

**THE CORNWALL
PUBLIC INQUIRY**



**L'ENQUÊTE PUBLIQUE
SUR CORNWALL**

Public Hearing

Audience publique

Commissioner

The Honourable Justice /
L'honorable juge
G. Normand Glaude

Commissaire

VOLUME 252

Held at :

Hearings Room
709 Cotton Mill Street
Cornwall, Ontario
K6H 7K7

Friday, July 4 2008

Tenue à:

Salle des audiences
709, rue de la Fabrique
Cornwall, Ontario
K6H 7K7

Vendredi, le 4 juillet 2008

Appearances/Comparutions

| | |
|---|---|
| Ms. Julie Gauthier | Registrar |
| Ms. Maya Hamou M ^e Simon Ruel | Commission Counsel |
| Ms. Reena Lalji | Cornwall Community Police Service and Cornwall Police Service Board |
| Mr. Neil Kozloff | Ontario Provincial Police |
| Mr. David Rose | Ontario Ministry of Community and Correctional Services and Adult Community Corrections |
| Mr. Abel Fok | Attorney General for Ontario |
| Mr. Peter Chisholm | The Children's Aid Society of the United Counties |
| Mr. Peter Wardle Mr. Juda Strawczynski | Citizens for Community Renewal |
| Mr. Dallas Lee | Victims' Group |
| Mr. David Sherriff-Scott | Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque |
| Mr. Mark Ertel | The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald |
| M ^e Danielle Robitaille | Mr. Jacques Leduc |
| Mr. Mark Wallace | Ontario Provincial Police Association |
| Mr. Ian Paul | Coalition for Action |
| Father Kevin Maloney | Father Kevin Maloney |

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1 --- Upon commencing at 9:34 a.m./

2 L'audience débute à 9h34

3 **THE REGISTRAR:** Order; all rise. À l'ordre;
4 veuillez vous lever.

5 This hearing of the Cornwall Public Inquiry
6 is now in session. The Honourable Mr. Justice Normand
7 Glaude, Commissioner, presiding.

8 Please be seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Thank you. Good morning,
10 all.

11 Good morning, sir. How are you doing?

12 **FATHER MALONEY:** Very good. Thank you.

13 **MR. RUEL:** Good morning, Mr. Commissioner.

14 --- **FATHER KEVIN MALONEY, Resumed/Sous le même serment:**

15 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**
16 **RUEL (cont'd/suite):**

17 **MR. RUEL:** Good morning, Father Maloney.

18 **FATHER MALONEY:** Good morning.

19 **THE COMMISSIONER:** Go ahead.

20 **MR. RUEL:** Father, I'd like to come back on
21 a point we discussed yesterday. We talked about Mr.
22 Dunlop's legal document which is called "Response to Demand
23 for Particulars" which was -- you obtained sometime in
24 1997, and you've indicated that you and the other priests
25 named in this document provided this document and others to

1 the Children's Aid Society?

2 **FATHER MALONEY:** That's correct.

3 **MR. RUEL:** And you mentioned that one of the
4 documents you provided to the CAS was a response to the
5 allegations that were made by Mr. Dunlop in this legal
6 document?

7 **FATHER MALONEY:** That's correct.

8 **MR. RUEL:** So we couldn't find this document
9 yesterday, but I have it -- I believe I have the document
10 now. It's Document 703819.

11 So, Madam Clerk, this is in the cross-
12 examination documents.

13 **(SHORT PAUSE/COURTE PAUSE)**

14 **THE COMMISSIONER:** Exhibit 1865 is a
15 document titled in handwriting, "CAS Report of Kevin
16 Maloney." I don't see a date on it, so that's the extent
17 of the identification for Exhibit 1865.

18 **--- EXHIBIT NO./PIÈCE NO. P-1865:**

19 (703819) CAS Report of Father Kevin Maloney

20 **MR. RUEL:** Father, do you recognize this
21 document?

22 **FATHER MALONEY:** Yes, I do.

23 **MR. RUEL:** And can you explain what this is?

24 **FATHER MALONEY:** After our meeting with
25 Children's Aid, they asked us to make a response, and I sat

1 down with my lawyer, Mr. Swabey, and we responded to the
2 accusations that were in there and forwarded it to the
3 Children's Aid Society.

4 **MR. RUEL:** So did you forward that to the
5 CAS?

6 **FATHER MALONEY:** Yes, I did.

7 **MR. RUEL:** Yourself, personally?

8 **FATHER MALONEY:** No, Mr. Swabey did.

9 **MR. RUEL:** Okay. And there's a note at the
10 bottom here, and I believe it's "Ontario Provincial Police,
11 August 1997, Received from Bill Carriere." You know Bill
12 Carriere?

13 **FATHER MALONEY:** Yes, I do. He is a worker
14 at the Children's Aid Society.

15 **MR. RUEL:** So it seems that from this note
16 that the document was given to the OPP by the CAS. Is that
17 your understanding?

18 **FATHER MALONEY:** That was my understanding,
19 yes, sir.

20 **MR. RUEL:** Did you know that this would
21 happen?

22 **FATHER MALONEY:** Yes, at our first initial
23 meeting with Mr. Swabey, I was informed that the OPP would
24 be given information that we disclosed.

25 **MR. RUEL:** Okay. So, Mr. Commissioner,

1 unless -- I was moving to another ---

2 **THE COMMISSIONER:** No, go ahead. I'm sorry.

3 **MR. RUEL:** --- subject. Okay.

4 **THE COMMISSIONER:** Sorry. Thank you.

5 **MR. RUEL:** We talked yesterday about the
6 website or the websites that came up in 2000. Do you
7 recall that?

8 **FATHER MALONEY:** Yes, I do.

9 **MR. RUEL:** And I just wanted to ask you --
10 we covered that subject in part, but you indicated that you
11 did not remove yourself from the parish?

12 **FATHER MALONEY:** That's correct.

13 **MR. RUEL:** Did any of your parishioners make
14 comments to you about this situation?

15 **FATHER MALONEY:** In what way, sir? You mean
16 negative or positive, or whatever?

17 **MR. RUEL:** Any comment.

18 **FATHER MALONEY:** Yes, there were a few
19 people mentioned that they had seen things on the internet.

20 **MR. RUEL:** Okay. Did you address your
21 parishioners in any way with respect to this matter?

22 **FATHER MALONEY:** Yes, I did. At one point I
23 made a declaration at the end of one of our masses, a whole
24 weekend, and declared to them that I was innocent of the
25 accusations that were on the website.

1 **MR. RUEL:** Okay.

2 **THE COMMISSIONER:** So there was no
3 groundswell of folks asking you to step down?

4 **FATHER MALONEY:** No.

5 **THE COMMISSIONER:** All right.

6 And there's no groundswell of people on the
7 other side supporting all -- you, I guess?

8 **FATHER MALONEY:** I had support from the
9 people.

10 **THE COMMISSIONER:** There you go. So I guess
11 that's what he was getting at.

12 **FATHER MALONEY:** Oh, sorry. Yes, I had
13 support from the people. Thank you.

14 **MR. RUEL:** First of all, during -- we've
15 established that during that period you were chaplain at
16 the Cornwall Jail; correct?

17 **FATHER MALONEY:** That's correct.

18 **MR. RUEL:** So the jail is under the
19 jurisdiction of the Ministry of Correctional Services or
20 was under the jurisdiction of that Ministry?

21 **FATHER MALONEY:** Yes.

22 **MR. RUEL:** That's your understanding?
23 You had a meeting with a correctional
24 investigator?

25 **FATHER MALONEY:** Yes, I did.

1 **MR. RUEL:** You recall that?

2 **FATHER MALONEY:** Yes, I do.

3 **MR. RUEL:** I'd like to show you a document
4 which is already an exhibit.

5 Mr. Commissioner, if you can just give me a
6 second?

7 **THE COMMISSIONER:** Sure.

8 **(SHORT PAUSE/COURTE PAUSE)**

9 **MR. RUEL:** Madam Clerk, the Document Number
10 is 100573, but I know this was filed as a -- I believe this
11 was filed as an exhibit because I think I filed it myself
12 in the context of the evidence of the Ministry of
13 Corrections.

14 **(SHORT PAUSE/COURTE PAUSE)**

15 **MR. RUEL:** No? So it's 100573.

16 **THE COMMISSIONER:** Exhibit Number 1866 is an
17 Interview Report of the Ministry of Correctional Services
18 for Father Kevin Maloney, and the date is September 27th,
19 2000.

20 **--- EXHIBIT NO./PIÈCE NO. P-1866:**

21 (100573) Interview Report - Father Kevin
22 Maloney w/MCC Paul Downing, dated September
23 27, 2000

24 **MR. RUEL:** Father, do you recognize this
25 document?

1 FATHER MALONEY: Yes, I do.

2 MR. RUEL: You've reviewed it before?

3 FATHER MALONEY: Yes, I have.

4 MR. RUEL: So this is an interview report
5 prepared by Correctional Investigator Paul Downing?

6 FATHER MALONEY: Correct.

7 MR. RUEL: And it's dated September 27th,
8 2000?

9 FATHER MALONEY: Yes.

10 MR. RUEL: So did the meeting with -- did
11 you meet with Mr. Downing?

12 FATHER MALONEY: Yes, I did.

13 MR. RUEL: So the meeting was on September
14 27th?

15 FATHER MALONEY: Yes.

16 MR. RUEL: And the -- Mr. Downing met you at
17 the parish, St. Columban's?

18 FATHER MALONEY: Yes, he did.

19 MR. RUEL: So who -- did Mr. Downing call
20 you for this interview?

21 FATHER MALONEY: Yes, he did.

22 MR. RUEL: And with respect to your position
23 as chaplain, once the allegation came out on the internet,
24 what did you do?

25 FATHER MALONEY: The Superintendent had hold

1 me that they had had word about it and I resigned -- not
2 resigned, took a leave of absence until the issue would be
3 clarified.

4 **MR. RUEL:** So was that on your -- was that
5 your own initiative or you were asked to step down until
6 the matter ---

7 **FATHER MALONEY:** I was not asked; it was on
8 my own initiative.

9 **MR. RUEL:** So what did Mr. Downing -- what
10 was the purpose of meeting?

11 **FATHER MALONEY:** To find clarification on
12 the accusations that were made against me because they had
13 appeared on the web.

14 **MR. RUEL:** So he asked you -- I'm not going
15 to go through that, but he asked you questions about the
16 allegations; you responded?

17 **FATHER MALONEY:** That's correct.

18 **MR. RUEL:** And at the third page of the
19 document -- well, before that, the way it happened, I see
20 here some handwritten notes on the document which seems to
21 be corrections. So did you -- were you given the
22 opportunity to review the document before signing it?

23 **FATHER MALONEY:** Yes, I was.

24 **MR. RUEL:** Yes. And you signed it at the
25 last page?

1 **FATHER MALONEY:** Yes, I did.

2 **MR. RUEL:** And at page 3 of the interview,
3 you mention after a question from Mr. Downing asking you if
4 you had any further comments, you say:

5 "I have found this whole matter to be
6 very trying and unsettling. It has
7 called my reputation in the community
8 and in the jail in question that's
9 compromised my ability to minister to
10 my parish and at the jail."

11 Can you explain here what's the -- what was
12 the issue in terms of compromising your ability to do your
13 work?

14 **FATHER MALONEY:** Part of my work as a priest
15 is to be a person with integrity and if my integrity is
16 being challenged, then every time I face people, whether it
17 was in the pulpit or especially in the jail, my integrity,
18 if it was questioned, my effectiveness was zilch.

19 **MR. RUEL:** So following this interview here
20 on September 27, 2000, what happened with respect to the --
21 your position at the jail?

22 **FATHER MALONEY:** I didn't hear anything for
23 a long period of time and then I was called by the
24 Superintendent and asked me to come in to deal with a case
25 that he wanted me to deal with. I asked if it was okay to

1 come back in to the institution and he said yes.

2 **MR. RUEL:** So how long after was that?

3 **FATHER MALONEY:** I can't be certain at this
4 time.

5 **MR. RUEL:** Okay. Did you hear from Mr.
6 Downing after this interview?

7 **FATHER MALONEY:** No, not to my remembrance.

8 **MR. RUEL:** Do you have any concern with
9 respect to the way this matter was handled by the Ministry
10 of Corrections and the jail authorities?

11 **FATHER MALONEY:** No, not so ever.

12 **THE COMMISSIONER:** Sir, you stepped down or
13 you withdrew from the jail ---

14 **FATHER MALONEY:** Yes.

15 **THE COMMISSIONER:** --- but you didn't
16 withdraw from your parish?

17 **FATHER MALONEY:** That's correct.

18 **THE COMMISSIONER:** Can you explain why you
19 did one and not the other?

20 **FATHER MALONEY:** Yes. Because if you're in
21 a jail situation and if you get labelled as a child
22 molester you are not safe in a jail, sir.

23 **THE COMMISSIONER:** Okay, so it was your
24 safety.

25 **MR. RUEL:** Now, Father, moving to the

1 second-to-last subject, we talked about Father Deslauriers?

2 **FATHER MALONEY:** Yes.

3 **MR. RUEL:** We talked a little bit about
4 Charles MacDonald?

5 **FATHER MALONEY:** Yes.

6 **MR. RUEL:** So -- and the allegations that
7 were made against them.

8 Do you know -- or did you know before this
9 came out publicly any other -- did you know of any other
10 allegation of abuse on the part of priests within the
11 Diocese on young people, allegations of abuse or sexual
12 abuse, had you heard about such allegations before?

13 **FATHER MALONEY:** No, sir.

