

[News](#)



Cardinal George Pell answers a journalists question during an interview with the Associated Press inside his residence near the Vatican in Rome, Nov. 30, 2020. The Catholic Church in Australia has lost a court bid, Friday, Aug. 25, 2023, to prevent a choirboy's father from suing over an allegation that Pell sexually abused their teenage son. (AP Photo/Gregorio Borgia, File)

Rod McGuirk

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CANBERRA, Australia — August 25, 2023

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An Australian court on August 25 allowed a civil case to proceed against a Catholic archdiocese involving child sex abuse allegations against late Cardinal George Pell.

The Victoria state Court of Appeal in Melbourne refused to hear the church's challenge to a judge's ruling that a father, identified in court documents as RWQ, was entitled to sue for damages for the nervous shock he suffered when he learned of allegations his son had been abused.

Pell was the third highest-ranking cleric in the Vatican when he was convicted in 2018 of sexually abusing two 13-year-old choirboys in a Melbourne cathedral in 1996 when Pell was an archbishop.

Pell spent 13 months in prison before the convictions were overturned on appeal. He maintained his innocence until his death in Rome in January.

Victoria law prohibits media from identifying alleged victims of sexual offenses or any reporting that could identify such a person. The prohibition prevents the father being named.

The father blames the alleged abuse for his son's use of illicit drugs from age 14 and fatal heroin overdose at the age of 30 in 2014.

The surviving choirboy has testified that he decided to report Pell to police in 2015 after attending the friend's funeral. The dead man had apparently not told anyone of the allegation.

The father is suing the Catholic Archdiocese of Melbourne and Pell's estate in the Victoria Supreme Court.

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The church had argued that the father was not entitled to sue because he was a so-called secondary victim who was not abused personally.

The father's lawyer Gabrielle Verhagen said in a statement the church should be doing everything in its power to compensate victims rather than washing its hands of responsibility.

In allowing the case to go to trial, the appeals court judges ruled the church's grounds for appeal did not have enough prospects of success to warrant further consideration.

The father claims he suffered nervous shock on being told by police in 2015 of the allegations against Pell.

The father states he suffered financial loss because of medical expenses and a loss of earning capacity because of his suffering from several psychological conditions.

The father also claims the church is liable for his injury and his son's alleged abuse.

The standard of proof for abuse allegations in Australian civil courts is lower than in the criminal court system where Pell was tried.

The AP asked the surviving former choirboy's lawyers on August 25 whether he had taken civil action against the church but has yet to receive a reply.