station.

Q. Did he then respond to that?

A. Yes, he did.

Q. Did you make notes at the time, taking note of what he was saying to you?

A. Yes, I did.

Q. Did you have a particular book or document in which you would record these notes?

A. Yes, it's what I call my daybook and it was -- each meeting or phone call, I documented it for reference purposes.

Q. This in the context and in your capacity as a safeguarder?

A. Yes.

Q. Can I ask you to look at this document. It'll come on
the screen in front of you: CFS.001.006.9171.

If we move down the page, because we were looking at parts that have been blanked out, do you recognise the handwriting?

A. Yes, that's my handwriting.

Q. We can read that it's headed "Sunday, 16 February 2014"; is that the day of the meeting?

A. Yes, it is.

Q. I think you have told us it was about 2 o'clock in the afternoon; is that right?

A. Yes.

Q. Have you then gone on to note what Father Farrell said to you at a point in time in this meeting?

A. Yes.

Q. Could you just tell us what you've written?

A. I have:

"Father JF Michael Mallon, Glasgow PF. Copy of signed lease -- copy and return."

Q. That reference to "copy of signed lease", what was that?

A. The diocese paid for his lease of the temporary accommodation and it was some paperwork that had to be returned for the finance officer so she could have evidence of why the funding was coming out from the diocesan funds.

Q. Read on.
A. "11 charges, 8 complainants. 2 reason. 6 not?"

Q. Just read that again.

A. "11 charges. 8 complainants. 2 reason. 6 not?"

Q. "2 recent"?

A. "2 reason."

Q. "6 not"?

A. Yes.

Q. What comes after the "not"?

A. A question mark.

Q. Okay. Moving on to the next page -- before we move on, perhaps I should just ask you, what did you understand was meant by the reference to "2 reason"?

A. "2 reason" is -- I inferred that two had reason to make the complaint, the allegations that he had been told about.

Q. And six did not?

A. Yes.

Q. If you go on to the next page, 9172, again it's on the screen in front of you now. Can you tell us what you've written at the top of the page?

A. "Times of inappropriate touching. 2 right. Others fictional."

Q. That's clearly in note form.

A. Yes.

Q. So you're trying to write down what he is saying to you?
A. That's correct.

Q. What was he saying to you?

A. That two had reason to -- you know, the allegations were founded, the others remaining were fictional.

Q. You've a further note. What else have you noted?

A. "Abuse by other Christian Brother -- abused."

Q. What was he saying to you at this stage?

A. That there was another Christian Brother, there was some form of abuse, and minors were abused.

Q. Again, I think the note goes on to talk about the -- to record some information about the covenant review. Is that essentially the note you made in relation to the allegations that were being made that we've just looked at?

A. Yes. I asked him how he was, how he was feeling, how things were. That was what he said, and as soon as he made those comments to me, I noted them down as quickly as I could. I was conscious that I needed to take him off that train of thought because I wasn't there as a police officer. It became evident to me then that I was implicated in the investigation, whereas up to that point I believed I hadn't been.

Q. And what was your reaction to Father Farrell providing you with this information?

A. I'm not sure if it was maybe naivety, but I was rather
-- I think I made the comment I was gobsmacked. I was there in my role as a safeguarding adviser looking after his welfare. I didn't expect him to make the comments he made to me.

Q. Were these comments in any way elicited by you?

A. I asked him how he was, what had happened, how things had went, just so I could try and assess how he was feeling and whether maybe we needed to try and get him some support, whether it be medical or welfare.

Q. Well, what then did you do once this meeting with Father Farrell had finished?

A. When I left, I went into my car, which wasn't in view, it was parked round the back, and between there and on the way home I made a phone call to Mrs Campbell because she's the national coordinator, so she needed to be made aware of that. I also then phoned Bishop Toal, to make him aware, and I also told both of them that I would now need to make that officially reported to the police investigation team, so they could then could take whatever course of action they deemed appropriate.

Q. Let's just take it in stages -- perhaps before I do that, can we go back to the meeting with Father Farrell. Did Father Farrell know that you were noting what he was saying to you?

A. Yes, he was sat opposite me on the couch and I was sat
in front of the window in the armchair. I had my
daybook in my lap, as I always do, and a copy of the
covenant and he could see me taking notes.

Q. You said you contacted Tina Campbell, by telephone
I take it?
A. Yes.

Q. What did you tell her?
A. I basically told her that I'd been to see
Father Farrell, that his welfare seemed to be fine, but
I told her what had happened, that while discussing with
him what had went on and how he was feeling, that he had
made admissions to me.

Q. Insofar as Bishop Toal, who was the Bishop of
Motherwell, what did you say to the bishop?
A. Very much similar, but my aim was to make them aware
that Father Farrell was fine, but also to say that
he had made comments to me that I was duty-bound to make
sure that the police were sighted on them.

Q. Is that what is provided for in the safeguarding manual,
that if that sort of disclosure is made, the police
require to be informed?
A. Yes, that's a four-pronged -- it's: listen, respond,
record and refer. We don't take any investigatory
action whatsoever. We just record it and then pass it
along so as to make sure the right channels are informed
and they then take up the investigation or the right course of action from there on.