14 **MR. RUEL:** No allegation, no rumours against
15 anyone?

16 **FATHER MALONEY:** Certainly no allegations.

17 **THE COMMISSIONER:** Well, what about rumours?

18 **FATHER MALONEY:** Rumours, they were all over
19 town.

20 **THE COMMISSIONER:** Okay -- no, no, no, I
21 think then we should be more precise. Get away from the
22 website.

23 **FATHER MALONEY:** Okay.

24 **THE COMMISSIONER:** Get away from any -- from
25 the website, from Mr. Dunlop or anything like that.

1 **FATHER MALONEY:** Okay.

2 **THE COMMISSIONER:** So before all of that
3 broke ---

4 **FATHER MALONEY:** Yes.

5 **THE COMMISSIONER:** --- were there any
6 rumours circulating ---

7 **FATHER MALONEY:** No.

8 **THE COMMISSIONER:** --- that you're aware of?

9 **FATHER MALONEY:** No.

10 **THE COMMISSIONER:** Okay.

11 **MR. RUEL:** My last area of questioning is
12 very short, is to ask you to describe, if any, the impact
13 on yourself and on your career that those allegations and
14 all the events that followed had on you and your career?

15 **FATHER MALONEY:** As you pointed out in that
16 last document, the allegations had affected my integrity
17 and as a result I found myself under a tremendous amount of
18 anxiety and stress. Sometimes it was difficult to perform
19 my ministry, especially in front of large crowds, not
20 knowing who or what they believed.

21 And I think on the positive side it affected
22 me in that it made me become less independent; I had to
23 become more reliance (sic) on prayer. I had to depend upon
24 the support that I received from family, from friends, and
25 from parishioners. So it had the negative and the

1 positive.

2 MR. RUEL: Thank you, Father, those are my
3 questions.

4 FATHER MALONEY: Thank you.

5 THE COMMISSIONER: Do you have any
6 recommendations you'd like to make at this time?

7 FATHER MALONEY: No. Because we're looking
8 at an institution, I will deal with the bishop and then
9 perhaps he can make the recommendations for the whole
10 institution.

11 THE COMMISSIONER: Fine.

12 FATHER MALONEY: Thank you.

13 THE COMMISSIONER: Good morning, sir.

14 MR. WARDLE: Father Maloney, my name is
15 Peter Wardle and I'm here for an organization called
16 Citizens for Community Renewal. We have no questions for
17 you today, sir, but my client wanted you to know that we
18 appreciate that -- all you have been through and we thank
19 you for coming forward.

20 FATHER MALONEY: Thank you.

21 THE COMMISSIONER: Mr. Paul?

22 MR. PAUL: Good morning, Mr. Commissioner.

23 THE COMMISSIONER: Good morning.

24 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

25 PAUL:

1 **MR. PAUL:** Good morning, Father Maloney, my
2 name is Ian Paul. I appear for a citizen's group by the
3 name of the Coalition for Action.

4 **FATHER MALONEY:** Okay.

5 **MR. PAUL:** And I have a few questions for
6 you.

7 I thought I'd start with an area that should
8 be fresh in your mind, an area that you just covered this
9 morning which is the area of the announcement at the church
10 where you denied the allegations at the church.

11 **FATHER MALONEY:** Yes.

12 **MR. PAUL:** I just have a few questions on
13 that issue.

14 I understand that was towards the end of a
15 church ceremony?

16 **FATHER MALONEY:** Yes, it was.

17 **MR. PAUL:** Just first of all, in terms of
18 the denial, I just wanted to ask you, is it just an
19 indication that it's not true or do you go into any level
20 of the details, explaining? Just for example, I think in
21 that matter -- one of the matters was the issue with
22 respect to whether you were ever at Alfred Training Centre.
23 Was that one of the topics that would have been ---

24 **FATHER MALONEY:** It was a general
25 declaration that the statements on the websites were not

1 true.

2 MR. PAUL: All right so ---

3 FATHER MALONEY: I did not go into details.

4 MR. PAUL: So it wouldn't been any details
5 to say why it wasn't true or anything to that effect?

6 FATHER MALONEY: No.

7 MR. PAUL: Did it ever go any further than
8 that, for example, any other meetings, church council
9 meetings where the issue was raised in more detail?

10 FATHER MALONEY: No.

11 MR. PAUL: Or was it left at that?

12 FATHER MALONEY: It was left at that.

13 MR. PAUL: Now, in terms of the approach of
14 announcing it in public, first of all, was that a decision
15 on your own or did you have to consult with a higher
16 authority, such as the bishop, to deal with that issue in a
17 public way?

18 FATHER MALONEY: We had a meeting of all
19 those who had been accused on the web and we agreed that we
20 would all make an announcement or a declaration on the same
21 Sunday.

22 MR. PAUL: And was it the -- was it the
23 public nature of it being widespread on the internet that
24 sort of precipitated a decision, oh, we better go public as
25 well?

1 **FATHER MALONEY:** Definitely.

2 **MR. PAUL:** And would you agree that perhaps
3 in a situation where a priest is denying the allegation
4 that the public announcement is probably the best way to
5 proceed or would it depend on the circumstances to you?

6 **FATHER MALONEY:** I would believe it would
7 depend on the circumstances.

8 **MR. PAUL:** I want to go back to another area
9 in relation to some evidence you gave yesterday in relation
10 to receiving transfers of priests from other areas.

11 **FATHER MALONEY:** Yes.

12 **MR. PAUL:** And I believe in the late '80s
13 you were involved in assisting in preparation of a policy
14 in relation to accepting priests from other areas?

15 **FATHER MALONEY:** That's correct.

16 **MR. PAUL:** And would understand that that
17 would have been around '89 that that was approved. Would
18 that be ---

19 **FATHER MALONEY:** I believe so, yes, sir.

20 **MR. PAUL:** And would you agree that perhaps
21 one of the reasons of drafting a policy is it was probably
22 believed at the time that the decision to accept a priest
23 was a significant decision?

24 **FATHER MALONEY:** Yes, I would agree.

25 **MR. PAUL:** In the sense that a priest can

1 play an important or significant role in the community?

2 **FATHER MALONEY:** Definitely.

3 **MR. PAUL:** And also in the sense that the
4 Bishop generally makes a decision on accepting a priest, it
5 wouldn't be the local church or the parishioners?

6 **FATHER MALONEY:** No. In our tradition it is
7 a bishop who will give jurisdiction to a priest to work in
8 a diocese.

9 **MR. PAUL:** So the need for the policy was in
10 part because there's a lot of responsibility on the Diocese
11 and the Bishop?

12 **FATHER MALONEY:** Yes.

13 **MR. PAUL:** And on that issue, I take it that
14 the final word is up to the Bishop whether he accepts or
15 doesn't accept a priest?

16 **FATHER MALONEY:** That's correct.

17 **MR. PAUL:** And for example, if a bishop
18 feels that he doesn't have enough information on a priest
19 on his background then he can simply say no, I don't accept
20 the priest?

21 **FATHER MALONEY:** That's correct.

22 **MR. PAUL:** And I would understand that the
23 policy looked at factors such as a reference from some
24 higher authority in the other jurisdiction; that was one
25 requirement?

1 **FATHER MALONEY:** That's correct.

2 **MR. PAUL:** And also it suggested that there
3 be an interview of the incoming priest?

4 **FATHER MALONEY:** That's correct.

5 **MR. PAUL:** I just wanted to ask you, is it
6 fair to say that the policy didn't specifically say that
7 the personnel file from that priest would come from the
8 other jurisdiction, that that would be a requirement?

9 **FATHER MALONEY:** It didn't say that, no,
10 sir.

11 **MR. PAUL:** It didn't -- the policy didn't
12 specifically deal with situations where the priest from the
13 other area had some form of allegation of sexual abuse?

14 **FATHER MALONEY:** It didn't say specifically.
15 It was implied by the letter of recommendation.

16 **MR. PAUL:** All right.

17 So basically the main factor would be the
18 recommendation from the other jurisdiction ---

19 **FATHER MALONEY:** That's correct.

20 **MR. PAUL:** --- but it didn't necessarily
21 require documentation or a personnel file to come from that
22 area?

23 **FATHER MALONEY:** That's correct.

24 **MR. PAUL:** Or, for example, if a priest from
25 another area had been at a treatment facility such as

1 Southdown the policy didn't require that an assessment
2 report be sent to the new jurisdiction?

3 **FATHER MALONEY:** It wasn't in the policy and
4 I don't know what the practice was in Diocese for that.

5 **MR. PAUL:** So you don't know if there was an
6 informal practice to seek those documents?

7 **FATHER MALONEY:** That's right, I don't know.

8 **MR. PAUL:** Now, as far as an incoming
9 priest, if there was some issue with respect to an
10 allegation of sexual abuse, I understand the policy didn't
11 indicate that the parishioners of the parish in this
12 jurisdiction would receive any information on it?

13 **FATHER MALONEY:** It wasn't in the policy at
14 that time.

15 **MR. PAUL:** And, for example, if there was a
16 credible allegation of sexual abuse in relation to a priest
17 coming from another jurisdiction to this area -- and what I
18 mean by credible, as an example I'd suggest a priest who
19 had been convicted of an allegation or who had admitted an
20 allegation of sexual abuse, something beyond just rumour or
21 gossip but something credible in that nature -- the policy
22 didn't require that type of information to be told to
23 parishioners in this area; correct?

24 **FATHER MALONEY:** That was not part of the
25 policy.

1 **MR. PAUL:** Do you know if that's still the
2 situation today, if an incoming priest or there is such an
3 issue like that, are the parishioners told today? To your
4 knowledge, is the policy any different?

5 **FATHER MALONEY:** I believe the policy is
6 different now from they are trying to apply From Pain to
7 Hope, which was a document put out by the CCCB, Canadian
8 Catholic Conference of Bishops.

9 **MR. PAUL:** Would parishioners be advised
10 today in those circumstances or given any information on
11 the incoming priest?

12 **FATHER MALONEY:** I am not aware. To my
13 knowledge it's not happened in my experience so I don't
14 know.

15 **MR. PAUL:** So that would be an issue perhaps
16 the Bishop would ---

17 **FATHER MALONEY:** That's correct.

18 **MR. PAUL:** That's their position?

19 **FATHER MALONEY:** Yes, thank you.

20 **MR. PAUL:** I have a few questions in
21 relation to Father Deslauriers. Now, I believe there was
22 some documentation shown in relation to, I believe, Senate
23 meetings where the topic of Father Deslauriers may have
24 come up?

25 **FATHER MALONEY:** That's correct.

1 **MR. PAUL:** And you were part of the
2 meetings, the Senate meetings?

3 **FATHER MALONEY:** Yes.

4 **MR. PAUL:** Now, in terms of the Deslauriers
5 case, you're aware that ultimately there was a conviction
6 in criminal court?

7 **FATHER MALONEY:** Yes, I am aware of that.

8 **MR. PAUL:** And to your knowledge, as the
9 Deslauriers case proceeded was it always -- prior to there
10 being a conviction in criminal court, it was never your
11 impression that the allegations were totally false against
12 Father Deslauriers?

13 **FATHER MALONEY:** It was never discussed at
14 any meeting that I was at.

15 **MR. PAUL:** The strength of the allegations
16 was never discussed?

17 **FATHER MALONEY:** That's right.

18 **MR. PAUL:** Now, would you agree that when an
19 allegation in the nature of, for -- as an example the
20 Deslauriers case, an allegation is being brought forward
21 that perhaps there is -- would you agree there is some
22 obligation on the Diocese to look carefully at balancing
23 the interests of the priest and also the alleged victim who
24 may be a parishioner? There's some ---

25 **FATHER MALONEY:** Most definitely.

1 **MR. PAUL:** So it's a difficult situation
2 because the Diocese won't necessarily want to either
3 abandon the priest or abandon an alleged victim who may be
4 a parishioner?

5 **FATHER MALONEY:** That's correct.

6 **MR. PAUL:** Now, I was going to ask you about
7 a document, I believe it's Exhibit 58.

8 **THE COMMISSIONER:** Yes. What tab, sir?

9 **MR. PAUL:** I have it as page 5, Exhibit 58,
10 and it's 600237. Tab 5 I'm told.

11 **THE COMMISSIONER:** Tab 5.

12 **MR. PAUL:** I believe it's page 5. It may be
13 the last page possibly.

14 **THE COMMISSIONER:** M'hm.

15 **MR. PAUL:** Now, the top of page 5 -- do you
16 have the top of page 5?

17 **FATHER MALONEY:** Yes, I do.

18 **MR. PAUL:** And I think you were asked about
19 this. Am I correct in recalling that when you were asked
20 about this you didn't have a very good recollection of the
21 discussion about the law of privilege?

22 **FATHER MALONEY:** No, I knew -- we knew about
23 the law of privilege. I believe the question was asked if
24 I recollected what the conversation was around this and I
25 don't know what the conversation was around that particular

1 thing. One of the disadvantages, the minutes are not clear
2 on what the conversation was, but about the law of
3 privilege I think I'm aware of that.

4 **MR. PAUL:** But do you recall a topic of
5 privilege being discussed in context of Father Deslauriers?

6 **FATHER MALONEY:** I do not recall that.

7 **MR. PAUL:** Do you recall Father Deslauriers'
8 case being discussed at the Senate meeting?

9 **FATHER MALONEY:** His particular case would
10 not have been discussed because that would have been a
11 personnel matter, but the fallout of his case may have been
12 discussed.

13 **MR. PAUL:** Okay. Page 5 seems to have a
14 topic "L'affaire du Père Deslauriers."

15 **FATHER MALONEY:** Yes.

