

The Cardinal, The Church and Legal Theatre: Historic Procedure in Melbourne Magistrates Court

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Featured image: Cardinal George Pell (Source: [Wikimedia Commons](#))

*“The world is watching.” – **Cathy Kezelman**, Blue Knot Foundation president, *The Washington Post*, Jul 25, 2017*

*The show on Wednesday was grim, busy, crowded. **Cardinal George Pell**, the highest Vatican official thus far to be brought within the legal fold of accusation and accountability for historical crimes of sex abuse, fronted for the briefest of shows at a lowly Magistrates Court in Melbourne.*

There was much chatter prior to his arrival on Wednesday morning as to what would happen. For one, a taster was provided that the number of police was simply not enough to contain matters. Ringed by the boys and girls in blue, he seemed in a floating daze, though officially committed to the task at hand.

The other point was that the media outlets seemed indifferent to the linguistic differences of “historic” and “historical” in terms of designating the alleged crimes. Would historical sex abuse charges become historic in due course?

A bigger court room, one that would have enabled more spectators to sit, was not in the offing. An ordinary magistrates setting seating up to 80 was going to supply distinct shock treatment, a cold shower of immensity far from the plushness of the Vatican setting. Some journalists grumbled that a more expansive setting should have been provided.

The press were also keen to run snippets and biographies prior to the Wednesday stomp, with the defence team revealed for being proficient in having defended the less savoury elements of society. **Robert Richter** QC, Pell’s main barrister, was written up in *The Age* as, “One of Australia’s top criminal barristers who has represented his share of controversial figures.”

Ruth Shann, assisting, was also noted as having previously “represented killer **Sean Price**, and former St. Kilda footballer **Stephen Milne**, who was charged with sex offences.”^[1] **Paul Galbally**, completing the charming triumvirate, was quoted as happy to represent those accused of the most serious crimes. “You either have a disposition or a personality that can deal with this work or you don’t.” All too true.

The wily and seasoned Richter, chocked with grand wizard experience, realises that the game is afoot. Keep matters as staggered as possible, possibly over the course of three separate trials. Frustrate the burrowing journalists, those squirreling for information about specific matters.

This, after all, is the steal of the decade, a high figure of the Vatican, effectively the Pope's accountant. The question is whether his client has the stamina to last such legal wrangling, given the fact that a fate worse than the privations of prison is one permanently engulfed by the sallies of lawyers.

"For the avoidance of doubt," submitted Richter in court, "and because of the interest, might I indicate that Cardinal Pell will plead not guilty to all the charges and will maintain his presumed innocence that he has."

Strict control would be maintained over reporting on Pell's situation. Prosecutor and senior counsel **Andrew Tinney** was rebuking and stern. There was to be no slack behaviour in observing protocol in terms of protecting the accused and his innocence.

"Any publication of material speculating about the strength or otherwise of the case, the prospect of a fair trial or trials being had, whether the accused should or should not have been charged, the likelihood of conviction or acquittal, or any such matters would be in contempt of court." [2]

But there was little giving: Leaving aside the fizzling pyrotechnics is the sheer secrecy at play. "My apologies," wrote a disappointed **David Marr**, short changed on what was being provided. "I can't tell you what's going on."

It had been several months, and the charges were still not clear.

"Even if they fell into my lap," scribbled Marr, "I would not say a word. Why not? Sorry, that's a secret too." [3]

Outlets such as The Washington Post noted that Pell had made "his first court appearance in Australia on Wednesday on charges of sexual abuse" but were none the wiser as to what they were. [4]

When the Cardinal appeared, he did so in impassive fashion. It was undeniably the Pell show. He had only one ultimate incentive to attend the hearing, something he did not need to: defeat the case against him, and tidy up a sullied name.

Victoria **Police Chief Commissioner Graham Ashton** claimed that Pell might be taken through an underground entrance in October, given the sheer magnitude of the crush.

"There's a couple of different options that we'll look at, certainly won't rule that out." There was just one snag: "One of the issues going underneath through the roller doors is you've got a lot of prisoners down there. We've got to get those prisoners up to court." [5]

The international and local contingents of the press were essentially paying homage to a display with one significant meaning: the imposition of the law over the Church, the temporal order casting its net over a representative of the supposedly divine. But they were also being kept in a darkness that may only partially abate, and if so, over a lengthy period of time.

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Notes

[1] <http://www.theage.com.au/national/all-roads-lead-to-william-st-world-awaits-cardinal-george-pells-da-y-in-court-20170724-gxhdde.html>

[2] <https://www.theguardian.com/australia-news/2017/jul/26/secretcy-and-security-envelop-george-pells-magistrates-court-show-david-marr>

[3] <https://www.theguardian.com/australia-news/2017/jul/26/secretcy-and-security-envelop-george-pells-magistrates-court-show-david-marr>

[4] https://www.washingtonpost.com/world/top-vatican-official-faces-australian-court-on-sex-charges/2017/07/25/4c06d334-719b-11e7-8c17-533c52b2f014_story.html?utm_term=.5f1d1cecc97a

[5] <http://www.dailymail.co.uk/news/article-4734158/Pell-taken-underground-tunnel-avoid-media.html>

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