Q. Did you regard what Father Farrell had said to you to be the sort of disclosure that ought to be passed on to the police?

A. Yes, I did.

Q. Why was that?

A. Obviously, with my police background, I understood the context of what he had said. But it was like if anyone had said to me in my safeguarding role or anyone had come to me, as they frequently did, to say that individuals had made allegations or raised facts, they were always referred on towards the police and the police took whatever course of action they deemed appropriate.

Q. Did you do that, did you contact the police and pass the information on to them?

A. I didn't actually get the chance because Mrs Campbell had done that, and before I could, they actually contacted me and confirmed that they would need to take a statement from me.

Q. Did that happen?

A. Yes, it did.

Q. Did you have further dealings with Father Farrell leading up to his trial?
A. Yes, I did.

Q. What were these dealings?

A. I had subsequent review meetings with him, but I also attended -- it was decreed that it was inappropriate for him to remain in Haddington because of the distance from the diocese and also the distance from myself, providing welfare. There was also concern that, as the investigation progressed, there could be various activity where we needed to make sure that he and anyone else involved was protected. So we arranged for him to be relocated into a flat within Motherwell diocese.

Q. I think you did tell us in your statement that when Father Farrell made a court appearance and was released on bail, that's at paragraph 129, you were present when that happened?

A. I conveyed Father Farrell from his accommodation to the court and back again.

Q. I think you tell us that you had a discussion with Father Farrell's solicitor on that occasion; is that correct?

A. Yes. Outside the court, I was aware that -- I don't think that it had been communicated, so I felt it was appropriate to make sure his solicitor was sighted on that information that I was indeed a witness in the investigation, or potential witness in the
Q. Did you tell the solicitor what Father Farrell had said to you?
A. I just said that he had made some admissions that I had been required to inform the police about and the police had taken a statement from me.
Q. I think you were also involved in taking Father Farrell back to his new home after that court appearance?
A. Yes.
Q. Did you say anything to Father Farrell about the previous conversation you'd had on 16 February?
A. I wasn't sure -- his solicitor was apparently going to make him aware that I had spoken to him and what information I'd given. I asked him if his solicitor had indeed done that. He didn't, so I felt in fairness to Father Farrell that I should tell him and confirm with him that I would be potentially a witness in the ongoing investigation.
Q. But did you tell him why you'd be potentially a witness?
A. Because of comments he'd previously made to me which I had had to report to the police.
Q. What was his reaction to that?
A. I think it was something like, "Fine, thanks for letting me know".
Q. I think you were also in fact called to give evidence at
the trial of Father Farrell and others.
A. Yes.

Q. Clearly, that was in the context of the disclosure that Father Farrell had made to you; is that right?
A. That's correct.

Q. Did you give evidence at the trial then in connection with that disclosure?
A. Yes, I did.

Q. Was anything being suggested to you on behalf of Father Farrell as to the validity of the disclosure?
A. Yes.

Q. What was being suggested?
A. I think if my memory serves me correctly, the allegation was that because I was a police officer, I'd fabricated it and I'd colluded with the police investigation team and in actual fact the comments that I alleged he'd made to me didn't actually take place or weren't actually uttered by him.

MR MacAULAY: Very well, Bill. Those are all the questions I have for you. I haven't been asked to put other questions to you. Thank you very much indeed.

LADY SMITH: Are there any outstanding applications for questions of this witness? No.

Bill, that completes all the questions we have for you. Can I just thank you very much for engaging with
the inquiry in the way you have, both by providing your
written statement and by coming along today to add your
oral evidence to that. I'm glad we've been able to get
it over in a short period for you. I'm sorry if you had
to wait before you came in to give that evidence, but
it's very helpful to have heard from you. Thank you
very much and I'm now able to let you go.

A. Thank you.

(The witness withdrew)

LADY SMITH: Mr MacAulay?

MR MacAULAY: That's it for today and for this week.

LADY SMITH: Indeed.

MR MacAULAY: Your Ladyship is, of course, aware we are not
sitting next week and we come back the following week.
That particular Tuesday, we have three witnesses lined
up, with a video link with Father Farrell, of course.

LADY SMITH: Just to fill people in, at some point we're
hoping to pick up a video link with the witness
we weren't able to make a successful link with this
morning.

MR MacAULAY: We are.

LADY SMITH: We're trying another location, I think, at
a later date.

MR MacAULAY: I think we're moving to Rome.

LADY SMITH: Maybe we should all go to Rome and take
evidence on commission there, although it is a bit hot at this time of year.

MR MacAULAY: My Lady, we do have a week to play with!

LADY SMITH: Well, on that note, let me thank everybody for their attendance in this case study so far. As you've heard, we haven't quite finished yet, but we're having a week off and I'll see you all, I think, a week on Tuesday.

Thank you very much.

(3.10 pm)

(The inquiry adjourned until Tuesday, 2 July 2019 at 10.00 am)
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