16 **MR. PAUL:** I mean, is that an error, in that
17 Father Deslauriers wasn't discussed as a topic, because it
18 seems to imply that that's a topic heading?

19 **FATHER MALONEY:** It would have been the
20 fallout from that case not the actual details of what went
21 on with that case.

22 **MR. PAUL:** And you don't recall the issue of
23 privilege at all being discussed?

24 **FATHER MALONEY:** We did discuss where
25 privilege lay and one of the things that I remember -- now,

1 that's the problem. Do I remember it from that meeting or
2 other meetings, but we did discuss the question of
3 privilege.

4 **MR. PAUL:** But was there some discussion
5 suggesting that there was a hesitancy to hold meetings
6 because of the -- somehow the law of privilege might result
7 in the information going to the authorities to the
8 detriment of Father Deslauriers? Is that ---

9 **FATHER MALONEY:** No. No, it wasn't to do
10 with that at all, as far as I remember.

11 **MR. PAUL:** Was there some hesitancy to
12 discuss the topic of Father Deslauriers because of the law
13 of privilege?

14 **FATHER MALONEY:** No.

15 **MR. PAUL:** And can you assist in why the
16 topic of privilege was discussed at all?

17 **FATHER MALONEY:** It was to see where our
18 obligations were to report incidents.

19 **MR. PAUL:** Can you assist in why the minutes
20 would say:

21 "According to the Canadian law, we have
22 no privilege."

23 Why that would have been discussed at the
24 meeting?

25 **FATHER MALONEY:** It would be along the line

1 of a league -- a lawyer has a client -- you know, call it
2 patients/clients, whatever, privilege, we do not enjoy
3 that. So if someone comes to us and admits that they have
4 something, we have an obligation to report.

5 **MR. PAUL:** All right. So it's in context of
6 information coming and it being a duty to report?

7 **FATHER MALONEY:** Yes.

8 **MR. PAUL:** Was that topic of privilege
9 discussed in the context of confessions or was it not in
10 the context of confessions?

11 **FATHER MALONEY:** Not in the context of
12 confession.

13 **MR. PAUL:** So the comment about privilege
14 was not applicable to confessions. Were you still of the
15 view that if a priest gave some admission with respect to
16 sexual misconduct in a confession that there was not a duty
17 to report?

18 **FATHER MALONEY:** That wasn't discussed to my
19 knowledge.

20 **MR. PAUL:** Do you have a view in relation to
21 -- or are there instructions given within the Diocese in
22 relation to whether there's a duty to report if the
23 revelation of sexual abuse comes in the context of a
24 confession?

25 **FATHER MALONEY:** It's not a diocesan policy.

1 It is a church policy universal. What happens in
2 confession stays in confession.

3 **MR. PAUL:** So had there been comments
4 admitting sexual abuse from the context of confession, your
5 position would be there would not be a duty to report?

6 **FATHER MALONEY:** That's correct.

7 **MR. PAUL:** I want to go back to another
8 area.

9 The John MacDonald -- you testified in
10 relation to John MacDonald; he is the individual that sent
11 you the letter?

12 **FATHER MALONEY:** That's correct.

13 **MR. PAUL:** And I wanted to ask you some
14 questions about Exhibit 235 which is Document 120888.

15 This wouldn't be a document prepared by you,
16 obviously, but it's one you were shown yesterday. It's a
17 police occurrence report about the telephone calls
18 involving Mr. Silmsler and Mr. MacDonald?

19 **FATHER MALONEY:** That's correct.

20 **MR. PAUL:** Now, I understand from your
21 evidence yesterday that Mr. MacDonald's contact by phone
22 was only phone messages; correct?

23 **FATHER MALONEY:** Yes, though Canpage.

24 **MR. PAUL:** But you indicated that Mr.
25 Silmsler -- there was an actual person-to-person

1 communication between him and you?

2 **FATHER MALONEY:** Yes, there was.

3 **MR. PAUL:** And I believe on the occurrence
4 report it seems to indicate:

5 "Father Maloney, in the presence of his
6 lawyer, Sean Adams, advised writer that
7 he has received two phones calls
8 through his answering service from a
9 David Silmser as well as one from John
10 MacDonald."

11 It didn't -- the occurrence report doesn't
12 seem to suggest that they were actual person-to-person
13 calls, it seems to suggest they were all calls on an
14 answering service?

15 **FATHER MALONEY:** There was one person-to-
16 person call.

17 **MR. PAUL:** And are there any answer -- are
18 there any messages left by Mr. Silmser?

19 **FATHER MALONEY:** I can't remember right now,
20 sir.

21 **MR. PAUL:** Is it your recollection that Mr.
22 Silmser's contact is only an actual phone call where he
23 talks to you?

24 **FATHER MALONEY:** No. It is not my
25 recollection. I don't know whether there was others.

1 **MR. PAUL:** Well, the only actual messages
2 you remember are messages from John MacDonald?

3 **FATHER MALONEY:** John and David Silmser.
4 According to here, there were calls from both.

5 **MR. PAUL:** Messages?

6 **FATHER MALONEY:** Messages.

7 **MR. PAUL:** All right.

8 **FATHER MALONEY:** But I only remember talking
9 to David Silmser.

10 **MR. PAUL:** Okay. Now, what was the length
11 of the phone call of Mr. Silmser?

12 **FATHER MALONEY:** Maybe four-to-five minutes.

13 **MR. PAUL:** Okay. And the topic, is it Mr.
14 MacDonald's situation? Is that why he's calling? Or is it
15 something unrelated?

16 **FATHER MALONEY:** It was the whole
17 allegations.

18 **MR. PAUL:** Does Mr. MacDonald come up in the
19 phone call or do you remember?

20 **FATHER MALONEY:** I do not remember.

21 **MR. PAUL:** So it's possible -- I mean, it's
22 possible then that Mr. MacDonald is even discussed by Mr.
23 Silmser? Is that ---

24 **FATHER MALONEY:** I don't remember what was
25 discussed at that particular time, sir.

1 **MR. PAUL:** All right.

2 Now, Mr. MacDonald initially sends a letter
3 to you; correct?

4 **FATHER MALONEY:** Yes, he did.

5 **MR. PAUL:** And you didn't take any objection
6 or you don't feel threatened by that letter?

7 **FATHER MALONEY:** No.

8 **MR. PAUL:** And do you feel the letter is
9 appropriate in the sense that you do respond to it with
10 your own letter?

11 **FATHER MALONEY:** Yes.

12 **MR. PAUL:** Is that -- so you don't have any
13 objection that you'd want to take to the police in relation
14 to the letter? There's nothing that you object to in
15 relation to the letter?

16 **FATHER MALONEY:** No.

17 **MR. PAUL:** When you write back -- sorry,
18 just one other question. Mr. MacDonald is someone you
19 never met or knew before that?

20 **FATHER MALONEY:** That's correct.

21 **MR. PAUL:** And as far as Mr. MacDonald's
22 familiarity with diocese policies, you had no idea whether
23 he was familiar with the policies or not?

24 **FATHER MALONEY:** That's correct.

25 **MR. PAUL:** Then you had to assume that he

1 wasn't and for that reason you sent him a copy of the
2 policy?

3 **FATHER MALONEY:** That's correct.

4 **MR. PAUL:** Now, you do reply by
5 correspondence to him; correct?

6 **FATHER MALONEY:** Yes.

7 **MR. PAUL:** I believe that's Exhibit 203, if
8 I could show the witness that?

9 **THE COMMISSIONER:** M'hm.

10 **MR. PAUL:** Page -- I believe it's page
11 1098311.

12 **FATHER MALONEY:** What tab am I looking at,
13 sir?

14 **THE COMMISSIONER:** Two-zero-three (203).

15 **FATHER MALONEY:** Sorry.

16 **THE COMMISSIONER:** No, that's fine. It's on
17 the screen. It's your letter of ---

18 **FATHER MALONEY:** Oh.

19 **THE COMMISSIONER:** --- to return ---

20 **FATHER MALONEY:** Okay.

21 **MR. PAUL:** Now, you indicate in the
22 correspondence you'd be forwarding it to the authorities?

23 **FATHER MALONEY:** Yes.

24 **MR. PAUL:** And I believe -- is there another
25 part towards the end of that -- towards the bottom of the

1 page?

2 Okay. Now, with this, you attach a copy of
3 the policy; correct?

4 **FATHER MALONEY:** That's correct.

5 **MR. PAUL:** Now, you don't make any specific
6 reference to who Mr. MacDonald might contact if he wants
7 any kind of help or assistance in the Diocese?

8 **FATHER MALONEY:** No.

9 **MR. PAUL:** Are you ---

10 **FATHER MALONEY:** Only what I said in the
11 letter, sir.

12 **MR. PAUL:** Okay. Are you assuming that
13 he'll find that in the policy if he wants to do that?

14 **FATHER MALONEY:** It is there in the policy.
15 It's number five in the policy.

16 **MR. PAUL:** Okay. Perhaps if we could go to
17 the next page; I believe that's the policy? And you're
18 talking about phase five, offering of help?

19 **FATHER MALONEY:** Yes, sir.

20 **MR. PAUL:** "Offering to help"?

21 **FATHER MALONEY:** Yes, sir.

22 **MR. PAUL:** And it indicates that depending
23 on the circumstances, help and support is offered to the
24 alleged victim and his family taking into consideration the
25 guidelines given by the Children's Aid Society and by the

1 police?

2 **FATHER MALONEY:** Yes, sir.

3 **MR. PAUL:** Now, while phase four above
4 refers to the Bishop, phase five doesn't necessarily make
5 it clear who's responsible for the "offering to help"?

6 **FATHER MALONEY:** It is a document by the
7 Diocese so that the person would then, I would presume,
8 look into the Diocese to find that information.

9 **MR. PAUL:** Is the person responsible for
10 providing help is, in fact, the Bishop?

11 **FATHER MALONEY:** No. That's was the
12 situation that we did not want -- when this policy was
13 developed, we did not want the Bishop to be the determining
14 factor, that it should go through the appropriate
15 investigation forms.

16 **MR. PAUL:** Okay. So Mr. MacDonald was to
17 contact somebody. Who would be the correct person for him
18 to contact about getting help?

19 **FATHER MALONEY:** Getting help? If he
20 applied for the help, then if -- as long as it wasn't
21 deemed as interference with investigations then the help
22 would be provided.

23 **MR. PAUL:** And that would -- and his point
24 of contact would be who? If he was -- the first person he
25 would contact in the Diocese?

1 **FATHER MALONEY:** I really don't know. It's
2 not clearly stipulated in the policy.

3 **MR. PAUL:** All right. So you read it, the
4 combination of your letter and the policy, might still
5 leave some confusion to somebody like Mr. MacDonald about
6 who he might want to contact?

7 **FATHER MALONEY:** Yes.

8 **MR. PAUL:** And when you received phone
9 messages from Mr. MacDonald, it was just a phone number, no
10 indication of what the message was?

11 **FATHER MALONEY:** Just the phone messages
12 through Canpage.

13 **MR. PAUL:** So it would be ---

14 **FATHER MALONEY:** So there would be no text
15 messages if that's what the term is. There wouldn't be any
16 of that. It would be just John -- Mr. John MacDonald or
17 John MacDonald and the phone number.

18 **MR. PAUL:** Did you consider before calling
19 the police that perhaps Mr. MacDonald might be trying to
20 contact you to get clarification on where to go?

21 **FATHER MALONEY:** No, I did not consider
22 that.

23 **MR. PAUL:** At this point, the post office
24 had given you a copy of the last page of his letter?

25 **THE COMMISSIONER:** No.

1 **FATHER MALONEY:** First page.

2 **MR. PAUL:** Sorry, the first page. That was
3 the one that was left in the photocopier?

4 **FATHER MALONEY:** That's correct.

5 **THE COMMISSIONER:** And so it was an
6 original, for what it's worth, not a copy?

7 **FATHER MALONEY:** Yes, sir.

8 **MR. PAUL:** And did Mr. MacDonald ever seek
9 that back from you?

10 **FATHER MALONEY:** No.

11 **MR. PAUL:** And you never tried to contact
12 him to give that back to him?

13 **FATHER MALONEY:** No.

14 **MR. PAUL:** It didn't cross your mind that he
15 might be trying to call you to get that back?

16 **FATHER MALONEY:** No.

17 **MR. PAUL:** Do you think, under the
18 circumstances, the phone message -- do you agree that the
19 letter from Mr. MacDonald wasn't threatening to you?

20 **FATHER MALONEY:** It certainly wasn't
21 threatening to me, no.

22 **MR. PAUL:** And there was nothing about the
23 phone messages -- certainly, there was no actual message
24 other than the name and the phone number, so there was
25 nothing threatening in that?

1 **FATHER MALONEY:** That's correct.

2 **MR. PAUL:** Did you not consider that it
3 might have been appropriate either for you to call back or
4 Sean Adams to call back and just find out what Mr.
5 MacDonald wanted?

6 **FATHER MALONEY:** I remember that I did not
7 want to appear to be interfering with the investigation
8 and, therefore, that's why I sought advice whether I should
9 call back.

10 **THE COMMISSIONER:** And that advice you
11 sought was from Sean Adams?

12 **FATHER MALONEY:** That's correct.

13 **MR. PAUL:** You weren't influenced in any way
14 somehow by being hostile towards Mr. MacDonald because of
15 police said he was connected to Mr. Silmsers?

16 **FATHER MALONEY:** No.

17 **MR. PAUL:** I want to ask you a couple of
18 questions in relation to your interaction with the
19 authorities and I understand that you turned over, for
20 example, the Children's Aid -- that you turned over website
21 information as an example?

22 **FATHER MALONEY:** Not website, I turned over
23 the disclosure from Perry Dunlop's lawsuit and the
24 documents that were connected to that.

25 **MR. PAUL:** The civil litigation claim?

1 **FATHER MALONEY:** Yes.

2 **MR. PAUL:** Right. In relation to the
3 Children's Aid Society, did they ever ask you if you were
4 prepared to give over your personnel file?

5 **FATHER MALONEY:** My own personnel file?

6 **MR. PAUL:** Yes.

7 **FATHER MALONEY:** No.

8 **MR. PAUL:** That wasn't asked by the
9 Children's Aid?

10 **FATHER MALONEY:** It wasn't asked to me.

11 **MR. PAUL:** Okay. Was it ever asked by the
12 OPP; did they ever ask you to turn over your personnel
13 file?

14 **FATHER MALONEY:** I don't have a personnel
15 file. The Diocese has a personnel file on me. I'm an
16 employee of the Diocese.

17 **MR. PAUL:** What I'm asking is were you ever
18 asked by authorities such as OPP or Children's Aid whether
19 you'd consent to the Diocese turning over your personnel
20 file?

21 **FATHER MALONEY:** No, I was not; not to my
22 recollection.

23 **MR. PAUL:** Okay. And you were never asked
24 by the Bishop anything in relation to that?

25 **MR. SHERRIFF-SCOTT:** Mr. Commissioner, maybe

1 he should be asked if he knows because there's a whole
2 record of inter-relations between the OPP and the Diocese
3 in disclosure of all this kind of things.

4 If the witness may be just asked if he knows
5 about those interactions so we can -- there are going to be
6 OPP witnesses. There will be Diocese witnesses. They'll
7 all talk about this and that might be of assistance.

8 **MR. PAUL:** Are you, yourself, aware whether
9 any information of your personnel file was turned over or
10 whether it was requested?

11 **FATHER MALONEY:** Yes, it was.

12 **MR. PAUL:** Okay. It was requested by whom?

13 **FATHER MALONEY:** It was requested, I know,
14 by the OPP.

15 **MR. PAUL:** Okay. And at what stage was
16 that?

17 **FATHER MALONEY:** I don't know.

18 **MR. PAUL:** And that would have been a
19 request to the Diocese?

20 **FATHER MALONEY:** Yes, it was.

21 **MR. PAUL:** Now, you were asked by Commission
22 counsel a number of points about your OPP interview and
23 questions that were asked in the OPP interview. And I
24 think you were asked about -- by the OPP about any
25 association with Ken Seguin?

1 **FATHER MALONEY:** That's correct.

2 **MR. PAUL:** And with respect to Ken Seguin,
3 did the OPP -- did you indicate to the OPP that there was
4 some family connection with Ken Seguin?

5 **FATHER MALONEY:** There is an interfamily
6 connection, yes.

7 **MR. PAUL:** And what is that connection?

8 **FATHER MALONEY:** Okay. My sister's husband
9 is -- his sister is married to Ken Seguin's brother.

10 **MR. PAUL:** Right.

11 **FATHER MALONEY:** And in St. Andrews, that
12 means we're kissing cousins. There is actually no
13 relationship.

14 **MR. PAUL:** Yes.

15 **FATHER MALONEY:** But there is an interfamily
16 connection.

17 **MR. PAUL:** Yes, and you were also asked
18 whether there was any connection in the Church, and I think
19 you indicated that he was a member of the Knights of
20 Columbus?

21 **FATHER MALONEY:** That's correct.

22 **MR. PAUL:** And that was -- is that at your
23 parish or another parish?

24 **FATHER MALONEY:** No. Council 755. It's --
25 at that time, it was a citywide council.

1 **MR. PAUL:** All right. And you knew him
2 through that?

3 **FATHER MALONEY:** Yes.

4 **MR. PAUL:** But you indicated to the OPP that
5 you denied attendance at his residence in Summerstown?

6 **FATHER MALONEY:** That's correct.

7 **MR. PAUL:** You were also asked, I believe,
8 by the OPP in relation to Malcolm MacDonald, and I think
9 again you indicated that -- your position was that you
10 denied attending at his residence or cottage?

11 **FATHER MALONEY:** Never was near his cottage.

12 **MR. PAUL:** But he was someone, you
13 indicated, who was known to you all your life?

14 **FATHER MALONEY:** That's correct.

15 **MR. PAUL:** And he was prominent in your
16 church; was he?

17 **FATHER MALONEY:** Yes, he was.

18 **MR. PAUL:** Now, Charles MacDonald, would the
19 two of you at some point share the same parish?

20 **FATHER MALONEY:** Yes, we did.

21 **MR. PAUL:** And what period would that be?

22 **FATHER MALONEY:** That would be '73-4, about
23 '73 or '74.

24 **MR. PAUL:** And were you also at some point
25 both responsible for English youth at one point?

1 **FATHER MALONEY:** Yes, we were.

2 **MR. PAUL:** And what period of time was that?

3 **FATHER MALONEY:** I would have to look at my
4 Curriculum Vitae, but it would be in the late '70s or early
5 '80s, I would believe.

6 **MR. PAUL:** I want to ask you a couple of
7 points about your contact with Paul Downing involvement at
8 the jail.

9 Now, Paul Downing, when he interviewed you,
10 did he discuss anything other than the allegations at the
11 jail; did he question you about some unrelated incident
12 involving a guard and an inmate?

13 **FATHER MALONEY:** Yes, he did.

14 **MR. PAUL:** And what was the purpose of that
15 coming up? Why would that come up?

16 **FATHER MALONEY:** Probably because he was in
17 town and he was killing two birds with one stone.

18 **MR. PAUL:** And was that a formal
19 investigation, the discussion about the other guard?

20 **FATHER MALONEY:** He just asked me to make a
21 statement about it. If that's formal, yes.

22 **MR. PAUL:** Okay. The reason I'm asking
23 that, I believe in the materials, at one point, there's a
24 suggestion that a guard overheard C-15 at the jail speaking
25 ---

1 **THE COMMISSIONER:** Excuse me. Excuse me.

2 **MR. PAUL:** Oh, sorry.

3 **THE COMMISSIONER:** We should look at the
4 monikers.

5 **MR. SHERRIFF-SCOTT:** (off mic) You may not
6 want to now articulate the moniker since ---

7 **THE COMMISSIONER:** Yes, you're right. For
8 the record, could the record just delete the name and put
9 in the moniker, which we will not name right now but
10 integrate it later I guess.

11 So let's continue on the questioning; the
12 guard and an inmate.

13 **FATHER MALONEY:** Yes.

14 **MR. PAUL:** There was a guard who indicated
15 they overheard an inmate talking about your case?

16 **FATHER MALONEY:** That wasn't the -- with the
17 Downing interview. The Downing interview was another
18 subject completely.

19 **MR. PAUL:** All right. I just want to ask
20 you; the guard who overheard the inmate, is that the same
21 guard that Mr. Downing was talking about?

22 **FATHER MALONEY:** No, it wasn't.

23 **MR. PAUL:** It was totally unrelated?

24 **FATHER MALONEY:** That's right.

25 **MR. PAUL:** Thank you.

1 Those are my questions, Mr. Commissioner.

2 **THE COMMISSIONER:** Thank you very much.

3 **MR. PAUL:** Thank you.

4 **THE COMMISSIONER:** Mr. Lee? While we are
5 waiting for Mr. Lee, now that we know that you are closely
6 related to Mr. Seguin. So now the serious question though;
7 in family circle -- were you ever in family reunions where
8 he would be there as well?

9 **FATHER MALONEY:** No.

10 **THE COMMISSIONER:** Okay. Through the
11 family, had you ever heard of anything about Mr. Seguin's
12 sexual activities?

13 **FATHER MALONEY:** No.

14 **THE COMMISSIONER:** No rumours in the family
15 at all about anything suspicious or anything like that
16 about his sexual activities?

17 **FATHER MALONEY:** None whatsoever.

18 **THE COMMISSIONER:** Thank you.

19 Mr. Lee.

20 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. LEE:

21 **MR. LEE:** Father Maloney, my name is Dallas
22 Lee. I'm counsel for the Victims Group. I have a few
23 different areas that I want to touch on with you. I don't
24 expect to be terribly lengthy.

25 If we can start, please, with Exhibit 1858?

1 **THE COMMISSIONER:** One-eight-five-eight
2 (1858)?

3 **MR. LEE:** Yes. These are minutes of a
4 Senate meeting.

5 **THE COMMISSIONER:** M'hm. Okay.

6 **MR. LEE:** Do you have that, sir?

7 **FATHER MALONEY:** Yes, I do.

8 **MR. LEE:** You were asked about this document
9 in-chief by Mr. Ruel, and if you turn to the fourth page
10 briefly, you'll see that we find the criteria for accepting
11 ordained priests to the Diocese.

12 **FATHER MALONEY:** Yes.

13 **MR. LEE:** And you told us that these were
14 the criteria that you drafted, but that you were not
15 specifically involved in the process whereby they were
16 adopted and accepted. Is that correct?

17 **FATHER MALONEY:** That's correct.

18 **MR. LEE:** And one of the questions Mr. Ruel
19 asked you was whether or not there had been any changes
20 from your draft to this version here which was ultimately
21 adopted, and you told us you didn't know.

22 **FATHER MALONEY:** That's correct.

23 **MR. LEE:** Can I get you to turn back a
24 couple of pages to the second page of the document, please?
25 And if you look at the second paragraph, it reads:

1 "Moved by Kelvin Maloney and seconded
2 by Bernard Guindon that 'the criteria
3 for accepting ordained priests to the
4 Diocese' be accepted as long as the
5 words 'candidates and' be omitted."

6 Do you see that?

7 **FATHER MALONEY:** Are you dealing with Number
8 10, sir?

9 **MR. LEE:** Number 7; I'm sorry.

10 **FATHER MALONEY:** Sorry. Okay.

11 **MR. LEE:** Number 7, the second paragraph on
12 the page that begins "Moved by Kelvin Maloney."

13 **FATHER MALONEY:** Okay.

14 **MR. LEE:** If you can read that to yourself?

15 **FATHER MALONEY:** Okay.

16 **MR. LEE:** And you see beside that is the
17 word "carried" with an underline. Is that correct?

18 **FATHER MALONEY:** That's correct.

19 **MR. LEE:** And if you turn back a couple of
20 pages to the criteria -- the criteria document, the title
21 of it is "The Criteria for Accepting Ordained Priests to
22 the Diocese."

23 Can I take from what we read on the last
24 page that originally in your draft it may have been
25 "Criteria for Accepting Candidates and Ordained Priests to

1 the Diocese"?

2 **FATHER MALONEY:** I'm not sure. I ---

3 **MR. LEE:** Do you recall in your draft
4 whether or not -- as I understand it, as it's drafted now,
5 this relates to essentially lateral transfers, established
6 priests coming from elsewhere?

7 **FATHER MALONEY:** That's correct.

8 **MR. LEE:** As opposed to candidates which
9 would be new priests entering the Diocese for the first
10 time?

11 **FATHER MALONEY:** That's correct.

12 **MR. LEE:** Do you recall whether or not your
13 initial criteria would have dealt with both of those
14 categories?

15 **FATHER MALONEY:** I can't recall.

16 **MR. LEE:** Leaving that question aside, do
17 you know whether or not there is a separate document
18 dealing with new candidates?

19 **FATHER MALONEY:** No, I do not know.

20 **MR. LEE:** It was nothing you drafted
21 anyways?

22 **FATHER MALONEY:** No.

23 **MR. LEE:** And nothing you were involved with
24 at any point?

25 **FATHER MALONEY:** No.

1 **MR. LEE:** Can I have you take a look,
2 please, at Exhibit 1861? It should probably be in that
3 same binder.

4 **THE COMMISSIONER:** It should be just a few
5 tabs past there.

6 **FATHER MALONEY:** Oh, sorry.

7 **THE COMMISSIONER:** One-eight-six-one (1861),
8 yes.

9 **FATHER MALONEY:** Yes. Thank you.

10 **THE COMMISSIONER:** M'hm.

11 **MR. LEE:** Do you have that, sir?

12 **FATHER MALONEY:** Yes, I do.

13 **MR. LEE:** And this is your document dated
14 May 20th, 1997 written to Richard Abell. Is that correct?

15 **FATHER MALONEY:** Yes.

16 **MR. LEE:** And you've set out there the
17 various documents that you sent, and I'm concerned with
18 number 4, being the statement of Gerald Wesley Renshaw,
19 dated at the end, December 05, 1996. Do you see that?

20 **FATHER MALONEY:** Yes.

21 **MR. LEE:** And one of the things that you
22 told Mr. Ruel in-chief yesterday in the context of these
23 documents is that you had turned over a number of them to
24 the CAS and that they all made allegations of a sexual
25 nature against you.

1 Do you recall that evidence?

2 **FATHER MALONEY:** That I said they all ---

3 **MR. LEE:** Yes.

4 **FATHER MALONEY:** --- made -- they weren't
5 all about me.

6 **MR. LEE:** Let me take you to the transcript
7 reference. If we can look at Volume 251, please, Madam
8 Clerk? That's yesterday's transcript.

9 **THE COMMISSIONER:** Okay. Go ahead.

10 **FATHER MALONEY:** So what am I looking at,
11 sir?

12 **MR. LEE:** Page 105, please, towards the
13 back.

14 **FATHER MALONEY:** One-zero-five (105). Okay.

15 **MR. LEE:** And the context here, Mr. Ruel is
16 asking you about the documents that you sent to the CAS as
17 reflected in this statement, and if you begin reading at
18 line 3, and if you can read down to line -- through to line
19 19 just to yourself, please?

20 **FATHER MALONEY:** So you're asking me to read
21 from line 3 down?

22 **MR. LEE:** Yes.

23 **FATHER MALONEY:** Okay.

24 **MR. LEE:** Please.

25 (SHORT PAUSE/COURTE PAUSE)

1 FATHER MALONEY: Okay.

2 MR. LEE: You have that, sir?

3 FATHER MALONEY: Yeah.

4 MR. LEE: And so the section that I'm
5 referring to is beginning at line 13 where Mr. Ruel asks:

6 "In a statement from a person named
7 Gerry Renshaw -- Gerald Renshaw?"

8 You agree:

9 "That's correct."

10 Mr. Ruel follows up with:

11 "All making allegations against you --

12 -

13 FATHER MALONEY: Yes.

14 MR. RUEL: --- of a sexual nature?

15 FATHER MALONEY: Yes."

16 MR. LEE: And I just want to clarify the
17 record. If we can look very briefly at Exhibit 548, which
18 is the statement referred to by Gerald Renshaw? I don't
19 think you'll have that one in any of your binders.

20 FATHER MALONEY: Okay.

21 MR. LEE: We'll bring it to you.

22 (SHORT PAUSE/COURTE PAUSE)

23 MR. LEE: Are you there, sir?

24 FATHER MALONEY: Yes, I am. Thank you.

25 MR. LEE: And I will give you as much time

1 as you would like to read this document, if you choose, but
2 if I can call your attention to page 2 at the very top? We
3 see a reference to you?

4 **FATHER MALONEY:** Yes, I do.

5 **MR. LEE:** "I observed Kevin Maloney, a
6 Catholic priest, at Ken Seguin's home
7 at least twice."

8 And if you turn over to page 4, please,
9 halfway down the page we have a list of names that is
10 titled:

11 "I recognize and identify the following
12 people from pictures that Perry Dunlop
13 showed me."

14 And you're one of the people listed there.
15 Is that correct?

16 **FATHER MALONEY:** That's correct.

17 **MR. LEE:** And I would suggest to you that
18 there are -- the other -- and you have a second reference
19 to a different picture at the very top of page 5.

20 **FATHER MALONEY:** Okay.

21 **MR. LEE:** It appears that there were two
22 pictures of you.

23 **FATHER MALONEY:** Okay.

24 **MR. LEE:** And you're welcome to review it if
25 you want, but I would suggest to you those are the only

1 references to you in this document and that nowhere in this
2 document is it suggested by Mr. Renshaw that you were
3 involved in sexual activities?

4 **FATHER MALONEY:** That's correct.

5 **MR. LEE:** And you agree with that?

6 **FATHER MALONEY:** Yes, sir.

7 **MR. LEE:** Thank you.

8 Very briefly, turning back to the issue with
9 your leave of absence from the Cornwall Jail as compared to
10 remaining in ministry with the Diocese, one of the things
11 you told us in the context of the policy and some of the
12 rationale behind going to the police and going to the CAS
13 with allegations is that you, meaning, I presume, the
14 Diocese as a whole, didn't want the
15 Bishop to be the determining factor?

16 **FATHER MALONEY:** That's correct.

17 **MR. LEE:** I have the gist of that right?

18 **FATHER MALONEY:** That's correct.

19 **MR. LEE:** So in other words, let's take the
20 discretion out of it, put this into the hands of the police
21 and the CAS and remove any doubt from being cast on
22 ourselves. Is that correct?

23 **FATHER MALONEY:** That's correct.

24 **MR. LEE:** But as I understand it, that
25 doesn't apply to the decision of whether or not the Bishop

1 will remove a priest from ministry or from active duties
2 when an allegation is received. Is that correct? That
3 remains in the Bishop's discretion?

4 **FATHER MALONEY:** That's correct.

5 **MR. LEE:** When an allegation is received, he
6 decides what's going to be done with the priest?

7 **FATHER MALONEY:** That's correct.

8 **MR. LEE:** And in certain cases, for example,
9 with Gilles Deslauriers, he's removed from ministry?

10 **FATHER MALONEY:** He was what?

11 **MR. LEE:** Removed from ministry?

12 **FATHER MALONEY:** He was.

13 **MR. LEE:** And in other cases, in your
14 example, for example, you were left in ministry?

15 **FATHER MALONEY:** That's correct.

16 **MR. LEE:** Do you have any concerns with that
17 discretion being vested in the Bishop?

18 **FATHER MALONEY:** No, because I think that as
19 long as the police or CAS are doing the investigation, they
20 would then inform the Bishop whether they believe that
21 there were grounds at which this person should be removed.

22 **MR. LEE:** Have you ever been party to any
23 discussion within the Diocese, whether with the Bishop or
24 as part of a committee, where the benefits of a better-
25 safe-than-sorry approach in terms of leaving accused

1 priests in ministry was discussed? Was that ever something
2 you've discussed around?

3 **FATHER MALONEY:** No, sir.

4 **MR. LEE:** But your opinion is that it's
5 satisfactory for the Bishop to retain that discretion?

6 **FATHER MALONEY:** It has to be the Bishop's
7 decision to staff the parishes but it has to be in
8 consultation; he doesn't work in isolation. He has to work
9 in consultation with the competent authorities.

10 **MR. LEE:** In terms of who remains in
11 ministry and who is removed, it is of the Bishop's sole
12 discretion; is that correct?

13 **FATHER MALONEY:** That's correct.

14 **MR. LEE:** Can you turn up Exhibit 678,
15 please, this is your OPP interview, 678.

16 **THE COMMISSIONER:** You should have that,
17 sir. So if you look at the ---

18 **FATHER MALONEY:** Okay ---

19 **THE COMMISSIONER:** He doesn't have it.
20 Okay, there you go.

21 **MR. LEE:** Do you have that, sir?

22 **FATHER MALONEY:** I do, thank you.

23 **MR. LEE:** And you went through this a little
24 bit with Mr. Ruel yesterday and one of the things that he
25 put to you and with which you agreed was that you were

1 asked about the allegations against you and you answered?

2 **FATHER MALONEY:** Yes.

3 **MR. LEE:** Is that correct? And you told us
4 that you were cooperative with the OPP in answering those
5 questions.

6 **FATHER MALONEY:** Yes.

7 **MR. LEE:** You've reviewed this, I take it,
8 in preparation for your testimony here?

9 **FATHER MALONEY:** Yes, I have.

10 **MR. LEE:** Would you agree with me that there
11 is no specific mention by the OPP in this interview of the
12 Ron Leroux statements or affidavits or whatever you want to
13 call them?

14 **FATHER MALONEY:** Nothing specific. I would
15 agree with you.

16 **MR. LEE:** They didn't put those statements
17 to you; they didn't give you a hard copy and ask you to
18 respond or anything like that?

19 **FATHER MALONEY:** No.

20 **MR. LEE:** And one of the questions that they
21 don't ask you in this interview at least is whether or not
22 -- I mean the very frank question of whether or not you
23 have ever abused children.

24 **FATHER MALONEY:** That's correct.

25 **MR. LEE:** You weren't asked that?

1 **FATHER MALONEY:** I was not asked that.

2 **MR. LEE:** Were you ever asked that at any
3 other time by the OPP?

4 **FATHER MALONEY:** No, I was not.

5 **MR. LEE:** And would you agree with me that
6 reading this interview, as you have recently, there isn't a
7 single question that suggests that the OPP were asking you
8 about possible misconduct by you?

9 **FATHER MALONEY:** I would agree.

10 **MR. LEE:** And the first indication, it seems
11 to me that we have -- that the reader of this would have
12 that you have been accused of anything is towards the back
13 of the interview, on the third-last page, page 14 of 16, if
14 you look at the very bottom right.

15 **FATHER MALONEY:** Okay.

16 **MR. LEE:** And you see the lengthy answer
17 that begins at the bottom of the page from you?

18 **FATHER MALONEY:** The answer ---

19 **MR. LEE:** Begins "No, um, as I mentioned to
20 you in the fall..."

21 **FATHER MALONEY:** Yes. Correct.

22 **MR. LEE:** If you look down about six lines
23 you say:

24 "Um, through different sources I've
25 heard that my name has been, you know,

1 linked with it which says to me that
2 that particular document that you're
3 talking about someone has access to
4 it."

5 And then if you turn over the page your
6 answer continues, it's quite lengthy and you tell the OPP
7 about the dilemma you faced in terms of the award you were
8 -- that was being proposed by Big Brothers and the concerns
9 you had about dragging them into this entire thing and
10 casting some kind of negative cloud over them; is that
11 right?

12 **FATHER MALONEY:** That's correct.

13 **MR. LEE:** And would you agree with me that
14 this is the first time and the only time in this interview
15 that there's any suggestion by anyone that you've been
16 accused of anything personally?

17 **FATHER MALONEY:** Correct.

18 **MR. LEE:** And if we look down, following
19 that lengthy answer, we have Officer Seguin who turns to
20 his partner, Don Genier, and asks, "Don, do you have any
21 questions?" and that, more or less, is the conclusion of
22 the interview isn't it?

23 **FATHER MALONEY:** That's correct.

24 **MR. LEE:** Was there any follow-up about your
25 comments about allegations against you specifically, after

1 this interview that we don't see recorded here?

2 **FATHER MALONEY:** Not that I'm aware of.

3 **MR. LEE:** And did you get the feeling at any
4 point during this process that you were being treated as a
5 suspect?

6 **FATHER MALONEY:** No.

7 **MR. LEE:** I think you told us you certainly
8 weren't referred to as a suspect.

9 **FATHER MALONEY:** That's right.

10 **MR. LEE:** But did you get the feeling that
11 that was the purpose of the interview?

12 **FATHER MALONEY:** No.

13 **MR. LEE:** And this is the only interview you
14 had with the OPP?

15 **FATHER MALONEY:** As far as I can remember.

16 **MR. LEE:** You were asked a little bit
17 yesterday -- moving to a different area. You were asked a
18 little bit yesterday about the lawsuit involving the
19 website that you wished to have shut down and the wanderer
20 and things along those lines; do you remember that?

21 **FATHER MALONEY:** Yes. Yes, I do.

22 **MR. LEE:** And what you told us was that you
23 weren't completely up to speed on exactly how that whole
24 thing was resolved. For your purposes, the website was
25 shut down?

1 **FATHER MALONEY:** That's right.

2 **MR. LEE:** And you were content with that?

3 **FATHER MALONEY:** Yes.

4 **MR. LEE:** And you're not aware of exactly
5 the details of how that concluded, in terms of whether
6 money changed hands in terms of settlement or in terms of
7 costs or anything along those lines?

8 **FATHER MALONEY:** No.

9 **MR. LEE:** You weren't kept up to speed on
10 that at all?

11 **FATHER MALONEY:** We received the letters
12 from the law firm when the case was settled and that's it.

13 **MR. LEE:** Did you -- did you personally
14 contribute funds to any kind of settlement or costs awarded
15 at any point?

16 **FATHER MALONEY:** No.

17 **MR. LEE:** You never wrote a cheque for any
18 of this?

19 **FATHER MALONEY:** No.

20 **MR. LEE:** Do you know how this litigation
21 was funded; was it the Diocese that was funding the
22 litigation?

23 **FATHER MALONEY:** I don't know how it was
24 funded.

25 **MR. LEE:** It wasn't you?

1 **FATHER MALONEY:** It wasn't me.

2 **MR. LEE:** And that goes in terms of not only
3 some kind of resolution at the end but in terms of who was
4 paying the lawyers, it wasn't you?

5 **FATHER MALONEY:** It wasn't me.

6 **MR. LEE:** Madam Clerk, can we show the
7 witness Exhibits 1855 and C-1856, please.

8 **FATHER MALONEY:** Your numbers again, please,
9 sir.

10 **MR. LEE:** Eighteen fifty-five (1855) and
11 1856.

12 **FATHER MALONEY:** Yes.

13 **MR. LEE:** And sir, these are two lists of
14 names; do you see those?

15 **FATHER MALONEY:** Yes.

16 **MR. LEE:** What I would like you to do is
17 take a moment and review these names and please do it
18 carefully. The first question I'm going to ask you when
19 you're done is whether or not you recognize all of those
20 names, so turn your mind to that question, okay?

21 **FATHER MALONEY:** You're asking me whether I
22 recognize them or no?

23 **MR. LEE:** Just stop for one moment. I
24 should point out to you the second list, 1856 ---

25 **FATHER MALONEY:** Yes.

1 **MR. LEE:** --- these names are subject to a
2 confidentiality order by the Commissioner, so do not name
3 those names. Should you need to refer to one of those
4 names give me the number.

5 **FATHER MALONEY:** Okay.

6 **MR. LEE:** Okay?

7 **FATHER MALONEY:** Yes.

8 **MR. LEE:** The other list is fine.

9 **FATHER MALONEY:** Yes.

10 **MR. LEE:** So my first question for you is do
11 you recognize every name on those two lists?

12 **FATHER MALONEY:** I do not recognize Number
13 2.

14 **MR. LEE:** On which list, sir?

15 **FATHER MALONEY:** On the first, 1855.

16 **MR. LEE:** Okay.

17 **FATHER MALONEY:** I do not recognize Number
18 3.

19 **MR. LEE:** On that same list?

20 **FATHER MALONEY:** On the same list, sorry.
21 May I ask for a clarification?

22 **MR. LEE:** Certainly.

23 **FATHER MALONEY:** Are you asking do I know
24 the person or do I recognize the name?

25 **MR. LEE:** Do you recognize -- I don't need

1 to know if you've met these persons.

2 FATHER MALONEY: Okay.

3 MR. LEE: Do you recognize the name?

4 FATHER MALONEY: Okay. And I -- on the
5 second list, Number 5.

6 MR. LEE: That is not a name you recognize?

7 FATHER MALONEY: No.

8 MR. LEE: Now, the first question I have and
9 it relates to all of the names on the list that you do
10 recognize, have you ever personally received a complaint of
11 sexual abuse relating to anyone on either of these lists?

12 FATHER MALONEY: No, sir.

13 MR. LEE: Do you have any knowledge of
14 anyone else at the Diocese ever having received a complaint
15 of sexual abuse relating to anyone on either of these
16 lists?

17 FATHER MALONEY: Yes, definitely Number 4.

18 MR. LEE: On list Number 1?

19 FATHER MALONEY: On list Number 1.

20 THE COMMISSIONER: So Father Deslauriers?

21 FATHER MALONEY: Father Deslauriers there
22 would have been and definitely on Number 10.

23 THE COMMISSIONER: Father Charles MacDonald?

24 FATHER MALONEY: Father Charles MacDonald.

25 MR. LEE: Anyone else?

1 **FATHER MALONEY:** Well, I guess my own name
2 if you want to include that. They would have been notified
3 of that I'm sure.

4 **MR. LEE:** Now, let's take Father
5 Deslauriers, we know that in 1986 the Brisson family, in
6 conjunction with their son Benoît Brisson, brought
7 allegations against Gilles Deslauriers forward and things
8 moved along from there.

9 Do you have any knowledge of receiving -- do
10 you ever receive a complaint of abuse at the hands of
11 Gilles Deslauriers, prior to 1986?

12 **FATHER MALONEY:** No.

13 **MR. LEE:** Do you have any knowledge of
14 anyone in the Diocese having receiving such a complaint?

15 **FATHER MALONEY:** I have no knowledge of that
16 at all.

17 **MR. LEE:** And when it comes to Father
18 Charles MacDonald, do you have any knowledge of a complaint
19 being received by yourself or anyone at the Diocese that
20 predates the Silmsler complaint?

21 **FATHER MALONEY:** No, I have no knowledge.

22 **MR. LEE:** Now, I've asked you about
23 complaints of sexual abuse, now I want to ask you about
24 information relating to the sexual abuse of young persons
25 and I want to make sure you appreciate the difference. As

1 I define complaint, somebody comes forward to you and says
2 "I was abused" or "my son was abused" or "this identifiable
3 person was abused" ---

4 **FATHER MALONEY:** That's right.

5 **MR. LEE:** --- as opposed to information that
6 Father so and so may be up to something with young people
7 in a sexual way, okay?

8 **FATHER MALONEY:** Okay.

9 **MR. LEE:** So with that in mind, have you
10 ever personally received information suggesting that anyone
11 on either of these lists may have been involved in the
12 sexual abuse of young persons?

13 **FATHER MALONEY:** No.

14 **MR. LEE:** Do you have any knowledge of
15 anyone at the Diocese ever having received information
16 suggesting that anyone on either of these lists may have
17 been involved in the sexual abuse of young people?

18 **FATHER MALONEY:** No.

19 **MR. LEE:** Are you satisfied that you have
20 been given enough time to review these lists and turn your
21 mind to the questions I've asked in relation to each person
22 on these lists?

23 **FATHER MALONEY:** Yes.

24 **MR. LEE:** You're not concerned that I've
25 sprung this on you and that you haven't had enough time to

1 think about this? You're satisfied you've reviewed the
2 list and that you've given me your answers?

3 **FATHER MALONEY:** Yes.

4 **MR. LEE:** Are there any other priests of the
5 Diocese about whom you've received allegations or
6 information relating to sexual abuse of young people that
7 are not on these two lists?

8 **FATHER MALONEY:** No.

9 **MR. LEE:** And does the same go for having
10 received information or having knowledge of information
11 having been received by the Diocese?

12 **FATHER MALONEY:** That's correct.

13 **MR. LEE:** Those are my questions, sir.
14 Thank you.

15 **THE COMMISSIONER:** Thank you.

16 **FATHER MALONEY:** Thank you.

17 **THE COMMISSIONER:** Mr. Ertel.

18 **MR. ERTEL:** No, thank you, sir.

19 **THE COMMISSIONER:** Thank you.

20 Mr. Chisholm.

21 **MR. CHISHOLM:** Good morning, sir.

22 **THE COMMISSIONER:** Good morning, sir.

23 ---CROSS-EXAMINATION BY/CONTRE INTERROGATOIRE PAR MR.
24 CHISHOLM:

25 **MR. CHISHOLM:** Good morning, Father. We

1 know each other.

2 **FATHER MALONEY:** Good morning.

3 **MR. CHISHOLM:** A couple of questions. I act
4 for the CAS.

5 If I could get your -- Madam Clerk, could
6 you pull up Exhibit 203, please, the second page.

7 To the second page, Father, if I could take
8 your attention to that, please.

9 **FATHER MALONEY:** Did you say Tab 203?

10 **MR. CHISHOLM:** Sorry, Exhibit 203.

11 **THE COMMISSIONER:** Yeah, that's Tab 203 but
12 the second page, the one dealing with the ---

13 **FATHER MALONEY:** Diocesan policy?

14 **MR. CHISHOLM:** Yes.

15 **FATHER MALONEY:** Okay, yes.

16 **MR. CHISHOLM:** You have that before you?

17 **FATHER MALONEY:** Yes, I do.

18 **MR. CHISHOLM:** Mr. Ruel took you to that
19 yesterday, asked you if you were involved in the
20 development of that policy, you said no.

21 **FATHER MALONEY:** That's correct.

22 **MR. CHISHOLM:** And he asked you if you'd
23 received a briefing of the policy once it came into effect
24 and you said you received a copy of it.

25 **FATHER MALONEY:** I received a copy of it,

1 yes.

2 **MR. CHISHOLM:** And a copy was published in
3 the Standard Freeholder.

4 **FATHER MALONEY:** That's correct.

5 **MR. CHISHOLM:** And Mr. Ruel asked you if you
6 received training with respect to the policy and you said
7 that you could not be sure. Do you recall that?

8 **FATHER MALONEY:** That's correct.

9 **MR. CHISHOLM:** Do you recall any orientation
10 session that would have been conducted in St. Raphael's; in
11 attendance would have been Bill Carriere of the CAS and Ian
12 Grant of the OPP with respect to that guideline? Does it
13 help you at all in terms of your recollection?

14 **FATHER MALONEY:** I remember going to a
15 meeting there but I don't remember the nature of that
16 meeting.

17 **MR. CHISHOLM:** with respect to attending a
18 meeting at St. Raphael's ---

19 **FATHER MALONEY:** Yes.

20 **MR. CHISHOLM:** --- can I assume that you've
21 attended more than one meeting at St. Raphael's ---

22 **FATHER MALONEY:** Oh, yes.

23 **MR. CHISHOLM:** --- over the years?

24 **FATHER MALONEY:** Oh, yes, many of them,
25 thank you.

1 **MR. CHISHOLM:** But you recall one meeting;
2 what was the topic of that meeting?

3 **FATHER MALONEY:** I don't -- that's the
4 problem, I don't remember what the topic of that meeting
5 was. I remember being at meetings at St. Raphael's.

6 **MR. CHISHOLM:** You've been to several over
7 the course of your career?

8 **FATHER MALONEY:** Yes. Yes, definitely.

9 **MR. CHISHOLM:** But do you recall a meeting
10 where Bill Carriere would have been in attendance?

11 **FATHER MALONEY:** Yes.

12 **MR. CHISHOLM:** You recall that?

13 **FATHER MALONEY:** Yes.

14 **MR. CHISHOLM:** And do you recall a meeting -
15 - do you recall a meeting where Ian Grant of the Ontario
16 Provincial Police would have been in attendance?

17 **FATHER MALONEY:** I would not recall that
18 because I did not know the individual while I would Mr.
19 Carriere.

20 **MR. CHISHOLM:** And with respect to the
21 meeting that Bill Carriere was in attendance, you can't
22 recall what was discussed at that meeting?

23 **FATHER MALONEY:** No, but I remember that he
24 was there.

25 **MR. CHISHOLM:** And do you recall if Mr.

1 Carriere made a presentation at the meeting?

2 **FATHER MALONEY:** I don't remember.

3 **MR. CHISHOLM:** And at that meeting that Bill
4 Carriere was at, do you recall a number of other priests
5 from the Diocese was in attendance?

6 **FATHER MALONEY:** Yes.

7 **MR. CHISHOLM:** Thank you, Father. Those are
8 my questions.

9 **FATHER MALONEY:** Thank you.

10 **MR. CHISHOLM:** Mr. Rose.

11 **---CROSS-EXAMINATION BY/CONTRE INTERROGATOIRE PAR MR. ROSE:**

12 **MR. ROSE:** Good morning, Father Maloney. My
13 name is David Rose. I'm counsel for the Ministry of
14 Community Safety and Correctional Services. I just have a
15 few questions to clarify some of the things that we've
16 heard about over the last couple of days.

17 You've been asked questions over the last
18 couple of days about -- actually today, about a statement
19 that you made to Paul Downing on September 27th, 2000. He
20 was the Ministry investigator.

21 **FATHER MALONEY:** Right.

22 **MR. ROSE:** And that was the statement that
23 happened at the Cornwall parish.

24 **FATHER MALONEY:** Yes.

25 **MR. ROSE:** And at that time, sir, as we've

1 heard, you're the part-time chaplain at the Cornwall Jail.

2 **FATHER MALONEY:** That's correct.

3 **MR. ROSE:** And your relationship with the
4 Ministry of Community and Safety and Correctional Services
5 is you're effectively on a fee-for-service contract.

6 **FATHER MALONEY:** Correct.

7 **MR. ROSE:** Okay. And, as we've heard,
8 you're providing services to both staff and inmates.

9 **FATHER MALONEY:** Correct.

10 **MR. ROSE:** So you'd be in the Cornwall Jail
11 from time to time ---

12 **FATHER MALONEY:** Correct.

13 **MR. ROSE:** --- on a fairly frequent basis?

14 **FATHER MALONEY:** About eight hours a week at
15 the most.

16 **MR. ROSE:** Okay. It sounds frequent to most
17 of us.

18 **FATHER MALONEY:** Okay.

19 **MR. ROSE:** And so on September 27th, 2000 you
20 give two statements to Mr. Downing.

21 **FATHER MALONEY:** Yes.

22 **MR. ROSE:** One of which you saw on your
23 screen this morning.

24 **FATHER MALONEY:** That's correct.

25 **MR. ROSE:** And that statement took place for

1 about -- it started around 2:20 in the afternoon, as we
2 saw, ended around 3:15 that afternoon.

3 **FATHER MALONEY:** Correct.

4 **MR. ROSE:** And that statement dealt with the
5 allegations on the website ---

6 **FATHER MALONEY:** Correct.

7 **MR. ROSE:** --- for which you completely
8 denied everything.

9 **FATHER MALONEY:** Correct.

10 **MR. ROSE:** And as we've heard, that was
11 accepted by the Ministry.

12 **FATHER MALONEY:** Correct.

13 **MR. ROSE:** The second statement that Mr.
14 Paul asked you about occurred about 15 minutes later.

15 **FATHER MALONEY:** Correct.

16 **MR. ROSE:** In other words, after the first
17 statement that we've just seen ended, about 15 minutes
18 later there was some questioning about a completely
19 different allegation.

20 **FATHER MALONEY:** Correct.

21 **MR. ROSE:** Nothing to do with sexual abuse.

22 **FATHER MALONEY:** Nothing.

23 **MR. ROSE:** Nothing to do with physical
24 abuse.

25 **FATHER MALONEY:** Nothing.

1 **MR. ROSE:** And it was only alleged and it
2 was only Mr. Downing was simply asking you whether you had
3 overheard or had witnessed any verbal abuse ---

4 **FATHER MALONEY:** Correct.

5 **MR. ROSE:** --- by a Corrections guard of an
6 inmate.

7 **FATHER MALONEY:** Correct.

8 **MR. ROSE:** And you said "I don't know
9 anything about this."

10 **FATHER MALONEY:** Correct.

11 **MR. ROSE:** That was all that transpired in
12 that second statement.

13 **FATHER MALONEY:** Correct.

14 **MR. ROSE:** Thank you, sir. Those are my
15 questions.

16 **FATHER MALONEY:** Thank you.

17 **THE COMMISSIONER:** Thank you.

18 Mr. Fok, do you have any questions, sir?

19 **MR. FOK:** No questions.

20 **THE COMMISSIONER:** Thank you.

21 Ms. Robittaile.

22 **MS. ROBITTAILE:** No questions.

23 **THE COMMISSIONER:** Thank you.

24 Ms. Lalji.

25 Good morning.

1 **MS. LALJI:** Good morning, Mr. Commissioner.
2 Good morning, Father Maloney. My name is
3 Rena Lalji. I'm counsel for the Cornwall police. I wanted
4 to thank you very much for your evidence. I don't have any
5 questions for you.

6 Thank you.

7 **FATHER MALONEY:** Thank you.

8 **THE COMMISSIONER:** Mr. Kozloff.

9 **MR. KOZLOFF:** Good morning, Father Maloney.

10 **FATHER MALONEY:** Good morning.

11 **MR. KOZLOFF:** Bill Kozloff, counsel for the
12 Ontario Provincial Police. I have no questions.

13 Thank you for your evidence.

14 **FATHER MALONEY:** Thank you.

15 **THE COMMISSIONER:** Mr. Wallace.

16 **MR. WALLACE:** Good morning, Father. My name
17 is Mark Wallace. I'm counsel for the Ontario Provincial
18 Police Association. I have no questions for you.

19 Thank you.

20 **FATHER MALONEY:** Thank you.

21 **THE COMMISSIONER:** Mr. Sherriff-Scott.

22 **MR. SHERRIFF-SCOTT:** Mr. Commissioner, just
23 so you're alerted to what I'm going to do, I shouldn't be
24 very long, but I wanted to cover an area that wasn't
25 covered in any real way by Commission counsel and that

1 related to the Criminal Injuries Compensation Board matter.

2 **THE COMMISSIONER:** All right.

3 **---CROSS-EXAMINATION BY/CONTRE INTERROGATOIRE PAR MR.**

4 **SHERRIFF-SCOTT:**

5 **MR. SHERRIFF-SCOTT:** So, Father Maloney,
6 just a digression from that at first, which is if we can
7 turn back to Exhibit 1865, 1-8-6-5, which was the response
8 to the demand for particulars that the Commissioner
9 referred to in the record as the CAS report of Kevin
10 Maloney.

11 **THE COMMISSIONER:** It's a brand new one.
12 Sir, if you look in your loose ones they're the more
13 current ones.

14 **FATHER MALONEY:** Okay.

15 **THE COMMISSIONER:** We saw that first this
16 morning.

17 **FATHER MALONEY:** All right. It's here
18 someplace.

19 **THE COMMISSIONER:** M'hm.

20 **FATHER MALONEY:** Yes.

21 **MR. SHERRIFF-SCOTT:** Just coming back to the
22 various meetings that were held between yourself and your
23 lawyer and representatives of the CAS, this was prepared in
24 response to the disclosure you made of allegations against
25 you?

1 **FATHER MALONEY:** That's correct.

2 **MR. SHERRIFF-SCOTT:** And it was given to at
3 least Mr. Carriere, to your recollection?

4 **FATHER MALONEY:** This here document?

5 **MR. SHERRIFF-SCOTT:** Yes.

6 **FATHER MALONEY:** It was sent to the CAS.

7 **MR. SHERRIFF-SCOTT:** Okay. And you
8 understood from your discussions there that this
9 information would be transmitted to the OPP?

10 **FATHER MALONEY:** Yes, they told us that.

11 **MR. SHERRIFF-SCOTT:** And, in fact, you
12 understood the OPP had this information at some point?

13 **FATHER MALONEY:** Yes.

14 **MR. SHERRIFF-SCOTT:** Okay. Thank you.

15 Now, just moving ahead, at one point in the
16 time that followed there's reference to this issue again
17 and it's document, Commissioner, 701068, which is not yet
18 an exhibit.

19 **THE COMMISSIONER:** Thank you.

20 **MR. SHERRIFF-SCOTT:** And they'll call that
21 up for you and you'll get a copy of it.

22 **(SHORT PAUSE/COURTE PAUSE)**

23 **MR. SHERRIFF-SCOTT:** Just tell me when
24 you're finished? Oh ---

25 **THE COMMISSIONER:** We're not there yet.

1 **MR. SHERRIFF-SCOTT:** Okay.

2 **THE REGISTRAR:** Zero-six-eight (068)?

3 **THE COMMISSIONER:** Mr. Sherriff-Scott?

4 **MR. SHERRIFF-SCOTT:** I'm sorry, 701068.

5 It's in my cross document notice. It's an internal OPP
6 memorandum.

7 **THE COMMISSIONER:** Do we have it on -- I'm
8 sorry?

9 **MR. SHERRIFF-SCOTT:** I don't ---

10 **THE COMMISSIONER:** We have it on the screen,
11 Madam Clerk. Can we proceed on the screen?

12 **MR. SHERRIFF-SCOTT:** Sure, I'm content with
13 that.

14 **THE COMMISSIONER:** And we'll give it Exhibit
15 Number ---

16 **THE REGISTRAR:** It's 1867.

17 **THE COMMISSIONER:** Eighteen-sixty-seven
18 (1867). And this is what?

19 **MR. SHERRIFF-SCOTT:** This is a memorandum
20 from Deputy Superintendent Larry Edgar in the -- it's in
21 the context of matters relating to this witness.

22 **THE COMMISSIONER:** Does it have a date?

23 **MR. SHERRIFF-SCOTT:** It is referencing a fax
24 of May 12, 1999 ---

25 **THE COMMISSIONER:** All right.

1 **MR. SHERRIFF-SCOTT:** --- but itself not
2 dated.

3 **THE COMMISSIONER:** Good. Thank you.

4 **---EXHIBIT NO./PIÈCE NO. P-1867:**

5 (701068) Memo from Pat Hall to Larry Edgar

6 **THE COMMISSIONER:** There it is.

7 **MR. SHERRIFF-SCOTT:** No, that's not the one.

8 **THE COMMISSIONER:** That's not the one?

9 **MR. SHERRIFF-SCOTT:** Seven-zero-one-zero-
10 six-eight (701068).

11 That's the one. And I'm only interested --
12 remember the caution about the name of the complainant, not
13 to utter the name.

14 **FATHER MALONEY:** Okay.

15 **MR. SHERRIFF-SCOTT:** And if you can read
16 just the top portion of the first paragraph, it's what I'm
17 interested in.

18 I'm really only interested in down to "Tim
19 Smith." You got that far?

20 **FATHER MALONEY:** Yes.

21 **MR. SHERRIFF-SCOTT:** Okay. So there's a
22 reference here to you having been interviewed in this
23 matter. And you were interviewed in relation to this
24 complainant by the CAS?

25 **FATHER MALONEY:** Yes.

1 **MR. SHERRIFF-SCOTT:** And you understood that
2 that was being transmitted to the OPP?

3 **FATHER MALONEY:** Yes.

4 **MR. SHERRIFF-SCOTT:** And you did prepare the
5 document which we've seen?

6 **FATHER MALONEY:** Yes.

7 **MR. SHERRIFF-SCOTT:** Do you know whether you
8 prepared any other statement for the OPP?

9 **FATHER MALONEY:** No.

10 **MR. SHERRIFF-SCOTT:** Okay.

11 And then at some time following there was
12 delivered to you. I take it in the mail, what was called a
13 notice of readiness for hearing by the Criminal Injuries
14 Compensation Board?

15 **FATHER MALONEY:** That's correct.

16 **MR. SHERRIFF-SCOTT:** And that basically told
17 you that this thing was ready for hearing and it was
18 proceeding?

19 **FATHER MALONEY:** That's correct.

20 **MR. SHERRIFF-SCOTT:** And you'd had no notice
21 of that before?

22 **FATHER MALONEY:** That's correct.

23 **MR. SHERRIFF-SCOTT:** Okay. I'll come to
24 that.

25 And if we could turn up Document 709456.

1 **THE COMMISSIONER:** All right.

2 Exhibit Number 1868 is a document called
3 "Ready for a Hearing; Alleged Offender, Kevin Maloney" and
4 that will be enough for 1868.

5 **---EXHIBIT NO./PIÈCE NO. P-1868:**

6 (709456) CICB - Document "Ready for a
7 Hearing; Alleged Offender, Kevin Maloney"

8 **MR. SHERRIFF-SCOTT:** You received this via
9 mail. sir?

10 **FATHER MALONEY:** Yes, I did.

11 **MR. SHERRIFF-SCOTT:** And you'd no notice of
12 the commencement of this proceeding in advance?

13 **FATHER MALONEY:** That's correct.

14 **MR. SHERRIFF-SCOTT:** Okay.

15 And now if you can turn to Document Number
16 709458, which is a letter of August 14th, 2000 to the
17 compensation board from what is my office.

18 **THE COMMISSIONER:** Thank you.

19 Exhibit Number 1869 is a letter addressed to
20 Michelle Babin, Criminal Injuries Compensation Board dated
21 August 14th, 2000 from Brian Saunderson.

22 **---EXHIBIT NO./PIÈCE NO. P-1869:**

23 (709458) Letter from Brian Saunderson to
24 Michelle Babin dated August 14, 2000

25 **MR. SHERRIFF-SCOTT:** And the purpose of

1 showing you this, Father Maloney, is as you'll recall, you
2 prepared a response and the response was submitted to the
3 Compensation Board; correct?

4 **FATHER MALONEY:** That's correct.

5 **MR. SHERRIFF-SCOTT:** And if you turn to the
6 -- I'm sorry, Commissioner, the document reference exhibit
7 was?

8 **THE COMMISSIONER:** One-eight-six-nine
9 (1869).

10 **MR. SHERRIFF-SCOTT:** Six-nine (69)?

11 **THE COMMISSIONER:** Yes.

12 **MR. SHERRIFF-SCOTT:** Thank you.

13 If you'll return to the Document 709454, is
14 in fact the response that was delivered on your behalf, if
15 you can have that -- just confirm that for us?

16 **THE COMMISSIONER:** No, you won't ---

17 **FATHER MALONEY:** Oh.

18 **THE COMMISSIONER:** Thank you.

19 Exhibit 1870 is a document entitled
20 "Response of Father Kevin Maloney to the complaint of..."

21 **MR. SHERRIFF-SCOTT:** I'm not sure of the
22 moniker number.

23 **THE COMMISSIONER:** That was close. No, I
24 was just about ---

25 **(LAUGHTER/RIRES)**

1 **MR. SHERRIFF-SCOTT:** C-15, thank you.

2 **THE COMMISSIONER:** Yes.

3 **---EXHIBIT NO./PIÈCE NO. P-1870:**

4 (709454) Response of Father Kevin Maloney to
5 the Complaint of C-15 dated August 14, 2000

6 **MR. SHERRIFF-SCOTT:** Eighteen-seventy
7 (1870), Commissioner?

8 **THE COMMISSIONER:** Yes, it is.

9 **MR. SHERRIFF-SCOTT:** Thank you.

10 This is the response that was prepared by
11 you and ---

12 **FATHER MALONEY:** Yes, it is.

13 **MR. SHERRIFF-SCOTT:** --- submitted to the
14 board?

15 **FATHER MALONEY:** Yes, it is.

16 **MR. SHERRIFF-SCOTT:** Thank you.

17 And there is a document which we'll come to
18 in a brief moment, but you were advised at a later stage
19 that all these materials that were tendered to the Criminal
20 Injuries Compensation Board were ultimately given to the
21 OPP as well?

22 **FATHER MALONEY:** Yes.

23 **MR. SHERRIFF-SCOTT:** Okay.

24 Now, if you can turn to Document 109001.

25 **THE COMMISSIONER:** Thank you.

1 Exhibit 1871 is a memorandum to file from
2 Brian Saunderson.

3 **---EXHIBIT NO./PIÈCE NO. P-1871:**

4 (109001) Memorandum from Brian Saunderson to
5 File No. 33828-1 (Maloney) dated September
6 22, 2000

7 **MR. SHERRIFF-SCOTT:** And this relates, sir,
8 as you'll recall to issues pertaining to compelling the
9 Criminal Injuries Compensation Board to disclose certain
10 documents in their possession; correct?

11 **FATHER MALONEY:** That's correct.

12 **MR. SHERRIFF-SCOTT:** And it became an issue
13 in this proceeding, their refusal to disclose it and, in
14 particular, it was a logged journal of all the people who
15 had ever been at the school in terms of employment
16 function, teaching, et cetera?

17 **FATHER MALONEY:** That's correct.

18 **MR. SHERRIFF-SCOTT:** And you knew the OPP
19 had this document and had investigated at the school?

20 **FATHER MALONEY:** Yes.

21 **MR. SHERRIFF-SCOTT:** And they had the
22 document and the Compensation Board was not giving it to
23 your counsel?

24 **FATHER MALONEY:** Correct.

25 **MR. SHERRIFF-SCOTT:** Okay. And then if we

1 can turn up 709460.

2 **THE COMMISSIONER:** Thank you.

3 Exhibit Number 1872 is a letter dated
4 September 26th, 2000 addressed to the Criminal Injuries
5 Compensation Board from Mr. Saunderson.

6 **---EXHIBIT NO./PIÈCE NO. P-1872:**

7 (709460) Letter from Brian Saunderson to
8 Michelle Babin dated September 26, 2000

9 **MR. SHERRIFF-SCOTT:** This is another letter
10 that was copied to you, Father Maloney, and it relates to
11 the question of the manner in which this tribunal was going
12 to hold a hearing. They were going to do it
13 electronically?

14 **FATHER MALONEY:** That's right.

15 **MR. SHERRIFF-SCOTT:** And there's a ruling
16 from the tribunal that they were going to have an
17 electronic hearing as opposed to a *viva voce* hearing?

18 **THE COMMISSIONER:** Okay. Electronic, you
19 mean like ---

20 **MR. SHERRIFF-SCOTT:** They weren't even going
21 to do it on closed circuit. They were going to do it by
22 telephone.

23 **THE COMMISSIONER:** Oh, okay.

24 **MR. SHERRIFF-SCOTT:** So this was opposed, if
25 you'll recall?

1 **FATHER MALONEY:** Yes, I do.

2 **MR. SHERRIFF-SCOTT:** And there were various
3 other production issues that arose ---

4 **FATHER MALONEY:** That's correct.

5 **MR. SHERRIFF-SCOTT:** --- disputes in terms
6 of what the Tribunal was going to disclose?

7 **FATHER MALONEY:** That's correct.

8 **MR. SHERRIFF-SCOTT:** And if you turn to
9 Document Number 700923?

10 **THE COMMISSIONER:** Thank you.

11 **FATHER MALONEY:** Thank you.

12 **MR. SHERRIFF-SCOTT:** Which is a police
13 questionnaire, Commissioner.

14 **THE COMMISSIONER:** Yes.

15 Exhibit 1873 is a police questionnaire.

16 **MR. SHERRIFF-SCOTT:** And this is prepared by
17 investigating officer, Steven Seguin.

18 --- **EXHIBIT NO./PIÈCE NO. P-1873:**

19 (700923) Police questionnaire prepared by
20 Steven Seguin

21 **MR. SHERRIFF-SCOTT:** And if you flip over to
22 the next page, you'll recall one of the major production
23 issues related to a previous statement by the complainant
24 which was summarized in that box, that there had been an
25 allegation against another person and it was contended that

1 person was the only person who had ever abused the
2 complainant?

3 **THE COMMISSIONER:** Wait a minute now.

4 **MR. SHERRIFF-SCOTT:** At Box C at 04,
5 "Alleged Incident and Remarks", second page, Commissioner.

6 **THE COMMISSIONER:** I've only got one page.

7 **MR. SHERRIFF-SCOTT:** It should be a two-page
8 document, Bates page ---

9 **THE COMMISSIONER:** No, the back page -- so
10 it doesn't matter. We can continue with the screen.

11 **MR. SHERRIFF-SCOTT:** Sure.

12 **THE COMMISSIONER:** Madam Clerk, please make
13 sure that 1873 has the back page. Okay.

14 **MR. SHERRIFF-SCOTT:** Mr. Lee has a copy.

15 **THE COMMISSIONER:** That's okay. I'm good.

16 **MR. SHERRIFF-SCOTT:** Do you see that, sir?

17 **FATHER MALONEY:** Yes, I do.

18 **MR. SHERRIFF-SCOTT:** And this became another
19 issue of contention about the disclosure of this earlier
20 statement which contended there was only one person who was
21 an abuser?

22 **FATHER MALONEY:** That's correct.

23 **MR. SHERRIFF-SCOTT:** And that person is
24 named in this paragraph?

25 **FATHER MALONEY:** That's correct.

1 **MR. SHERRIFF-SCOTT:** And just to complete
2 this issue for the Commission, 709462.

3 **THE COMMISSIONER:** While we're waiting for
4 another document, what time is the train for folks that are
5 leaving? Are folks leaving on the train today?

6 **MR. SHERRIFF-SCOTT:** I'm going to be 10
7 minutes.

8 **THE COMMISSIONER:** Pardon me?

9 **MR. SHERRIFF-SCOTT:** I'll be 10 minutes.

10 **THE COMMISSIONER:** No, no, what I want to do
11 is those of you who wish to leave at this point, you may
12 simply withdraw and I won't take too much offence.

13 **(SHORT PAUSE/COURTE PAUSE)**

14 **THE COMMISSIONER:** All right.

15 Exhibit Number 1804 -- I'm sorry, 1874 --
16 1874 is a document sent to Mr. Brian Saunderson, October
17 19th, 2000 from Michelle Babin of the Criminal Injuries
18 Compensation Board.

19 **--- EXHIBIT NO./PIÈCE NO. P-1874:**

20 (709462) Document sent to Mr. Brian
21 Saunderson from Michelle Babin of the
22 Criminal Injuries Compensation Board, dated
23 October 19, 2000

24 **MR. SHERRIFF-SCOTT:** And this, you'll
25 recall, relates to their decision to hold the matter

1 electronically?

2 **FATHER MALONEY:** That's correct.

3 **MR. SHERRIFF-SCOTT:** And you'll recall there
4 was objection taken to that?

5 **FATHER MALONEY:** Yes.

6 **MR. SHERRIFF-SCOTT:** And that all these
7 issues percolated up into an application for judicial
8 review?

9 **FATHER MALONEY:** Correct.

10 **MR. SHERRIFF-SCOTT:** Okay.

11 And, sir, ultimately, it was disclosed --
12 there is a Document 109010. No, I'm sorry, that's the
13 wrong document. It's not what I'm looking for. My
14 apologies. I'll just go right to the ---

15 **THE COMMISSIONER:** The decision?

16 **MR. SHERRIFF-SCOTT:** No, there was an
17 affidavit filed and another affidavit dealing with the
18 merits and it was transmitted to the OPP. So I just want
19 to complete the record on that. It's 109042.

20 **(SHORT PAUSE/COURTE PAUSE)**

21 **THE COMMISSIONER:** Exhibit 1875 is an
22 affidavit in the Superior Court of Justice, an Affidavit of
23 Father Kevin Maloney, sworn the 8th day of March, 2001.

24 --- **EXHIBIT NO./PIÈCE NO. P-1875:**

25 (109042) Affidavit of Father Kevin Maloney

1 sworn to the 8th day of March, 2001

2 **MR. SHERRIFF-SCOTT:** You remember this
3 document was sworn by you in aid of the Notice of
4 Application for Review on these various issues?

5 **FATHER MALONEY:** Yes, I do.

6 **MR. SHERRIFF-SCOTT:** And it dealt with the
7 merits of your response as well as the procedural points
8 raised?

9 **FATHER MALONEY:** Yes.

10 **MR. SHERRIFF-SCOTT:** Okay.

11 And that application that was filed,
12 Commissioner, is 109016, and then we'll get to the
13 decision.

14 **(SHORT PAUSE/COURTE PAUSE)**

15 **THE COMMISSIONER:** And Exhibit 1876 is a
16 Notice of Application for Judicial Review.

17 **--- EXHIBIT NO./PIÈCE NO. P-1876:**

18 (109016) Kevin Maloney - Notice of
19 Application for Judicial Review dated March
20 9, 2001

21 **MR. SHERRIFF-SCOTT:** This, Father, is the
22 application that was filed on your behalf; correct?

23 **FATHER MALONEY:** Correct.

24 **MR. SHERRIFF-SCOTT:** And in the result,
25 there was a withdrawal of the complaint by the complainant.

1 If we could turn up 709444?

2 **THE COMMISSIONER:** What was it?

3 **MR. SHERRIFF-SCOTT:** It is an April 2nd, 2001
4 -- sorry, it's dated March 29th, but was received by the
5 Criminal Injuries Compensation Board ---

6 **THE COMMISSIONER:** So he didn't really
7 withdraw the complaint. He withdrew his application for
8 compensation?

9 **MR. SHERRIFF-SCOTT:** He withdrew -- it was
10 dismissed, in fact, but the document is entitled -- there's
11 no title on it. It's dated March 29th.

12 **THE COMMISSIONER:** Thank you. Okay.

13 Exhibit Number 1877 is a letter to -- from
14 the Criminal -- no, no, this is from the Applicant, I'll
15 call him, to the Criminal Injuries Compensation Board.

16 --- **EXHIBIT NO./PIÈCE NO. P-1877:**

17 (709444) Kevin Maloney - Memo from C-15 to
18 Bryant Greenbaum

19 **MR. SHERRIFF-SCOTT:** You became aware that
20 this happened?

21 **FATHER MALONEY:** Yes, I was.

22 **MR. SHERRIFF-SCOTT:** And the document that I
23 next want to refer you to is 709443.

24 This is a letter to the complainant from the
25 Compensation Board which you were given a copy of?

1 **FATHER MALONEY:** Yes.

2 **THE COMMISSIONER:** So Exhibit 1878 is a
3 letter going to the complainant from Bryant Greenbaum,
4 Executive Assistant to the Chair, and is dated April 3rd,
5 2001.

6 **--- EXHIBIT NO./PIÈCE NO. P-1878:**

7 (709443) Kevin Maloney - Letter from Bryant
8 Greenbaum to C-15 dated April 3, 2001

9 **MR. SHERRIFF-SCOTT:** And in the third full
10 paragraph it references to being -- the person writing
11 explaining that the Applicant would not be able to resubmit
12 regarding the individuals and that he still advised that he
13 did not want to proceed with claims against yourself and
14 another individual; correct?

15 **FATHER MALONEY:** That's correct.

16 **MR. SHERRIFF-SCOTT:** And that then was
17 followed by a confirmation, 709442, of April 3rd, 2003.

18 **(SHORT PAUSE/COURTE PAUSE)**

19 **THE COMMISSIONER:** Thank you.

20 Exhibit Number 1879 is a letter from the
21 complainant to the Criminal Injuries Compensation Board
22 dated April 3rd, 2001.

23 **--- EXHIBIT NO./PIÈCE NO. P-1879:**

24 (709442) Kevin Maloney - Letter from C-15 to
25 Bryant Greenbaum dated April 3, 2001

1 **MR. SHERRIFF-SCOTT:** So your understanding
2 is the complainant reconfirmed in response to this request?

3 **FATHER MALONEY:** That's correct.

4 **MR. SHERRIFF-SCOTT:** Thank you.

5 And then finally, there is another document
6 709441, another letter from the Compensation Board dated
7 May 10, 2001 to the complainant.

8 **THE COMMISSIONER:** Thank you.

9 Exhibit 1880 is a letter to the complainant
10 from the Criminal Compensation Board dated May 17th, 2001.

11 --- **EXHIBIT NO./PIÈCE No. P-1880:**

12 (709441) - Kevin Maloney Letter from Bryant
13 Greenbaum to C-15 dated 10 May 01

14 **MR. SHERRIFF-SCOTT:** And you'll recall where
15 there was an insistence on your behalf that the matter be
16 dismissed as opposed ---

17 **FATHER MALONEY:** That's correct.

18 **THE COMMISSIONER:** Sorry, the letter is
19 dated May 10th, 2001.

20 **MR. SHERRIFF-SCOTT:** May 10th, yes.

21 **THE COMMISSIONER:** Okay.

22 **MR. SHERRIFF-SCOTT:** Is that right, sir?

23 **FATHER MALONEY:** That's correct.

24 **MR. SHERRIFF-SCOTT:** I'm sorry,
25 Commissioner, I missed the exhibit number.

1 **THE COMMISSIONER:** One eight eight zero
2 (1880).

3 **MR. SHERRIFF-SCOTT:** One eight?

4 **THE COMMISSIONER:** Eight zero.

5 **MR. SHERRIFF-SCOTT:** Eight zero. Thank you.
6 And then finally, sir, there was an order
7 709440.

8 **THE COMMISSIONER:** Thank you.

9 So Exhibit 1881 is an order dismissing the
10 application and it's dated June 5th, 2001.

11 --- **EXHIBIT NO./PIÈCE No. P-1881:**

12 (709440) - Kevin Maloney Order dated 05 Jun
13 01

14 **MR. SHERRIFF-SCOTT:** And you recall
15 receiving that?

16 **FATHER MALONEY:** Yes, I do.

17 **MR. SHERRIFF-SCOTT:** Thank you. And the
18 last thing in the piece that I'd like to just bring to your
19 attention is Document 700877.

20 **THE COMMISSIONER:** Thank you.

21 Exhibit Number 1882 is a letter to Inspector
22 Hall from Bryant Greenbaum of the Criminal Injuries
23 Compensation Board dated June 25th, 2001.

24 --- **EXHIBIT NO./PIÈCE No. P-1882:**

25 (700877) - Kevin Maloney - Letter from

1 Bryant Greenbaum to Pat Hall dated 25 Jun 01

2 MR. SHERRIFF-SCOTT: And you were advised,
3 sir, that the Compensation Board was giving over to the OPP
4 all of the documents, statements that it had?

5 FATHER MALONEY: Yes.

6 MR. SHERRIFF-SCOTT: And sir, when Project
7 Truth was terminated and there were no charges against you,
8 you were advised of that through my office?

9 FATHER MALONEY: Yes.

10 MR. SHERRIFF-SCOTT: And you were advised
11 that my office was in touch with the OPP on those matters?

12 FATHER MALONEY: Yes, sir.

13 MR. SHERRIFF-SCOTT: Okay. Those are my
14 questions, sir.

15 THE COMMISSIONER: Thank you.

16 Maître Ruel?

17 MR. RUEL: Just a few questions.

18 --- RE-EXAMINATION BY/RÉ-INTERROGATOIRE PAR MR. RUEL:

19 MR. RUEL: Father Maloney, your counsel just
20 asked you about the Criminal Injuries Compensation Board
21 proceedings, so you were represented by counsel through
22 those proceedings?

23 FATHER MALONEY: Yes, I was.

24 MR. RUEL: Was that counsel provided for by
25 the Diocese?

1 **FATHER MALONEY:** Yes, it was.

2 **MR. RUEL:** Did you have to pay -- did you
3 pay for those legal -- this legal representation?

4 **FATHER MALONEY:** No, I did not.

5 **MR. RUEL:** Do you know who paid?

6 **FATHER MALONEY:** No.

7 **MR. RUEL:** Thank you. Those are my
8 questions, Mr. Commissioner.

9 We have -- this would be over for the day.
10 I guess the next witness would be Mr. Jacques Leduc on July
11 14 through 16 and followed by Father Lebrun, the same week.

12 **THE COMMISSIONER:** All right. So let me
13 say, sir, thank you very much for attending. I appreciate
14 your testimony and I'll certainly take into consideration
15 when I write my report.

16 Again, thank you.

17 We'll adjourn the matter till July 14th you
18 say, 1 p.m.

19 **FATHER MALONEY:** Thank you.

20 **THE REGISTRAR:** Order; all rise. À l'ordre;
21 veuillez vous lever.

22 This hearing is adjourned until July 14th at
23 1 p.m.

24 --- Upon adjourning at 11:18 a.m./

25 L'audience est ajournée à 11h18

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C E R T I F I C A T I O N

I, Dale Waterman a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Dale Waterman, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Dale Waterman, CM